

A History of The Church of England

“Law & Religion Forum”

An Essay on the Rise of the Methodist Movement

“A History of the Anglican Church—Part LIV:
An Essay on the Rise of the Methodist Movement in Great Britain and
in British North America during the Eighteenth Century”©

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TABLE OF CONTENTS

“To speak of the separation of church and state is to speak of the separation of soul and body.”
-- Rev. Algernon Sidney Crapsey (Anglican Priest)

**Part LIV. Anglican Church: The Rise of the Methodist Movement
In England and British North America, 1720-1800**

Preface

Introduction

Summary

CONTENTS

- I. Methodism and the Religious Society Movement within the Church of England, 1720s- 1730s
 - A. Church of England’s Convocation
 - B. The American Vestry System

- II. Why Methodism Arose During the Early 1700s
 - A. Oxford University: Irreligion, Deism, and the Holy Club, 1720-1735
 - B. John Wesley: In Search of Holiness and Ministry in the Colony Of Georgia, 1736-1737

- C. John Wesley: Evangelical Conversion and Methodist Leadership, 1738- 1770
- III. Why American Methodism Developed into an Independent Church Denomination
- A. George Whitefield: the First Great Awakening and Methodist Leadership, 1738-1770
 - B. John Wesley: American Methodism and New Leadership, 1770- 1785
 - C. Political Climate in England during the Outbreak of the American Revolution
 - D. John Wesley: Unfavorable Views on the American Revolution of 1776
 - 1. Political Climate of colonial British North America during the American Revolution
 - 2. British and American War Policy and Slavery, 1775 – 1783
 - 3. Slavery and the Federal Constitutional Convention in 1787
 - E. Francis Asbury and Thomas Coke take over the Leadership of the American Methodist Movement following the Revolutionary War
- IV. Episcopal Republicanism: Creating the Protestant Episcopal Church of the United States of America, 1785-1789
- A. Protestant Episcopal Church Convention of 1785
 - B. Protestant Episcopal Church Convention of 1789
 - C. American Methodism overshadows the new Protestant Episcopal Church
- V. African American Methodism Develops in Response to Systematic Racism and Slavery, 1787 to 1820
- A. The Free African Society founded in 1787 in Philadelphia
 - B. African Methodism, Slavery, and the U.S. Constitution

Conclusion

Bibliography

Appendix A: “Richard Hooker and John Wesley- A Theological Comparison of Two Anglicans”
By Roderick O. Ford, Litt.D.

Appendix B: “Methodism and the Ancient Church of Alexandria (Egypt)”
by Roderick O. Ford, Litt.D.

Appendix C: “Notes on the Rev. John Wesley’s *Thoughts Upon Slavery* (1778)”
by Roderick O. Ford, Litt.D.

Appendix D: “The American Revolutionary War: from the Personal Diary of Rev. John Wesley-
August 27, 1774 (Monday)”

Appendix E: “The Signers of the American *Declaration of Independence* (1776)”

by Roderick O. Ford, Litt.D.

Appendix F: “Signers of the *Declaration of Independence* (1776) and Their Views on Slavery”
by Roderick O. Ford, Litt.D.

Appendix G: “Who were the Delegates to the Constitutional Convention of 1787?”
by Roderick O. Ford, Litt. D.

Appendix H: “Preamble and Articles of Association of the Free African Society- 1787”

Appendix I: “American Methodism, Christian Polity, and the *Two-Tables Theory* of Civil Government”
by Roderick O. Ford, Litt.D.

Appendix J: “The *Book of Common Prayer*—the Gift of the Church of England to the National Life of the United States”
by Roderick O. Ford, Litt.D.

PART II.

Appendix A: “St Augustine on the Rise and Fall of the Roman Empire: A Theory of Western Constitutional Law”
by Roderick O. Ford, Litt. D.

The ideas expressed in this Apostolate Paper are wholly those of the author, and subject to modification as a result of on-going research into this subject matter. This paper is currently being revised and edited, but this version is submitted for the purpose of sharing Christian scholarship with clergy, the legal profession, and the general public.

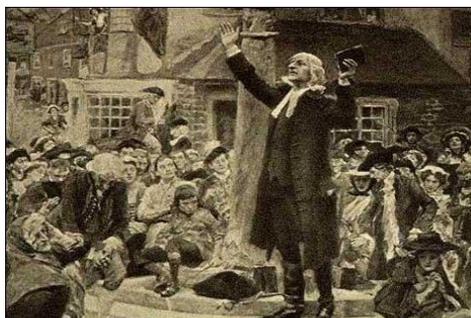
PREFACE

The organized Christian church of the Twenty-First Century is in crisis and at a crossroad. Christianity as a whole is in flux. And I believe that Christian lawyers and judges are on the frontlines of the conflict and changes which are today challenging both the Christian church and the Christian religion. Christian lawyers and judges have the power to influence and shape the social, economic, political, and legal landscape in a way that will allow Christianity and other faith-based institutions to evangelize the world for the betterment of all human beings. I write this essay, and a series of future essays, in an effort to persuade the American legal profession to rethink and reconsider one of its most critical and important jurisprudential foundations: the Christian religion. To this end, I hereby present the seventy-first in this series: “A History of the Anglican Church—Part LIV.”

INTRODUCTION¹

The *Book of Exodus* is a restatement of God's holy laws mandating that rulers and nations establish true and substantive justice everywhere. In *Exodus*, Pharaoh, the king of Egypt, is a universal symbol of civil magistrates everywhere; and the nation of Israel represent the plight of the poor and innocent everywhere in the world. To thus "obey [God's] voice"² and to "keep [God's] covenant"³ was the whole duty of rulers, kings, emperors and magistrates. Indeed, establishing true justice for the poor and innocent is what it meant to be a "kingdom of priests, and an holy nation."⁴ And thus the purpose of true Christian ministry was *to preach the Gospel to the poor*.⁵ During the 18th century, there was no truer expression of these Christian ideals of social justice and holiness within the British Empire than that of the Methodist movement which was led by the Rev. John Wesley (1703- 1791).

Portrait of Methodist evangelical preacher Rev. John Wesley (1703 -1791)



¹ This is my final paper of Part One of this series on "Law and Religion," covering "A History of the Anglican Church." It has taken me a total period of *six years* to complete this work; and for this final submission, I am very thankful to God. This paper is dedicated to **St. Augustine of Hippo** (354 – 430 A.D.), whose *Confessions* and *The City of God* inspired me to engage in this lengthy research project in the first place. This research project was designed to achieve multiple goals, all at the same time: first, it has been a blissful experience and a joy in the Lord for me to recollect on so many wonderful personal and scholastic experiences over the past thirty years. Secondly, I have enjoyed learning about and preserving something of ancient Church theology and history, and I have also demonstrating to Christian theologians and pastors as well as the American Bar and Bench, *precisely how the Christian faith continues to play a vital and important role in western jurisprudence*, and particularly Anglo-American jurisprudence. And, finally, I have written this series with an aim toward supporting the development of Christianity in developing nations, particularly the African continent. May those readers who think that I have written too much, graciously forgive me, but let those who think that I have written appropriately join me in giving thanks to God.

[NOTE: this entire series of 71 papers are "draft copies" and are subject to future modification and editing by the author].

² Exodus 19:5-6.

³ Ibid.

⁴ Ibid.

⁵ Luke 4:18 ("The Spirit of the Lord is upon me, because he hath anointed me to preach the gospel to the poor; he hath sent me to heal the broken-hearted, to preach deliverance to the captives, and recovering of sight to the blind, to set at liberty them that are bruised.")

This paper is an “evangelical Anglican” interpretation of the American Revolution (1775 – 1783) and, for that matter, it is also a “Methodist” or a “Christian” interpretation of that event. In speaking of the American Revolution, “we must speak also of the earthly city, which, though it be mistress of the nations, is itself ruled by its lust of rule. For to this earthly city belong the enemies against whom I have to defend the city of God.”⁶ Indeed, for amongst the British and the American patriots were citizens of that “earthly city,” men who were caught up in an internal struggle over the booty to be obtained upon the North American continent—land, slaves, and material resources—and without any serious concern for “true justice.” And “[j]ustice 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... the booty is divided by the law agreed upon.”⁷

Accordingly, there was amongst both the British and the American patriots a strong element of men who lived “after the flesh,”⁸ and who wanted the results of the American Revolutionary war to result in nothing more than more land confiscation from the Native Americans; more land monopoly for the privileged elites; more control over the labor of indentured servants and slaves⁹; and greater profits from global trade. That such vices and worldly self-interests were predominant amongst the American founding fathers is self-evident. When the Constitutional Convention was held in Philadelphia in 1787, the American founding fathers who met there would have had access to the court opinions in *Somerset v. Stewart* (1772) and in similar cases from Britain and colonial British North America¹⁰; they would have had access to anti-slavery tracts such as Rev. John Wesley’s *Thoughts Upon Slavery* (1778), which was printed in both London and Philadelphia; George Washington, who presided over that Convention, would have already received a visit from Methodist bishops Francis Asbury and Thomas Coke, who asked him to sign their anti-slavery petition; and all of the Delegates to that Convention would have heard the stern warning from fellow Delegate George Mason, who said that “the crime of slavery” would bring the “judgment of God” upon the nation. And yet, notwithstanding these

⁶ St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), pp. 3-4.

⁷ *Ibid.*, p. 112.

⁸ *Ibid.*, p. 441.

⁹ Frederick Douglass, *Autobiographies* (New York, N.Y.: The Library of America, 1994), 534 (“‘Slaveholders,’ thought I, ‘are only a band of successful robbers, who, leaving their own homes, went into Africa for the purpose of stealing and reducing my people to slavery.’”).

¹⁰ *Somerset v. Stewart* (1772) 98 ER 499. Moreover, in those areas of the British Empire where the institution of African slavery had been made expressly legal by positive laws, the Abolition Movement early and largely relied upon the holding in *Somerset* to attack those statutes through the courts. In colonial British North America, successful court challenges to the institution of African slavery occurred in Vermont (1777), followed by Pennsylvania (1780), Massachusetts (1783) and Connecticut (1784).

pleadings and stern warnings, the American founding fathers chose to compromise and to maintain both the institution of slavery and the transatlantic slave trade.

A decade earlier, those same vices and worldly self-interests had caused the following anti-slavery passage to be taken out of the *Declaration of Independence* (1776):

[King George III has waged a] 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 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 legislative attempt to prohibit or to restrain this execrable commerce. And that this assemblage of horror 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 has 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.¹¹

Not only was this passage taken out of the *Declaration of Independence* in 1776, but during the Constitutional Convention in 1787, that same political clique also impeded any and all *moral* arguments to the contrary:

In this debate the moral arguments were prominent. Colonel George Mason of Virginia denounced the traffic in slaves as ‘infernal;’ Luther Martin of Maryland regarded it as ‘inconsistent with the principles of the revolution, and dishonorable to the American character.’ ‘Every principle of honor and safety,’ declared John Dickinson of Delaware, ‘demands the exclusion of slaves.’ Indeed, Mason solemnly averred that **the crime of slavery might yet bring the judgement of God on the nation.** On the other side, Rutledge of South Carolina bluntly declared that religion and humanity had nothing to do with the question, that it was a matter of ‘interest’ alone.... The difficulty of the whole argument, from the moral standpoint, lay in the fact that it was completely

¹¹ W.E.B. Du Bois, *Writings* (New York, N.Y.: The Library of America, 1986), p. 54 (citing “Jefferson, *Works* (Washington, 1853-4), I. 23-4. On the Declaration as an anti-slavery document, cf. Elliot, *Debates* (1861), I. 89.”)

checkmated by the obstinate attitude of South Carolina and Georgia. Their delegates—Baldwin, the Pinckneys, Rutledge, and others—asserted flatly, not less than a half-dozen times during the debate, that these States ‘can never receive the plan if it prohibits the slave-trade;’ that ‘if the Convention thought’ that these States would consent to a stoppage of the slave-trade, ‘the expectation is vain.’ By this stand all argument from the moral standpoint was virtually silenced, for the Convention evidently agreed with Roger Sherman of Connecticut that ‘it was better to let the Southern States import slaves than to part with those States.’¹²

And, likewise, and in a similar fashion, these same Southern delegates won concessions on the question of the taxation of slaves as “property,” as well as the apportionment of slaves as “persons” for the purpose of Congressional representation. African slaves were to be counted as “three-fifths” of human persons, and this provision was inserted into the United States Constitution as part of Article 1, Section 2, Clause 3:

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, *three fifths of all other Persons.*

And for the so-called free white laborers who were indentured servants, the same U.S. Constitution afforded a similar impairment, in conjunction with the regulation of black slaves, in Article IV, Section 2, Clause 3, stating:

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

This constitutional provision applied to white indentured servants as well as to black slaves. “Pierce Butler and Charles Pinckney, both from South Carolina, submitted this clause to the Constitutional Convention. James Wilson of Pennsylvania objected, stating it would require that state governments enforce slavery at taxpayers' expense. Butler withdrew the clause. However, on the next day the clause was quietly reinstated

¹² Ibid., pp. 59-60.

and adopted by the Convention without objection. This clause was added to the clause that provided extradition for fugitives from justice.”¹³

During the outbreak of the American Revolutionary War (1775- 1783), this slave power and its brutal suppression of the poor, the vulnerable and the weak (whether white or black), were readily apparent to the Rev. John Wesley (1703 1791) and to many others who raised concerns about the declared goals—such as “no taxation without representation” – proclaimed by many of the American patriots. Rev. Wesley and many others, including some of the American Founding Fathers, who were present at the Constitutional Convention of 1787, thus comprised the *invisible church*, the “city of God.” Indeed, simultaneously, co-existing amongst both the British and the American patriots was this “city of God” or the city of the saints: “For the King and Founder of this city of which we speak, has in Scripture uttered to His people a dictum of the divine law in these words: ‘God resisteth the proud, but giveth grace unto the humble.’ But this, which is God’s prerogative, the inflated ambition of a proud spirit also affects, and dearly loves that this be numbered among its attributes, to

‘Show pity to the humbled soul,
And crush the sons of pride.’”¹⁴

It has been the theme of this series that Christian lawyers and judges, who are also members of this “city of God,” must not only remain cognizant of the vices, sins, and self-centeredness of the “earthly city,” but that they must also protect the church and vindicate the cause of the oppressed and the righteous, especially in the courts, in the legislative chambers, and in the halls of justice—such as the Constitutional Convention of 1787, where the “law of Christ”¹⁵ ought to have prevailed against the institution of slavery, with the following prophetic warning: “*Be not deceived; God is not mocked: for whatsoever a man soweth, that shall he also reap.*”¹⁶ This prophetic warning, ultimately, was the judgment of Ralph Waldo Emerson, who said:

Slavery is disheartening; but Nature is not so helpless but it can rid itself at last of every wrong. But the spasms of Nature are centuries and ages, and will tax the faith of short-lived men. Slowly, slowly the Avenger comes, but comes surely. The proverbs of the nations affirm

¹³ https://en.wikipedia.org/wiki/Article_Four_of_the_United_States_Constitution#Clause_3:_Fugitive_Slave_Clause

¹⁴ Ibid., p. 3.

¹⁵ The “law of Christ 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).

¹⁶ Galatians 6:7.

these delays, but affirm the arrival. They say, ‘God may consent, but not forever.’ The delay of the Divine Justice—this was the meaning and soul of the Greek Tragedy; this the soul of their religion.¹⁷

This prophetic warning, ultimately, was the judgment of President Abraham Lincoln, who said in his Second Inaugural Address:

The Almighty has His own purposes. ‘Woe unto the world because of offenses; for it must needs be that offenses come, but woe to that Man by whom the offense cometh.’ If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war as to the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondman’s two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said ‘the judgments of the Lord are true and righteous altogether.’¹⁸

And this prophetic warning was the final assessment of W.E.B. Du Bois, who concluded in his Harvard doctoral dissertation, the following:

How far in a State can a recognized moral wrong safely be compromised? And although this chapter of history can give us no definite answer suited to the ever-varying aspects of political life, yet it would seem to warn any nation from allowing, through carelessness and moral cowardice, any social evil to grow. No persons would have seen the Civil War with more surprise and horror than the Revolutionists of 1776; yet from the small and apparently dying institution of their day arose the walled and castled Slave-Power. From this we may conclude that it behooves nations as well as men to do things at the very moment when they ought to be done.¹⁹

¹⁷ Carol Bode, *The Portable Emerson* (New York, N.Y.: Penguin Books, 1981), pp. 553-554.

¹⁸ President Abraham Lincoln, “Second Inaugural Address” (March 4, 1865).

¹⁹ W.E.B. Du Bois, *Writings* (New York, N.Y.: The Library of America, 1986), p. 198.

And how can an organization, a city, a state, or a nation do things, to paraphrase Du Bois, “when they ought to be done,” without hearing the moral voice of God? And who better to represent that moral voice of God than the Christian Church? And who best to represent the Christian Church before the secular magistrates than Christian legislators, public officials, lawyers, and judges?

When the Southern delegates at the Constitutional Convention of 1787 convinced their brethren that “religion and humanity”²⁰ had nothing to do with the *United States Constitution*, but that “it was a matter of ‘interest’ alone,”²¹ they unwittingly convinced the Constitutional Convention to establish commercial interests—largely represented by planters, merchants, and lawyers at the Convention of ’87—as the supreme standard for the new United States Constitution.

But even then, and notwithstanding these powerful commercial interests, at the Constitutional Convention of ’87, there was also “the spirit of Puritanism,” which was in fierce competition with this spirit of commercialism. And, to paraphrase the great St. Augustine of Hippo, the “earthly city” and the “city of God,” were proverbially intermixed together at the Constitutional Convention of ’87.²² At this Convention, the moral voice of God (e.g., the “spirit of the Puritan”)²³ had to contend with the

²⁰ Ibid., p. 59.

²¹ Ibid.

²² St. Augustine, *The City of God*, p. 477, to wit:

Accordingly, **two cities** have been formed by **two loves**: the **earthly by the love of self, even to the contempt of God; the heavenly by the love of God, even to the contempt of self**. The former, in a word, glories in itself, the latter in the Lord. For the one seeks glory from men; but the greatest glory of the other is God, the witness of conscience. The one lifts up its head in its own glory; the other says to its God, ‘Thou art my glory, and the lifter up of mine head.’ **In the one, the princes and the nations it subdues are ruled by the love of ruling; in the other, the princes and the subjects serve one another in love, the latter obeying, while the former take thought for all.** The one delights in its own strength, represented in the persons of its rulers; the other says to its God, ‘I will love Thee, O Lord, my strength.’ And therefore **the wise men of the one city, living according to man, have sought for profit to their own bodies or souls**, or both, and those who have known God ‘glorified Him not as God, neither were thankful, but became vain in their imaginations, and their foolish heart was darkened; professing themselves to be wise’—that is, glorying in their own wisdom, and being possessed by pride—‘they became fools, and changed the glory of the incorruptible God into an image made like to corruptible man, and to birds, and four-footed beasts, and creeping things.’ For they were either leaders or followers of the people in adoring images, ‘and worshipped and served the creature more than the Creator, who is blessed for ever.’ But in the other city there is no human wisdom, but only godliness, which offers due worship to the true God, and looks for its reward in the society of the saints, of holy angels as well as holy men, ‘that God may be all in all....’ [And, p. 38, to wit]: In truth, these **two cities are entangled together** in this world, and intermixed until the last judgment effect their separation.

²³ For instance, the Rev. Algernon Sidney Crapsey has written:

“earthly city,” and this was especially true with regards to the questions of ending the slave trade and abolishing slavery. Indeed, the “city of God” was also present at the Constitutional Convention of 1787, through the presence of men such as the delegate from Massachusetts Eldridge Gerry, a Harvard graduate, lawyer, and an Anglican, who refused to sign the United States Constitution due to his religious convictions and objections over the aforementioned slavery clauses;²⁴ the lawyer and Governor Richard Bassett of Delaware, who upon befriending Bishop Francis Asbury and converting to Methodism, freed all of his own slaves and continued to sponsor anti-slavery legislation in the state of Delaware. There were also amongst this group of lawyers and judges certain devout Christian men who opposed slavery but nevertheless thought it best to preserve the union with the proposed “Three-Fifths” compromise²⁵: amongst this group was a Princeton graduate and a lawyer named Gunning Bedford, Jr. of Delaware; a Harvard graduate and lawyer named Rufus King of Massachusetts; a Columbia graduate and lawyer named Gouverneur Morris of Pennsylvania; and a lawyer named James Wilson of Pennsylvania,²⁶ who was a graduate of the Universities of St. Andrews, Glasgow, and Edinburgh in Scotland, and who would become an Associate Justice on the United States Supreme Court.²⁷

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....²³

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

Algernon Sidney Crapsey, *Religion and Politics* (New York, N.Y.: Thomas Whitaker, 1905), pp. 248-249.

²⁴ See, e.g., Eldridge Gerry, Wikipedia on-line https://en.wikipedia.org/wiki/Elbridge_Gerry#cite_note-32 (“Gerry was also vocal in opposing the Three-fifths Compromise, which counted slaves as three-fifths of a free person for the purposes of apportionment in the House of Representatives, whereas counting each slave individually would have given southern slave states a decided advantage. Gerry opposed slavery and said the constitution should have “nothing to do” with slavery so as “not to sanction it.” Gerry would ultimately not sign the final draft of the constitution because it allowed for slavery.”)

²⁵ It is the judgment of this author that such men did not compromise their own personal integrity or Christian faith, but that they considered the *pros* and the *cons* and ultimately concluded that temporary political compromise with the southern Slave Power was in the best interests of the new United States.

²⁶ “The Three-Fifths Compromise was proposed by James Wilson in 178[7] in order to gain Southern support for the new framework of government by guaranteeing that the South would be strongly represented in the House of Representatives. Naturally, it was more popular in the South than in the North.” <https://guides.loc.gov/federalist-papers/text-51-60#s-lg-box-wrapper-25493430>

²⁷ These men were abolitionists and opposed to the slave-trade, but they were not perfect. All of them, except Eldridge

Therefore, it is the final conclusion of this series on “Law and Religion,” as it pertains to the History of the Anglican Church and to the Protestant Reformation, that America’s founding constitutional documents are indeed “Christian” and that the “city of God” ultimately did prevail, at least in principle, when the American Founding Fathers adopted the Declaration of Independence (1776) and the “Preamble” to the United States Constitution (1787), notwithstanding the fact that the transatlantic slave trade was permitted to flourish for a season until 1808,²⁸ and the institution of slavery remained intact, but presumably under a vague expectation that slavery would die naturally within a generation.²⁹

But America’s constitutional documents exemplified the spirit of *latitudinarian Anglicanism*—the principle that there is a God; that there is a basic difference between good and evil; but that the practice of “orthodox” Christian holiness, morality, and virtue is *optional*, if not altogether unnecessary. Under this scheme of liberal latitudinarian Anglicanism, religious freedom, moral relativism, self-centered commercial interests, and even irreligion or deism were widely assumed to be matters of unchangeable facts. But what mattered most to the latitudinarian Anglicans, at least in theory, was that national peace and security be achieved through a general practice of *genuine religion* or practice of the Golden Rule without established religion. Hence, the American latitudinarian Anglicans made no provision for an established “orthodox” Christian church in their scheme of national government. For instance, American founding father James Madison, who is the “father of the United States Constitution,” concluded in *The Federalist Papers* that the only appropriate role of civil government was to regulate, presumably through a system of discipline and punishment, the “effects” of man’s sinful nature. Madison’s scheme was not designed to “improve” man’s sinful nature or to promote religion, morality, and virtue. In *The Federalist Papers*, Madison wrote:

As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves.

Gerry, accepted the “Three-Fifth’s Compromise.” This compromise may be construed in light of the times when there was still a widespread believe that slavery was a temporary institution.

²⁸ W.E.B. Du Bois, *Writings*, p. 69.

²⁹ *Ibid.*, pp. 55-56 (“Probably the whole country still regarded both slavery and the slave-trade as temporary.... 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 diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.

The latent causes of faction are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society.

The inference to which we are brought is, that the CAUSES of faction cannot be removed, and that relief is only to be sought in the means of controlling its EFFECTS.³⁰

To be clear, Madison also stated in *The Federalist Papers* that morality and religion *could not* be relied upon as “an adequate control” against schemes of oppression and abuse. “The Golden Rule”³¹ is not mentioned as the first principle of nature and civil or constitutional law in *The Federalist Papers*. Training and education in moral philosophy or ethics and religion are not priorities in *The Federalist Papers*. Instead, all hope for peace and prosperity rests *not in religion*, but in *political science*. In *The Federalist Papers*, Madison wrote:

If the impulse and the opportunity [TO CARRY OUT SCHEMES OF OPPRESSION] be suffered to coincide, **we well know that neither moral nor religious motives can be relied on as an adequate control.** They are not found to be such on **the injustice and violence of individuals**, and *lose their efficacy in proportion to the number combined together*, that is, in proportion as their efficacy becomes needful.³²

Thus, unlike St. Augustine’s general theme in *The City of God*, which holds that no society, nation, kingdom, or empire can rule well without justice, and that justice cannot be sustained without *religion, personal virtue, and personal morality*— i.e.,

³⁰ *The Federalist Papers* (1788), Paper No. 10.

³¹ Matt. 7:12.

³² *The Federalist Papers* (1788), Paper No. 10.

holiness, American founding father James Madison made no provision for the federal government to officially cultivate “personal virtue and morality” in his scheme for civil justice. Instead, the new American model of civil polity assumed that all men will function like self-interested sinners; that classes of these self-interested men will naturally form political factions and fight each other; and that the only real and reliable cure for this disease of political faction is to create a “form” of civil government, with a system of regular elections, checks and balances, and divisions of power³³— and only the “republican form” of civil polity could establish civil peace within the proverbial “earthly city.” Meantime, Madison and the American founding fathers determined to let every citizen worship God as he so desires—religious freedom and liberty of conscience ought to be protected.³⁴ Holiness, virtue, morality and righteousness—i.e., the foundations of equity jurisprudence—were neglected in *The Federalists Papers*. Was this omission, together with the general allowance for slavery and slave trade to flourish, fatal flaws in the United States Constitution?

According to St. Augustine, the ancient Roman republic fell because it had become profligate and wicked. What made that ancient Roman republic venerable, argued St. Augustine, was the primitive virtue and moral discipline of its ancient citizens. In *The City of God*, St. Augustine set forth in detail how that Roman republic fell and was eventually replaced by the brutal and wicked Roman Empire, up to the time of Caesar Augustus, during whose reign Christ the savior was born. The Gospels’ message of brotherly love then soon began to transform the entire world. The Christian Emperor Constantine was made Christianity a legal religion in 313 A.D., and within about a decade it was pronounced the official religion of the Roman Empire. In essence, Christianity had conquered the Roman Empire. When the Roman Empire finally fell in the West, Augustine of Hippo took up the task of explaining how the loss of virtue and the proliferation of wickedness and lewdness had caused the Roman Empire to fall, and how the Christian religion was life-giving and had restored virtue, righteousness, and justice to the ancient world. There can be no true republic, argued St. Augustine in *The City of God*, without true justice; and the Christian religion was the surest preserver and promoter of true justice. A large Christian constituency in America have naturally applied these Augustinian constitutional standards to America’s constitutional documents.

In *The Federalist Papers*, James Madison agreed with St. Augustine’s fundamental theme in *The City of God*, i.e., that “justice” is the end of government.

³³ Ibid., Papers No. 39 and 51.

³⁴ Ibid., Paper No. 51 (“In a free government the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects. The degree of security in both cases will depend on the number of interests and sects; and this may be presumed to depend on the extent of country and number of people comprehended under the same government.”)

In Paper No. 51, Madison wrote:

Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit. In a society under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature, where the weaker individual is not secured against the violence of the stronger; and as, in the latter state, even the stronger individuals are prompted, by the uncertainty of their condition, to submit to a government which may protect the weak as well as themselves; so, in the former state, will the more powerful factions or parties be gradually induced, by a like motive, to wish for a government which will protect all parties, the weaker as well as the more powerful.³⁵

But the fundamental difference between Madison's political theory and St. Augustine's catholic theology is that Madison made no provision for the "orthodox" Christian religion to have an official role in the federal government or for the cultivation of virtue and morality amongst citizens within the American republic.

On the other hand, according to St. Augustine, there could be no true republic without virtue and morality, and in *The City of God*, he argued that the *Christian religion* was the best safeguard.³⁶ St. Augustine's solution was for emperors, rulers, and kings to establish an alliance or partnership with, or to seek counsel from, the Church³⁷; and he encouraged Christians to get involved in the civil government as "judges" or as officers before the bar, as a matter of conscience and duty.³⁸ (It should be noted that St. Augustine would have observed some form of alliance between the Pope and the Roman Emperor). The British Constitution, the British Crown, the Parliament, and the Church of England had established a church-state alliance that had followed a prescription that was similar to that of St. Augustine's. John Calvin's Geneva and the Puritan Church-State of colonial New England had also been founded under this same "orthodox" prescription. The colonial charters of the thirteen original colonies seems to have been founded under a similar premises, and established churches in those colonies continued in existence for several decades after the ratification of the *United States Constitution*. The influence of the *Holy Bible* and Mosaic covenant theology led naturally to the belief that civil government had to be founded upon the natural moral law and Providence of God—otherwise it would

³⁵ The *Federalist Papers*, No. 51 (1788)

³⁶ See, generally, Part II, Appendix A "St. Augustine on the Fall of the Roman Empire."

³⁷ St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 178.

³⁸ *Ibid.*, pp. 681 – 683 ("If such darkness shrouds social life, will a wise judge take his seat on the bench or no? Beyond question he will. For human society, *which he thinks it a wickedness to abandon*, constrains him and *compels him to this duty.*")

collapse. And it seems unlikely that these Christian foundations were completely obliterated by the ratification of, or the plain language in, the *United States Constitution* (1787).

Table 1. Mosaic Life-Death Grid

Life	Virtue
Death	Vice

But for James Madison, the American founding fathers, and the latitudinarian Anglicans who formed the Whig party, there could be no true justice without a system of checks and balances in civil government, and the *republican form of government* was the best safeguard. To the American founding fathers, the republican form of civil polity was a panacea, notwithstanding the absence of piety, virtue, and morality.

Table 2. The 18th-century Collapse of Orthodox Christianity and Rise of Latitudinarian Anglicanism

Civil Government	Human Nature	Orthodox Anglicanism	Latitudinarian Anglicanism
		(E.g., St. Augustine of Hippo’s Political Theory and Theology)	(E.g., James Madison’s Political Theory and Constitutional Law)
Life (Civil Peace and Prosperity)	Virtue	Natural Law; Christian Religion; Church and State Alliance	Natural Law; Republican Government; Separation of Church and State; Religious Liberty
Death (Civil Discord and Decadence)	Vice	Civil Government’s Collapse is caused by widespread Infidelity and Personal Immorality and Impiety	Civil Government’s Collapse is caused by “Pure Democracy” and “Absolute Monarchy”

During the 18th century, the “orthodox” and “latitudinarian” viewpoints often converged with each other, so that the “Christian Religion/ Church-State Alliance” and “Republican Government” were associated with one another and treated as being essentially the same things. For example, President George Washington’s *Farewell Address* (1796) explicitly acknowledged that “morality and religion” was indispensable supports for civil government. And for the “orthodox” Protestant

Christians who believed that “Christianity is a republication of natural religion and natural law,” *The Federalist Papers*, James Madison’s arguments, and the various political views of the other American founding fathers, certainly produced a “Christian” nation. The “orthodox” Anglicans and other Protestants believed that the doctrine of “church-state” separation only prohibited the government from establishing a church, but that doctrine did not prohibit Christians from reading the natural moral law or Christian principles into constitutional law and secular jurisprudence. But in truth there is, and was, great tension between these two broad conceptions of the Christian polity of the United States—i.e., is the U.S Constitution a reflection of “orthodox” or more latitudinarian Christianity?

For one thing, the Protestant social revolution that was ushered into western civilization by Martin Luther and the Protestant Reformation acknowledged two very powerful religious and political ideals: first, it acknowledged the idea that the common man was himself a “priest” (i.e., the “*priesthood of all believers*”). Here, St. Augustine’s, Martin Luther’s, and John Calvin’s caste-leveling influence were readily apparent. The Roman Catholic and Anglican ecclesiastical hierarchy were seriously called into question by this revolution. St. Augustine himself had observed:

For we see that priests and Levites are now chosen, not from a certain family and blood, as was originally the rule in the rule in the priesthood according to the order of Aaron, but as befits the new testament, under which Christ is the High Priest after **the order of Melchizedek, in consideration of the merit** which is bestowed **upon each man by divine grace**. And these priests are not to be judged by their **mere title**, which is often borne by unworthy men, but **by that holiness which is not common to good men and bad.**³⁹

The Protestant Reformers rejected gaudy ecclesiastical titles and ecclesiastical “pomp-and-circumstance,” but instead emphasized the “priesthood of all believers.”

Secondly, this Protestant social revolution acknowledged the idea that the common man was himself a “king,” and especially the king in his own home (i.e., “*the sovereignty of all citizens*” or “the people.”). And by the 18th century, the “Rights of Man” became the new slogan for political revolutionaries in England, America, and France, who saw political liberty for the common man in the Gospels. When the two forces of “priesthood of all believers” and “kingship or sovereignty of the common man” converged, they created a political explosion during the 18th century. The problem, though, with this political explosion is that there was no way to prevent

³⁹ St. Augustine, *The City of God*, p. 746.

non-Christian or secular commercial forces from taking over and becoming the principle backers of this Protestant socioeconomic and political reformation. In many ways, Rev. John Wesley's criticisms of the American Revolution was premised upon his perception of a radical and ungodly elements possibly "taking-over" the noble and declared aims of that revolution.

And this political "takeover" is what occurred in the United States during the days of the Constitutional Convention of 1787. The constitutional scheme in the United States, however, lent itself to the disseverance of its ties to its Anglo-Christian constitutional heritage! No clear references were made to Jesus Christ or the Christian religion in the United States Constitution, as in most of the colonial charters. James Madison and the other American founding fathers certainly established an excellent "form" for republican democracy in the *U.S. Constitution* (1787), but they remained eerily silent about the role of the Christian faith, the church, religion, virtue and morality in the new republic. Even the Founding Father's personal views about religion seems to have been purposely withheld from history, and in many respects, we are left to guess about the intent of the founding fathers. Did the American founding fathers believe that they were creating a Christian constitutional document when ratifying the U.S. Constitution? Did they believe the slavery would die naturally within their own generation? The American Civil War was a primary consequence of that duplicity and silence.

The "orthodox" conception of Christian polity was derived largely from Richard Hooker's *Of the Laws of Ecclesiastical Polity* (1594), but it may also trace its roots as far back as John of Salisbury's *Policraticus* (circa 1159) but first published in 1513. This "orthodox" Anglicanism held that the civil magistrates and judges had a constitutional duty to administer the secular laws in a way that meted out even-handed justice—this was the "law of Christ."⁴⁰ However, the motley commercial interests that were predominant in the new United States and which supported the American patriots during the American Revolutionary War had interposed the doctrine of separation of church and state in large measure to hasten the decline of "orthodox" Christianity in general. These powerful commercial interests also sought the dis-establishment of churches in general (including Calvinism, orthodox Puritanism, and the Congregational churches in colonial New England, as well orthodox Anglican churches in New York, Maryland, Virginia, and the Carolinas). In its grossest form, those non-sectarian commercial interests were reflected in the American slave power, but in general they promoted the complete separation of church from state, as well as the secularization of American jurisprudence. These non-

⁴⁰ The "law of Christ 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).

sectarian commercial interests were politically allied with the more liberal latitudinarian Anglicans, and both of these groups promoted a doctrine of church-state separation.

Nevertheless, the “orthodox” Anglicans’ interpretation of the United States Constitution prevailed during the 18th and 19th centuries. This “orthodox” view was initially adopted by the U.S. Supreme Court, although it was liberalized over time.⁴¹ According to this “orthodox” view, the American founding fathers had set forth in the “Preamble” to the United States Constitution its “first principles,” which exemplified classical Greco-Roman, Roman Catholic, and Anglican civil polity. This “Preamble” reflects natural religion and natural law,⁴² from which the “law of Christ”⁴³ is derived. That “Preamble” states:

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.

⁴¹ See, e.g., *Calder v. Ball*, 3 Dall 386 (1798); *Fletcher v. Peck*, 6 Cranch 87, 10 U.S. 87 (1810); *Terrett v. Taylor*, 13 U.S. 43 (1815); *Darcy v. Ketchum*, 52 U.S. 65 (1850); and *Butchers’ Union, etc. Co. v Crescent, etc. Co.*, 111 U.S. 746, 756 (1883); *Holy Trinity v. United States*, 143 U.S. 457 (1892); *Zorach v. Clauson*, 343 U.S. 306 (1952).) See, also, *United States v. Macintosh*, 283 U.S. 605, 625 (1931):

We 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. But, also, we are a nation with the duty to survive; a nation whose Constitution contemplates war as well as peace; whose government must go forward upon the assumption, and safely can proceed upon no other, that unqualified allegiance to the nation and submission and obedience to the laws of the land, as well those made for war as those made for peace, are not inconsistent with the will of God.

⁴² The “Preamble” to the United States Constitution, however, was broad enough for it to receive a more “orthodox” and Christian interpretation, to wit: the “Christianity is the republication of natural religion,” and the “Preamble” is a classic statement of both natural religion as well as the revealed religion of the Christian faith. Hence, this “orthodox” interpretation of the “Preamble” would have reinforced the classical Anglican idea of Christian polity, as reflected in Hooker’s *Of the Laws of Ecclesiastical Polity* (1594). Indeed, according to the “orthodox” view of Christian polity, the “Preamble” to the U.S. Constitution succinctly summarizes the standards of “orthodox” Anglican or Christian polity.

⁴³ See, e.g., Matthew 7:12, as a restatement of the Golden Rule.

Now, adopting an “orthodox” method for hermeneutically interpreting the text of this “Preamble,” we find that the “plain meaning” of the legally-operative words to this “Preamble” to the *U.S. Constitution*—i.e., “we the people,”⁴⁴ establish justice,⁴⁵

⁴⁴ 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.” NOTE: during the American Revolution (1775-1783), Rev. John Wesley (1703 – 1791) noted that when the Americans used the words “the people,” they meant scarcely 10 percent of the American population.

⁴⁵ See, e.g., St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), 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.”)

tranquility,⁴⁶ liberty,⁴⁷ general welfare,⁴⁸ and common defense⁴⁹— constitute the essential elements of western polity which have been incorporated into Anglo-American constitutional law and jurisprudence through the Church of England.⁵⁰ This was, at least, the settled opinion of the Rev. Algernon Sidney Crapsey, an Anglican priest, who said:

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:

⁴⁶ See, e.g., St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), 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.**”)

⁴⁷ See, e.g., St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), pp. 693-694 (“This is prescribed by the order of nature: it is thus that God has created man. For ‘let them,’ He says, ‘have dominion over the fish of the sea, and over the fowl of the air, and over every creeping thing which creepeth on the earth.’ He did not intend that His rational creature, who was made in His image, should have dominion over anything but the irrational creation—not man over man, but man over the beasts... for it is with justice, we believe, that the condition of slavery is the result of sin. And this is why we do not find the word ‘slave’ in any part of Scripture until righteous Noah branded the sin of his son with this name. It is a name, therefore, introduced by sin and not by nature. The origin of the Latin word for slave is supposed to be found in the circumstances that those who by the law of war were liable to be killed were sometimes preserved by their victors, and were hence called servants. And these circumstances could never have arisen save through sin. For even if we wage a just war, our adversaries must be sinning; and every victory, even though gained by wicked men, is a result of the first judgment of God... But by nature, as God first created us, no one is the slave either of man or of sin. This servitude is, however, penal, and is appointed by that law which enjoins the preservation of the natural order and forbids its disturbance; for if nothing had been done in violation of that law, there would have been nothing to restrain by penal servitude.”)

⁴⁸ 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 acknowledgment 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 [i.e., democracy]. But when the monarch is unjust, or, as the Greeks say, a tyrant; or the aristocrats are unjust, and form a faction; or the people themselves are unjust, and become, as Scipio for want of a better name calls them, themselves the tyrant, then the republic is not only blemished (as had been proved the day before), but by legitimate deduction from those definitions, it altogether ceases to be. For it could not be the people’s weal when a tyrant factiously lorded it over the state; neither would the people be any longer a people if it were unjust, since it would no longer answer the definition of a people—‘an assemblage associated by a common acknowledgment of law, and by a community of interests.’”)

⁴⁹ See, e.g., St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 27 (St. Augustine acknowledges the idea of “just war”, where he states: “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.’”)

⁵⁰ See, generally, St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950).

‘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 the 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....

When the people of the United States decreed by constitutional amendment that the government should never by law establish any religion, they did actually establish the only religion that could comprehend in its membership the whole American people.⁵¹

And it is the conclusion of this series on “Law and Religion” that the plain language of the “Preamble” to the *U.S. Constitution* (1787)—together with the settled opinions of the United States Supreme Court,⁵² the text of the *Declaration of Independence* (1776), and the texts of the various colonial charters and state constitutions (1607 – 1850)—that the United States Constitution is fundamentally a “Christian” document; that it represents both *orthodox* and *latitudinarian* Anglican ideology; that it was heir to the Elizabethan settlement of 1559; that it was the culmination of the Protestant Reformation that was launched during the 16th and 17th centuries; and that it was the American Magna Carta.⁵³ In reaching this theological and constitutional conclusion, much deference is given to Dr. Richard Hooker’s *Of the Law of Ecclesiastical Polity*

⁵¹ Algernon Sidney Crapsey, *Religion and Politics* (New York, N.Y.: Thomas Whittaker, 1905), pp. 305-306.

⁵² See, e.g., *United States v. Macintosh*, 283 U.S. 605, 625 (1931):

We 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. But, also, we are a nation with the duty to survive; a nation whose Constitution contemplates war as well as peace; whose government must go forward upon the assumption, and safely can proceed upon no other, that unqualified allegiance to the nation and submission and obedience to the laws of the land, as well those made for war as those made for peace, are not inconsistent with the will of God.

⁵³ The United States Constitution and its “Preamble” should be construed in light of its constitutional history and Christian heritage: *Magna Carta* (1215), *Right of Petition* (1628), and the *English Bill of Rights* (1689); and the American *Declaration of Independence* (1776). This series on “A History of the Anglican Church” has been written largely to document and to commemorate this history.

(1594), which framed the context of the Anglo-American conceptualization of constitutional law for the next two centuries.

Unfortunately, it is also the conclusion of this series on “Law and Religion” that, since the late 1700s, the ideology of latitudinarian Anglicanism conjoined with predatory commercial interests to systematically weaken, if not altogether remove, the influence of “orthodox” Christian faith upon American law and jurisprudence—including the influence of “orthodox” Puritanism and “orthodox” Anglicanism.⁵⁴ In order to understand this conclusion, it is necessary to re-review the economic history and transformation of Queen Elizabeth I’s England. This period was characterized by the rise of yeomen, who were freeholders who demanded and received a greater share in the local parish government. When the monasteries were dismantled, these yeomen took over local government administration from the monks and jointly shared in newer local government administration with local Anglican parish priests. Above these yeomen were the gentry, or the country gentlemen, who shared in England’s national government and the powers of Parliament. The Age of Discovery, colonial expansion, mercantilism, and economic monopolies suddenly dominated England’s economy. By the middle of the 17th century, England had become a leading transporter of slaves to the Americas; and by 1713, it had attained the Assiento, which enabled it to monopolize the slave trade for thirty years. The economic interests, which dominated this history, overshadowed the Constitutional Convention of 1787. These economic interests were represented by *latitudinarian* Anglicans who had settled upon certain fundamental and general principles of natural law (i.e., general, non-denominational Christianity, free trade, and religious liberty)⁵⁵ which were adopted in the *American Declaration of Independence* (1776) and the *United States Constitution* (1787). The institution of the established Christian Church and influence of the Christian religion upon American jurisprudence were thereby steadily weakened.

What was this “orthodox” Anglicanism, which the American Revolution ultimately removed from American law and government? Fundamentally, that

⁵⁴ Algernon Sidney Crapsey, *Religion and Politics* (New York, N.Y.: Thomas Whitaker, 1905), pp. 248-249.

⁵⁵ These principles were best reflected in the latitudinarian Anglican theology of Bishop William Warburton’s *An Alliance of Church and State* (1736), to wit:

1. First, the civil government must acknowledge the being of God;
2. Second, the civil government must acknowledge the Providence of God over human affairs; and,
3. Third, the civil government must acknowledge the “natural essential difference between moral good and evil.”

“orthodox” Anglicanism was the doctrines of the supremacy of “higher law” or “natural moral law” over human or secular law; and it was the viewpoint which held that “*Christianity is a republication of natural religion and natural law.*” This “orthodox” Anglicanism also reflected certain aspects of American Puritanism, and particularly the “Two-Tables” theory of civil polity. It is today widely held that Dr. Richard Hooker (1554 -1600) laid the foundation of this “orthodox” Anglicanism in his masterpiece *Of the Law of Ecclesiastical Polity* (1594).⁵⁶ This voluminous text became the foundational statement of Anglican theology and canon law. It was reflected in early 18th-century Anglican theory, such as Dr. Matthew Tindal’s *Christianity as Old as the Creation* (1730); Bishop William Warburton’s *The Alliance of Church and State* (1736); and Bishop Joseph Butler’s *The Analogy of Religion* (1736). And it helped to define the character of the Church of England. It also became, together with Lord Bolingbroke’s *The Idea of a Patriot King* (1738), the basic text of British conservative and Tory ideology. Hooker’s *Of the Laws of Ecclesiastical Polity* incorporated classical catholic ideology of natural law and natural religion into England’s system of government.⁵⁷ For Dr. Hooker, the proverbial “city of God” on earth was the Church of England.

“For concerning the dealings of men who administer government,” wrote Dr. Hooker, “and unto whom the execution of that law belongeth; they have their Judge who sitteth in heaven, and before whose tribunal-seat they are accountable for whatsoever abuse or corruption...”⁵⁸ The Roman Catholic “law of nature” thus found its way into English political philosophy during the seventeenth century and was extracted out from Hooker’s *Of the Laws of Ecclesiastical Polity*, which was nearly a carbon copy of the writings of St. Augustine and St. Thomas Aquinas.⁵⁹

The Anglican constitutional “order” thus tied together the scientific laws of

⁵⁶ See this series, *The Apostolate Papers*, A History of the Anglican Church, Part XX, Paper No. 31 (“Apologetics of the Rev. Richard Hooker (1554- 1600)”).

⁵⁷ Richard Hooker, *The Laws of Ecclesiastical Polity*, Book V (of VIII)(Nashotah, WI: Nashotah House Press, 2012), pp. 452-454.

⁵⁸ Richard Hooker, *The Laws of Ecclesiastical Polity*, Books I- IV (of VIII), supra, p. 286.

⁵⁹ It should be noted here that Richard Hooker not only held that the Church should not be separated from the State, but he also believed that the doctrine of “Separation of Church and State” was appropriate only where the Church existed in a non-Christian commonwealth of Infidels. “This was the state of the Jewish Church both in Egypt and Babylon, the state of Christian Churches a long time after Christ. And in this case because the proper affairs and actions of the Church, as it is the Church, have no dependency upon the laws or upon the Governors of the Civil state, an opinion hath thereby grown, that even so it should be always.... ‘The Apostles (saith he) did govern the Church in Rome when Nero did bear rule, even as at this day in all the Turk’s Dominions the Church hath a spiritual Regiment without dependence and so ought she to have, live she amongst Heathens or with Christians.’” Richard Hooker, *Of the Laws of Ecclesiastical Polity* (Cambridge, England: Cambridge Univ. P., 1989), p. 131. The American doctrine of “Separation of Church and State” certainly falls within this category, namely, that the churches should remain independent of the state, whether the state be Heathen or Christian. In this case, though, the American system of law was clearly built upon a Christian foundation, so that its civil government and its constitution, unlike those of ancient Egypt, Babylon, or Rome, had the “law of Christ” at its source.

nature, reason, philosophy, and Scriptures. “Thanks in part to a seventeenth-century theologian named Richard Hooker,” writes Rev. McKenzie, “Anglicans have often spoken of three ways to hear from God: Scripture, tradition, and reason.”⁶⁰ Indeed, the “laws of nature”⁶¹ were described in Hooker’s *Of the Laws of Ecclesiastical Polity* as “those things which nature worketh,” whose initial cause rested in the “bosom of God” and “the God of Nature.”⁶² “Nature therefore,” wrote Hooker, “is nothing else but God’s Instrument.”⁶³ Rev. Hooker’s *Of the Laws of Ecclesiastical Polity* would also set the standard for the Church of England and, centuries later, the Methodist philosophy of the Rev. John Wesley, which influenced the Great Awakening during the pre-Revolutionary War era (1730s-1740s) in the American colonies. Rev. Hooker’s apologetics would essentially become the blueprint for “Wesley’s use of Scripture, tradition, reason, and experience...[in what has] been referred to as the ‘Wesleyan quadrilateral’... Albert Outler coined the quadrilateral. He drew the imagery from the Lamberth Quadrilateral used by the Anglicans, which refers to four walls of a fortress that defended those inside. About the quadrilateral, Outler said:

It was intended as a metaphor for a four-element syndrome, including the four-fold guidelines of authority in Wesley’s theological method. In such a quaternity Holy Scripture is clearly unique. But this in turn is illuminated by the collective Christian wisdom of other ages and cultures between the Apostolic Age and our own. It also allows for the rescue of the Gospel from obscurantism by means of the disciplines of critical reason. But always, Biblical revelation must be received in the heart by faith: this is the requirements of ‘experience.’⁶⁴

Thus, the idea of Christian polity that was set forth in Hooker’s *Of the Laws of Ecclesiastical Polity* (1594) was also the 18-century Methodist conception of natural law, church-state relations, political science, jurisprudence, and moral philosophy. Thus, Rev. John Wesley’s critique of the American Revolution and other matters involving government and social policy was articulated within the framework of Hooker’s “orthodox” Anglicanism.

⁶⁰ Thomas McKenzie, *The Anglican Way: A Guidebook* (Nashville, TN: Colony Catherine, Inc., 2014), p. 7.

⁶¹ Richard Hooker, *The Laws of Ecclesiastical Polity*, Books VI- VIII (of VIII)(Nashotah, WI: Nashotah House Press, 2012), p. 61.

⁶² *Ibid.*, p. 62.

⁶³ *Ibid.*, p. 63.

⁶⁴ Don Thorsen, *Calvin vs Wesley: Bringing Belief In Line With Practice* (Nashville, TN: Abingdon Press, 2013), p. 26.

The American Revolution of '76 and '87 was an exemplification of Whiggish latitudinarian Anglicanism, and that revolution was staunchly opposed to the sort of Christian polity that was set forth in Hooker's *Of the Laws of Ecclesiastical Polity* (1594). The American Revolution of '76 was, in summary, inconsistent with, if not altogether opposed to, British Toryism, "orthodox" Anglicanism, and the "orthodox" Puritan Church-State. Instead, the American Revolution of '76 and '87—dominated by Whigs, planters, merchants, and lawyers—was largely a movement to remove "orthodox" Christianity from the levers of power in civil government, and to subordinate the "orthodox" Church to both the State and to the powerful commercial interests of the 18th century, including the slave power. Under the American liberal latitudinarian doctrine of the "separation of church and state," American clergymen and the American church must not utilize God's "natural moral law, in order to hold to account the secular government or private commercial activities."⁶⁵

Reading this paper will be quite sobering for those jingoistic Americans who insist that the motives of the American Founding Fathers were purely noble or divine and inspired solely by the Sacred Scriptures—although in individual instances, such as Delegate Eldridge Gerry of Massachusetts, this was certainly true. But from the perspective of the British-American Methodist movements of the 1700s, designed as they were to carry the Gospel of Jesus Christ to the marginalized—whether they be poor or rich, slave or free, white or black, female or male—the noble proclamations *of the American Revolution fell far short of becoming a practical reality for the vast majority of Americans*. This is not the biased indictment of mean-spirited communists, Marxists, and socialists, but rather it is the judgment of fellow Englishmen and fellow Americans—fellow Christians and members of the Church of England, honorable and distinguished churchmen such as the Rev. John Wesley, Rev. Charles Wesley, Bishop Francis Asbury, Bishop Thomas Coke, Rev. Absalom Jones, Bishop Richard Allen, Bishop James Varick, and many other Anglicans or Methodists who lived through the period. In truth, the founding of African Methodism is the living testament of 18th-century Wesleyan Methodism's final judgment on the American Revolution.

The story of Methodism began at Oxford University during the 1720s, at a time when irreligion and deism were challenging the "orthodox" Puritan faith. In fact,

⁶⁵ Whether American lawyers and judges—members of the bar and bench—could utilize God's "natural moral law" to hold to account the secular government or private commercial activities was another matter. During the latter half of the 20th century, rather than seriously and thoroughly address this question, it was generally assumed that "natural law" or "natural moral law" were tantamount to Roman Catholicism and "religion." "Natural law" or "natural moral law" were never equated with the "law or reason" or considered as "equity jurisprudence"; and, therefore, "natural law" or "natural moral law" were deemed to be inappropriate for serious discussion in American law schools, amongst American bar associations, or even in real-world litigation in American courtrooms.

orthodox Christians, at least among the student body at Christ Church, seemed to be in the minority. For this reason, Charles and John Wesley organized the “Holy Club” in an effort to retain a sense of Christian holiness, while co-existing with worldly and indifferent fellow Christians at Oxford. This new ascetic movement drew negative attention—orthodox Christian holiness in a sea of modern agnosticism and irreligion. The “Holy Club” was derisively called “Methodists,” and Methodism soon spread to North America when John Wesley and George Whitefield went to the colony of Georgia during the 1730s.

In England, the organic structure, connectional nature, and theology of Methodism took thirty years to develop, through trial and error. By the mid-1760s, when colonial grievances started to pour in from America, Methodism had become a major player in British politics and the Rev. John Wesley, who was an elder statesman by that time, was a respected voice. Rev. Wesley’s criticisms of the American patriots and critique of the goals of the American Revolution are covered in this paper. He was highly suspicious of both the Founding Fathers and their stated goals, and much of what he said then proved to be prophetic.

However, as Providence would have it, the face of American Methodism was that of Francis Asbury’s (1745 – 1816). He was consecrated a bishop at the Christmas Conference of the Methodist Episcopal Church in December 1784, effectively becoming the “Father of American Methodism.” Nay, he became the heir of a great Puritan tradition which holds that God, and not the King or Parliament, is the true Sovereign in America. For the reasons explained further in this paper, Bishop Asbury is also a “Founding Father” of the United States. His decision to remain in the colonies during the American Revolutionary War (1775 – 1783), notwithstanding the fact that his leader, the Rev. John Wesley, had given the command to pull all of the Methodist pastors out of the colonies and to return to England, was both brave and providential. After the Americans prevailed in the war, only Francis Asbury was the last Methodist still standing in America and, for that reason, his stature, leadership, and credibility rivalled that of John Wesley’s.

Most importantly, Francis Asbury’s *moral influence* upon the new United States is unsurpassed by most of the American Founding Fathers—including Washington, Adams, Madison and Jefferson. This moral influence was the power of American Methodism in the United States—this moral influence was to be incalculable and priceless, because it fundamentally insisted that the God of Truth and Justice should reign supreme not just in theology or in theory, but also in law, public policy, criminal justice, over the question of slavery, and in economics.⁶⁶ This was the Methodist idea

⁶⁶ For example, England’s equity jurisprudence was borrowed from the *Holy Bible* and Roman Catholic and Anglican canon

of “social holiness.” Rev. Asbury set a very high moral standard right out of the gates, in 1784, when he visited General George Washington at his home at Mount Vernon and pleaded, on behalf of helpless African American slaves, arguing that slavery was wrong and unjust, and that the institution of slavery should be abolished. Similarly, during Rev. Asbury’s refuge in Delaware, he made a similar appeal to Richard Bassett who was Governor of Delaware. Upon befriending Asbury and converting to Methodism, Governor Bassett freed all of his own slaves and sponsored anti-slavery legislation in the state of Delaware. As we shall see in this paper, Asbury’s position on slavery was ahead of most of his contemporaries’, including many of the great American Founding Fathers who sat in the Continental Congress or the Constitutional Convention in 1787.

Furthermore, Methodist Bishop Francis Asbury is endeared to Black America in a very special way that none of the American founding fathers has ever been so highly esteemed by that community. First, Bishop Asbury licensed Richard Allen as the first African American Methodist preacher at the Methodist Christmas Conference in 1784. And, secondly, Bishop Asbury consecrated Rev. Allen’s first church, mother Bethel A.M.E. Church in Philadelphia in 1794. This helped to launch the African Methodist Episcopal Church (A.M.E.), the first independent African American church denomination in the history of the United States, which W.E.B. Du Bois has described as “one of the largest Negro organizations in the world.”⁶⁷ And Ebony historian Lerone

law. This law of Equity thoroughly regulated every aspect of English life, including commercial activities. The British and American **Methodist movements’ ideals of social holiness** both reflected and implemented those same standards of equity in social and economic relations between fellow citizens and subjects. 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 thy 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.

⁶⁷ W.E.B. Du Bois, *Writings* (New York, N.Y.: The Library of America, 1986), p. 1115.

Bennett, Jr. has described the founding of the A.M.E. Church, together with the founding of the Free African Society, as “the founding of Black America.”⁶⁸ Hence, through Bishop Asbury’s affection and friendship with Rev. Richard Allen, he helped to launch one of the world’s great spiritual, moral, and social institutions in the A.M.E. Church—an institution that would bring the Wesleyan zeal for social holiness and social justice to the African American community’s fight against slavery and racial discrimination.⁶⁹

Moreover, as we shall discuss in this paper, Bishop Asbury ensured that the new United States would have the benefit of the genius of evangelical Anglicanism or Methodism within its midst. The basic theme of Methodism is that “**the Gospel of Christ knows no religion but social, no holiness but social holiness.**” This meant that the Methodist Church must at times exercise its prophetic prerogative through petitioning the secular magistrate to do justice and administer just laws. Today, “social holiness” and “social justice” are the great legacies of the Wesleyan and Methodist Churches in the United States. The Methodist’s conceptualization of the “two-tables” theory of Church-State polity had been inherited from its Anglican and Puritan roots.

Indeed, “**Methodism was originally a part of the Puritan movement within the Anglican Church...**”⁷⁰ And Methodism “**united with the great thrusts of Puritanism to produce the important ‘Nonconformist conscience.’**”⁷¹ Although Methodism is hard to pinpoint historically, its theological roots are both Arminian-Puritan and evangelical Anglican. Its “legal tradition” is therefore reflected in Dr. Richard Hooker’s *Of the Law of Ecclesiastical Polity* (1594) and its theology was taken from the *Book of Common Prayer* and the *Thirty-Nine Articles of Religion*. Methodism is essentially an Anglican evangelical expression, because there is “no essential conflict between the teachings of Methodism and the Anglican Church. It was a question of spirit, of emphasis.”⁷²

⁶⁸ <https://richardgruzman.com/lerone-bennett-jr-before-the-mayflower/>

His most influential book has been *Before the Mayflower*, first published in 1962. In **Chapter 3, “The Founding of Black America,”** Bennett tells the story of the crucial role black patriots played in the American Revolution, including the legendary Crispus Attucks, who, as the first person to die in the Revolution, has been a source of immense pride for black Americans. He distinguishes four “recognizable types” in the founding of black America: Jupiter Hammon, who “went over to the enemy...producing intellectual products that...buttressed their world view;” Phillis Wheatley, a founder of American poetry, who “subtly challenged” the premises of American society “by the authority of her work;” the anonymous Othello, the outright militant; and **Richard Allen who “spoke in muted tones but created big sticks of organization,” including the AME Church and, with Absalom Jones, the Free African Society.**

⁶⁹ C. Eric Lincoln and Lawrence H. Mamiya, *The Black Church in the African American Experience* (Durham, N.C.: Duke University Press, 1990), pp. 47 – 75; 199 -221.

⁷⁰ *Ibid.*, p. 78.

⁷¹ Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), p. 455.

⁷² *Ibid.*, p. 454.

Hence, this paper focuses upon the rise of Methodism in England and America as an 18th century “religious society” movement within the Church of England. It takes the position that Methodism reflected the true “invisible church,” lodged inside of the Church of England, during a period of time when England’s and America’s leaders and elite classes—the Georgians of the 18th century—had become intoxicated with material success and global empire. As this series focuses on “law and religion,” the Rev. John Wesley’s “stress upon the need for social holiness,” general belief in sanctification through perfection evidenced by good works, attitude towards slavery and the slave trade, and general suspicions about the expressed motives of the American Founding Fathers, are addressed in this paper.

SUMMARY

Dr. Richard Hooker’s *Of the Laws of Ecclesiastical Polity* (1594) set forth the orthodox Anglican theology on church, government, and constitutional law. And this orthodox Anglican theology would become the fundamental foundation of British Methodism’s attitude toward both civil polity and social reform during the 18th-century. The 18th-century Church of England lacked a genuine concern for the plight of the poor, and it was genuinely unconcerned about the spiritual well-being of the British Empire. Under these conditions, the Methodist movement emerged. The Methodist movement sought to preserve the ancient, orthodox religion of the Church of England, as reflected in Hooker’s *Of the Laws of Ecclesiastical Polity*, the *Book of Common Prayer*, the *Book of Common Prayer*, and the *Thirty-Nine Articles of Religion*. The Methodist movement sought to spread “scriptural” holiness throughout England and colonial British North America. And the tangible influence of Methodism upon every aspect of English and American life proved to be monumental. Today, for Christian lawyers and judges, Methodism is a firm reminder that Anglo-American jurisprudence is deeply-rooted in an obligation of love, founded upon equitable notions of mercy and justice, and tied to higher law.⁷³ And this reminder is especially symbolized in “African Methodism” that was founded simultaneously with the United States Constitution in 1787.

Part LIV. Anglican Church: The Rise of the Methodist Movement In England and British North America, 1720-1800

The Methodist movement was, fundamentally, an expression of 17th-century Puritanism.⁷⁴ Indeed, “Methodism was originally a part of the Puritan movement within

⁷³ The “law of Christ 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).

⁷⁴ Ibid.

the Anglican Church....”⁷⁵ And Methodism “united with the great thrusts of Puritanism to produce the important ‘Nonconformist conscience.’”⁷⁶ Without question, Wesleyan Methodism was *orthodox* Anglicanism that was deeply-rooted in the Puritan King James Version of *The Holy Bible*; *Thirty-Nine Articles of Religion*; the *Book of Common Prayer*; and in Richard Hooker’s *Of the Laws of Ecclesiastical Polity* (1594)⁷⁷, which was founded upon a fundamental understanding that the Church and State are two side of the same coin, and that secular human law must be subordinate to God’s natural moral laws.

Thus, 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.”⁷⁸ 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

When the Whigs prorogued the Church of England in 1718 and impaired its ability to promote civic virtue, equity, and social responsibility among the British elites, the fledgling Methodist movement stepped up to the challenge and preached “social holiness” and “social reform,” in an effort to tackle the spill-over effects of predatory capitalism upon the poor. The Methodists retained the Puritan heritage of social holiness

⁷⁵ Ibid., p. 78.

⁷⁶ Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), p. 455.

⁷⁷ Richard P. Heitzenrater, *Wesley and the People Called Methodists* (Nashville, TN: Abington Press, 2013), p. 10.

⁷⁸ Goldwin Smith, *A History of England*, supra, p. 455.

and practical theology in the real world,⁷⁹ and not simply arguing over theoretical or doctrinal matters which had handcuffed the Church of England.⁸⁰

Today, Methodism's "greatest strength is still in the industrial counties. Its steadying influence on the side of the king and the constitution helped to forestall any political revolt during the shaking years of the French Revolution.... From the early nineteenth century Methodism has given much impetus to trade unionism. Its influence touched almost every aspect English life."⁸¹ In British North America, Methodism remained the church of the working classes and, from its inception in 1784, it took up the mantle of anti-slavery abolitionism and has made a significant contribution to socioeconomic plight of African Americans in the United States. Thus deeply-rooted in an Anglican legal heritage that is reflected in Hooker's *Of the Laws of Ecclesiastical Polity* (1594), Methodism's chief influence upon law and public policy comes from its emphasis upon social holiness and social reform.

⁷⁹ R.H. Tawney, *Religion and the Rise of Capitalism* (New York, N.Y.: Mentor Books, 1954), pp. 156 – 157:

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 moneylender 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.**

⁸⁰ Ibid.

⁸¹ Goldwin Smith, *A History of England*, supra, p. 455.

I. Methodism and the Religious Society Movement within the Church of England

The rise of the Methodism in both Britain and America is connected to the personal biography of the Rev. John Wesley (1703 – 1791); to the story of the Society of the Propagation of the Gospel in Foreign Parts (SPG); and to the SPG's failed effort to establish the Church of England in colonial British North America during the period 1701 to 1785.⁸²

During this period, the American colonies were placed under the direct oversight of the Bishop of London, but Puritan colonial New England and most of other American colonies wanted no part of the Bishop of London's ecclesiastical authority, jurisdiction, and influence in America. These Americans colonists did not want orthodox Christianity (i.e., Catholic or Anglican Christianity) or a strong Church of England on American soil. In colonial New England, the only "orthodox" Christian theology that was permissible was Puritanism. But as the British Empire became more and more commercialized in the 18th-century, the American colonies did not want "catholic" jurisprudence, or even orthodox Puritan jurisprudence, to be interposed into American secular law—especially American commercial law, real property law, and family law. Nor did the American colonists want Anglican bishops, ecclesiastical courts, or ecclesiastical judges on American soil.

Hence, through rejecting the widespread establishment of the Church of England on American soil, the American colonists were rejecting the necessary legislative, administrative, and juridical infrastructures that were part and parcel of English constitutional law and jurisprudence. The Church of England was, and is, a part of the English Constitution, and it was unlike any other church denomination, as we have come to understand the meaning of "church" and "denomination" in the United States. Indeed, the Church of England has a privileged "constitutional status" in England, not unlike the British Parliament or the British Monarchy. The Church of England not only controlled vast amounts of property, but it also controlled England's major universities, its great cathedrals, churches, and foundations, as well as England's ecclesiastical and chancery courts. The standard constitutional treatise in England was Dr. Richard Hooker's *Of the Law of Ecclesiastical Polity* (1594), which held generally that the Catholic legal philosophy of St. Thomas Aquinas had been incorporated into the Anglican legal system; that the British Crown is the head of the Church and the State; and that the Church and

⁸² See *The Apostolate Papers*, Paper No. 60, Part XLIII. Anglican Church: "A History of the Society for the Propagation of the Gospel in Foreign Parts (SPG) in the British North American Colonies from 1701 to 1785"

the State were really two sides of the same coin. As such, in England, there is no clean break between Christian jurisprudence and Britain's secular jurisprudence. See, e.g., Table 3, below:

Table 3. Thomas Woods in *Institutes of the Laws of England* (1720)

“As Law in General is an Art directing to the Knowledge of Justice, and to the well ordering of civil Society, so the Law of England, in particular, is an Art to know what is Justice in England, and to preserve Order in that Kingdom: And this Law is raised upon ... principal Foundations.

1. Upon the **Law of Nature**, though we seldom make Use of the Terms, *The Law of Nature*. But we say, that such a **Thing is reasonable, or unreasonable, or against the....**

2. Upon the **revealed Law of God**, Hence it is that our Law punishes Blasphemies, Perjuries, & etc. and receives the Canons of the Church [of England] duly made, and supported a spiritual Jurisdiction and Authority in the Church [of England].

3. The third Ground are several general *Customs*, these Customs are properly called the *Common Law*. Wherefore when we say, it is so by **Common Law**, it is as much as to say, by common Right, or of common Justice.

Indeed it is many Times very difficult to know what Cases are grounded on the **Law of Reason**, and what upon the *Custom* of the Kingdom, yet we must endeavor to understand this, to know the perfect Reason of the Law.

Rules concerning Law

The *Common Law* is the **absolute Perfection of Reason**. For nothing that is contrary to Reason is consonant to Law

Common Law is common Right.

The Law is the Subject's best **Birth-right**.

The Law respects the **Order of Nature....”**

Source: Thomas Wood, LL.D., *An Institute of the laws of England: or, the Laws of England in their Natural Order* (London, England: Strahan and Woodall, 1720), pp. 4-5.

This merger of the Christian religion into England's secular jurisprudence is also both constitutional and historical. And, as such, the Church of England has long played a very important role at every level of the British government—whether in Parliament through

its bishops sitting as “lords spiritual” in the House of Lords or through its various ecclesiastical, chancery, and common law courts.

A. The Church of England’s Convocation System

The 18th-century Church of England’s governing structure had been inherited largely from the ancient and medieval Roman Catholic Church, and the Church of England was susceptible to all of the Catholic Church’s virtues and vices. During the 1700s, the “vices” of the Church of England became problematic for many pious Christians. In order to better understand the Church of England’s constitutional, administrative, and judicial role in British government, a quick review of the following chart that outlines England’s ecclesiastical courts in both illustrative and instructive:

Table 4. The Ecclesiastical Courts of the Church of England, 1700 to Present

CHURCH		CHURCH COURT	
General Synod of the Church of England⁸³	<p>The General Synod is the Legislative Body of the C.O.E.</p> <p>Created by the Church of England Assembly (Powers) Act of 1919⁸⁴</p> <p>The Synod is authorized to pass</p> <ul style="list-style-type: none"> Measures (i.e., Acts of Parliament); and Canons 	Parliament	<p><u>LEGISLATIVE REVIEW/ APPROVAL:</u></p> <ul style="list-style-type: none"> Monarchy of England House of Lords House of Commons <p>“The [Church of England Assembly (Powers) Act of 1919] required that, after being passed by the assembly, the measure had to be examined by a joint committee of both Houses of Parliament which prepared a report to both houses. If then approved by each House,</p>

⁸³ “The functions of the synod are:

Legislation:

- to pass measures dealing with the government of the church and its institutions,
- to pass canons, determining doctrine and the form of worship,[9]
- to approve the liturgy and make other rules and regulations through Acts of Synod,[10]
- to regulate relations with other churches,
- to consider and express their opinion on any other matters of religious or public interest, and
- to approve or reject the annual budget of the church.”

https://en.wikipedia.org/wiki/General_Synod_of_the_Church_of_England

⁸⁴ In 1714, George II prorogued the Church of England’s convocation, thus preventing it from enacting legislation. Prior to the 1919 act, only Parliament could enact laws on behalf of the Church of England, and this meant that little or not legislative enactments (i.e., “measures”) were passed.

https://en.wikipedia.org/wiki/General_Synod_of_the_Church_of_England

	<p><u>History of the Synod:</u></p> <ul style="list-style-type: none"> • Convocation of Canterbury and York dated back to 7th century • In 1717, King George I prorogued the Convocations, preventing it from passing legislation • During 1850s, a strong movement to revitalize the Convocations commenced, leading to the Act of 1919. 		<p>it was submitted to the Sovereign for royal assent. If MPs or members of the House of Lords were not content with a measure then they could vote to reject it, but not amend it. Once a measure had been agreed (“deemed expedient”) by both Houses of Parliament, and received royal assent, it was (from 1926) printed with the Acts of Parliament for the year in question.”⁸⁵</p>
<ul style="list-style-type: none"> • House of Bishops 	<p>Most of the Bishops are from Canterbury and York.⁸⁶</p>		
<ul style="list-style-type: none"> • House of Clergy 	<p>Most of the clergymen are from Canterbury or York dioceses.⁸⁷</p>		
<ul style="list-style-type: none"> • House of Laity 	<p>Most of the lay representatives are from the Canterbury or York dioceses.⁸⁸</p>		
<p>Province</p> <ul style="list-style-type: none"> • Archbishop of Canterbury (“Primate of All England”) • Archbishop of York (“Primate of England”) 		<p>Province Courts</p> <ul style="list-style-type: none"> • Arches Court (Canterbury) • Chancery Court (York) 	<p><u>Appellate Review by:</u></p> <ul style="list-style-type: none"> • Privy Council (“Queen-in-Council”) • Commission of Review

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Ibid.

Diocese	<p>The Diocese is:</p> <ul style="list-style-type: none"> • Headed by Bishops (Diocesan) • Supported by Suffragan Bishops 	<p>Diocesan Courts</p> <ul style="list-style-type: none"> • Commissary Court (Canterbury) • Consistory Court (all other Dioceses) 	<p><u>Appellate Review by:</u></p> <ul style="list-style-type: none"> • Province Courts
Archdeacon	<p>The Archdeaconry is:</p> <ul style="list-style-type: none"> • Headed by an Archdeacon (Senior Priest) • An Archdeacon presides over a “district” that includes 2 or more Parishes 	<p>Court of the Archdeacon</p> <ul style="list-style-type: none"> • General Court handles “non-doctrinal” cases • Parish disputes and cases 	<p><u>Appellate Review by:</u></p> <ul style="list-style-type: none"> • Diocesan Courts
Deanery	<ul style="list-style-type: none"> • A Deanery consists of a number of Parishes • Headed by a Senior Priest • Deanery Synod (Laity and Clergy) 	<p>Court of the Archdeacon</p> <p>(See above)</p>	
Parish	<ul style="list-style-type: none"> • Headed by a Parish Priest called the “Rector” • Vicar- a priest who assists the Rector • Parish Church Council (e.g., “Vestry Committee”) consists of lay members; church wardens; and clergymen) 	<p>Court of the Archdeacon</p> <p>(See above)</p>	

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<p>Religious Societies</p>	<p><u>Examples of Religious Societies:</u></p> <ul style="list-style-type: none"> • Religious Societies authorized to implement the objectives and goals of the Parish, Diocese, Province, etc • Province-Level: Society for Promoting Christian Knowledge (SPCK) • Province-Level: Society for the Propagation of the Gospel in Foreign Parts (SPG) • Province-Level: Society for the Reformation of Manners (SRM) • Parish- Local Level: spontaneous and voluntary groups of local clergy and laity (e.g., the Methodist Societies of the 18th century). “The religious societies attacked the problem of immorality on a personal, individualistic basis.... The stated purpose of the societies 		

	<p>was to promote ‘real holiness of heart and life.’”⁸⁹</p> <ul style="list-style-type: none"> • The Oxford Society, 1720s-30s • The Methodist Societies, 1730s-80s. 		
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Largely because of the Church of England’s infrastructure, Anglican bishops and the Society for the Propagation of the Gospel in Foreign Parts (SPG) were not popular within the American colonies. For this reason, Anglican priests who lived in colonial British North America during the period 1700 – 1775 were considered as agents and symbols of the British Crown on American soil.⁹⁰ Thus, to be a “high churchman,” as

⁸⁹ Richard P. Heitzenrater, *Wesley and the People Called Methodists* (Nashville, TN: Abingdon Press, 2013), pp. 22-23.

⁹⁰ “Embracing the symbols of the British presence in the American colonies, such as the monarchy, the episcopate, and even the language of the Book of Common Prayer, the Church of England almost drove itself to extinction during the upheaval of the American Revolution. More than any other denomination, the War of Independence internally divided both clergy and laity of the Church of England in America, and opinions covered a wide spectrum of political views: patriots, conciliators, and loyalists. While many Patriots were suspicious of Loyalism in the church, about three-quarters of the signers of the Declaration of Independence were nominally Anglican laymen, including Thomas Jefferson, William Paca, and George Wythe. It was often assumed that persons considered “High Church” were Loyalists, whereas persons considered “Low Church” were Patriots: assumptions with possibly dangerous implications for the time. Of the approximately three hundred clergy in the Church of England in America between 1776 and 1783, over 80 percent in New England, New York, and New Jersey were loyalists. This is in contrast to the less than 23 percent loyalist clergy in the four southern colonies. Many Church of England clergy remained loyalists as they took their two ordination oaths very seriously. Anglican clergy were obliged to swear allegiance to the king as well as to pray for the king, the royal family, and the British Parliament. In general, loyalist clergy stayed by their oaths and prayed for the king or else suspended services. By the end of 1776, some Anglican churches were closing. Anglican priests held services in private homes or lay readers who were not bound by the oaths held morning and evening prayer. During 1775 and 1776, the Continental Congress had issued decrees ordering churches to fast and pray on behalf of the patriots. **Starting July 4, 1776, Congress and several states passed laws making prayers for the king and British Parliament acts of treason.** The patriot clergy in the South were quick to find reasons to transfer their oaths to the American cause and prayed for the success of the Revolution. One precedent was the transfer of oaths during the Glorious Revolution in England. Most of the patriot clergy in the South were able to keep their churches open and services continued. In the wake of the Revolution, American Episcopalians faced the task of preserving a hierarchical church structure in a society infused with republican values. When the clergy of Connecticut elected Samuel Seabury as their bishop in 1783, he sought consecration in England. The Oath of Supremacy prevented Seabury’s consecration in England, so he went to Scotland; the non-juring bishops of the Scottish Episcopal Church consecrated him in Aberdeen on November 14, 1784, making him, in the words of scholar Arthur Carl Piepkorn, ‘the first Anglican bishop appointed to minister outside the British Isles.’ On August 3, 1785, the first ordinations on American soil took place at Christ Church in Middletown, Connecticut.

By 1786, the church had succeeded in translating episcopacy to America and in revising the Book of Common Prayer to reflect American political realities. Later, through the efforts of Bishop Philander Chase (1775–1852) of Ohio, Americans successfully sought material assistance from England for the purpose of training Episcopal clergy. The development of the Protestant Episcopal Church provides an example of how Americans in the early republic maintained important cultural ties with England. In 1787, two priests – William White of Pennsylvania and Samuel Provoost of New York – were consecrated as bishops by the archbishop of Canterbury, the archbishop of York, and the bishop of Bath and Wells, the

Rev. John Wesley (1703 – 1791) and many others were, meant to symbolize both the King of England and the entire apparatus of the Church of England on American soil.⁹¹

But the SPG also failed to establish the Church of England on American soil, because, even in England, the Whig party led a powerful movement to dismantle orthodox Christianity throughout the British Empire. These powerful British Whigs did not like the influential role which the Church of England’s churchmen exercised over very important matters involving secular law and public policy. For this reason, during the early 1700s, the Whig party and King George I took away almost all of the Church of England’s powers and independent authority and initiatives.⁹² From between 1688 and 1717 political tensions ran so high between the lower house of Convocation (i.e., the regular Anglican priests) and the upper house of Convocation (i.e., the bishops), that rather than permit these tensions to threaten England’s political stability, George I prorogued the Church of England’s Convocation in 1718. See, e.g., Table 5.

Table 5. Methodism and the Lower Convocation

CHURCH OF ENGLAND (1714 – 1800)	
UPPER CONVOCATION (Whigs; Latitudinarian Anglicans)	LOWER CONVOCATION (Tories; High Church Anglicans)
Bishops and Archbishops	Priests
<p>“Whig governments [gave] bishoprics and deaneries to Whigs without regard for learning or piety.”⁹³</p> <p>“Many ecclesiastic preferments went to highest bidders, especially to the younger sons of nobles; such men were usually neither godly nor intelligent.”⁹⁴</p>	<p>“The poorer positions were opened to individuals who were incapable of making better livings elsewhere.”</p> <p>“[M]any of the humbler clergy were pious and capable.”⁹⁹</p>

legal obstacles having been removed by the passage through Parliament of **the Consecration of Bishops Abroad Act 1786**. Thus there are two branches of Apostolic succession for the American bishops: through the non-juring bishops of Scotland who consecrated Samuel Seabury and through the English church who consecrated William White and Samuel Provoost. All bishops in the American Church are ordained by at least three bishops. One can trace the succession of each back to Seabury, White and Provoost.”

⁹¹ Ibid.

⁹² See *The Apostolate Papers*, Paper No. 61, Part XLIV. Anglican Church: “The Suppression of the Convocation of the Church of England- 1718 -1800”

⁹³ Goldwin Smith, *A History of England* (1957), p. 451.

⁹⁴ Ibid.

⁹⁹ Ibid.

“Pluralism and sinecurism prevailed everywhere.”⁹⁵

“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.”⁹⁶

“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.”⁹⁷

“There were, of course, many stalwart, virile, and hard-working Christians in the Anglican Church; but their voices were unheeded in the streets.”⁹⁸

“There were, of course, many stalwart, virile, and hard-working Christians in the Anglican Church; but their voices were unheeded in the streets.”¹⁰⁰

The 18th-century Methodist Movement was led by priest were members of the Lower House of Convocation. For example, the **Rev. John Wesley (1703 – 1791)**, **Rev. Charles Wesley (1707 – 1788)**, and **Rev. George Whitefield (1714 – 1770)** were amongst this group of hard-working Anglican clergymen who were members of the Lower Convocation.

Thereafter, the Convocation Suppression Act was passed in 1718,¹⁰¹ thus crippling the Lower Convocation’s ability to meet and to influence the public policies of the British Empire.¹⁰² The Upper Convocation was moved to the House of Lords and given the title “lords spiritual.” The Upper Convocation, largely corrupt, continued to be well-favored by the British Crown, the Whig Party, and Parliament.¹⁰³

B. The American Vestry System

Finally, the Society for the Propagation of the Gospel (SPG) failed to establish a British-style Anglican Church on American soil largely because the American planter

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² https://en.wikipedia.org/wiki/Convocations_of_Canterbury_and_York

¹⁰³ During the 1700s, the Whigs were moving fast towards empire-building, global mercantilism, money-making, and greater latitude towards religious tolerance—in both England and colonial British North America. The Whigs put measures in place to ensure that only clergymen who were “latitudinarian Anglicans” and who supported Whig policies would receive appointments to bishoprics. Those Anglican clergymen who held to traditional orthodoxy—such the Rev. John Wesley—were considered “high churchmen” and thus somewhat marginalized.

class, especially in Virginia and South Carolina, promoted a different style of Anglican church, whereby the authority of the Bishop of London and the Archbishop of Canterbury was replaced with the authority of *the vestry*.

In colonial British North America, the powerful planter classes controlled the vestries, and the vestries screened, selected, and, indeed, supervised their parish priests, rectors, vicars, and pastors. The Anglican church in colonial British North America had thus become a “republican Episcopalian” church. Instead of the King of England, the Archbishop of Canterbury, and the Bishop of London having direct control over the Anglican churches in colonial British North America, the leading American Anglicans, such as George Washington of Mount Vernon, Virginia, effectively took over ecclesiastical authority of the local Anglican churches in American, through the vestry system. This is why the Anglican Church in Virginia, and throughout the slave-holding South, became beholden to slavery, the slave trade, and the slave power¹⁰⁴ -- American planters controlled the local Anglican churches through the *vestry system*. By the early 1700s, the Anglican Church in America had thus become a “republican Episcopalian” and “pro-slavery” church. See Table 4, below:

Table 6. The Vestry System in the Anglican Church in North America

The Anglican Church in Colonial British North America	The Anglican Church in England
<u>Supreme Governor:</u> King of England	<u>Supreme Governor:</u> King of England
<u>General Church Management:</u> Bishop of London (supervisory role over the colonies) ¹⁰⁵ <u>Vestry System:</u> (A governing board of lay churchmen):	<u>General Church Management:</u> Archbishop of Canterbury or York Bishop of London, etc. Archdeacons, etc.

¹⁰⁴ Ibid., p. 96 (“As Episcopalians hemorrhaged membership, republicanism proved to be bureaucratic and inefficient in responding to an unfolding crisis. Lackluster church governance from 1785 to 1820, along with economic uncertainty propelled the Episcopal Church in Virginia and South Carolina into a nadir. Starting in the 1820s, an expanding planter class in the throes of a cotton revolution altered the South’s religious destiny. Resurgent Episcopal planters, flush with slave-produced cotton fortunes, had new financial resources to support their church’s expansion. For many Episcopalians in the South it became obvious in the forty years prior to the Civil War, that cotton had a sacred power in that it enabled the contemporary fulfillment of Haggai’s prophecy by restoring the “glory” to God’s holy temples.)

¹⁰⁵ Fletcher, Ryan Lee, “Christ and Class: The Protestant Episcopal Church in the South, 1760-1865” (2013). *Electronic Theses and Dissertations*. 1417., p. 49-50. (“The Bishop of London assumed oversight responsibilities for the colonies bereft of the episcopacy. Although southern colonists recognized the Bishop of London’s sovereignty in church matters, vestries expected the See of London to consent to their local desires.... Captive clergymen hoped an American bishop could liberate the Church of England from the hegemony of planter-vestrymen. Colonial rectors responded with enthusiasm to Archbishop Thomas Secker’s call for an American bishop in the 1760s. Thomas B. Chandler articulated the colonial clergy’s rallying cry in a pamphlet entitled *An Appeal to the Public on Behalf of the Church of England*.”)

<ul style="list-style-type: none"> • Planters, etc. • Merchants, etc. • Lawyers, etc. <hr style="width: 20%; margin-left: 0;"/> <p>NOTE: This same class (i.e., Planters, Merchants, and Lawyers) was predominant amongst the singers of the <i>Declaration of Independence</i> (1776) and at the Constitutional Convention of 1787. They were “latitudinarian Anglicans” and “Whig” patriots. See, e.g., Appendices E, F, and G.</p>	
<p><u>Parish-Level Church:</u></p> <ul style="list-style-type: none"> • Parish Priests • Vicars • Curates, etc. 	<p><u>Parish-Level Church:</u></p> <ul style="list-style-type: none"> • Parish Priests • Vicars • Curates, etc.

This meant that whatever Gospel that was preached in these southern colonies had to accommodate the institution of slavery. Anglican pastors in the South could not preach abolitionism or anti-slavery rhetoric, and generally these same Anglican pastors tended to cater to the upper echelons of powerful slave-holding families, such as the families of George Washington and James Madison, which controlled the Anglican-church vestry system.¹⁰⁶ As we shall discuss below, after the American Revolution (1775 – 1781), the American Anglicans created the new Protestant Episcopal Church of the United States (in order to replace the Church of England), and its ecclesiastical constitution was both “republican” in form and acknowledged the sovereignty of the new United States Constitution. There was synergy between the founding of the United States and the founding of the Protestant Episcopal Church—both were founded during the same period (1785 to 1789), in the same city (i.e. Philadelphia), and by the same constituencies, to wit: *planters, merchants, and lawyers*. Together, they both exemplified latitudinarian Anglicanism, the Protestant Elizabethan Settlement of 1559, and religious tolerance and liberty.

It is within this ecclesiastical, political, and social landscape that the Methodist movement arose in England and colonial British North America. during the early 1720s

¹⁰⁶ See, e.g., Fletcher, Ryan Lee, "Christ and Class: The Protestant Episcopal Church in the South, 1760-1865" (2013). *Electronic Theses and Dissertations*. 1417, p. 77. (“As the planter of Mount Vernon and Pohick Church, George Washington personified the emergence of Episcopal republicanism in the southern colonies. Washington’s service to Truro Parish evidenced both the early modern nature of the Church of England and the aspirations of the planter class for a premodern Episcopal republicanism. Washington has secured historical fame for a variety of his eighteenth-century military and political accomplishments. Few historians, however, have elevated Washington’s tenure as churchwarden and vestryman.”)

and '30s, and during late 1780s and '90s. In colonial British North America, the upper echelons of the Anglican Church tended to be, inter alia, slave-holders; and they controlled the local Anglican Church through the “vestry” system. And in England, the upper echelons of the Anglican Church were comprised of the aristocracy, Whigs, the latitudinarians, the merchants, etc.; and they controlled the Church of England through the House of Bishops (or the Upper Convocation).

In 18th-century England, there was in general a widespread feeling among Anglican priests and the British working classes that the upper echelons of the Church of England really did not care about the spiritual well-being of British commoners, and that the Church of England had grown cold and corrupt. This deep-seated problem regarding the loss of faith in church by British commoners, however, did not first emerge during the early 1700s; but, instead, it had become a problem as far back as the late 1600s, during the reigns of Kings Charles II and James II, the principal founders of the Royal African Company and the transatlantic slave trade. During the late 17th and early 18th centuries, those Anglicans who longed for the old Puritan simplicity and authentic spirituality often organized “religious societies” in order to preserve what they believed to be *true and genuine religion* and the authentic, orthodox Christian faith.

Significantly, the Methodist movement was organized and conceptualized as a lower-level “religious society” movement—it was almost immediately at odds with the upper echelons of the Church of England. The Methodist movement thus reflected the same goals of the Church of England’s Society for the Propagation of the Gospel in Foreign Parts (SPG). The Methodist movement’s principal founders—the Revs. John and Charles Wesley and Rev. George Whitefield—were parish-level Anglican priests. Both John and Charles Wesley, who took over the leadership of the Methodist societies in England, were adamant that the Methodist societies did not consider themselves as separate churches and would never break away from the Church of England. As an Evangelical movement, the Methodists were concerned about ministering to the common man and encouraging holiness and righteous living. Again, the Wesley brothers were adamant that the Methodist movement was not designed or equipped to “break away” from the Church of England. There was “no essential conflict between the teachings of Methodism and the Anglican Church. It was a question of spirit, of emphasis.”¹⁰⁷ Like their Puritan forefathers, the Methodists sought to spiritually revitalize the Church of England.

¹⁰⁷ Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), p. 454.

What were the goals of Methodism? It was, stated simply, twofold: first, to spread “scriptural holiness” throughout the nation; and, secondly, to spiritually revitalize and rehabilitate the Church of England.¹⁰⁸

The Methodist movement utilized the same hymnals, *Book of Common Prayer*, and *Thirty-Nine Articles of Religion*, as did the Church of England. Its conception of Christian polity was deeply-rooted in orthodox Anglicanism and Dr. Hooker’s *Of the Laws of Ecclesiastical Polity* (1594). The Methodist movement also relied upon the same parish priests, parish churches, parish administration of the Sacraments, ecclesiastical laws and courts, episcopal leadership, and sacred history, as did the Church of England. For this reason, to be a Wesleyan Methodist during the late 18th century was to be an Anglican in every possible way— i.e., to be a member of the Church of England and subject to the ecclesiastical discipline of Anglican bishops.¹⁰⁹

Methodism was never designed to exist independent of its orthodox Anglican roots. Nor was it ever intended that Methodism would dis sever its ties to the Church of England. Revs. John and Charles Wesley were “High-Churchmen” who did not support abandoning the ecclesiastical, episcopal, and hierarchical bureaucracy of the Church of England. Nor did the Wesley brothers ever support what they believed to be the radical goals of the American Revolution. British Methodism had grown out of the “religious society” movement of the Church of England, especially the “Lower Convocation” (i.e., the House of Clergy) and its unique concerns about the decadent tendencies and worldliness of the “Upper Convocation” (i.e., the House of Bishops). As Tories and High Churchmen, the Wesley brothers were not opposed to the goals of the Society for the Propagation of the Gospel in Foreign Parts or to establishing a strong Church of England on American soil.¹¹⁰ When the SPG failed to establish the Church of England in colonial British North America from the period 1701 to 1776, it essentially failed to assist the

¹⁰⁸ Richard P. Heitzenrater, *Wesley and the People called Methodists* (Nashville, TN: Abingdon Press, 2013), p. 239.

¹⁰⁹ In the new United States of America of 1784, the new Methodist Episcopal Church that was established, was untied and unconnected to the Church of England’s system of provinces, dioceses, and ecclesiastical laws and courts. British Methodism remained connected to a rich legal tradition that incorporated the Christian religion into its secular law for more than a thousand years, and a rich political heritage that had established the Church of England as a constitutional entity within body politic. But American Methodism—and especially African Methodism—became dis severed from Britain’s rich Anglican legal tradition and Anglican political heritage, to wit: Dr. Richard Hooker’s *Of the Laws of Ecclesiastical Polity* (1594). Thus cut off from direct legal and political ties to the government, and far less likely to conceptualize secular law and courts as the tools of Divine Providence, American Methodism is much more “evangelical” than British Methodism; but, as an evangelical church dis severed from its Anglican legal heritage, American Methodism is far less likely to hold the American civil government or the American civil magistrate accountable to God’s natural moral law.

¹¹⁰ See *The Apostolate Papers*, Paper No. 60, Part XLIII. Anglican Church: “A History of the Society for the Propagation of the Gospel in Foreign Parts (SPG) in the British North American Colonies from 1701 to 1785”

American colonists with establishing Christian jurisprudence on American soil.¹¹¹ But, at the same time, the SPG's failure left open a void, and the American Methodist movement stepped up to fill that void.

When the SPG's official mission came to an end in colonial British North America in 1785, that mission was unwittingly and unofficially passed to the capable hand of Bishop Francis Asbury, Bishop Thomas Coke, and the new Methodist Episcopal Church. Indeed, the Methodist Episcopal Church sprung up from ashes of the SPG. This paper explores why Methodism arose and grew exponentially during the early 18th century.

II. Why Methodism Arose during the early 1700s

The Reverend John Wesley himself believed that ever since the Restoration of the Stuart Monarchy in 1660, the whole fabric of English society had started to decline morally and spiritually. In Wesley's paper "An Estimate of the Manners of the Present Times" (1785), he concluded:

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 of 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, at Restoration, 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?

When King Charles II was restored to the Monarchy in 1660, he removed the Puritan influence in Parliament, and thus diminished the work of the great Puritan divines such as the Rev. Richard Baxter (1615 – 1691) and the Rev. John Westley (1636 – 1678).¹¹² Coincidentally, under King Charles II, the colonies of North and South Carolina were founded, and initiation of the wicked transatlantic slave trade was commenced. There was also an abrupt return to a doctrine of absolutist "divine right of kings." The English Puritans during the late 1600s fell into two camps: Calvinists and Arminians. The English Calvinists referred to the Arminian sect as "New Methodists," because they were

¹¹¹ Ibid.

¹¹² **Rev. John Westley (1636–78)** was an English nonconformist minister. He was the grandfather of John Wesley (founder of Methodism). NOTE: the last name is spelled "Westley" instead of "Wesley." "He married a daughter of John White, who was related also to Thomas Fuller. White, the "Patriarch of Dorchester", married a sister of Cornelius Burges. Westley's eldest son was Timothy (born 1659). Their second son was Rev. Samuel Wesley, a High Church Anglican vicar and the father of John and Charles Wesley. A younger son, Matthew Wesley, remained a nonconformist, became a London apothecary, and died on 10 June 1737, leaving a son, Matthew, in India; he provided for some of his brother Samuel's daughters." https://en.wikipedia.org/wiki/John_Westley

“persons using this new (that is, wrong) method” regarding their “views of justification and sanctification.”¹¹³ But regardless of perspective, both the Puritan Calvinists and Puritan Arminians were driven underground into the “religious society” movements of the late 1600s. Both John and Charles Wesley grew up in a household and a church that was a part of this “religious society” movement in the form of the Epworth Religious Society.¹¹⁴

The 18th-century Methodist movement stood upon the shoulders of the “religious society” movement (late 1600s), the Society for Promoting the Christian Gospel (SPGK, founded 1698) and the Society for the Propagation of the Gospel in Foreign Parts (SPG, founded 1701). As shown in Table 1 above, at the “parish-level” of the Church of England, there was considerable latitude in how Parish priests were encouraged and permitted to spread, teach, and promote the Gospel of Jesus Christ. One such method was to organize religious societies in order to promote character development, social holiness, and social responsibility. John Wesley’s father, the Reverend Samuel Wesley, who was rector of the Epworth parish, “became involved in this movement.”¹¹⁵ He started the Epworth Religious Society, thus exposing John and Charles Wesley to this style of religious organization while they were children. “The religious societies attacked the problem of immorality on a personal, individualistic basis. Theirs was no social program to reform England in one grand stroke. The approach instead was to work toward the transformation of society by changing one person at a time.”¹¹⁶ The Wesley brothers’ mother, Susanna Wesley, “is traditionally given much of the credit for raising and nurturing her sons, Charles and John, in such a fashion that the Methodist movement might seem a natural outgrowth of the devotional life and though of the Epworth rectory.”¹¹⁷ In addition, while John Wesley was quite young, he became a corresponding member of the Society for Promoting Christian Knowledge (SPCK); and after his ordination at Oxford, he would eventually become one of the first clergymen to accept an assignment to Georgia as a clergymen whose salary was sponsored by the Society for the Propagation of the Gospel in Foreign Parts (SPG).

A. Oxford University: Irreligion, Deism, and the Holy Club, 1720-1735

John Wesley matriculated at Christ Church, Oxford in 1720 and received his bachelor’s degree in 1724. He immediately commenced training as a deacon and prepared for ordination. Meanwhile, he also commenced studies for the Master of Arts degree, after which he would qualify for ordination as a presbyter or priest. It was during

¹¹³ Heitzenrater, *Wesley and the People Called Methodists*, p. 19.

¹¹⁴ *Ibid.*, pp. 19-22.

¹¹⁵ *Ibid.*, p. 22.

¹¹⁶ *Ibid.*

¹¹⁷ *Ibid.*, p. 27.

this period when he commenced preparation for ordination and studying for the master's degree that Wesley became confused about the precise requirements for justification and sanctification. Wesley then acquired and cultivated a sincere desire for knowledge about *holy living* and *inward purity*. He began to entertain "a conviction that holy living is essential to the nature of true Christianity."¹¹⁸ He also felt that there was a potential for back-sliding, and thus concluded that there was a need to programmatically discipline and organize one's life around conscientious holy living. At the same time, Wesley shared his concerns and questions with his parents Samuel and Susanna Wesley.

On March 17, 1726, John Wesley won a fellowship to Lincoln College, Oxford. As a Fellow of Lincoln, he was guaranteed an income (i.e., a yearly stipend for life for so long as he remained unmarried), food and lodging, and students under his charge. In June 1726, his brother Charles Wesley came to Christ Church. At that time, the Wesley brothers and their associates had not commenced their spiritual gatherings and meetings. On February 14, 1727, John Wesley graduated to the Master of Arts degree. He was ordained a presbyter on September 22, 1728.

Meanwhile, and much to his chagrin, Charles Wesley was struggling against the influences of Deism, humanism, and irreligion at Oxford. The anti-Christian spirit was so strong that Charles Wesley sought from his brother John advice on how a Christian student should conduct himself in such a worldly academic environment. "Charles was now [John's] willing companion: 'If you would direct me to the same, or a like method with your own, I would gladly follow it.'"¹¹⁹ Thereafter, John gave his brother Charles Wesley advice on how to conduct his spiritual life at Oxford, and soon Charles was joined by his friends William Morgan and Bob Kirkman. They began to get together occasionally for study and going to church once or twice a week. In 1729, the "little band of friends, encouraged by the presence of John, occasionally met together for study, prayer, and religious conversation, attended the Sacrament regularly, and kept track of their lives by daily notations in a diary."¹²⁰

By late winter of 1729-1730, the meetings began to be organized with regularity. In the summer of 1730, William Morgan suggested that the group begin to visit the debtors and condemned felons in the Castle prison. "**The public chose to turn a blind eye to the inequities of the law, the conditions of the prisons, and the implicit blight that such a situation presented to their social order....** The group, growing slowly to five or six members, began to set a schedule for such visits; John's time was Saturday afternoon.... Before long, the Methodists were spending several hours a week with the

¹¹⁸ Ibid., p. 41.

¹¹⁹ Ibid., p. 42.

¹²⁰ Ibid., p. 43.

poor and needy in the town.... [T]he Methodist's scheme of social action, also began bringing together children of poor families in Oxford at least as early as the spring of 1731."¹²¹ Soon, other Oxford students began the derisively call this group scornful names such as "The Holy Club," "Bible Moths," "Supererogation Men," etc., because of their demonstrated piety and acts of charity. Meanwhile, Rev. John Wesley became the recognized leader of this student group at Oxford, and he changed or modified his previous career plans in order to promote this new Oxford Club.

For example, Rev. Wesley started to preach at the Castle prison at least once per month, and he solicited support from the Society for Promoting Christian Knowledge (SPCK).¹²² Sometime during the year 1732, John Bingham, a graduate of Christ Church, Oxford, noted that "a new set of Methodists sprung up among us," thus referring to Rev. Wesley and the Oxford Club.¹²³ Somehow, the name "Methodist" stuck to Wesley's Oxford Club, "for a variety of reasons, derogatory and otherwise."¹²⁴ And then, suddenly, one of the members of through club, William Morgan, died. Morgan's death created a stir at Oxford, as criticism of the Methodist's rigorous lifestyle came under scrutiny. Someone published an anonymous article titled "The Oxford Methodists" (1733), which caused Rev. Wesley to have some concerns regarding how the Holy Club was perceived. As a consequence, Rev. Wesley published his "Morgan Letter" in rebuttal. In this letter, he explained and defended the history, goals, and actions of his club. This "Morgan Letter" essentially marked the first historical marker of the Methodist movement. During the period 1733-35, the Methodist men represented some eight colleges: Christ Church, Lincoln, Queen's, Brasenose, Merton, Magdalen and Exeter.¹²⁵ These college men were resisting the worldly and secular trends of Georgian society; they were fighting to preserve the authentic and primitive Christian faith of holiness and godliness, despite the growing pressures of irreligion and Deism.

B. John Wesley: In Search of Holiness and Ministry in the colony of Georgia, 1736- 1737¹²⁶

Now the Society for the Propagation of the Gospel in Foreign Parts (SPG) tried but failed, between the period 1701 to 1785, to establish the orthodox Anglican faith upon American soil, and the experiences of the Rev. John Wesley in the colony of Georgia is a microcosm of that history. John Wesley has said that the second rise of

¹²¹ Ibid., pp. 44-45.

¹²² Ibid., p. 49.

¹²³ Ibid., p. 50.

¹²⁴ Ibid., p. 51.

¹²⁵ Ibid., p. 54.

¹²⁶ This section is an extension of *The Apostolate Papers*, No. 60, Part XLIII. Anglican Church: "A History of the Society for the Propagation of the Gospel in Foreign Parts (SPG) in the British North American Colonies from 1701 to 1785."

Methodism occurred in Savannah, Georgia. But it is hard to see how his Methodist philosophy took root or made a difference, at least during these early years of 1736-1737.

As a representative of the SPG, the Reverend John Wesley was a “High-Church” Anglican in colonial Georgia. From the beginning, it does not appear that the SPG or Rev. Wesley, who was then in his early 30s and an unmarried bachelor, had been adequately briefed on the unique challenges of colonial life, particularly in the southern colonies of Georgia and the Carolinas. Rev. Wesley went to Georgia as a priest and member of the Society for the Propagation of the Gospel in Foreign Parts (SPG) and also at the special invitation of Governor James Oglethorpe, who was an original founder of this colony. Georgia had been founded in 1732 as a reformatory colony for debtors. It was founded upon Christian principles. For example, that was the interpretation of General James Oglethorpe and the proprietors of the colony of Georgia, as Historian W.E.B. Du Bois tells us:

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.’¹²⁷

But when Rev. Wesley arrived at Savannah, Georgia, he found a colony of European settlers who seemed naturally disposed to rebel against the Christian spirit and the colonial laws prohibiting slavery, rum, and whisky. First off, he discovered that many colonists were smuggling rum and whisky into the colony notwithstanding established law, and Wesley observed drunkenness in Georgia. Moreover, the established Anglican

¹²⁷ W.E.B. Du Bois, “The Suppression of the African Slave Trade,” *Writings* (New York, N.Y.: The Library of America, 1986), p. 15. (See, also, Michael Thurmond, “Why Georgia’s Founder Fought Slavery,” <https://www.savannahnow.com/article/20080215/OPINION/302159906>, stating:

These original Georgians arrived in the New World, inspired by the promise of economic opportunity embodied in the Georgia plan. This bold visionary plan established Georgia as a unique economic development and social welfare experiment. The new colony was envisioned as an “Asylum of the Unfortunate,” a place where England’s “worthy poor” could earn a living exporting goods produced on small farms. From the outset, Oglethorpe and his colleagues found slavery inconsistent with the colony’s goals, arguing that it would undermine poor, hardworking white colonists. Oglethorpe later asserted that he and his fellow trustees prohibited slavery because it was “against the Gospel, as well as the fundamental law of England.”

Church in Savannah had a different “culture” than what Wesley had become accustomed to in England.

In Savannah, not much was expected from the pastor except the basic rituals and sacraments, and occasional Sunday sermons. Therefore, when Rev. Wesley came to Savannah and sought not only to preach the Gospel but to promote genuine **holiness**, to impose high ecclesiastical standards for membership, taking Holy Communion, qualifying for Baptism, serving as church officers, and the like, *many members in his own parish turn against him*. Within the parish in Savannah, Rev. Wesley found few like-minded Christians, but outside of the Anglican parish he found a group of German Pietists called Moravians (i.e., Lutherans) whom he took great affinity toward. While sailing across the Atlantic Ocean, Wesley first met the Moravians and became deeply impressed with their spirituality and firm belief in the power of God, notwithstanding a tempest that had threatened the safety of the ship. Upon his arrival in Savannah, Rev. Wesley continued to learn more about how to attain the inner righteousness and holiness which the Moravians seemed to exhibit.

Rev. Wesley also spent time with the local Native American tribes. He began to learn their language in an effort to help carry out the mission of the SPG. But he found the Native Americans to be largely disinterested in learning the Christian faith. Wesley also traveled to South Carolina to check up on the spiritual well-being of African American slaves in that colony; and he was appalled to learn that many of them had been denied the blessings of the Christian religion.¹²⁸ His impression of these slaves’ attitude toward the Christian faith was much more positive than his impression of the Native Americans’. His communications with some of the slaves caused him to believe that they had a genuine desire to learn the Christian faith. Rev. Wesley suggested that the planters ascertain which of their slaves had the ability and desire to learn the Christian faith and make provisions for them to do so.¹²⁹

Though he mentions the willingness of some gentlemen in Carolina to pursue this goal, there is no indication that the plan was ever put into effect. He was constantly reminded of the truth of his earlier comment to Georgia Trustees; ‘A parish of above two hundred miles in length laughs at the labor of one man.’ (*Letters*, 25:474). Wesley’s opposition to inhuman treatment, however, was persistent and extended also to the many instances of white enslavement that came to his attention, including the sad cases of Rachel Ure and David Jones, the latter’s suicide resulting from mistreatment at the

¹²⁸Heitzenrater, *Wesley and the People Called Methodists*, p. 74.

¹²⁹ *Ibid.*

hands of Captain Williams, a notorious plantation owner (*J&D*, 18:177, 445-46).¹³⁰

And, lastly, Rev. Wesley began to work with one of his parishioners who had already started a religious society in Savannah—it met on Wednesday, Friday, and Sunday nights. This was a small group, but Rev. Wesley had decided to upbuild it, utilizing his Methodist principles, and as a way to influence and change the rest of the Anglican parish, which was “largely apathetic” and mostly “unchurched English parishioners.”¹³¹ But the Savannah parish rejected Wesley’s spiritual leadership, even going so far as to file criminal charges against him.¹³² It must be admitted, then, that Rev. Wesley’s

¹³⁰ Ibid.

¹³¹ Ibid., p. 69.

¹³² At the time when Rev. Wesley was in Georgia, he was a bachelor, and probably fell into temptation as he had expressed a romantic interest in one Ms. Sophy Hopkey, who was engaged to a man named William Williamson—both church members under Rev. Wesley’s pastoral care. All of this led to problems, which Rev. Wesley’s passions caused to unravel out of control:

Sophy Hopkey’s hasty marriage to William Williamson was not only personally devastating to Wesley as a suitor, but also was ecclesiastically improper in the eyes of Wesley, the parish priest. His subsequent discovery of her secretly duplicitous behavior and her lack of penance led him to bar her from Communion (following the rubrics of the *(Book of Common Prayer)*, a public affront that led her new husband to bring a series of charges to the grand jury in Savannah.

Thomas Causton, the chief magistrate and guardian of Ms. Hopkey, is described in Wesley’s journal as having spread false rumors describing Wesley as:

‘a sly hypocrite, a seducer, a betrayer of my trust, an egregious liar and dissembler, and endeavourer to alienate the affections of married women from their husbands, a drunkard, the keeper of a bawdy-house, an admitter of whores, whoremongers, drunkards, ay, and of murderers and spillers of blood to the Lord’s Table, a repeller of others out of mere spite and malice, a refuser of Christian burial to Christians, a murderer of poor infants by plunging them into cold water, a Papist, if not a Jesuit, or rather, an introducer of a new religion, such as nobody ever heard of; a proud priest, whose view it was to be a bishop, a spiritual tyrant, an arbitrary usurper of illegal power; a false teacher enjoining others under peril of damnation to do what I would omit myself, to serve a turn; a denier of the King’s supremacy, an enemy to the colony, a sower of sedition, a public incendiary, a disturber of the peace of families, a raiser of uproars, a ringleader of mutiny’—in a word, such a monster ‘that the people would rather die than suffer him to go on thus.’ (*J&D*, 18:540-41)

The Georgians brought ten “true bills” of indictment against Rev. Wesley, as follows:

1. By writing and speaking to Mrs. [Sophy] Williamson against her husband’s consent.
2. By repelling her from the Holy Communion.
3. By dividing the Morning Service on Sunday.
4. By not declaring my adherence to the Church of England.
5. By refusing to baptize Mr. Parker’s child by sprinkling unless the parents would certify it was weak.
6. By repelling Mr. Gough from the Holy Communion.
7. By refusing to read the Burial Service over Nathanael Pollhill, an Anabaptist.
8. By calling myself Ordinary of Savannah.
9. By refusing to receive William Aglionby as a godfather, because he was not a communicant.
10. By refusing Jacob Matthews for the same reason....

These would have provided the basis of a trial, had Wesley not slipped out of the colony before the matter came to court.

mission to Georgia was a failure, but not because of any deficiencies in Wesley's motives or efforts. The fact is that most of the Georgia colonists simply did not want the sort of Christian holiness that John Wesley had brought over from England. "Wesley had landed in Georgia with high expectations; he left with some measure of bitterness and disappointment: 'I shook off the dust off my feet and left Georgia, after having preached the gospel there, . . . not as I ought, but as I was able.'"¹³³ Rev. Wesley thus left Georgia a "suffering servant," bruised and battered, and with a new perspective of living the Christian faith.

As Rev. Wesley returned to England, his friend the Reverend George Whitefield was leaving England and traveling to the Georgia colony. And so Providence ensured that the spirit of Methodism would continue spread in the colonies. Meanwhile, the Georgia Trustees in London were surprised at Rev. Wesley's sudden return. Rev. Wesley gave a "depressing report on the state of affairs"¹³⁴ in the Georgia colony. "His account of Causton¹³⁵ 'was enough to make all [the Trustees] quit,' according to one of the Trustees, the Earl of Egmont, who felt Wesley was certainly guilty of 'indiscretion' but that Causton was 'much more to blame,' being guilty of 'gross mis-administration.'"¹³⁶ Indeed, the Georgia "[t]rustees were discovering that establishing religion in the colony was much more difficult that they had imagined."¹³⁷

As I have previously mentioned in this series,¹³⁸ the failure of the SPG and the collapse of the orthodox Anglican faith in Georgia and the other twelve colonies signaled the deprecation of *the Christian foundation* of Anglo-American jurisprudence in colonial British North America¹³⁹—and this was true particularly in the South, where the positive law was used to defraud Native Americans of land, to cheat indentured servants and the poor, and to support chattel enslavement of Africans. Under such political and social

¹³³ Ibid., pp. 78-79.

¹³⁴ Ibid., p. 82.

¹³⁵ Thomas Causton was chief magistrate in Savannah, Georgia.

¹³⁶ Ibid., pp. 81-82.

¹³⁷ Ibid., p. 82.

¹³⁸ See *The Apostolate Papers*, No. 60, Part XLIII. Anglican Church: "A History of the Society for the Propagation of the Gospel in Foreign Parts (SPG) in the British North American Colonies from 1701 to 1785."

¹³⁹ Ibid.

conditions as in Georgia, Virginia,¹⁴⁰ and the Carolinas, the social holiness of Wesleyan Methodism was a pestilential abhorrence.¹⁴¹

C. John Wesley: Evangelical Conversion and Methodist Leadership, 1738 - 1770

On May 24, 1738, at Aldersgate Street, London, during a meeting composed largely of Moravians under the auspices of the Church of England, Rev. John Wesley experienced an *evangelical conversion from the Holy Ghost*, just as the Moravian ministers were reading Martin Luther's preface to the commentary of St. Paul's *Letter to the Romans*. This radical and revolutionary Christian experience had been described in Act 2:1-13, where the first Apostles heard "a sound from heaven as of a rushing mighty wind, and it filled all the house where they were standing. And there appeared unto them cloven tongues like as of fire, and it sat upon each of them. And they were all filled with the Holy Ghost...."¹⁴² St. Augustine of Hippo had described this type of conversion in his work *On Grace and Free Will*,¹⁴³ where God removes the "stony heart"

¹⁴⁰ See Thomas Jefferson, *Writings* (New York, N.Y.: The Library of America, 1984), pp. 288 – 289, stating:

There must doubtless be an unhappy influence on the manners of our people produced by the existence of slavery among us. The **whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other.** Our children see this, and learn to imitate it; for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave he is learning to do what he sees others do. If a parent could find no motive either in his philanthropy or his self-love, for restraining the intemperance of passion towards his slave, it should always be a sufficient one that his child is present. But generally it is not sufficient. The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives a loose to his worst of passions, and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities. ...

With **the morals of the people, their industry also is destroyed.** For in a warm climate, no man will labour for himself who can make another labour for him. This is so true, that of the proprietors of slaves a very small proportion indeed are ever seen to labour. And 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 of 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! The Almighty has no attribute which can take side with us in such a contest.—But it is impossible to be temperate and to pursue this subject through the various considerations of policy, of morals, of history natural and civil. We must be contented to hope they will force their way into every one's mind.

¹⁴¹ "The efforts to plan a version of High-Church mediative piety within a colony struggling to maintain basis civility and order did not gain a large following among **a population not inclined towards matters of religion.**" Richard P. Heitzenrater, *Wesley and the People Methodists*, Nashville, TN: Abingdon Press, 2013, p. 103.

¹⁴² Acts 2:2-3.

¹⁴³ Saint Augustine, *On Grace and Free Will* (Louisville, Kentucky: GLH Publishing, 2017).

from the sinner. St. Augustine uses the symbolism of the “stony heart” to depict men and women who are unwilling to turn towards God’s grace for assistance with fulfilling the royal laws of God. St. Augustine describes the assistance of grace as a process of conversion—much similar to the sort of conversions which later depicted the primitive Methodist revivals of the 18th century-- whereby an individual person will receive a “new heart,”¹⁴⁴ as is stated in the Book of Ezekiel, 36:22-27, where it is written: “[a] new heart also will I give you, and a new spirit will I put within you; and the stony heart shall be taken away out of your flesh. And I will put my Spirit within you, and will cause you to walk in my statutes, and ye shall keep my judgments, and do them.”¹⁴⁵

In *On Grace and Free Will*, St. Augustine describes a conversion experience that resembles the sort of Christian revival experiences that Christians were experiencing in Europe, England, and colonial British North America—in the First Great Awakenings and the Evangelical Revivals, as many Christians were experience the process of being “born again.”¹⁴⁶ It was the same conversion process that Martin Luther had experienced in 1517.¹⁴⁷ This conversion process was markedly different from the Anglican liturgical practices of the 18th century, thus leading to significant conflict within the Church of England, when Rev. George Whitfield, Rev. Charles Wesley, Rev. John Wesley and the

¹⁴⁴ *On Grace and Free Will*, pp. 55-56; 73-74.

¹⁴⁵ *Ibid.*, p. 57.

¹⁴⁶ I note here especially that this mode of induction into the Christian faith, that is to say, to rely upon God’s grace, has remained predominant in the African American faith tradition. For example, in his autobiography *Life and Times*, Frederick Douglass recalled his own conversion experience as follows: “Previously to my contemplation of the anti-slavery movement and its probable results, my mind had been seriously awakened to the subject of religion. I was not more than thirteen years old, when, in my loneliness and destitution, I longed for someone to whom I could go, as to a father and protector. The preaching of a white Methodist minister, named Hanson, was the means of causing me to feel that in God I had such a friend. He thought that all men, great and small, bond and free, were sinners in the sight of God: that they were by nature rebels against his government; and that they must repent of their sins, and be reconciled to God through Christ. I cannot say that I had a very distinct notion of what was required of me, but one thing I did know well: that I was wretched and had no means of making myself otherwise. I consulted a good colored man named Charles Lawson, and in tones of holy affection he told me to pray, and to ‘cast all my care upon God.’ This I sought to do; and though for weeks I was a poor, broken-hearted mourner, traveling through doubts and fears, I finally found my burden lightened, and my heart relieved. I loved all mankind, slaveholders not excepted, though I abhorred slavery more than ever. I saw the world in a new light, and my great concern was to have everybody converted. My desire to learn increased, and especially did I want a thorough acquaintance with the contents of the Bible. I have gathered scattered pages of the Bible from the filthy street-gutters, and washed and dried them, that in moments of leisure I might get a word or two of wisdom from them.” *Life and Times of Frederick Douglass* (New York, N.Y.: The Library of America, 1994), p. 538.

¹⁴⁷ This “born-again” experience in 1517 essentially eviscerated in Martin Luther’s mind the necessity of the Sacrament of Penance and several other Catholic practices, which Luther defined as a “doctrine of good works,” which could never achieve salvation. Luther thus became convinced that man could be justified through becoming born again (i.e., through “faith alone”) and not through the “works” imposed by the Roman Catholic Church through the Sacrament of Penance and other canon laws. Luther essentially adopted Saint Augustine’s theology in *On Grace and Free Will*, wherein Augustine set forth a simple and cogent argument for the doctrine of “justification through faith alone, and not works.” Luther would later take up the same theme in his masterpiece *On the Bondage of the Will*, which set forth the cogent argument that human beings were completely powerless to earn their way, through good works or through carrying out the Sacraments, into the kingdom of heaven, without God’s grace. In the process, Luther’s theology would essentially dismantle at least five of the Seven Sacraments that were enforced through the Roman Catholic Church.

Methodist movement introduced this “evangelical” conversion experience into Anglican orthodox practice.

When Rev. Wesley returned to England from his 18-month ministry in Georgia, the Methodist societies were vibrant and operating in London, Oxford, and Bristol. Rev. Whitefield had opened the Bristol region with his open-air and field preaching. As Wesley was returning to England, Whitefield was leaving England and headed to Georgia. Whitefield asked Wesley to take over the leadership of the Methodist societies in Bristol. Whereas the societies in London and Oxford were orderly and urbane, the societies in Bristol were boisterous, blue-collar, and characterized as unruly and work-class.

In Bristol, the local parish priests did not like the Methodists, so there was also tension. The local government officials and the parish priests incited the local citizens to infiltrate the Methodists and to disrupt their meetings. Rev. Wesley and the Methodist itinerants were often physically attacked. The locals even ran bulls through one of their open-air gatherings. But instead of giving up, the Bristol Methodist societies flourished. Prior to taking over this Bristol ministry, Rev. Wesley had never, or rarely, done any open-air preaching. But now filled with the Holy-Ghost, as it was received following his evangelical “Aldersgate conversion experience,” Rev. Wesley would be transformed by his new ministry in Bristol.

In London, about the year 1740, Rev. Wesley raised funds to purchase a Foundery where for the first time he established a permanent headquarters all of the different Methodist groups from throughout England who were in “connexion” with him. Not all of the independent religious societies were affiliated with the Methodists, even though some of them loosely referred to themselves as Methodists. At London, Rev. Wesley started the Foundery Society, and all of the other societies throughout England, which were in connection with him, were called the “United Societies.” Both Wesley brothers John and Charles organized these United Societies into circuits and they visited and tended to each of them, preaching in open-air venues along the way. Two features thus became associated with Wesleyan Methodism—itinerant preaching and connectional ties between its societies.

During the early 1740s, Rev. Whitefield and Rev. Wesley fell into open debate over various soteriological theologies on justification, predestination, the doctrine of assurance (perseverance), the doctrine of irresistible grace, and the doctrine of perfection. Both men claimed to be followers of the letter and spirit of the Third-Nine Articles of Religion (Church of England), but Whitefield took the Calvinist view of

justification, whereas Wesley took the Arminian view. To the extent that these two great pastors disagreed, they agreed to disagree but to work together for the good of the Methodist movement.

About this same time, Rev. Wesley also experienced unfortunate confrontation from his Moravian (i.e., Lutheran) brothers within the Fetter Lane Society, which broke away from the Methodists about this time. The problem with the Moravians is that they tended to de-emphasize the “law” in favor of “grace,” and this, according to Rev. Wesley, tended toward antinomianism. Rev. Wesley was adamant that the “law” leads to “holiness” and was never abrogated by Christ’s sacrifice. In the end, Wesley’s conflict with Whitefield and the Moravians was good for the Methodist movement, because it forced Rev. Wesley to better define his own theology as well as the identity of the Methodist movement. Significantly, “[t]he opposition of Methodists to slavery was expressed officially in the original General Rules set forth by Wesley in 1743 and in the rules adopted at the 1784 Christmas Conference.”¹⁴⁸

During the 1740s and 50s, the Wesley brothers developed a uniformed structure for conducting meetings, qualifying lay stewards, trustees, and lay preachers. They organized the societies into “classes” and appointed “class leaders.” These classes were the most basic meeting for “beginners” and persons new to the Christian faith. These classes were typically open to the public. The “class leaders” were often itinerant preachers or leaders whom Rev. Wesley personally trusted. The emphasis of these classes was teaching men and women the basics of the Gospel of Jesus Christ and encouraging them to encourage each other in their walk of holiness.

The next level group within these societies were the “bands.” There were two types of bands: “select bands” and “penitential bands.” The select bands were for men and women who were growing in the grace of the Holy Spirit and who were living exemplary Christian lives. The “penitential bands” were similar to mini-reformatories, designed for men and women wrestling with specific problems, such as alcohol addiction or gambling or adultery. The goal of the penitential bands was to encourage Christians to help each other with overcoming life’s challenges and difficulties. The meetings of these bands, along with the classes, were typically in homes or other convenient private quarters. But by the early 1750s, the classes and bands became so popular and populous that the Methodist movement struggled to find adequate accommodations for the meetings. When the Wesley brothers slowly began to secure accommodations for these gatherings, and as more and more unchurched and non-traditional Christians began to

¹⁴⁸ C. Eric Lincoln and Lawrence H. Mamiya, *The Black Church in the African American Experience* (Durham, N.C.: Duke University Press, 1990), p. 50.

join the Methodists, the question of whether the Methodist movement was still a part of the Church of England began to confront Rev. Wesley.

Many of the new Methodist converts had never been members of the Church of England and had no affinity towards attending Anglican services. Some were former Baptists, Quakers, and Independents. They began to demand baptisms and the Lord's Supper from the Methodist itinerant preachers, most of whom were "lay preachers" who had never been ordained. Rev. Charles Wesley had been placed in charge of training these preachers and ensuring that they met proper standards. As John Wesley began to liberalize these qualifications and to permit these preachers to take more responsibility, Charles Wesley became more critical of his brother John. Charles Wesley was adamant that un-ordained ministers not be allowed to minister the sacraments and that the Methodist "meeting houses" or "preaching houses" not be called "churches." At the same time, the itinerant preachers were putting pressure on John Wesley for more authority.

In order to resolve these conflicts, the first "Annual Conference" was called by Rev. John Wesley in 1745. This was the beginning of the next distinctive feature of the Methodist Movement—the itinerant preachers who were in connexion with Rev. Wesley were called to various conferences and an Annual Conference, in order to address doctrine, discipline, and administrative matters. By the year 1748, these the "Annual Conference" was no longer ad hoc but rather a necessary and permanent feature of the Methodist movement.

By the early 1750s, it became obvious to some, although Revs. John and Charles Wesley refused to acknowledge or admit it, that the Methodist movement was fast become its own distinct and separate church. But in the mind of the Rev. John Wesley, the Methodist movement remained a vital and vibrant component of the Church of England's local "religious society" programme. The Methodist movement was never designed to function as a "church" on the scale of the Church of England; and it retained all of the doctrines and disciplines of the Church of England. At the Annual Conferences, the Wesley brothers made this clear. The problem of issuing the sacraments was resolved largely by working with ordained Anglican clergymen to visit the Methodist societies to issue the Lord's Supper and baptisms.

The Wesley brothers continued to encourage Methodist society members to attend weekly church services at the local parish churches within the Church of England. The expressed directive during the 1760s was as follows:

(1) Let all our Preachers go to church. (2) Let all out people go constantly. (3) Receive the sacrament at every opportunity. (4) Warn all against niceness in hearing, a great and prevailing evil. (5) Warn them likewise against despising the prayers of the Church. (6) Against calling our Society a Church, or the Church. (7) Against calling our Preachers Ministers, our houses meeting-houses (call them plain preaching-houses). (8) Do not license them as such.... (9) Do not license yourself till you are constrained. (Minutes, 867-68).¹⁴⁹

“Wesley clung to his vision of Methodism working hand in hand with the clergy in reviving the Church.”¹⁵⁰ Some Anglican clergymen were sympathetic and in agreement with Wesley, such as Thomas Coke, who held a doctorate degree from Oxford and was an ordained Anglican presbyter. But by in large the upper echelons of the Church of England continued to frown upon the Methodists. Even Wesley’s beloved Christ Church, Oxford had grown cold towards him. Even in Epworth, which was Rev. Wesley’s own hometown, the curate for the church, where Wesley’s own father was pastor, had once refused to allow Rev. Wesley into the pulpit. As Rev. Wesley himself recalled, he instead went and stood atop of his father’s grave and preached: ““*The kingdom of heaven is not meat and drink, but righteousness, and peace, and joy in the Holy Ghost.*”¹⁵¹ The manner and mode of orthodox Methodism thus remained at odds with the latitudinarian Anglicanism of the Upper Convocation.

III. Why American Methodism Developed into an Independent Church Denomination

The American landscape, with its republican values and religious diversity, made it difficult for Methodist societies to operate in the same mode and manner as did British Methodism in England. American Methodism, as it existed informally under the leadership of the Rev. George Whitefield during the 1730s and 40s, was purely an evangelical revival movement. American Methodism became popular, because Whitefield’s preaching and style of worship-service suited the culture and habits of most Americans. Americans did not take too well to the High-Church Anglican style of worship. Accordingly, American Methodism would not likely have grown under Rev. Wesley’s British-Methodist style of teaching, preaching and evangelization. During the 1760s, Whitefield’s evangelical style of preaching was borrowed by the young itinerant

¹⁴⁹ 240

¹⁵⁰ Ibid.

¹⁵¹ <https://lexloiz.wordpress.com/2009/12/28/john-wesley-preaching-on-his-father%E2%80%99s-grave/>

preacher Francis Asbury, who seemed to fit perfectly into the American culture. When the American Revolutionary War ended with British defeat and American independence, the mantle of Methodist leadership in North America fell into the hands of Francis Asbury, who became the leader of the Methodist church in America.

A. George Whitefield: the First Great Awakening and Methodist Leadership, 1738 – 1770

As previously mentioned, the colony of Georgia did not appear to be disposed to serious religion. When Church of England minister Rev. George Whitefield came to that colony in 1738, he did not display the same level of interest as did Wesley in supporting new Methodist societies, upholding Anglican ecclesiastical standards, or in developing the religious community in the colony.¹⁵² Unlike Wesley, Rev. Whitefield was not the assigned parish priest in Savannah.¹⁵³ Instead, as the colonial chaplain, Rev. Whitefield commenced his own new ministry project, an Orphan-house—which he planned to make his life’s work. At the same time, Rev. Whitefield was somewhat dismissive of the bishops and other Anglican priests, accusing them of being pleasure-seekers and lazy.¹⁵⁴ Whitefield supervised the “the dispersion of the Methodist from the colony of Georgia, taking some of them with him as he worked his way up the Atlantic seaboard through Virginia to Pennsylvania.”¹⁵⁵

Rev. Whitefield’s heartfelt desire was to be an itinerant preacher.¹⁵⁶ “Whitefield’s itinerant preaching throughout the colonies was opposed by Bishop Benson who had ordained him for a settled ministry in Georgia. Whitefield replied that if bishops did not authorize his itinerant preaching, God would give him the authority.”¹⁵⁷ Rev. Whitefield felt that his talent was preaching, not church planting, organizing, or tending to Methodist societies. His style and methods, then, were more suitable to the American

¹⁵² Ibid., p. 103.

¹⁵³ see https://en.wikipedia.org/wiki/George_Whitefield (“[George Whitefield] went to the Georgia Colony in 1738 following John Wesley’s departure, to serve as a colonial chaplain at Savannah.”)

¹⁵⁴ Ibid.

¹⁵⁵ Ibid.,

¹⁵⁶ “In England, by 1738 when he was ordained priest, Whitefield wrote that “the spirit of the clergy began to be much embittered” and that “churches were gradually denied me”. In response to Whitefield’s Journals, the bishop of London, Edmund Gibson, published a 1739 pastoral letter criticizing Whitefield. Whitefield responded by labeling Anglican clerics as “lazy, non-spiritual, and pleasure seeking”. He rejected ecclesiastical authority claiming that ‘the whole world is now my parish.’” https://en.wikipedia.org/wiki/George_Whitefield

¹⁵⁷ https://en.wikipedia.org/wiki/George_Whitefield (“In an age when crossing the Atlantic Ocean was a long and hazardous adventure, he visited America seven times, making 13 ocean crossings in total. It is estimated that throughout his life, he preached more than 18,000 formal sermons, of which 78 have been published. In addition to his work in North America and England, he made 15 journeys to Scotland—most famously to the “Preaching Braes” of Cambuslang in 1742—two journeys to Ireland, and one each to Bermuda, Gibraltar, and the Netherlands. In England and Wales, Whitefield’s itinerary included every county.”)

situation. His fame quickly spread throughout the colonies, influencing major influencers such as Benjamin Franklin¹⁵⁸ and Jonathan Edwards.¹⁵⁹

The Church of England did not assign [Rev. Whitefield] a pulpit, so he began preaching in parks and fields in England on his own, reaching out to people who normally did not attend church. Like Jonathan Edwards, he developed a style of preaching that elicited emotional responses from his audiences. But Whitefield had charisma, and his loud voice, his small stature, and even his cross-eyed appearance (which some people took as a mark of divine favour) all served to help make him one of the first celebrities in the American colonies. Whitefield included slaves in his revivals and their response was positive. **Historians see this as ‘the genesis of African-American Christianity.’**¹⁶⁰

To Whitefield "the gospel message was so critically important that he felt compelled to use all earthly means to get the word out." Thanks to widespread dissemination of print media, perhaps half of all colonists eventually heard about, read about, or read something written by Whitefield. He employed print systematically, sending advance men to put up broadsides and distribute handbills announcing his sermons. He also arranged to have his sermons published.

Whitefield sought to influence the colonies after he returned to England from his 1740 tour in America. He contracted to have his autobiographical *Journals* published throughout America.

¹⁵⁸ “Benjamin Franklin attended a revival meeting in Philadelphia, Pennsylvania and was greatly impressed with Whitefield's ability to deliver a message to such a large group. Franklin had previously dismissed as exaggeration reports of Whitefield preaching to crowds of the order of tens of thousands in England. When listening to Whitefield preaching from the Philadelphia court house, Franklin walked away towards his shop in Market Street until he could no longer hear Whitefield distinctly—Whitefield could be heard over 500 feet. He then estimated his distance from Whitefield and calculated the area of a semicircle centred on Whitefield. Allowing two square feet per person he computed that Whitefield could be heard by over 30,000 people in the open air.... A lifelong close friendship developed between the revivalist preacher and the worldly Franklin.” https://en.wikipedia.org/wiki/George_Whitefield

¹⁵⁹ “Despite these setbacks and the cooling of religious fervor, word of the Northampton revival and Edwards's leadership role had spread as far as England and Scotland. It was at this time that Edwards became acquainted with George Whitefield, who was traveling the Thirteen Colonies on a revival tour in 1739–40. The two men may not have seen eye to eye on every detail. Whitefield was far more comfortable with the strongly emotional elements of revival than Edwards was, but they were both passionate about preaching the Gospel. They worked together to orchestrate Whitefield's trip, first through Boston and then to Northampton. When Whitefield preached at Edwards's church in Northampton, he reminded them of the revival they had undergone just a few years before. This deeply touched Edwards, who wept throughout the entire service, and much of the congregation too was moved.” [https://en.wikipedia.org/wiki/Jonathan_Edwards_\(theologian\)#Great_Awakening](https://en.wikipedia.org/wiki/Jonathan_Edwards_(theologian)#Great_Awakening)

¹⁶⁰ “Whitefield is remembered as one of the first to preach to slaves. Phillis Wheatley wrote a poem in his memory after he died, while she was still a slave.” https://en.wikipedia.org/wiki/George_Whitefield

These *Journals* have been characterized as "the ideal vehicle for crafting a public image that could work in his absence." They depicted Whitefield in the "best possible light". When he returned to America for his third tour in 1745, he was better known than when he had left.

Much of Whitefield's publicity was the work of William Seward, a wealthy layman who accompanied Whitefield. Seward acted as Whitefield's "fund-raiser, business co-ordinator, and publicist". He furnished newspapers and booksellers with material, including copies of Whitefield's writings.

When Whitefield returned to England in 1742, a crowd Whitefield estimated at 20,000 and William M'Culloch, the local minister, at 30,000, met him. One such open-air congregation took place on Minchinhampton common. Whitefield preached to the "Rodborough congregation" - a gathering of 10,000 people - at a place now known as "Whitefield's tump."¹⁶¹

Hence, American Methodism took on a different character under Rev. Whitefield's leadership. Aside from his fiery preaching, Rev. Whitefield's own unique brand of Methodism, was much more Calvinistic and therefore more welcomed in the scholarly Congregational churches of colonial New England than in the South. Under Rev. Whitefield, Methodism did not take on the tasks of established separate so-called Methodist churches or a separate church denomination.

Portrait of Methodist evangelical Rev. George Whitefield (1714- 1770)



¹⁶¹ https://en.wikipedia.org/wiki/George_Whitefield

Indeed, there the “Methodist Church” had not been created. Nor did Rev. Whitefield seek to encourage the American colonists to adopt an Anglican-style episcopacy, with provinces headed by archbishops, diocese headed by bishops, etc. This would have been impracticable. Instead, the emphasis of Rev. Whitefield’s preaching was almost wholly on soteriological matters: justification, sanctification, assurance of the saints, and predestination.

Thus, during the early 1700s, Methodism in colonial British North America was simply an evangelical revival meeting where a fiery sermon on justification and grace could be heard. It was not a separate church denomination and it did not plant separate churches. American Methodism was unofficially a constituent outreach ministry of the Church of England. In 1739, Rev. Whitefield returned to England in order to raise funds for his Bethesda Orphan-house. While in England, Rev. Whitefield officially turned his ministry in Bristol over to Rev. John Wesley. He then returned to North America in 1740, when he commenced preaching his famed “Great Awakening” sermons. In Pennsylvania, he connected with a group of Moravians and collaborated on building an orphanage for African American children there. Today, this orphanage is known as the Whitefield House and Gray Cottage.¹⁶²

Rev. George Whitefield died in Massachusetts in 1770 at the age of 55.

B. John Wesley: American Methodism and New Leadership, 1770 - 1785

From the period 1738 to 1770, the organizational structure of the Methodist movement in colonial British North America fell under the undisputed leadership of the Rev. George Whitefield. However, during the last decade of Whitefield’s life, Methodist societies in North America were weak or non-existent, as Whitefield himself was a multinational itinerant preacher who was unable to settle down in one parish in order to nourish any particular congregation. And what the Methodist movement lacked in North America were planters, local preachers, and preaching houses.

During the late 1760s, Rev. Wesley began to receive pressing requests for preachers to be sent to America—especially to Philadelphia and New York. But this was

¹⁶²

https://en.wikipedia.org/wiki/Whitefield_House_and_Gray_Cottage?fbclid=IwAR0USkq0LIP-R0H1KogqgPhnWZOUZlaqQ5gzlBCQ2nhBCh1A3C3hs_55gA8

(“The Whitefield House is a stone building measuring 56 feet long and 35 feet wide. It is named for George Whitefield (1714–1770), who hired a group of Moravians from Georgia to build the house as a school for orphaned slaves. Only a foundation was built however, after theological disputes between Whitefield and the Moravians caused the group to purchase the town of Bethlehem, Pennsylvania. It was here they established a Moravian community. When Whitefield went bankrupt, the Moravians purchased 5000 acres of land from him, which would later become the town of Nazareth. They completed the Whitefield House in 1743, just in time for it to be used as a home for 32 couples coming over from England. The house has been in Moravian hands for years, and has operated as a place of worship, boarding school, place for mission work, nursery, the Moravian Theological Seminary, and apartments for furloughed missionaries. Currently, the Moravian Historical Society uses the building as its historical museum, administrative offices, and gift shop.”)

a very hard proposition, as very few itinerant preachers wish to take on the American circuits.¹⁶³ Rev. Wesley had devised a plan to send some young preachers to America, to be supervised by Whitefield, but in 1770 Whitefield died before he could put that plan into effect.¹⁶⁴ At the 1771 Conference, two volunteers who were also itinerant preachers came forward and volunteered to go to America: Richard Wright and Francis Asbury, both only in their mid-twenties.¹⁶⁵ The future of American Methodism would rest in the hands of Francis Asbury who would go on to become a great American evangelist, organizer, church planter, and, eventually, the first American Methodist bishop.

By the time of the American Revolution (1775 – 1783), the American Methodist movement—based upon the Wesleyan model—was almost non-existent in colonial British North America. In 1771, the minutes showed total Methodist membership in America at only 500 members with a total of four Methodist preachers:

In 1766, Reverend Laurence Coughlan arrived in Newfoundland and opened a school at Black Head in Conception Bay. In the late 1760s, two Methodist lay preachers emigrated to America and formed societies. Philip Embury began the work in New York at the instigation of fellow Irish Methodist Barbara Heck. Soon, Captain Webb from the British Army aided him. He formed a society in Philadelphia and traveled along the coast.

In 1770, two authorized Methodist preachers, Richard Boardman and Joseph Pilmoor, arrived from the British Connexion. They were immediately preceded by the unauthorized Robert Williams who quietly set about supporting himself by publishing American editions of Wesley's hymnbooks without obtaining permission to do so. These men were soon followed by others, including Francis Asbury. **Asbury reorganized the mid-Atlantic work in accordance with the Wesleyan model.** Internal conflict characterized this period. Missionaries displaced most of the local preachers and irritated many of the leading lay members. During the American Revolution, "the mid-Atlantic work" (as Wesley called it) diminished, and, by 1778, the work was reduced to one circuit. Asbury refused to leave. He remained in Delaware during this period.¹⁶⁶

¹⁶³ Richard P. Heitzenrater, *Wesley and the People Methodists*, Nashville, TN: Abingdon Press, 2013, pp. 272-274.

¹⁶⁴ *Ibid.*

¹⁶⁵ *Ibid.*, p. 274.

¹⁶⁶ https://en.wikipedia.org/wiki/History_of_Methodism_in_the_United_States#Early_missionaries_to_America

Hence, as Professor Lorraine Boettner has correctly stated: “[t]here were practically no Methodists in America at the time of the Revolution....”¹⁶⁷ Prior to 1770, there were no “Methodist societies” in colonial British North America. In the period 1772 to 1779, there were less than 1,000 Methodists in North America.¹⁶⁸ In 1787, there were about 3,000 Methodist in North America.¹⁶⁹ And in 1791, upon the death of Rev. John Wesley, there were about 8,000 American Methodists in North America and about 7,000 British Methodists in England.¹⁷⁰

During the early 1770s, Rev. Wesley, who was a pacifist, issued instructions to the American Methodists preachers to take a neutral position on the growing conflict between the American colonists and the mother country. “In March 1775, Wesley had advised the preachers in America to ‘be peace-makers, to be loving and tender to all, but to addict yourselves to no party.’”¹⁷¹ And by 1777, all of the Methodist preachers who had been appointed to the American colonies by Wesley—with the exception of Francis Asbury¹⁷²—returned to England.¹⁷³

C. Political Climate in England during the Outbreak of the American Revolution

The reign of King George III commenced in 1760. He was a celebrated young king with great promise and potential. The Tories cheered him on in hopes that he would restore the traditional British constitution: e.g., the *Thirty-Nine Articles of Religion*, the *Book of Common Prayer*, and Hooker’s *Of the Laws of Ecclesiastical Polity* (1594). Lord Bolingbroke’s prescription for George III was that he would restore England’s sacred constitution, as head of church and state, and rule England as a “patriot king.” It is not clear as to whether the Whigs, who were influential in America as well as England, put together a transatlantic plot to overthrow King George III and his vision of restoring tradition. The Tories and the High Church Anglicans certainly had hopes that George III would restore the power and prestige of the Church of England. However, Whig propaganda has its own spin: King George III appeared instead to be replicating the old doctrine of “divine right of kings,” and needed to be stopped.

Throughout the years leading up to the American Revolution, Rev. Wesley himself had criticized general corruption within England, particularly with regards to the

¹⁶⁷ Kenneth Talbot and Gary Crampton, *Calvinism, Hyper-Calvinism and Arminianism* (Whitefield Media Publishing: Lakeland, FL, 1990), p. 135.

¹⁶⁸ Richard P. Heitzenrater, *Wesley and the People Methodists*, Nashville, TN: Abingdon Press, 2013, p. 294.

¹⁶⁹ *Ibid.*

¹⁷⁰ *Ibid.*

¹⁷¹ *Ibid.*, p. 289.

¹⁷² Rev. Asbury’s “sympathies rested with the Americans.” *Ibid.*, p. 295.

¹⁷³ *Ibid.*, p. 295.

problems of poverty and inequality, which he insinuated were attributable to the King's administration. For example, in 1773, prior to the American Revolutionary War, Rev. Wesley wrote in *Thoughts on the Present Scarcity of Provisions* that people were "starving" and "perishing for want in every part of the nation," because there was no work, employers could no longer employ a sufficient number of workers, food prices had skyrocketed beyond control, small-scale farms had declined, and large-scale farms no longer produced what the general population needed. Rev. Wesley noted that Britain's economy was designed to bring "in a large revenue to the King," but, he asked, "Is this an equivalent for the lives of his subjects? ... O, tell it not in Constantinople, that the English raise the royal revenue by selling the flesh and blood of their countrymen!"¹⁷⁴

In *Present Scarcity of Provisions*, Rev. Wesley concluded: "[t]o sum up the whole: Thousands of people throughout the land are perishing for want of food. This is owing to various causes; but above all, to **distilling, tax[es], and luxury.**"¹⁷⁵ Finally, he noted that throughout Great Britain "there is no fear of God" and that "there is such a deep, avowed, thorough contempt of all religion, as I never saw, never heard or read of, in any other nation, whether Christian, Mahometan, or Pagan." Almost prophetically pointed to the way of the American Revolution, Rev. Wesley concluded by saying: "It seems **as if God must shortly arise and maintain his own cause.** But, if so, let us fall into the hands of God, and not into the hands of men."¹⁷⁶

When Rev. Wesley published *Present Scarcity of Provisions* in 1773, King George III had already begun to implement policy changes that had effectively rendered himself as his "own prime minister," and as "a 'patriot king.'"¹⁷⁷ He had already replaced the "Whigs" and the "Tories" with "the 'King's Friends.'"¹⁷⁸ These "King's Friends" paid cash (i.e., "the 'golden pills' of George III) for votes in Parliament. "Newcastle had made bribery and jobbery the basis of Whig strength, George III was using the same means to advance the royal power. He used royal revenue to buy parliamentary seats as well as votes; the price of seats rose to £4,000. He scrutinized the lists of votes in Parliament and distributed rewards and punishments accordingly. Parliament would grow, he hoped, into the instrument of his will."¹⁷⁹ Hence, between 1765 and 1782, there had been "collapse of cabinet government," as King George III began to exert royal power not seen since the days of King Charles I. As historian Goldwin Smith notes:

¹⁷⁴ John Wesley, "Thoughts on the Present Scarcity of Provisions" (1773), *The Works of Wesley* [citation omitted].

¹⁷⁵ Ibid.

¹⁷⁶ Ibid.

¹⁷⁷ Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner's Sons, 1957), pp. 468, 472.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid., pp. 460-469.

Meanwhile the influence of George III and the ‘King’s Friends’ grew apace. The mounting power of the crown provoked Edmund Burke’s *Thoughts on the Cause of the Present Discontents* (1770) and the anonymous *Letters of Junius* (1769-1772). The personal system of the king and the unrepresentative Parliament was dangerously at odds with the manifest will of the people.¹⁸⁰

The truth of the matter is: Rev. John Wesley, as minister in the Church of England, was likely not at liberty to take a contrary position to that of George III, without dire and serious adverse consequences to the Methodist movement. This does not mean that his criticisms of the American colonists were not genuine—I believe that they were. In his essay *Thoughts Concerning the Origin of Power* (1772), which was published prior to the American Revolutionary War, Rev. Wesley invoked Romans 13:1 and argued that “There is no power but of God.”¹⁸¹ Throughout the period of the American Revolution, Wesley would repeat that same theme: “There is no power but of God.”

But King George III made no bones about the fact that his intentions to become the manifestation of Lord Bolingbroke’s idea of a “patriot king,” and to bring authority, power, splendor, and dignity back to the British monarchy. In thus making these proclamations, George III alarmed the Puritans and the Whigs in both England and colonial British North America. Those Puritans and Whigs then recognized George III to be a threat to the parliamentary system and to a system of a limited, constitutional monarch. The historian Goldwin Smith thus describes the situation as follows:

In 1770 George III accepted Grafton’s resignation and Lord North became prime minister. The Tories and the ‘King’s Friends’ in Parliament provided an apparently unshakable majority. The king at last had obtained a subservient cabinet, a corrupted and pliable majority in Parliament. The Whigs were no longer a threat. George III was the real prime minister. For twelve years (1770 – 1782) he ruled as he pleased through Lord North. For a time cabinet government was at an end. These years marked the rise and advance of the American Revolution.¹⁸²

Earlier, during the mid-1760s, George III had won a victory in the area of the suppression of the free speech of his critics in the case of John Wilkes, who published a journal called *North Briton*. In that journal, Wilkes published several articles that criticized the Treaty of Paris, and George III and his cabinet felt that these articles were libelous and scandalous. Although Wilkes won in the courts, George III’s influence over the House

¹⁸⁰ *Ibid.*, p. 471.

¹⁸¹ John Wesley, “Thoughts Concerning the Origin of Power” (1772), *The Works of Wesley* [citation omitted].

¹⁸² Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), p. 472.

of Commons caused Wilkes to be ejected as a Member of Parliament. “George III had won a costly victory in the fray. The arbitrary methods used by the government to suppress freedom of speech had roused London. Members of Parliament were mobbed. The cry ‘Wilkes and Liberty!’ rolled over England. Six years later the failure of the prosecution against the mysterious ‘Junius’ for his Letter to the King established the right of the press to criticize the king himself. Popular opposition to the rough interference with a freedom long held inviolate created an ominous atmosphere. However, as the masses of the people had no vote the immediate political consequences of the widespread hostility to the king and his government were negligible.”¹⁸³ Hence, under these conditions, with suppression of John Wilkes and others, it may have been extremely dangerous for Rev. John Wesley to speak out publicly while taking an adversarial and critical position of Lord North (prime minister) and George III during the middle of the war. As a Tory and a High Churchman, Rev. Wesley was undoubtedly called upon to close ranks, together with Dr. Samuel Johnson and others, in support of the British cause.¹⁸⁴ During the war, Rev. Wesley expressed grave concerns about the legitimacy of the American patriots’ motivations and slogan, “No taxation without Representation!”

D. John Wesley: Unfavorable Views on the American Revolution of 1776

In 1775, the year when the Revolutionary War broke out, the Rev. John Wesley was 72 years old. By that time, he was probably quite typical of most men of that age during that period—somewhat cynical and suspicious of political leaders and declared political proclamations from both the British and the Americans. The problems of the American colonies were an unfortunate development, according to Rev. Wesley. And, in all honesty, he did not see one side as being wholly right or wholly wrong; but he concluded that, for the most part, there could be no real winners. But before we look at Rev. Wesley’s comments on the American Revolution, it is important to first review his fundamental theology on “law and grace” and on “God’s sovereignty,” because these theological perspectives provide the foundation upon which we can understand Wesley’s advice to both the Americans and the British during the war.

First off, Rev. Wesley believed that there is no power but power that is from God. Relying upon Romans 13:1, which says, “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.”

¹⁸³ Ibid., p. 470.

¹⁸⁴ It should be noted here that in 1745, when Prince Charles, the Young Pretender, invaded Scotland in an effort to overthrow King George II, Rev. Wesley was called upon to assure the mayor of Newcastle and George II that the Methodists had remained loyal to the British Crown. Richard P. Heitzenrater, *Wesley and the People Methodists* (Nashville, TN: Abingdon Press, 2013), pp. 178-179.

For this reason, Rev. Wesley repeatedly paraphrased this particularly Scripture when analyzing American grievances.

Secondly, adopting the orthodox Anglican doctrine of Dr. Richard Hooker's *Of the Laws of Ecclesiastical Polity* (1594) and others, Rev. Wesley also believed that all law—secular and sacred—comes from God. He preached this in his sermons.¹⁸⁵ According to Rev. Wesley, God's **natural moral law** predates Moses or the law of Moses.¹⁸⁶ This moral law is God's "eternal mind" and it is "coeval with his nature."¹⁸⁷ This law is also the "immutable rule of right and wrong."¹⁸⁸ Furthermore, this moral law is instinctively placed inside of human beings and constitute the "inmost spirit" of the human conscience.¹⁸⁹ Significantly, this law is "supreme, unchangeable reason; it is unalterable rectitude; it is the everlasting fitness of all things that are or ever were created."¹⁹⁰ The moral law may be said to constitute God Himself and (or) the will of God. At this point, we should pause here and notate that Rev. Wesley's view of "moral law" was orthodox, catholic, and Anglican. It reflected the classic Greco-Roman view of Cicero and the theological views of St. Paul, St. Augustine of Hippo, and St. Thomas Aquinas.

Third, 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 embraced the label "latitudinarian." As previously stated, the American Revolution of '76 and '87 was fundamentally a liberal latitudinarian Anglican movement. But 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."¹⁹¹

This does not mean that Rev. Wesley was unwilling to work with other orthodox Christians, such as Calvinists, Moravians, Baptists, Quakers, and the like, who shared

¹⁸⁵ See, generally, William M. Arnett, "John Wesley and the Law," *The Asbury Seminarian*, [citation omitted], pp. 22-31.

¹⁸⁶ *Ibid.*, p. 23. (NOTE: the words in quotations marks are Rev. Wesley's own words taken from his printed sermons).

¹⁸⁷ *Ibid.*

¹⁸⁸ *Ibid.*, p. 24.

¹⁸⁹ *Ibid.*, p. 23.

¹⁹⁰ *Ibid.*

¹⁹¹ Daniel Pratt Morris-Chapman, "High and Low? The Heritage of Anglican Latitudinarianism in The Thought of John Wesley" [citation omitted], pp. 83-99.

different theological views on various points—but this was the extent of what he called the “catholic spirit.”¹⁹² As the Methodist movement had been both misunderstood and oppressed, Rev. Wesley wanted religious rights and religious freedom. However, Rev. Wesley did not readily agree with the High-Church Whigs and the Latitudinarian Anglicans such as Matthew Tindal, Bishop William Warburton, Bishop Joseph Butler, and Rev. Dr. John Witherspoon, who *seemingly* were willing to deconstruct certain essential laws and customs that preserved balance of power between Church and State in England.¹⁹³ To that end, Rev. Wesley was a member of the Lower Convocation and a Tory. While his first allegiance was to the Gospel of Jesus Christ, he also acknowledged his oath of allegiance to King George III as well.

Instead, Rev. Wesley held to the classical Puritan and orthodox Anglican theological view of the *two-tables theory* of Church and State. The Mosaic law contained both the natural moral law (i.e., the Ten Commandments) and the ceremonial law (i.e., the religious and civil laws). “In his comment on Exodus 20:1, relating to ‘the law of the ten commandments,’ Wesley says ‘this law God had given to man before, it was written in his heart by nature.’”¹⁹⁴ The civil polity or the civil magistrate were, according to Rev. Wesley, thus viceregents of God. Rev. Wesley thus stated in his sermon “Thoughts Concerning the Origin of Power,”¹⁹⁵

Now, I cannot but acknowledge, I believe an old book, commonly called the Bible, to be true. Therefore I believe, ‘there is no power but from God: The powers that be are ordained of God.’ (Romans 13:1.) There is no subordinate power in any nation, but what is derived from the supreme power therein. So in England the King, in the United Provinces the States are the fountain of all power. And there is no supreme power, no power of the sword, of life and death, but what is derived from God, the Sovereign of all.

Here, Rev. Wesley does not take the position that Kings and States may exercise authority in an arbitrary or capricious manner—indeed, his final point is that God ultimately is the sovereign. In England, the British Constitution had established a limited monarchy, deeply-rooted in the natural moral law of God, as well as the traditions and customs of the Church of England. And so, when Rev. Wesley confronted the grievances of the American colonists, this was his starting point when making his analysis.

¹⁹² Ibid.

¹⁹³ Ibid.

¹⁹⁴ William M. Arnett, “John Wesley and the Law,” *The Asbury Seminarian*, [citation omitted], p. 24.

¹⁹⁵ *The Works of Wesley*, Volume XI.

In 1775, after fighting broke out in Concord and Lexington in New England, Rev. Wesley sent a letter to the Earl of Dartmouth and to Prime Minister Lord North stating:

I do not intend to enter upon the question whether the Americans are in the right or in the wrong. Here all my prejudices are against the Americans; for I am an High Churchman, the son of an High Churchman, bred up from my childhood in the highest notions of passive obedience and non-resistance. And yet, in spite of all my long-rooted prejudices, **I cannot avoid thinking, if I think at all, these, an oppressed people, asked for nothing more than their legal rights, and that in the most modest and inoffensive manner that the nature of the thing would allow.** (JWL, 6:161).¹⁹⁶

In the same letter, it has been reported, Rev. Wesley cautioned against escalating the military cause and he felt that the real enemies were in England—the declared enemies of King George III who would stop at nothing.¹⁹⁷ Although Rev. Wesley immediately took a neutral position and wished to serve as a peace-maker, in the American colonies, he was perceived as a staunchly loyal Tory—his letter in favor of the colonists to Lord North and Lord Dartmouth was unpublished and largely unknown at the time.¹⁹⁸

During the meanwhile in 1775, Rev. Wesley insisted that his preachers in North America be “peace-makers.”¹⁹⁹ He also requested that all of the Methodist preachers return to England—only Francis Asbury stayed behind in support of the American cause.²⁰⁰ Then, suddenly, the famed literary critic Dr. Samuel Johnson²⁰¹ published his essay *Taxation No Tyranny* in 1775. Dr. Johnson’s essay was critical of the American

¹⁹⁶ Richard P. Heitzenrater, *Wesley and the People Methodists* (Nashville, TN: Abingdon Press, 2013), p. 294.

¹⁹⁷ Ibid. See also, “A Calm Address to Our American Colonies” (1775), where Rev. Wesley states: “My opinion is this: We have a few men in England who are determined enemies to monarchy. Whether they hate His present Majesty on any other ground than because his is a King, I know not. But they cordially hate his office, and have for some years been undermining it with all diligence, in hopes of erecting their grand idol, their dear commonwealth, upon its ruin. I believe they have let very few into their design; (although many forward it, without knowing anything of the matter;) but they are steadily pursuing it, as by various other means, so in particular by inflammatory papers, which are industriously and continually dispersed throughout the town and country; by this method they have already wrought thousands of people even to the pitch of madness. By the same, only varied according to your circumstances, they have likewise inflamed America. I make no doubt but these very men are the original cause of the present breach between England and her colonies.... So that, although the Americans in general love the English, and the English in general love the Americans, (all, I mean, that are not yet cheated and exasperated by these artful men,) yet the rupture is growing wider every day, and none can tell where it will end.”)

¹⁹⁸ Ibid.

¹⁹⁹ Ibid.

²⁰⁰ Ibid., p. 290.

²⁰¹ Samuel Johnson (1709 – 1784), often called Dr Johnson, was an English writer who made lasting contributions as a poet, playwright, essayist, moralist, critic, biographer, editor and lexicographer. He was a devout Anglican and a committed Tory—meaning that he was a defender of traditional and orthodox Christian values and a great champion of the Church of England. “Johnson was a devout conservative Protestant Anglican and believed in a unity between the High Church and the Crown (the State).” https://en.wikipedia.org/wiki/Political_views_of_Samuel_Johnson#Slavery

grievances, exposing their weaknesses, inconsistencies and implausibility. When he compared the American colonists to the African American slaves within their midst, he struck a powerful blow against the colonists' credibility, stating:

We are told, that the subjection of Americans may tend to the diminution of our own liberties; an event, which none but very perspicacious politicians are able to foresee. If slavery be thus fatally contagious, how is it that we hear the loudest yelps for liberty among the drivers of negroes?"...

It has been proposed, that the slaves should be set free, an act, which, surely, the lovers of liberty cannot but commend. If they are furnished with firearms for defence, and utensils for husbandry, and settled in some simple form of government within the country, they may be more grateful and honest than their masters.²⁰²

This essay *Taxation No Tyranny* (1775) must have had a powerful influence upon Rev. John Wesley, because after he read it, he "changed his mind on the political situation in America almost overnight."²⁰³ Rev. Wesley did not believe that the American colonists' numerous grievances met the high standards to justify disregarding the Pauline injunction "Let every soul be subject unto the higher powers. For there is no power but of God..."²⁰⁴ Rev. Wesley "decided that the colonists' arguments, such as 'no taxation without representation,' held no moral or legal weight and that their cries for liberty were... irresponsible..."²⁰⁵ Rev. Wesley told the American colonist that "**you 'profess yourselves to be contending for liberty.' But it is a vain, empty profession; unless you mean by that threadbare word, a liberty from obeying your rightful Sovereign, and from keeping the fundamental laws of your country.**" To that end, in late 1775, he published *A Calm Address to our American Colonies*, which briefly discussed several rebuttal points:

In *A Calm Address to our American Colonies*, Rev. Wesley asked the American colonists to calmly consider the origins of the present crisis. First, says Rev. Wesley, there was the Seven Year's War (i.e., the French and Indian War) (1754-1763) whereby the colonists asked the mother country (England) to defend them against the French. The mother country (England) did this: "your mother-country, desiring to be reimbursed for some part of the large expense she had been at, laid a small tax (which she had always a right to do) on one of her colonies. But how is it possible, that the taking this reasonable

²⁰² Samuel Johnson, *Taxation No Tyranny* (1775) [citation omitted].

²⁰³ Richard P. Heitzenrater, *Wesley and the People Methodists* (Nashville, TN: Abingdon Press, 2013), p. 292.

²⁰⁴ Romans 13:1.

²⁰⁵ Heitzenrater, p. 292.

and legal step should have set all America in a flame?”²⁰⁶ Rev. Wesley then goes on to express, in no uncertain terms, his lack of trust in the republican form of government, stating:

But, my brethren, would this be any advantage to you? Can you hope for a more desirable form of government, either in England or America, than that which you now enjoy? After all the vehement cry for liberty, what more liberty can you have? What more religious liberty can you desire, than that which you enjoy already? May not every one among you worship God according to his own conscience? What civil liberty can you desire, which you are not already possessed of? Do you not sit, without restraint, ‘every man under hi own vines?’ Do you not, every one, high or low, enjoy the fruit of your labor? This is real, rational liberty, such as is enjoyed by Englishmen alone; and not by other people in the habitable world. Would the being independent of England make you more free? Far, very far from it. It would hardly be possible for you to steer clear, between anarchy and tyranny. But suppose, after numberless dangers and mischiefs, you should settle into one or more republics, would a republican government give you more liberty, either religious or civil? By no means... Republics show not mercy.²⁰⁷

Rev. Wesley implored the American colonists to consider the very real possibility, and probability, that they were being manipulated by anarchists (likely Whigs) in England. “The designing men... are in England.... They love neither England nor America, but play one against the other, in subserviency to their grand design of overturning the English Government.... Let us not bite and devour one another, lest we be consumed one of another!”²⁰⁸

Rev. Wesley candidly informed the American colonists that “[v]ainly do you complain of being ‘made slaves.’ Am I or two millions of Englishmen made slaves

²⁰⁶ In “A Calm Address to Our American Colonies” (1775), Rev. Wesley answer this question as follows: “My opinion is this: We have a few men in England who are determined enemies to monarchy. Whether they hate His present Majesty on any other ground than because his is a King, I know not. But they cordially hate his office, and have for some years been undermining it with all diligence, in hopes of erecting their grand idol, their dear commonwealth, upon its ruin. I believe they have let very few into their design; (although many forward it, without knowing anything of the matter;) but they are steadily pursuing it, as by various other means, so in particular by inflammatory papers, which are industriously and continually dispersed throughout the town and country; by this method they have already wrought thousands of people even to the pitch of madness. By the same, only varied according to your circumstances, they have likewise inflamed America. I make no doubt but these very men are the original cause of the present breach between England and her colonies.... So that, although the Americans in general love the English, and the English in general love the Americans, (all, I mean, that are not yet cheated and exasperated by these artful men,) yet the rupture is growing wider every day, and none can tell where it will end.”)

²⁰⁷ John Wesley, “A Calm Address to our American Colonies” (1775), *The Works of John Wesley* [citation omitted].

²⁰⁸ *Ibid.*

because we are taxed without our own consent?”²⁰⁹ Furthermore, Rev. Wesley asked, “[w]ho then is a slave? Look into America, and you may easily see. See the Negro, fainting under the load, bleeding under the lash! He is a slave.”²¹⁰ Rev. Wesley defended England’s “virtual representation” system, and he pointed out that not all English had the right to vote, was the situation with the Americans. He traced the Americans’ legal predicament to the actual colonial charters themselves, which set forth the provisions of their rights, stating, “[a]n English colony is, a number of persons to whom the king grants a charter, permitting them to settle in some far country as a corporation, enjoying such powers as the charter grants, to be administered in such a manner as the charter prescribes.”²¹¹ So far as Rev. Wesley could ascertain, none of these charter rights had been violated by the British crown.²¹² “A corporation can no more assume to itself privileges which it had not before, than a man can, by his own act and deed, assume titles or dignities.”²¹³ Significantly, Rev. Wesley took issue with the American colonists who were placing the foundations of political sovereignty in “the people” and in the “right of consent.” “I object,” says Rev. Wesley, “to the very foundation of your plea: That ‘every freeman is governed by laws to which he has consented.’”²¹⁴

To make his point, Rev. Wesley pointed out that, in the American colonies, only about *one-tenth*²¹⁵ of the colonists were eligible to vote, due to property requirements and restrictions of the votes to white male adults!²¹⁶ In *A Calm Address to Our American Colonies*, Rev. Wesley posed some very forward-thinking and intriguing questions: Why were women and adult men without property denied the right to vote?²¹⁷ And why were the principles of American liberty not applied to African American slaves?²¹⁸ He then counseled non-violence and obedience to lawful authority as the preferred method of conflict resolution. Rev. Wesley seemed to be forewarning the common Englishmen and the common Americans that the entire political establishment, whether in England or America, did not act from the authority of “the people,” but only exercised their power through the ordination, grace, and sovereignty of God.²¹⁹ And his major concern with the American colonists was that they appeared to have been deceived into believing that the “sovereignty” government could rest in the “will of the people,” when in reality it

²⁰⁹ Ibid.

²¹⁰ Ibid.

²¹¹ Ibid.

²¹² Ibid.

²¹³ Ibid.

²¹⁴ Ibid.

²¹⁵ “[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].

²¹⁶ John Wesley, “A Calm Address to our American Colonies” (1775), *The Works of John Wesley* [citation omitted].

²¹⁷ Ibid.

²¹⁸ Ibid.

²¹⁹ Ibid.

could only rest in the “will of God.” For this reason, after looking over the grievances of the American colonists, Rev. Wesley did not believe that the “will of the people” (i.e., of the American colonists) reflected the “will of God.”

In 1776, Rev. Wesley published a follow-up essay titled *Some Observations On Liberty*, in which he pressed the same point, stating:

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 alone, 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.**’²²⁰

In 1777, while again stressing St. Paul’s injunctions in Romans 13:1, as the foundation of his objections and criticism of the American patriots, Rev. Wesley wrote:

One might reasonably expect, that all of you would be cheerfully ‘subject to the higher powers;’ seeing you are agreed ‘there is no power,’ whether supreme or subordinate, ‘but of God.’ Nay, one would expect that you would be continually reminding all you had any intercourse with, that they ‘must needs be subject, not’ only ‘for wrath, but’ also ‘for conscience’ sake.’ How is it, then, that any of you espouse the cause of those [American patriots] that are in open rebellion against their lawful Sovereign?²²¹

In his *A Seasonable Address to the More Serious Part of the Inhabitants of Great Britain* (1776), Rev. Wesley opined that “[t]he counsel therefore to separate cannot be from God. It has no foundation in the nature and fitness of things beneficial, either to them or us....”²²² Rev. Wesley did not believe that King George III or Parliament had violated any of the fundamental natural rights of the American colonists, and that the doctrine

²²⁰ John Wesley, “Some observations on Liberty” (1776), *The Works of John Wesley* [citation omitted].

²²¹ John Wesley, “A Calm Address to the Inhabitants of England” (1777), *The Works of John Wesley* [citation omitted].

²²² John Wesley, “A Seasonable Address to the More Serious Part of the Inhabitants of Great Britain” (1776), *The Works of John Wesley* [citation omitted].

“no taxation without representation” could not be substantiated. His position reflected the general public opinion of “the average Englishman, who was also a taxpayer” and who “was not generally favorable to America.”²²³

As the colonial grievances grew louder and more intense, Rev. Wesley began to express concerns about the real motivations and the hypocrisy of many of the American patriots.²²⁴ Rev. Wesley’s concerns that some the American patriots were ruffians and pirates were not wholly unsubstantiated or misplaced. He tried to explain the “real state of those affairs” which led to the Revolutionary War.²²⁵ As early as 1737 and 1739, respectively, Rev. Wesley notes that his brother Charles Wesley and another “gentleman,” spent time in Boston, and there was even then frequent talk amongst the Bostonians of shaking off the English yoke—forty years before the American Revolution!²²⁶ The people of Boston thus had always been belligerent towards the English monarchy, no matter what.²²⁷ At the same time, those American colonists enjoyed complete religious and civil liberty.²²⁸ Both the numbers and wealth of the American colonists steadily increased from the 1730s to the 1770s.²²⁹ “At the same time, it could not be but their shipping would increase in the same proportion with their trade....”²³⁰ As the American colonists’ wealth increased, so, too, did their desire for independence.²³¹ But this desire for independence had nothing to do with civil or religious liberty—nor did it have anything to do with British taxation policy.²³² At the same time, in the seaport towns, the Americans commenced the practice of “defrauding His Majesty of his customs.”²³³ “And it is notorious, that one of the greatest dealers in

²²³ Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), p. 481 (“The opinion of the average Englishman, who was also a taxpayer, was not generally favorable to America. He felt that the colonies should be subject to taxation and control by the mother country. He asked why the colonists refused to contribute to their own defense. He did not understand what the Americans meant by the phrase ‘no taxation without representation.’ The colonists meant, of course, that the taxation should be imposed by a body, such as a colonial assembly, in which they felt that they were somehow more directly represented than in the British Parliament. Englishmen who thought about the problem at all remarked that almost every adult male in England paid some taxes, but only about ten percent had the vote. The rest were really not represented in Parliament to a much greater extent than the colonists across the Atlantic.”)

²²⁴ In making this assessment, I have relied largely upon over twenty-five years of carefully studying Gustavus Myers’ *History of the Supreme Court of the United States* (1912), which concludes that the “real forces behind” the American Revolution were largely economic interests that were concentrated into hands of a few American and even British elites.

²²⁵ John Wesley, “A Calm Address to the Inhabitants of England” (1777), *The Works of John Wesley* [citation omitted]. (“**I have had abundance of letters from persons in America, on whose judgment, veracity, and impartiality I could safely depend**; especially from the provinces of New York, Virginia, Maryland, and Pennsylvania. I have likewise had the opportunity of conversing freely and largely with many that came from those provinces, and of comparing together the accounts of those who were attached to one or the other party. And I shall endeavor to deliver the plain facts....”)

²²⁶ *Ibid.*

²²⁷ *Ibid.*

²²⁸ *Ibid.*

²²⁹ *Ibid.*

²³⁰ *Ibid.*

²³¹ *Ibid.*

²³² *Ibid.*

²³³ *Ibid.*

this kind was the celebrated Mr. Hancock.”²³⁴ Unfortunately, the local American courts and magistrates refused to enforce the custom laws—“for they were too good patriots to condemn their countrymen!”²³⁵ “By this means the customs of North America, which ought to have brought in so considerable a sum as would have gone far toward defraying the expense of the government, were reduced to a very small pittance.”²³⁶

Rev. Wesley further explained that, following the French and Indian War (1754 – 1763), and after the mother country had come to the aid of the colonists, the Parliament passed “a small duty upon the stamps in America.”²³⁷ But this caused an uproar in America that was unjustifiable! The Americans—“the New England men in particular”—found friends in England, who support their cause.²³⁸ The Stamp Act was quickly repealed.²³⁹ Later, Parliament determined that every part of the British Empire needed to contribute its fair share in taxes, and imposed a tax on tea imports. But Mr. Hancock and others orchestrated the “Boston Tea Party,” through tea into the sea, thus causing Parliament to close the Boston harbor.²⁴⁰ During this period, the Americans paid lip service to their allegiance to King George III, stating that they only wanted their rights as Englishmen, and almost everyone, including Rev. Wesley, were inclined to believe.²⁴¹

But in reality, says Rev. Wesley, the Americans were acting behind the scenes in bad faith.²⁴² Encouraged by friends in England, the Americans “wholly threw off the mask” and seized His Majesty’s stores and ships.²⁴³ They then declared themselves “independent.”²⁴⁴ In England, says Rev. Wesley, there were many who refused to call the Americans “rebels.”²⁴⁵ “Their privateers swarmed on every side, both in the American and European seas. They were plentifully furnished with provision from the resources they had within themselves, and with all sorts of arms and ammunition, by our good allies, the Dutch and French.”²⁴⁶ At this point, says Rev. Wesley, all talk of liberty came to an end—the Americans now only wanted “independence”—not liberty.²⁴⁷ In fact, “civil liberties” came “to an end,”²⁴⁸ says Rev. Wesley. “If any one dared to speak

²³⁴ Ibid.

²³⁵ Ibid.

²³⁶ Ibid.

²³⁷ Ibid.

²³⁸ Ibid.

²³⁹ Ibid.

²⁴⁰ Ibid.

²⁴¹ Ibid.

²⁴² Ibid.

²⁴³ Ibid.

²⁴⁴ Ibid.

²⁴⁵ Ibid.

²⁴⁶ Ibid.

²⁴⁷ Ibid.

²⁴⁸ Ibid.

a little in favor of the King,” wrote Rev. Wesley, “or in disfavor of the Congress, he was soon taught to know his lords and masters, whose little finger was heavier than the loins of Kings.”²⁴⁹

Did the American patriots—the American founding fathers and everyone else in support the American cause—only want “independence” but not true “liberty” for every adult American? Rev. Wesley thought so. And this was his ringing and searing indictment of the American Revolution.²⁵⁰ By most historical accounts, Rev. Wesley’s assessment was *partly* accurate:²⁵¹ the American Revolution proved to be socially, politically, and economically conservative.²⁵² Following the American Revolution, there were very few, if any, substantial changes to the law of master and servant,²⁵³ that were designed to alleviate the burdens of servants; indentured servitude and debtors prisons continued to shackle poor white workers²⁵⁴; there were little or no changes between the status of rich and poor,²⁵⁵ because land redistribution policies after the war favored the very well-to-do planters and corporations²⁵⁶; in the American South, chattel slavery remained firmly intact²⁵⁷; most persons who were unable to vote before the war still could not vote after the war²⁵⁸; the American legal and judicial system largely favored the aristocracy²⁵⁹; and the American landed elite maintained control of the local and national governments.²⁶⁰ In summation, Rev. Wesley was partly correct about his assessment of the American Revolution; the results of the American Revolution were mixed—it was partly revolutionary advancement of the “right of man” in the republican

²⁴⁹ Ibid.

²⁵⁰ See, e.g., Gustavus Myers, *History of the Supreme Court of the United States* (Chicago, IL: John F. Higgins Pub., 1912), pp. 1-196.

²⁵¹ Ibid. I say that Rev. Wesley was “**partly accurate**” about the American Revolution, because during the mid-1770s, he did not have the advantage of *foreseeing into the future* and judging whether the final product of the United States Constitution (1787) was actually inferior to the British Constitution under King George III during the 1770s. I do not believe that *the majority* of the American colonists’ liberties and economic interests were ultimately “worsened” by the American Revolution. The U.S. Constitution (1787) was not “inferior” to the British Constitution. Moreover, Rev. Wesley himself acknowledged in his 1773 paper *Present Scarcity of Provisions* that King George III’s administration was systematically exploiting the poor and designed to benefit only the British crown. Moreover, Rev. Wesley stated in that 1773 paper that the Almighty God might interpose to vindicate his divine law. Of course, the Americans were saying the same thing. So did Rev. Wesley apply a double standard? Perhaps not, when we consider Rev. Wesley’s fundamental conclusion that the American Revolution only benefited the top 10% of the American society and left African slavery and the slave trade intact.

²⁵² Ibid.

²⁵³ Ibid.

²⁵⁴ Ibid.

²⁵⁵ Ibid.

²⁵⁶ Ibid.

²⁵⁷ Ibid. For more about this legacy, see, generally, **Frederick Douglass’s speech “What to the Slave is the Fourth of July” (1852)**: <https://www.blackpast.org/african-american-history/speeches-african-american-history/1852-frederick-douglass-what-slave-fourth-july/>

²⁵⁸ See, e.g., Gustavus Myers, *History of the Supreme Court of the United States* (Chicago, IL: John F. Higgins Pub., 1912), pp. 1-196.

²⁵⁹ Ibid.

²⁶⁰ Ibid.

form of democracy and self-rule expanded the franchise; but the American Revolution was also largely a conservative restatement of British constitutional law and jurisprudence, which privileged and protected an American aristocracy comprising only about ten percent of the population.²⁶¹

1. Political Climate of colonial British North America during the American Revolution

Now Philadelphia was the national capital of the new United States and there a constitutional convention was convened in 1787, in order to deliberate upon and to ratify a new constitution. “The Constitutional Convention was a meeting of delegates from 12 out of the 13 states that was held in Philadelphia from May to September 1787. George Washington was elected president of the Convention, and other delegates included James Madison, Ben Franklin, and Alexander Hamilton.”²⁶² Up to that period, the United States was governed by the Articles of Confederation, which did not provide for an *executive branch* of government or a *federal judicial branch* that could enforce and adjudicate federal laws. The only national branch of government provided for in the Articles was a *unicameral Continental Congress*, which was presided over by a President of the Continental Congress. This Congress did not have the power to tax and could not force the states to raise revenue to support the Continental Army. When post-war discontent and rebellion broke out in various parts of the country, America’s public officials decided that the Articles of Confederation needed to be amended or replaced.

It has been reported that the Constitutional Convention was controversial at the time. The proposed “Executive Branch” and “Judicial Branch” were viewed as relics of the British monarchy. For this reason, Alexander Hamilton, James Madison, and John Jay issued various papers in support of the new federal constitution, called *The Federalist Papers*. Two groups emerged: the Federalists (who were conservative Whigs) and the Anti-Federalists (who were liberal Whigs). As political descendants of the British Whigs, both groups of American politicians had decided upon a federal constitution that would represent republican values based upon a natural-law tradition that was both Greco-Roman and Christian. To be sure, the new federal constitution would compliment the *American Declaration of Independence* (1776).

²⁶¹ Ibid.

²⁶² “Constitutional Convention: the Birth of the Constitution” https://academy4sc.org/video/constitutional-convention-the-birth-of-the-constitution/?hsa_ad=502492829989&hsa_grp=118077117266&hsa_tgt=kwd-757849755&hsa_ver=3&hsa_src=g&hsa_cam=12468338857&hsa_net=adwords&hsa_kw=constitutional%20convention%20of%201787&utm_campaign&hsa_mt=b&hsa_acc=2755491261

But there were other problems presented by the federal constitutional: social and economic forces appeared to be reformulating American government and society, so as to permanently disenfranchise the working classes, including African American slaves, white indentured servants, and small farmers. Almost immediately it became clear that the men who were representatives at the federal constitutional convention in Philadelphia did not speak for, or represent, all of the varied classes of Americans—perhaps Rev. John Wesley had been right in his assessment that the American Revolution had never promoted real “liberty” for “the people,” but rather it was about “independence” so that a small minority of persons, on both sides of the Atlantic, might profit. Rev. Wesley had pointed out that, in the American colonies, only about *one-tenth*²⁶³ of the colonists were eligible to vote, due to property requirements and restrictions of the votes to white male adults!²⁶⁴

Thus, according to Rev. Wesley, the American Revolution of ’76 and ’87 was not likely being executed for the benefit of “the people.”²⁶⁵ This was also the conclusion of Gustavus Myers, whose grand work, *History of the Supreme Court of the United States* (1912), purported that the federal constitutional convention was “held in secrecy”²⁶⁶; that Luther Martin, Attorney-General of Maryland, complained about this secrecy and non-public nature of the proceedings²⁶⁷; that the delegates to the constitutional convention “lacked trust in the intelligence of the people”²⁶⁸; that the debates on the federal constitution was not published until after the constitution was already ratified²⁶⁹; that the “popular view” of the federal constitution was that it “was designed to perpetuate the powers of the aristocracy”²⁷⁰; that “the land magnates” used all their power and influence to ensure that the federal constitution was not rejected²⁷¹; that “banks controlled” delegates such as “Hamilton, Wilson, Robert Morris... and other delegates”²⁷²; and that “many of them would have been still more pleased wit the new

²⁶³ “[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].

²⁶⁴ John Wesley, “A Calm Address to our American Colonies” (1775), *The Works of John Wesley* [citation omitted].

²⁶⁵ 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.”

²⁶⁶ 129-130.

²⁶⁷ Ibid.

²⁶⁸ Ibid., p. 130.

²⁶⁹ Ibid.

²⁷⁰ Ibid.

²⁷¹ Ibid., p. 131.

²⁷² Ibid.

Constitution, had it been more analogous to the British Constitution.”²⁷³ Professor Myers certainly does affirm Rev. John Wesley’s suspicions about the lack of real inclusivity of the fundamental aims of the American Revolution, where he writes:

Immense tracts of land in New York, Pennsylvania, Virginia, the Carolinas and other sections were held wholly or partly by British lords, or by companies composed of titled nobles and native personages....²⁷⁴ But the confiscatory laws were... diminished by legislative enactment. Jefferson further says that monies so turned over were declared to be the property of the British subject, and if used by the State were to be repaid....²⁷⁵

[G]reat manorial estates... continued intact.... [T]he manorial lords were not... dislodged. For half a century many of the old seignorial landed families remained potent political and social factors by reason of their ancient wealth, and by stimulation from the new acquisitions of land and the added wealth that they obtained from various projects during, and after, the Revolution....²⁷⁶

The creation by law of a new division of the all-powerful landed class when on steadily during the critical years of the Revolution. These newer landholders became vested with large areas of what had been public land; and the time came when they and their successors in practice shared, and then outranked, in importance the manorial lords...²⁷⁷

The way prepared for huge land seizures²⁷⁸... for the benefit of a powerful clique of land speculators among whom were some of the notable “Fathers” of the country, as also some of the distinguished patriots who drafted the Constitution of the United States, and at least one future Justice of the Supreme Court of the United States....²⁷⁹

“The protest against giving millions of acres of the public domain to an unprincipled band of speculators soon, but impotently, made itself heard in Congress. The spoliation going on could not be deterred by mere protests....²⁸⁰

²⁷³ Ibid., p. 132.

²⁷⁴ Ibid., p. 93

²⁷⁵ Ibid., p. 94.

²⁷⁶ Ibid., pp. 94-95.

²⁷⁷ Ibid., p. 96.

²⁷⁸ Ibid., p. 102.

²⁷⁹ Ibid., p. 104.

²⁸⁰ Ibid., p. 127.

Meanwhile, during the Revolution and the drafting of the Constitution, what were the actual acts of the majority of the signers of the Declaration of Independence, and of those who drew up the Constitution? These were the functionaries who were among the most active and influential in the different colonies. They were, many of them, officials of the Continental Government, and later held the highest posts in the State or Federal Governments. While acts were being passed disqualifying, dispossessing and imprisoning the poor, what were the interests and motives animating those great dignitaries of the Revolution?... What were the particular material interests of most of the leaders of the Revolution, and those of the drafters of the Constitution of the United States?... They were human, all of them, and proved it so to their own gratification. Nor did they profess to pose as humanitarian, engrossed in promoting the good of the whole human race. Their acts revealed that the special interests they were furthering were those of a particular class, and that class their own. Many of them left the fullest evidences in the real annals that they were not so inactive as to allow splendid opportunities for self-enrichment to pass ignored. During the Revolution and afterwards, they and other notabilities took instant advantage of their power, their inside knowledge of affairs, and the stress of the times to accomplish schemes involving the most extensive land jobbing, and the procurement of other self-beneficial legislative acts. The Revolution was as excellent a cover for the successful carrying out of these enterprises.... Among those participating in this jobbery during, and after, the Revolution were several who became distinguished Justices of the Supreme Court of the United States. But even more: Between the large and ambitious projects and schemes then accomplished or imitated, and the subsequent character and decisions of the Supreme Court of the United States, there lay a connection and sequence of the very gravest significance.²⁸¹

Rev. Wesley's dire and worst suspicions that the American Revolution was not really being for "the people" were further affirmed in Myers' *History of the Supreme Court of the United States*. While the Congress was authorizing millions of acres of land to be made accessible only to the extremely wealthy, the old colonial or state laws that imposed property-requirements for voting, disqualified millions of Americans from voting and remained intact, says Myers. The principle "no taxation without representation" obviously did not generally apply to these less-affluent Americans. "At

²⁸¹ Ibid., pp. 92-93.

the very height of the Revolution,” Myers writes, “State constitutions were adopted, depriving the propertyless of any voice in government.”²⁸²

At the same time, the “iron laws designed to shackle the working class continued, or were supplemented by others equally rigid. Imprisonment for debt continued inexorably in some States for half a century more, and other like or worse conditions obtained. In the very city in which the *Declaration of Independence* was drawn up, convicts were long regularly imported, and sold like slaves.”²⁸³

Under these conditions, the American bar and bench served as the glue, the oil, and the lubricants that made this system a smoothly-operating machine, says Myers.²⁸⁴ The “lawyers themselves sprang from the ruling class,” says Myers, “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.”²⁸⁵

2. British and American War Policy and Slavery, 1775 – 1783

Rev. John Wesley’s suspicions and critical assessment of the American patriots’ true motives, at least from the perspective of African American slaves, may also have been revealed by how both the British and the Americans conducted the war effort and treated African Americans. By every reasonable assessment—economically, politically, and morally—this war was not generally viewed by African Americans as a war in which they had a real stake or interest, *unless one side or the other made firm commitment to liberate them from bondage*. And as this war progressed, only the British committed themselves to the standard of *universal liberation for African American slaves* when, on June 30, 1779, British Army General Sir Henry Clinton issued the “**Philipsburg Proclamation**,” which offered freedom to all African American slaves, whether they fought for British Loyalist forces or not. Thousands of African Americans took

²⁸² Ibid., p. 85.

²⁸³ Ibid., p. 88.

²⁸⁴ Ibid., p. 68, 133-134.

²⁸⁵ Ibid., p. 68.

advantage of this Proclamation and were able to gain their freedom—resulting in relocations to the British West Indies, West Africa, or Canada. During the entire war, the American Continental Congress nor any of the American generals ever issue such a proclamation.

Here, the experience of the Baptist Rev. George Lelie, who was the first licensed African American Baptist preacher, and who is credited with founding the First African Baptist Church of Savannah, Georgia in 1777, is illustrative:

George Leile, a slave who in 1773 was the first African American licensed by the Baptists to preach in Georgia, played a part in the founding of the Savannah church by converting some of its early members. His initial licensing as a Baptist was to preach to slaves on plantations along the Savannah River, in Georgia and South Carolina.

Leile's master, a Baptist deacon, had freed him before the American Revolutionary War. Over the next few years, Leile converted and baptized slaves in the area. These included David George, one of eight slaves who were baptized and formed a congregation called the Silver Bluff Baptist Church in Aiken County, South Carolina, across the river from Augusta. George was appointed an elder and preacher, and attracted nearly 30 members over the next few years.

After the Revolutionary War started, in 1778 Leile made his way to the British-occupied city of Savannah, to ensure his security behind British lines. The British had offered freedom to slaves who escaped their rebel masters. After the British occupied Savannah, the Patriot master of David George and his followers fled to another area. All the members of the Silver Bluff church went to the city to go behind British lines for freedom. They joined with some of Leile's group. Others were converted by Leile's preaching, including Andrew Bryan and his wife Hannah in 1782. Bryan became a preacher and leader in the congregation.

In 1782 hundreds of blacks were evacuated from Savannah by the British, who transported many to Nova Scotia and other colonies, and some to London. Leile and his family sailed with the British for freedom to Jamaica. David George and his family went with Loyalists to Nova Scotia. Both founded Baptist congregations in their new locations. Later George and his family migrated to Sierra Leone, where he planted another Baptist church.

Bryan, who had purchased his and his wife's freedom, was the only one of the three early black Baptist preachers in the colonies to stay in Savannah

and the new United States. He continued to preach and organize other slaves in the Savannah area despite persecution from local Episcopal authorities. He called people together as the church's first pastor....²⁸⁶

Not only were the British the only party to this conflict to offer general freedom to the African American slaves, but the historical records show that most African Americans served in the Loyalist or British Army during the American Revolutionary War. “It is estimated that 20,000 African Americans joined the British cause, which promised freedom to enslaved people, as Black Loyalists. Around 9,000 African Americans became Black Patriots.... [A]bout 20,000 escaped enslaved people joined and fought for the British army. Much of this number was seen after Dunmore's Proclamation,²⁸⁷ and subsequently the Philipsburg Proclamation²⁸⁸ issued by Sir Henry Clinton. Though between only 800–2,000 people who were enslaved reached Dunmore himself, the publication of both proclamations provided incentive for nearly 100,000 enslaved people across the American Colonies to escape, lured by the promise of freedom.”²⁸⁹

During the American Revolutionary War, most African American slaves had no real loyalties for either of the two combatants, except the loyalty towards their own selfish interests to gain liberty from chattel slavery. However, historical records do reflect that some African Americans conscientiously supported the American cause.

²⁸⁶ [https://en.wikipedia.org/wiki/First_African_Baptist_Church_\(Savannah,_Georgia\)](https://en.wikipedia.org/wiki/First_African_Baptist_Church_(Savannah,_Georgia))

²⁸⁷ “**Dunmore's Proclamation** is a historical document signed on November 7, 1775, by **John Murray, 4th Earl of Dunmore**, royal governor of the British Colony of Virginia. The proclamation declared martial law and promised freedom for slaves of American revolutionaries who left their owners and joined the royal forces, becoming Black Loyalists. Most relevant historians agree that the proclamation was chiefly designed for practical and militaristic reasons rather than moral reasons, such as humanitarianism. Formally proclaimed on November 15, its publication prompted between 800 and 2000 slaves (from both patriot and loyalist owners) to run away and enlist with Dunmore. It also raised a furor among Virginia's slave-owning elites (again of both political persuasions), to whom the possibility of a slave rebellion was a major fear. The proclamation ultimately failed in meeting Dunmore's objectives; he was forced out of the colony in 1776, taking about 300 former slaves with him.” https://en.wikipedia.org/wiki/Dunmore%27s_Proclamation

²⁸⁸ [**Philipsburg Proclamation**]: “The proclamation extended the scope of Dunmore's Proclamation, issued four years earlier by Virginia's last Royal governor, Lord Dunmore, granting freedom to slaves in Virginia willing to serve the Royal forces. The new document, issued from Clinton's temporary headquarters at the Philipsburg Manor House in Westchester County, New York, proclaimed **all slaves** in the newly established United States belonging to American Patriots **free, regardless of their willingness to fight for the British Crown. It further promised protection, freedom and land to any slaves who left their master.** The move was one of desperation on the part of the British, who realized that the Revolution was not going in their favor. In a way it was too successful: so many slaves escaped (over 5,000 from Georgia alone), that Clinton ordered many to return to their masters. Following the war, about 3,000 former slaves were relocated to Nova Scotia, where they were known as Black Loyalists. Many continued on to Sierra Leone, where they established Freetown, its capital.” https://en.wikipedia.org/wiki/Philipsburg_Proclamation

²⁸⁹ https://en.wikipedia.org/wiki/African_Americans_in_the_Revolutionary_War

For example, an African American man named Crispus Attucks was one of the first Americans to die in the cause of American freedom during the Boston Massacre of 1770. And African Americans served in various northern militias from the battles at Lexington and Concord on through the American Revolutionary War.

However, since the American Revolutionary War (1775 – 1783) was not purposefully waged to include the goal of freeing African slaves from slave masters, and many of the American patriots were slave owners, African Americans were generally barred from serving as soldiers in the American Continental Army from the period November 12, 1775 to February 23, 1778. African Americans could serve in the various militias in Massachusetts, Connecticut, and Rhode Island—but they could not serve in the Continental Army. After February 1778, the policy barring African Americans from serving in the Continental Army changed due to manpower shortages and the Continental Army was authorized to recruit blacks and *to offer freedom for their military service*.

In response to the Continental Army's manpower shortages, the province of Rhode Island organized an all-black regiment (i.e., battalion) called the **1st Rhode Island Regiment** (1778 – 81). This unit was one of the few units to serve throughout the entire war, as African American troops on average served longer combat tours than did whites. During the war, it was known as the “Black Regiment,” even though it included some Native American soldiers as well. On January 1, 1776, this regiment was reorganized into eight companies and re-named the 9th Continental Regiment. “It was then ordered to Long Island and took part in the disastrous New York and New Jersey campaign, including the Battle of Long Island and the Battle of Harlem Heights, retreating from New York with the Main Army.”²⁹⁰ In 1777, the Continental Army was again reorganized, that the 9th Continental Regiment was redesignated the 1st Rhode Island Regiment. Its command was given to Colonel Christopher Greene. The unit saw action in 1777 at the Battle of Red Bank, in which it successfully defended against an assault from British-Hessian forces. During the winter of 1777-78, the unit spent the winter with General Washington and the Continental Army near Valley Forge, enduring extreme cold and hunger.

The valiant efforts of African American slaves, civilians, and soldiers who supported the American Continental Congress and the Continental Army were

²⁹⁰ https://en.wikipedia.org/wiki/1st_Rhode_Island_Regiment

seemingly unworthy of mention in any of *The Federalist Papers* that were written and published by James Madison, Alexander Hamilton, and John Jay. And at the Constitutional Convention in Philadelphia 1787, there was no mention at all of crediting the African American race with patriotic bravery during the war, and manumitting that entire race in full compliance and spirit of the American Declaration of Independence. During the War, as early as 1774, when pressure was on the Americans, the Continental Congress passed a strong anti-slave trade resolution, stating:

We will neither import, nor purchase any Slave imported after the First Day of December next; after which Time, we will wholly discontinue the Slave Trade, and will neither be concerned in it ourselves, nor will we hire our Vessels, nor sell our Commodities or Manufactures to those who are concerned in it.²⁹¹

But by 1776, this anti-slave trade attitude among the American patriots seems to have been weakened,²⁹² such that South Carolina and Georgia insisted that the following words be taken out of the Declaration of Independence, which was drafted and presented later during the same year:

[King George III has waged a] 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 the warfare of the Christian king of Great Britain.... And that this assemblage of horrors might want no fact distinguished die, he is now exciting those very people to rise in arms against us, and to purchase that liberty of which he has 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....²⁹³

The Continental Congress that ratified the Articles of Confederation in 1781 did not touch the question of slavery or the slave trade.²⁹⁴ Notwithstanding the anti-slavery activities of various groups such as the Quakers and the Methodists, there was no

²⁹¹ W.E.B. Du Bois, "The Suppression of the African Slave Trade" *Writings* (New York, N.Y.: The Library of America, 1986), p. 50.

²⁹² *Ibid.*, p. 53.

²⁹³ *Ibid.*, p. 54.

²⁹⁴ *Ibid.*, pp. 56-57.

mention of any proceeding within the Continental Congress of propositions or proclamations that the ideals proclaimed in the *American Declaration of Independence* (1776) were inconsistent with the institution of slavery and the slave trade.²⁹⁵ Hence, thus far we have no evidence to refute the Rev. John Wesley’s worst suspicions—at least from the perspective of an African American slave—that the goals of the American Revolution included “liberty” on behalf of “the people.”

3. Slavery and the Federal Constitutional Convention in 1787

Turning now to the peculiar institution of African slavery as it then presented itself to the federal constitutional convention in 1787, the person of South Carolina’s delegate John Rutledge and general silence of the slavery question by the Constitutional Convention or by *The Federalist Papers*, are most peculiar:

Slavery occupied no prominent place in the Convention called to remedy the glaring defects of the Confederation for the obvious reason that few of the delegates thought it expedient to touch a delicate subject which, if let alone, bade fair to settle itself in a manner satisfactory to all. Consequently, neither slavery nor the slave trade is specifically mentioned in the delegates’ credentials of any of the States, nor in Randolph’s, Pinckney’s, or Hamilton’s plans, nor in Paterson’s propositions. Indeed, the debate from May 14 to June 19, when the Committee of the Whole reported, touched the subject only in the matter of the ratio of representation of slaves. With this same exception, the report of the Committee of the Whole contained no reference to slavery or the slave-trade, and the twenty-three resolutions of the Convention referred to the Committee of Detail, July 23 and 26, maintain the same silence.²⁹⁶

As we have previously discussed, the “opposition of Methodists to slavery was expressed officially in the original General Rules set forth by Wesley in 1743 and in the rules adopted at the 1784 Christmas Conference.”²⁹⁷ This Methodist anti-slavery view represented the settled opinion of Puritan New England, the Church of England, and various court decisions, easily from the year 1772 up through the year 1784.²⁹⁸ Nevertheless, the Constitutional Convention of 1787 *maintained its silence* on slavery—the subject matter of liberty, freedom, and the natural rights of African American slaves.

²⁹⁵ Ibid.

²⁹⁶ Ibid., p. 58.

²⁹⁷ C. Erick Lincoln and Lawrence H. Mamiya, *The Black Church in the African American Experience*, p. 50.

²⁹⁸ For example, in England, the Case of *Somerset v. Stewart* (1772) 98 ER 499, (1772) 20 State Tr 1, (1772) Lofft 1 upheld the same antislavery view. And in colonial British North America, successful court challenges to the institution of African slavery occurred in Vermont (1777), followed by Pennsylvania (1780), Massachusetts (1783) and Connecticut (1784).

Hence, Rev. John Wesley's worst suspicions—at least from the perspective of African Americans—that the goals of the American Revolution were really not about “liberty” for “the people,” appears justifiable. Because, even if the Continental Congress or the Constitutional Convention of 1787, had been even remotely concerned about getting rid of this horrible institution of slavery *in a gradual manner*, it would have seriously engaged the prevailing debates on “gradual emancipation” that were being discussed during that era. For example, Rev. Dr. John Witherspoon, who was the Presbyterian divine and president of the College of New Jersey, believed that American slavery should be phased out, or die out naturally, within a generation:

In this connection it may be noted that in 1790 President Witherspoon, while a member of the New Jersey Legislature, was chairman of a committee on the abolition of slavery in the state, and brought in a report advising no action, on the ground that the law already forbade the importation of slaves and encouraged voluntary manumission. He suggested, however, that the state might enact a law that all slaves born after its passage should be free at a certain age—e.g., 28 years, as in Pennsylvania, although in his optimistic opinion the state of society in America and the progress of the idea of universal liberty gave little reason to believe that there would be any slaves at all in America in 28 years' time, and precipitation therefore might do more harm than good.²⁹⁹

And on this very same point, W.E.B. Du Bois writes:

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

²⁹⁹ John Witherspoon, *Lectures on Moral Philosophy* (Princeton, N.J.: Princeton University Press, 1912), p. 74.

toward slavery and the slave-trade that characterized the nation for three-quarters of a century, the policy of *laissez-faire, laissez-passer*.³⁰⁰

But South Carolina's constitutional delegate John Rutledge, who served as an Associate Justice on the U.S. Supreme Court and who was later appointed Chief Justice of the same tribunal, opposed the abolition of both slavery and the slave trade at the Constitutional Convention in 1787. "The people of North Carolina, South Carolina and Georgia,' he had then declared, 'will never agree to the proposed Constitution unless their right to import slaves be untouched.' He had finally acceded in the Convention, however, to the proposal that the importation of slaves should be prohibited prior to the year 1808."³⁰¹ And the Federal Constitution, as explained by either Alexander Hamilton or James Madison in No. 54 of *The Federalist Papers*, fully acknowledged African American slaves as being partly the "property" of other human beings:

But we must deny the fact, that slaves are considered merely as property, and in no respect whatever as persons. The true state of the case is, that they partake of both these qualities: being considered by our laws, in some respects, as persons, and in other respects as property. In being compelled to labor, not for himself, but for a master; in being vendible by one master to another master; and in being subject at all times to be restrained in his liberty and chastised in his body, by the capricious will of another, the slave may appear to be degraded from the human rank, and classed with those irrational animals which fall under the legal denomination of property. In being protected, on the other hand, in his life and in his limbs, against the violence of all others, even the master of his labor and his liberty; and in being punishable himself for all violence committed against others, the slave is no less evidently regarded by the law as a member of the society, not as a part of the irrational creation; as a moral person, not as a mere article of property. **The federal Constitution, therefore, decides with great propriety on the case of our slaves, when it views them in the mixed character of persons and of property.** ... This is in fact their true character. It is the character bestowed on them by the laws under which they live; and it will not be denied, that these are the proper criterion; because it is only under the pretext that **the laws have transformed the negroes into subjects of property**, that a place is disputed them in the computation of numbers; and it is admitted, that if the laws were to restore the rights which have been taken away, the negroes could no longer be refused an equal share of representation with the other inhabitants.... Let

³⁰⁰ Ibid., pp. 55-56.

³⁰¹ Myers, *A History of the Supreme Court*, p. 218.

the case of the slaves be considered, as it is in truth, a peculiar one. Let the compromising expedient of the Constitution be mutually adopted, which regards them as inhabitants, but as debased by servitude below the equal level of free inhabitants, which regards the SLAVE as divested of **two fifths of the MAN**.

The United States Constitution thus memorialized the subordinate status of slaves, all of whom were “negroes,” and counted them for the purpose of apportionment as three-fifths of men. And this was done in plain view of clearly-established Anglo-American jurisprudence that had held the slavery was “odious” and unsupportable by any “reasons, moral or political.”³⁰² In Article I, Section II, Clause III of the *United States Constitution*, the “Three-Fifths Compromise” is stated exactly as follows:

Representatives and direct taxes shall be apportioned among the several states which may be included in this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons.

This “Three-Fifths Compromise” was very pleasing to John Rutledge and the southern planters. It was placed in the federal constitution as a compromise measure in order to placate the South’s slave-holding interests.³⁰³ The American Founding Fathers knew that slavery was morally wrong; that slavery was inconsistent with the declared goals of the American Revolution; and slavery should be abolished. They understood the plain logic of Christianity and the decrees of men such as the Reverend John Wesley and other Methodists that slavery was unchristian. (Rev. Wesley’s declaration against slavery was published in the *Methodist General Rules* in 1743; Rev. Wesley’s *Thoughts Upon Slavery* was published in Philadelphia in 1778; the Methodist Episcopal Church’s declaration against slavery was ratified at its Christmas Conference in 1784; and Methodist bishops Francis Asbury and Thomas Coke had met General Washington as his home in Virginia in 1785, as well as many others, in order to petition against slavery.)

By the time of the federal Constitutional Convention in 1787 in Philadelphia, the American Founding Fathers were fully aware of the Methodist Church’s anti-slavery position—an anti-slavery position that shared at that time by the Bishop of London

³⁰² For example, in England, the Case of *Somerset v. Stewart* (1772) 98 ER 499, (1772) 20 State Tr 1, (1772) Lofft 1 upheld the same antislavery view. And in colonial British North America, successful court challenges to the institution of African slavery occurred in Vermont (1777), followed by Pennsylvania (1780), Massachusetts (1783) and Connecticut (1784).

³⁰³ “The Three-Fifths Compromise was proposed by James Wilson in 1789 in order to gain Southern support for the new framework of government by guaranteeing that the South would be strongly represented in the House of Representatives. Naturally, it was more popular in the South than in the North.” <https://guides.loc.gov/federalist-papers/text-51-60#s-lg-box-wrapper-25493430>

Beilby Porteous (1731 – 1809), one of history’s great abolitionists. Nevertheless, the American Founding Father’s compromised with the deadly sin of slavery—and it proved to be very costly compromise.

A great evil swept over the city of Philadelphia in 1787, inside of the closed-door sessions of the Constitutional Convention, at the seat of the national government. It was under these circumstances when the true Methodist spirit was confronted by slavery and hatred and racism, and gave birth to African Methodism! As the historian W.E.B. Du Bois says:

It was the plain duty of the Constitutional Convention, in founding a new nation, to compromise with a threatening social evil only in case its settlement would thereby be postponed to a more favorable time: this was not the case in the slavery and the slave-trade compromise; there never was a time in the history of America when the system had a slighter economic, political, and moral justification than in 1787; and yet with this real, existent, growing evil before their eyes, a bargain largely of dollars and cents was allowed to open the highway that led straight to the Civil War. Moreover, it was due to no wisdom and foresight on the part of the fathers that fortuitous circumstances made the result of the war what it was, nor was it due to exceptional philanthropy on the part of their descendants that that result included the abolition of slavery.

With the faith of the nation broken at the very outset, the system of slavery untouched, and twenty years’ respite given to the slave-trade to feed and foster it, there began, with 1787, that system of bargaining, truckling, and compromising with a moral, political, and economic monstrosity, which makes the history of our dealing with slavery in the first half of the nineteenth century so discreditable to a great people.... How far in a State can a recognized moral wrong safely be compromised? ... No persons would have seen the Civil War with more surprise and horror than the Revolution of 1776; yet from the small and apparently dying institution of their day arose the walled and castled Slave-Power. From this we may conclude that it behooves nations as well as men to do things at the very moment when they ought to be done.³⁰⁴

Hence, at least from the perspective of African Methodism, the Rev. John Wesley’s critique of the American Revolution’s being not truly about “liberty” or for “the people,” proved to be prophetic and wholly accurate. And it was also eerily coincidental, if not

³⁰⁴ W.E.B. Du Bois, *Writings* (New York, N.Y.: The Library of America, 1986), pp. 197-198.

altogether prophetic, that in 1787 the foundations of African Methodism and African-American Anglicanism were founded in Philadelphia, the same venue and time of the Constitutional Convention.

E. Francis Asbury and Thomas Coke take over the Leadership of the American Methodist Movement following the Revolutionary War

As Professor Lorraine Boettner has correctly stated: “[t]here were practically no Methodists in America at the time of the Revolution....”³⁰⁵ Prior to 1770, there were no “Methodist societies” in colonial British North America. In the period 1772 to 1779, there were less than 1,000 Methodists in North America.³⁰⁶ In 1787, there were about 3,000 Methodist in North America.³⁰⁷ The great George Whitefield had died in 1770. And when Rev. Wesley pulled all of his Methodist preachers out of North America in 1775 and 1776, only Rev. Francis Asbury stayed behind in Delaware as a committed American patriot. This would make Rev. Asbury the unquestioned leader of American Methodism following American independence in 1783. Following the war, Rev. Wesley sent his chief lieutenant, the Reverend Doctor Thomas Coke. Dr. Coke held the Doctor of Civil Law degree from Oxford and was himself an ordained presbyter in the Anglican Church. He was sent to North American in 1784 in order to assist Rev. Asbury. By this point, the political landscape had changed drastically and the future of the American Methodist movement was destined to ripen into its own independent church. This caused Rev. John Wesley to consider other options for ordinations—radical times required radical actions:

During the fall and winter of 1783/84, Wesley discussed the American problem with Coke, including a possible plan for Wesley to ordain episcopal leaders to supervise the Methodist work in America. At this point, Wesley seems to have been ready to move faster than Coke, who wanted first to observe the American scene and report back to Wesley. Coke finally gave in to Wesley’s plan, which included his own ordination before going to America. During the Conference at Leeds in August 1784, Wesley asked for volunteers to accompany Coke to America, and from the volunteers chose two, Thomas Vasey and Richard Whatcoat. Wesley discussed the possibility of ordinations with only his senior advisors, or Cabinet. According to one of them, John Pawson, the group advised against the idea but could tell that Wesley had made up his mind. Wesley consulted Fletcher, who was against it; a group of clergy in Leeds, who were against

³⁰⁵ Kenneth Talbot and Gary Crampton, *Calvinism, Hyper-Calvinism and Arminianism* (Whitefield Media Publishing: Lakeland, FL, 1990), p. 135.

³⁰⁶ Richard P. Heitzenrater, *Wesley and the People Methodists*, Nashville, TN: Abingdon Press, 2013, p. 294.

³⁰⁷ *Ibid.*

it; James Creighton, a new clergy in Leeds, who were against it; James Creighton, a new clergy assistant from Ireland, who was against it. Charles Wesley was not consulted at all.

In spite of all the opposition and in recognition of the potential criticism, Wesley pressed ahead with the plan.... Although already an ordained presbyter of the Church of England, Coke agreed after the Conference that it was expedient to receive what amounted to episcopal ordination, that is, ‘the power of ordaining others,’ by the imposition of Wesley’s hands.³⁰⁸

On September 1, 1784, Rev. Wesley ordained two preachers as deacons; and on the next day, those deacons were ordained again as presbyters, so that Dr. Coke could have two assistants when he travelled to North America. On that same date, September 2, Rev. Wesley ordained Dr. Coke a “superintendent.” Dr. Coke travelled to North America in 1784 and met with Rev. Asbury, who as a Methodist itinerant preacher had never been ordained. Much to Dr. Coke’s surprise, Rev. Asbury would not agree to Rev. Wesley’s plans, unless all the other American Methodist preachers agreed in Conference. Furthermore, Rev. Asbury insisted that he and Dr. Coke would serve as “superintendents” only if the American Conference elects them. Coke agreed to call a Conference on Christmas Eve 1784 at the Lovely Lane Chapel in Baltimore. During the meanwhile, Asbury took Coke on a 900 mile horseback tour of American Methodism. The Christmas Conference met as planned on Christmas Eve. At this Conference, the American Methodists discussed Mr. Wesley’s revised plan and adopted them. They also created “the Methodist Episcopal Church” as a separate and new denomination.³⁰⁹ At the Christmas Conference, “Asbury was ordained a deacon, presbyter, and superintendent on three successive days.”³¹⁰

Soon both Coke and Asbury began work on building the Methodist Episcopal Church in the new United States of America. They changed their official titles from “superintendent” to “bishop,” much to the chagrin of Rev. Wesley; and, inter alia, the co-founded Cokesbury College in Maryland, as the first Methodist college in the United States.³¹¹ From the beginning, Coke and Asbury took up the issue of slavery in America. And at this same the Christmas Conference, which was held in Baltimore in 1784, was a former African American slave named Richard Allen, whom Asbury officially licensed

³⁰⁸ Richard P. Heitzenrater, *Wesley and the People Methodists*, Nashville, TN: Abingdon Press, 2013, p. 319.

³⁰⁹ “But although it had all the prerequisites of a church, it looked like a church, and acted like a church, its soul was still Wesleyan in that it still thought of itself as a society. It relied heavily upon the precedents of the British Wesleyans and acknowledged a polite respect for Wesley.” Richard P. Heitzenrater, *Wesley and the People Methodists*, Nashville, TN: Abingdon Press, 2013, p. 325.

³¹⁰ *Ibid.*, p. 324.

³¹¹ https://en.wikipedia.org/wiki/Cokesbury_College

to preach in the new Methodist Episcopal Church.³¹² Rev. Allen would later found the African Methodist Episcopal Church and would become its first bishop in 1816.³¹³ During the meanwhile, Coke and Asbury pushed an anti-slavery and abolitionist agenda throughout the United States.³¹⁴ These early Methodists were convinced that the true spirit of the American Revolution was against all forms of slavery, and they were certainly moved by the spirit of the civil law as it had been evolving in England and New England.³¹⁵ In 1785, Methodist bishops Francis Asbury and Thomas Coke met personally with General George Washington at his home at Mount Vernon.³¹⁶ They both

³¹² See, e.g., <https://www.britannica.com/biography/Richard-Allen>

“**Richard Allen**, (born February 14, 1760, Philadelphia, Pennsylvania [U.S.]—died March 26, 1831, Philadelphia), founder and first bishop of the African Methodist Episcopal Church, a major American denomination.

“Soon after Allen was born, to slave parents, the family was sold to a Delaware farmer. At age 17 he became a Methodist convert and at 22 was permitted to preach. Two years later (1784), at the first general conference of the Methodist Episcopal Church at Baltimore, Allen was considered a talented candidate for the new denomination’s ministry. In 1786 he bought his freedom and went to Philadelphia, where he joined St. George’s Methodist Episcopal Church. Occasionally he was asked to preach to the congregation. He also conducted prayer meetings for blacks. Restrictions were placed on the number permitted to attend these meetings, and Allen, dissatisfied, withdrew in 1787 to help organize an independent Methodist church. In 1787 he turned an old blacksmith shop into the first church for blacks in the United States. His followers were known as Allenites.

In 1799 Allen became the first African American to be officially ordained in the ministry of the Methodist Episcopal Church. The organization of the Bethel Society led in 1816 to the founding of the African Methodist Episcopal Church, which elected Allen its first bishop.”

³¹³ Ibid.

³¹⁴ The Methodist Church engaged in a valiant anti-slavery protest movement during the late 1780s. See, e.g., <http://consulthardesty.hardspace.info/wp-content/uploads/2016/09/Hardesty-timeline-Rev10.pdf>, stating:

[On April 9 1785] Coke and Asbury personally inform General Washington (four years prior to his election as President) of their opposition to slavery.

Coke is stalked by an assassin - then violently threatened in Virginia - for equating slavery with injustice. Instead of accepting a bounty for giving Coke a hundred lashes with the whip, a local magistrate – after hearing the evangelist preach in a barn – emancipates his 15 slaves. A chain reaction ensues, wherein perhaps an additional nine souls are freed from servitude. Coke organizes church members in North Carolina to petition their legislature that manumission become legal. Failing, Coke returns to Virginia to lead calls for legislative change. This effort too is unsuccessful. Two counties set out indictments against him.

³¹⁵ For example, in England, the Case of *Somerset v. Stewart* (1772) 98 ER 499, (1772) 20 State Tr 1, (1772) Lofft 1 upheld the same antislavery view. And in colonial British North America, successful court challenges to the institution of African slavery occurred in Vermont (1777), followed by Pennsylvania (1780), Massachusetts (1783) and Connecticut (1784).

³¹⁶ **The Episcopal Church** (i.e., “Anglican Church”) in Virginia was thoroughly controlled through a “vestry” system that was controlled by slaveholders. For a description of George Washington’s attitude towards his own Anglican faith and the Episcopal Church, see Fletcher, Ryan Lee, “Christ and Class: The Protestant Episcopal Church in the South, 1760-1865” (2013) *Electronic Theses and Dissertations*, p. 78, 85, 88, 92-93 (“Mary V. Thompson’s recent analysis of Washington’s religious disposition appears accurate. Thompson contends in “*In The Hands of a Good Providence*”: *Religion in the Life of George Washington* that **Washington lived as a “liberal, Latitudinarian” in the Anglican Church**—not a deist or a pietist.... **Vestryman Washington had to ensure that hired clergy had the necessary resources to practice the established faith**.... The Church of England provided the southern gentry with comfort as its rituals transformed death into

asked Gen. Washington to sign their abolition petition to be submitted to the Virginia legislature. Gen. Washington stated that he shared their abolition sentiments but felt that it would not be appropriate for him to sign any petition, but that if the Virginia legislature brought the matter to the floor, then he would give his opinion on the subject.³¹⁷ Unfortunately, the Virginia legislature killed the petition and it was never presented to the floor for discussion.³¹⁸

The new Protestant Episcopal Church in Virginia and the South soon became beholden to the growing slave power.³¹⁹ Before long, the richer American Methodist churches, especially in the South, also became beholden to huge offerings and donations from slaveholders.³²⁰ To be clear, due to the influences of liberal latitudinarian Anglicanism and the slave power, many American Methodists rejected both Wesley's and British Methodism's anti-slavery position.³²¹

Hence, the great legacy of the Methodist movement was preserved only in select Methodist church denominations, such as the Methodist Episcopal Church-North and the African Methodist Episcopal Church. And the great legacy of the Methodist Church

the promise of eternal life.... Fourteen years after Washington had married Martha Custis, Mount Vernon had grown to encompass **119 slaves over the age of sixteen and land holdings in excess of 6,500 acres**. In the five years preceding the convening of the Second Continental Congress in 1775, **the number of slaves owned by Washington had doubled. Land and slaves should not be minimized in the cultivation of planter class identity**, but Washington also necessitated **established church pews**. At a critical time as he labored to secure his membership in the planter class, **George Washington incorporated pews into an ever-expanding inventory of plantation properties**.... For Washington and numerous other planter-vestrymen, the Church of England provided a social space to both manufacture a planter community and receive theological edification. Washington's military efforts in the American Revolution supported independence for the United States, Mount Vernon, and the Episcopal Church. **Republicanism, a tobacco plantation, and Episcopal pews**—the three pillars of George Washington—motivated him to engage in the American Revolution. Or to borrow the allegorical language of Reverend John Lewis: Washington elected to defend his three vineyards from an eighteenth-century reincarnation of King Ahab. By doing so, the vestryman emeritus bequeathed a distinctive inheritance of Episcopal republicanism to the late eighteenth and early nineteenth century South.”)

³¹⁷ Ibid.

³¹⁸ Ibid.

³¹⁹ Ibid., p. 96 (“As Episcopalians hemorrhaged membership, republicanism proved to be bureaucratic and inefficient in responding to an unfolding crisis. Lackluster church governance from 1785 to 1820, along with economic uncertainty propelled the Episcopal Church in Virginia and South Carolina into a nadir. Starting in the 1820s, an expanding planter class in the throes of a cotton revolution altered the South's religious destiny. Resurgent Episcopal planters, flush with slave-produced cotton fortunes, had new financial resources to support their church's expansion. For many Episcopalians in the South it became obvious in the forty years prior to the Civil War, that cotton had a sacred power in that it enabled the contemporary fulfillment of Haggai's prophecy by restoring the “glory” to God's holy temples.)

³²⁰ Lawrence, Brian D., "The relationship between the Methodist church, slavery and politics, 1784-1844"

(2018). *Theses and Dissertations*, pp. 1-2 (“John Wesley set the tone early for the Methodist's attitude towards slavery, but his enthusiasm for the emancipation of slaves would not be fully replicated in the **American Methodist church**.... Spiritual equality among people was a fundamental belief in the early Methodist church, whether male, female, black or white. Methodists embraced Galatians 3:28 which says, “There is neither Jew nor Gentile, neither slave nor free, nor is there male and female, for you are all one in Christ Jesus.” Slavery was antithetical to both the political ideals of the new nation and the “soul liberty” of the Methodist church. While **British Methodists** proclaimed that slavery represented a fundamental lack of freedom and equality, **American Methodists** faltered on this issue.... Though slavery was condemned by **early American Methodists**, it would eventually become engrained into the church even after outcry from northern Methodists who advocated abolitionism in the 1830s....)

³²¹ Ibid.

in both England and North America is that its foundations were laid by principled and capable leadership. Methodism taught and stressed a form of “social holiness” that was destined to influence law and public policy on both sides of the Atlantic. The Methodist Church is, in the authors opinion, the greatest legacy of the Church of England on American soil:

There was no essential conflict between the teachings of Methodism and the Anglican Church. It was a question of spirit, of emphasis. Even after separate chapels were built and a government for the Methodist established they insisted that they were still within the Church of England...

The New Testament preaching of brotherly love, of social righteousness, held a particular appeal for the masses. The leaders of the Methodist movement always stressed the brotherhood of all men. For example, John Wesley denounced slavery in direct, graphic, vehement language.... He spoke against the liquor traffic. He joined the Quakers in condemning the insanity of war....

Throughout the teachings of Methodism there was the constant stress upon the need for social reform. “The Gospel of Christ knows of no religion but social, no holiness but social holiness.”³²²

The genius of the Wesleyan system is that its conference system was perfectly adaptable to the American scene. The American Methodist Church adopted this Wesleyan system and further molded it to accommodate local American conditions. But the weakness of the Methodist Episcopal Church, which is shared by many evangelical churches, is that it was never designed to replicate the Church of England’s ability to administer a system of ecclesiastical courts or to influence secular legislation and public policy—thus providing a voice of the Christian Church to secular legislature, bar and bench. And, for that matter, no American church, following the American Revolution of ’76, was permitted to have the same level of influence upon American law and public policy, as did the Church of England upon England’s law and public policy.

Although Bishop Coke held the Doctor of Civil Law degree from Oxford, the American Methodist Church would not develop a rich legal tradition or a cadre of ecclesiastical chancellors, lawyers, and judges which could serve the interest of the church in a variety of roles throughout society, as in England. In short, Methodist bishops, such as Coke and Asbury, would never hold the same level or type of responsibility as, e.g., the Bishop of London, the Archbishop of Canterbury, or the Archbishop of York in England. Methodist bishops would not be given seats in the upper

³²² Goldwin Smith, *A History of England*, pp. 454-455.

chambers of American state and national legislatures, as the Anglican bishops were given seats in the House of Lords. Indeed, the Methodist Episcopal Church would have no provinces, dioceses, archbishops, convocations, or ecclesiastical courts, anywhere near the magnitude of the Church of England's. Instead, the Methodist Episcopal Church's emphasis was on evangelism and social holiness—not court administration, legal reform and public policy. It had emerged as a wholly independent church denomination that had grown up from the British **religious society** movement. And in many ways, it never stopped functioning as a large religious society.³²³

This does not mean that the Methodist Episcopal Church would not influence law and public policy in America—it certainly did, and it continues to do so. An instance of this can be seen in the relationship that Bishop Francis Asbury had with Richard Bassett, a signer of the U.S. Constitution and governor of Delaware. Due to Asbury's influence, Governor Bassett converted to Methodism, freed his own slaves, and sponsored anti-slavery legislation in the Delaware state legislature.

But the Methodist Episcopal Church has created no Christian jurisprudence for the United States, because “law and religion” are conceptually separated entities by the American constitutional doctrine known as the “separation of church and state.” However, as we have seen throughout this paper, “Methodism” is the creature of orthodox Anglicanism, designed by theologians who assumed, as a given, the Christian foundations of constitutional or fundamental law, as well as the church-state apparatus of 18th-century England (i.e., the legacy of Dr. Richard Hooker's *Of the Laws of Ecclesiastical Polity* (1594)³²⁴—where the Church was an established component of the State; the “two-tables” theory of Church-State polity was axiomatic; the civil magistrate was deemed a vicegerent of God; and secular human law was subordinate to God's natural moral laws. The whole point of Methodism is “The Gospel of Christ knows no religion but social, no holiness but social holiness,” meaning that “stress upon the need for social reform” implies Methodist interaction with the secular government and court system, in some form or another—i.e., an intersection where the Social Gospel meets secular public law and policy. The Puritan-Anglican conceptualization of the “two-tables” theory of Church-State polity is the theological foundation of Methodism's zeal of social holiness and social justice. In other words, the church must at times exercise its prophetic prerogative through petitioning the secular magistrate to do justice and

³²³ “But although it had all the prerequisites of a church, it looked like a church, and acted like a church, its soul was still Wesleyan in that it still thought of itself as a society. It relied heavily upon the precedents of the British Wesleyans and acknowledged a polite respect for Wesley.” Richard P. Heitzenrater, *Wesley and the People Methodists*, Nashville, TN: Abingdon Press, 2013, p. 325.

³²⁴ *Ibid.*, p. 10.

administer just laws. Today, “social holiness” and “social justice” are the great legacies of the Wesleyan and Methodist Churches in the United States.

IV. Episcopal Republicanism: Creating the Protestant Episcopal Church of the United States of America, 1785-1789

The spirit of latitudinarian Anglicanism shaped both the constitution of the new Protestant Episcopal Church of the United States as well as the new *United States Constitution* (1787). Indeed, the appeal to natural theology, natural law, and genuine religion that emphasized Christian practice more than “orthodox” Christian beliefs characterized both the federal constitution of the United States as well as the theology of the new Episcopal Church. Both the federal government and the Episcopal Church had adopted the same type of republican constitution; and both accepted a compromise with slavery. In truth, the same *aristocratic constituencies*— planters, merchants, and lawyers—that were present and represented at the Constitutional Convention in 1787 in the city of Philadelphia (leading to the ratification of the *U.S. Constitution*), were also present at the Protestant Episcopal Church’s ecclesiastical conventions in 1785, 1786, and 1789, also held in Philadelphia (leading to the ratification to the *Constitution of the Protestant Episcopal Church*).

In 1785, the Protestant Episcopal Church of the several states, led by its General Convention, “professing the same religious principles with the Church of England,” petitioned the Church of England for continued membership within that communion, assuring the mother Church of England that it would maintain both its sacred heritage of Apostolic succession, doctrine, and discipline, while at the same time complying with the civil authorities of the new American republic. In reply to that petition, several bishops within the Church of England responded favorably in 1786, stating: “We are now enabled to assure you, that nothing is nearer to our hearts than the wish to promote your spiritual welfare, to be instrumental in procuring for you the complete exercise of our holy religion, and the enjoyment of that ecclesiastical constitution, which we believe to be truly apostolical, and for which you express so unreserved a veneration. We are therefore happy to be informed that this pious design is not likely to receive any discountenance from the civil powers under which you live: and we desire YOU to be persuaded, that we, on our parts, will use our best endeavors, which we have good reason to hope will be successful, to acquire a legal capacity of complying with the prayer of

your address.”³²⁵ And in 1789, the General Convention met and adopted “A General Constitution of the Protestant Episcopal Church of the United States of America.”³²⁶

A. Protestant Episcopal Church Convention of 1785

In 1785, the Church of England within the new United States became known as the Protestant Episcopal Church in the States of New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and South Carolina. Its first convention was held from between September 27 to October 7, 1785, in the city of Philadelphia. At this convention, the principles of ecclesiastical-republican democracy took shape. Delegates—both clergy and laity—were selected from each of the states aforementioned. At this convention, it was decided that a “president” be elected by all of the delegates, and Rev. Dr. William White, Bishop of Philadelphia, was then elected President of the Convention. The minutes of the Convention meeting states: “*On motion, Resolved, That a President be now chosen by ballot, and that each State have one vote; which being done, and the ballots counted, it appeared that the Rev. William White. D.D. was unanimously chosen.*”³²⁷

Next, the Convention discussed converting the canons and liturgy of the Episcopal Church in order to represent the ideals of the American Revolution. One lay delegate and one clergy delegate from each state was selected to form a committee in order to review and revise the Episcopal Church’s constitution. The convention minutes state:

*The fourth article being read, it was, on motion, Resolved, That a Committee be appointed, consisting of one Clerical and one Lay Deputy from the Church in each State, to consider of and report such alterations in the Liturgy. as shall render it consistent with the American revolution and the Constitutions of the respective States: And such further alterations in the Liturgy, as it may be advisable for this Convention to recommend for consideration of the Church here represented....*³²⁸

Ordered, That so much of the revised Liturgy as respects the American revolution and the constitutions of the States be again read, and considered, by paragraph; which being done, Ordered, That the alterations in the

³²⁵ Section 148-149, *Journal of a Convention of the Protestant Episcopal Church* (February 24, 1786).

³²⁶ *Ibid.*

³²⁷ Section 101, *Journal of a Convention of the Protestant Episcopal Church* (September 28, 1785).

³²⁸ Section 103-104, *Journal of a Convention of the Protestant Episcopal Church* (September 28, 1785).

*Liturgy to be proposed to the Church be again read, and considered by paragraphs; which being done in part, The Convention adjourned to six o'clock this evening.*³²⁹

And it was further resolved that a committee be established in order to create a draft constitution for a new church that was to be official called the Protestant Episcopal Church of the United States, to wit: *Resolved, That a Committee, to be composed as aforesaid, prepare and report a draft of an ecclesiastical constitution for the Protestant Episcopal Church in the United States of America.*³³⁰ The draft copy of the constitution of the Protestant Episcopal Church was then set forth at the general convention, and it stated:

WHEREAS, in the course of Divine Providence, the **Protestant Episcopal Church in the United States of America** is become **independent of all foreign authority, civil and ecclesiastical**...

And whereas, at a meeting of Clerical and Lay Deputies of the said Church, in sundry of the said States, viz. in the States of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland, held in the City of New York, on the 6th and 7th days of October, in the year of our Lord 1784, it was recommended to this Church, in the said States represented as aforesaid, and proposed to this Church in the States not represented, that they should send Deputies to a Convention to be held in the City of Philadelphia, on the Tuesday before the Feast of St. Michael in the present year, in order to unite in a Constitution of Ecclesiastical Government, agreeable to certain fundamental principles expressed in the said recommendation and proposal; And whereas. in consequence of the said recommendation and proposal, Clerical and Lay Deputies have been duly appointed from the said Church in the States of New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia and South Carolina : The said Deputies being now assembled. and taking into consideration the importance of maintaining uniformity in doctrine, discipline, and worship, in the said Church, do hereby determine and declare,

- I. That there shall be a **general Convention of the Protestant Episcopal Church** in the United States of America, which shall be held in the city of Philadelphia on the third Tuesday in June, in the year of our Lord 1786, and forever after, once in three years on the third Tuesday of June, in such place as shall be determined by the Convention : and special meetings may be held at such other times and in such places as shall be hereafter provided for; and this Church, in a majority of the States aforesaid, shall be represented before they shall proceed to business; except that the representation of this Church from two States shall be sufficient to adjourn; and in all business of the Convention freedom of debate shall be allowed.
- II. There shall be a **representation of both Clergy and Laity of the Church in each State** which shall consist of one or more Deputies, not exceeding four, of each order; and in all questions

³²⁹ Section 108, *Journal of a Convention of the Protestant Episcopal Church* (October 1, 1785).

³³⁰ Section 104, *Journal of a Convention of the Protestant Episcopal Church* (September 28, 1785).

the said Church in each State shall have one vote; and a majority of suffrage shall be conclusive,

- III. In the said Church in every State represented in this Convention, there shall be a convention consisting of the Clergy and Lay Deputies of the congregations.
- IV. The **Book of Common Prayer**, and **Administration of the Sacraments**, and other Rites and Ceremonies of the "Church, according to the use of the Church of England," shall be **continued to be used by this Church**, as the same is altered by this Convention, in a certain instrument of writing passed by their authority, entitled, **Alterations of the Liturgy, of the Protestant Episcopal Church, in the United States of "America** in order to render the *same conformable to the American Revolution and the constitution of the respective states.*"
- V. In every State where there shall be a Bishop duly consecrated and settled, and who shall have acceded to the articles of this General Ecclesiastical Constitution, he shall be considered as a member of the Convention *ex officio*.
- VI. The **Bishop or Bishops** in every State shall be **chosen agreeably** to such rules as shall be fixed by the respective Conventions....
- VIII. Every Clergyman, whether Bishop or Presbyter, or Deacon, shall be amenable to the authority of the Convention in the State to which he belongs, so far as relates to suspension or removal from office; and the Convention in each State shall institute rules for their conduct, and an equitable mode of trial....
- X. No person shall be ordained or permitted to officiate as a Minister in this Church, until he shall have subscribed the following declaration, " I do believe the holy scriptures of the, Old and New Testament to be the word of God. and to contain all things necessary to salvation: and I do solemnly engage " to conform to the doctrines and worship of the Protestant " Episcopal Church, as settled and determined in the Book of "Common Prayer, and Administration of the Sacraments, set " forth by the **General Convention of the Protestant Episcopal "Church** in these United States."
- XI. This **General Ecclesiastical Constitution**, when ratified by the Church in the different states, shall be considered as **fundamental**; and shall be unalterable by the Convention of the Church in any State.³³¹

Significantly, the bishops within the Protestant Episcopal Church in the United States of America would be "chosen" or "elected"³³² by the conventions from the several states

³³¹ Section 112-119, *Journal of a Convention of the Protestant Episcopal Church* (October 5, 1785).

³³² "Secondly That it be recommended to the said Conventions, that they **elect persons** for this purpose [of consecration as bishop].... Fourthly, That it be recommended to the different Conventions, that they **pay especial attention to the making**

and presented to Archbishop of Canterbury and bishops within the Church of England for approval. The convention minutes state: “First, That this Convention address the Archbishops and Bishops of the Church of England, requesting them to confer the episcopal character on such persons as shall be chosen and recommended to them for that purpose, from the Conventions of this Church, in the respective States.”³³³ Significantly, the Protestant Episcopal Church resolved that its constitution and administration would not conflict with the civil laws of the states of the United States. The Episcopal bishops would remain in communion with canterbury, but they would not be entitled to sit in the House of Lords or use the same titles as the English bishops, but that only honorific titles to be used for bishops would be “the right reverend,” etc.

B. Protestant Episcopal Church Convention of 1789

By 1789, the Constitution of the United States had been adopted in 1787 and it was being ratified by the several states of the United States. And George Washington had been sworn in as the President of the United States on April 30, 1789. It was clear, by 1789, that latitudinarian Anglicanism and Episcopal republicanism had triumphed. That is to say, the latitudinarian Anglicanism of the 18th Century was reflected in the theology of the new Protestant Episcopal Church that was formed in 1789. And this latitudinarian Anglicanism was widely held to be, and described as, “genuine religion.” The political power of the “orthodox” Church of England had been significantly curtailed in the new United States of America. The new Protestant Episcopal Church now worked hand-in-glove with the American state and federal governments, and both church and state were subordinate to “the people,” who were actually the aristocracy—the planter, merchant, lawyer class—from which arose President George Washington. In a joint letter to President Washington, the bishops, clergy, and laity of the Episcopal Church wrote:

With unfeigned satisfaction we congratulate you on the establishment of the New constitution of government of the United States, the mild, yet efficient operations of which, we confidently trust, will remove every remaining, apprehension of those, with whose opinions it may not entirely coincide, and will confirm the hopes of its numerous friends. Nor do these

it appear to their Lordships, that the persons who shall be sent to them for consecration, arc desired in the character of Bishops, as well by the Laity as by the Clergy of this Church, in the said States respectively; and that they will be received by them in that character on their return.” Section 124-125, *Journal of a Convention of the Protestant Episcopal Church* (October 5, 1785).

³³³ Section 123, *Journal of a Convention of the Protestant Episcopal Church* (October 5, 1785).

expectations appear too sanguine, when the moderation, patriotism and wisdom of the honorable members of the *federal legislature* are duly considered. From a body thus eminently qualified, harmoniously co-operating with the executive authority in constitutional concert, we confidently hope for the *restoration of order* and of our *ancient virtues*,-- the *extension of genuine religion*, and the consequent advancement of our respectability abroad, and of our substantial happiness at home. We devoutly implore the Supreme Ruler of the Universe to preserve you long in health and prosperity, an animating example of all public and private virtues, the friend and guardian a free, enlightened and grateful people,-- and that you may finally receive the reward which will be given to those, whose lives have been spent in promoting the happiness of mankind.³³⁴

And in response, President Washington gave a nod of approval of the latitudinarian Anglican sentiments stated in the Church's letter, with respect to "ancient virtues" and "genuine religion," and to the establishment of the new Federal Constitution and government, stating:

I receive, with the greatest satisfaction, your congratulations on the establishment of the New Constitution of Government because I believe its mild, yet efficient, operations will tend to remove every remaining apprehension of those, with whose opinions it may not entirely coincide, as well as to confirm. the hopes of its numerous friends; and because the moderation, patriotism and wisdom of the present Federal Legislature seem to promise the *restoration of order* and our *ancient virtues*, the extension of *genuine religion* and the consequent advancement of our respectability abroad, and of our substantial happiness at home. I request, Most Reverend and respectable Gentlemen, that you will accept my cordial thanks for your devout supplications to the Supreme Ruler of the Universe in behalf of me.³³⁵

And what President Washington meant by "genuine religion" was the ecumenical spirit upon Christians of different denominations (and perhaps also Americans of different faiths) exemplifying the "law of Christ," all working together to build stronger nation and bond of union. Indeed, in his response letter to the Episcopal Church, President

³³⁴ *Journal of a Convention of the Protestant Episcopal Church* (1789), pp. 100-101.

³³⁵ *Ibid.*, p. 102.

Washington wrote: “[o]n this occasion it would ill become me to conceal the joy I have felt in perceiving the fraternal affection, which appears to [i]ncrease every day among *the friends of genuine religion*. It affords edifying prospects indeed, to see Christians of different denominations dwell together in more charity, and conduct themselves, in respect to each other, with a more Christian like spirit, than ever they have done in any former age, or in all other nation.”³³⁶ Thus, “genuine religion” meant the prevailing liberal latitudinarian Anglicanism (including, perhaps, Deism) of the 18th century.

In 1789, the Protestant Episcopal Church of the United States adopted its new books of sacred rites, which removed the British Crown, Parliament, and the Church of England from its legal, ecclesiastical, and constitutional position of authority over the Anglican Church in the new United States. In the “Preface” section to its new *Book of Common Prayer* (1789), the new Protestant Episcopal Church set forth the spirit of Queen Elizabeth I’s “Elizabethan Settlement of 1559” and of “latitudinarian Anglicanism,” which were essentially described as the “*liberty wherewith Christ hath made us free.*” This was indeed a Protestant testimony and description of the Anglican “catholic” spirit of religious diversity, to wit:

It is a most invaluable part of that blessed ‘liberty wherewith Christ hath made us free,’ that in his worship different forms and usages may without offence be allowed, provided the substance of the Faith be kept entire; and that, in every Church, what cannot be clearly determined to belong to Doctrine must be referred to Discipline; and therefore, by common consent and authority, may be altered, abridged, enlarged, amended, or otherwise disposed of, as may seem most convenient for the edification of the people, ‘according to the various exigency of times and occasion’

In reaching this conclusion, the new Protestant Episcopal Church acknowledged “the Church of England, to which the Protestant Episcopal Church in these States is indebted,” as well as the Protestant Episcopal Church’s necessities in making still yet further changes church “discipline.” The Protestant Episcopal Church expressly asserted that it had no intention “to depart from the Church of England in any essential point of doctrine, discipline, or worship, or *further than local circumstances require.*”

However, in the new United States, “local circumstances” required “prayers for our Civil Rulers, in consequence of the Revolution. And the principal care herein was to

³³⁶ Ibid.

make them conformable to what ought to be the proper end of all such prayers, namely, that ‘Rulers must have grace, wisdom, and understanding to execute justice, and to maintain truth.’” And so, the Episcopal Church’s *fealty* was officially transferred in 1789 from the British Crown and Parliament to the sovereignty of the new United States of America.

In the new United States of America, the new Protestant Episcopal Church would have a republican form of ecclesiastical government, similar to that of the United States Congress. There would be no archbishops, popes, or patriarchs in the Episcopal Church.³³⁷ Its general synod or general convention would consist of a House of Bishops and a House of Delegates (laity and clergy)—similar to the Senate and the House of Representatives of the United States. The presiding bishop in the House of Bishops would serve as “first among equals,” not as a pope or patriarch or an Archbishop of Canterbury. But, without question, the Episcopal Church’s House of Bishops and its Presiding Bishop may rightfully be said to be *subservient* to the American idea of civil polity (i.e., the republican form of government), as reflected in the *Declaration of Independence* (1776) and the *United States Constitution* (1787). Indeed, the “Preface” to the *Book of Common Prayer* (1789) states:

But when in the course Divine Providence, these American States became independent with respect to civil government, their ecclesiastical independence was necessarily included; and the different religious denominations of Christians in these States were left at full and equal liberty to model and organize their respective Churches, and forms of worship and discipline, in such manner as they might judge most convenient for their future prosperity; ***consistently with the constitution and laws of their country.***

³³⁷ “In 1789, representative clergy from nine dioceses met in Philadelphia to ratify the church’s initial constitution. The Episcopal Church was formally separated from the Church of England in 1789 so that clergy would not be required to accept the supremacy of the British monarch. A revised version of the Book of Common Prayer was written for the new church that same year. The fourth bishop of the Episcopal Church was James Madison, the first bishop of Virginia. Madison was consecrated in 1790 by the Archbishop of Canterbury and two other Church of England bishops. This third American bishop consecrated within the English line of succession occurred because of continuing unease within the Church of England over Seabury’s non-juring Scottish orders. The Episcopal Church thus became the first Anglican Province outside the British Isles. On 17 September 1792, at the triennial general convention (synod) of the Episcopal Church at Trinity Church on Wall Street, in New York City, Thomas John Claggett was elected the first bishop of Maryland. He was the first bishop of the Episcopal Church ordained and consecrated in America and the fifth Bishop consecrated for the Episcopal Church in the United States.” [https://en.wikipedia.org/wiki/Episcopal_Church_\(United_States\)#Governance](https://en.wikipedia.org/wiki/Episcopal_Church_(United_States)#Governance)

What did all of this really mean? It meant that the new Protestant Episcopal Church was now led by the same *planters, merchants, and lawyers* (i.e., the *vestry system*, the American patriots, the latitudinarian Anglicans, the Puritans, the Presbyterians, the Whigs, etc.) who framed the new government of the United States.³³⁸ It meant that between the three major forces in America—Church ←----→ State ←----→ Capitalism—the forces of capitalism now reigned predominant over both the church and the state. Both the Protestant Episcopal Church and the national government of the United States were both subordinate to the forces of capitalism (i.e., *planters, merchants, and lawyers*); and both of the Episcopal Church and national government of the United States parallel one another and reflect the same interests and constituencies.

For instance, when the colonies of Virginia, the Carolinas, and Georgia officially sanctioned the institution of slavery, so did the theology and official position of the Anglican Church in those colonies.³³⁹ And when the United States government compromised with slavery and the slave-trade at the 1787 Constitutional Convention, so did the theology and official position of the Protestant Episcopal Church.³⁴⁰

C. American Methodism overshadowed the New Protestant Episcopal Church

The spirit of the new republicanism swept colonial British North America following the end of the American Revolutionary War (1775 - 1781). Everywhere, men and women were talking about creating a new government that was to be based upon republican principles. This new “spirit of republicanism,” however, was at the same time amenable to accommodating the institution of slavery, and to enthrone what was to become the American slave power, just as Adam Smith had predicted in his masterpiece,

³³⁸ Now in England, throughout the 17th century, there had been fierce conflict within the Church of England, between the Catholics and the Puritans, with each side fighting to attain leverage over the other, and for influence over the Church of England’s liturgical practices. This conflict spilled over into politics and, indeed, it had been a cause of the English Civil War (1642 - 1651) and several other conspiratorial plots against the British Crown. This conflict continued up through the reign of King George II, when there was a Jacobin uprising during the 1740s. During the reign of King George III, the Scottish Presbyterians, the latitudinarian Anglicans, the Puritans of colonial New England, and the Whigs still considered the “orthodox” Church of England and the Tories to be a threat to their political and civil liberties. **The American Revolutionary patriots, who represented those same Presbyterians, latitudinarian Anglicans, Puritans, and Whigs, wanted the new Protestant Episcopal Church to reflect the political ideals of the new United States, and this is exactly what they were able to achieve.**

³³⁹ See, e.g., “Episcopalians confront hard truths about the Episcopal Church’s role in slavery, black history” (February 28, 2018) <https://www.episcopalchurch.org/racialreconciliation/episcopalians-confront-hard-truths-about-the-episcopal-churchs-role-in-slavery-black-history/>; “RACE AND EPISCOPAL CHURCH HISTORY,” October 14, 2020 by Gabriel J. Atchison <https://episcopalpartnership.org/race-and-episcopal-church-history/>; and “Episcopal Church apologizes for its role in slavery” (Oct 7, 2008) by Gregg Brekke <https://www.ucc.org/episcopal-church-apologizes/>.

³⁴⁰ Ibid.

The Wealth of Nations (1776).³⁴¹ Unfortunately, the new Protestant Episcopal Church of the United States, particularly in the South, embraced both “*republicanism*” and “*slavery*”:

[T]hat many members of the established church embraced the republicanism of the American Revolution. Planter-dominated parishes of the established church became crucibles of a political revolt against the modernizing threats of the British Empire. Before the American Revolution subsided, members of the established church in the South crafted a slaveholding republicanism that would endure beyond the imperial crises of the 1760s and 1770s. Disestablishment and the destruction triggered by the American Revolution caused a temporary, but not fatal, declension in the southern parishes of the emergent Protestant Episcopal Church.³⁴²

After the American Revolution, the King of England, the Archbishop of Canterbury, and the Bishop of London no longer governed the Anglican Church in the new United States. Left to itself, the new Protestant Episcopal Church of the United States, reorganized during the period 1785-1789, had become a planter-dominated church, not readily accessible to those families who were too poor to buy a “pew” in the church.

The new Protestant Episcopal Church in the new United States was now wholly controlled by the planter-dominated vestry that dominated by the Episcopal bishops and priests. And as post-revolutionary economic forces reorganized themselves around the southern slave-driven economy, this new Protestant Episcopal Church was even more beholden to the American slave power.³⁴³

³⁴¹ According to Adam Smith, a republic, such as the one then proposed by the colonists of British North America, does a very poor job of protecting the human rights of slaves; and, thereby, a republic generally fails to raise the productivity of the system of slavery above the economic advantages of a system based upon free labor. The reason for this, says Smith, is that under a republican form of government, *the master class controls all of the reigns of power*—legislative, judicial, and executive. Under such a governmental system, i.e., a republican form of government controlled by a master class, the rights of slaves become more or less disregarded:

In every country where the unfortunate law of slavery is established, the magistrate, when he protects the slave, intermeddles in some measure in the management of the private property of the master; and, in a free country, where the master is perhaps either a member of the colony assembly, or an elector of such a member, he dare not do this but with the greatest caution and circumspection. The respect which he is obliged to pay to the master, renders it more difficult for him to protect the slave. (Adam Smith, *The Wealth of Nations* (New York, N.Y.: The Modern Library, 1994), p. 553)

But where, as in the Southern United States, the master class took complete control over the republican forms of government, the rights of African American slaves were wholly in jeopardy and subject to the arbitrary power of the master class. Under such a system, argued Smith, the inefficiencies that must grow from such depressed or distressed slave labor must render a colony or state far less productive than an economic system based upon free labor.

³⁴² Fletcher, Ryan Lee, "Christ and Class: The Protestant Episcopal Church in the South, 1760-1865" (2013). *Electronic Theses and Dissertations*. 1417.

³⁴³ *Ibid.*, p. 130 “(Cotton production in the United States stood at around 9,000 bales in 1790 as the Episcopal Church

Table 7. The Vestry System in the Anglican Church in North America

The Anglican Church in Colonial British North America- 1780s-1800
<p><u>Supreme Governor:</u> General Convention (House of Bishops and House of Delegates (Clerical and Laity)</p> <hr/>
<p>NOTE: the changes made to the governing structure of the Protestant Episcopal Church reflected a slight version of “presbyterian” ecclesiastical government.</p>
<p><u>General Church Management:</u></p> <p><u>Vestry System:</u> (A governing board of lay churchmen):</p> <ul style="list-style-type: none">• Planters, etc.• Merchants, etc.• Lawyers, etc. <hr/>
<p>NOTE: This same class (i.e., <i>Planters, Merchants, and Lawyers</i>) was predominant amongst the signers of the <i>Declaration of Independence</i> (1776) and at the Constitutional Convention of 1787. They were “latitudinarian Anglicans” and “Whig” patriots. See, e.g., Appendices E, F, and G.</p>
<p><u>Parish-Level Church:</u></p> <ul style="list-style-type: none">• Parish Priests• Vicars• Curates, etc.

And by the time of the American Revolution, the *pro-slavery* American Episcopalians faced stiff competition from the new and up-and-coming *anti-slavery*³⁴⁴ Methodist movement, which was led by bishops Francis Asbury and Thomas Coke.

Revolution fomented a new dissenting movement in Virginia. Formation of an independent Methodist church sapped membership from the established

entered nadir in the South. In 1821, at the dawn of the Episcopal Church's renaissance in the South, cotton production had grown to 525,000 bales. On the eve of the Civil War, cotton production in the United States exceeded 5,500,000 bales. The South's planter class, buoyed by its cotton fortunes, reconnected with the Protestant Episcopal Church to both solidify its social power on earth and to seek salvation in the world to come.”)

³⁴⁴ The American Methodists in the South, however, did not long remain an “anti-slavery” church. See, e.g., Lawrence, Brian D., "The relationship between the Methodist church, slavery and politics, 1784-1844" (2018). *Theses and Dissertations*. 2570.

churches, since Wesleyans started as a society within the Church of England. Methodist separatism demonstrated that the war could devastate parishes without any military bombardment. Early Methodists relaxed the educational requirements for their teachers and preachers. In response, Virginia Episcopalians renewed their pleas for a republican bishop....

After the American Revolution ended, Episcopalians in the United States gathered at their first General Convention and declared their own “ecclesiastical independence” from the British Empire as they organized the Protestant Episcopal Church in 1785. As Methodist independence emptied pews in established churches, it ironically guaranteed unquestioned planter dominance over the remnant Protestant Episcopal Church in the late eighteenth and early nineteenth century South. In the South, the American Revolution had displaced established congregations, demolished church buildings, and prompted a deleterious Methodist offensive. Outnumbered by evangelicals and seemingly destined for extinction, a beleaguered group of Episcopalians in the South would endure the transition, revive their religion, and thus ensure their church would become one the region’s most influential institutions prior to the Civil War.³⁴⁵

Thus, the *anti-slavery* American Methodist movement placed great strain and pressure upon the *pro-slavery* American Episcopalians, and rightfully so. See, e.g., Table 8.

Table 8. American Methodism surpasses the Episcopalians, 1776 - 1850³⁴⁶

Denomination	1776	1850
Anglican-Episcopalians	53,089	95,110
Methodists	6,971	1,632,613

For one thing, the Methodist movement was much more egalitarian and, at least on the surface, it seemed to better represent the gospel of Jesus Christ. The Methodists appealed to all classes of society. It was also brutally honest in condemning slavery and slave-holding, and it welcomed African slaves to its membership. For this reason, the true spirit of the Church of England’s Society for the Propagations of the Gospel in foreign parts was unofficially transferred from the Anglicans to the new Methodist movement.

³⁴⁵ Ibid., pp. 74-75.

³⁴⁶ Newman, William M. and Peter L. Halvorson, *Atlas of American Religion: The Denominational Era, 1776-1990* (Walnut Creek, CA: AltaMira Press, 2000), pp. 73, 77, 80, 83.

V. African American Methodism Develops in Response to Systematic Racism and Slavery, 1787 to 1820

The new Protestant Episcopal Church soon became beholden to the growing slave power.³⁴⁷ Before long, the richer predominantly-white American Methodist churches, especially in the South, also became beholden to that same slave power.³⁴⁸ Therefore, when the Constitutional Convention was being convened in Philadelphia in 1787, African Americans were developing a sense of self-preservation, self-determination, racial consciousness, and a definite program to combat race prejudice and slavery, both within and without the church.

Fundamentally, the aims and aspirations of African Americans were deeply-rooted in the Christian religion. Racism and slavery were wrong, because they violated the “law of Christ,” which, in the minds of African Americans, was a “higher law” of God and, for that matter, the fundamental law of the land. Just as British Methodism began as a “religious society,” so too did African Methodism begin as a separate “religious society”—and both movements arose from the need to bring the Gospel to the most marginalized citizens. Just as the British Methodist movement retained the same theology of the Church of England, African Methodism retained the same theology of British Methodism—the only difference between them were matters of theological emphasis and cultural expression. But deeply-rooted in African Methodism, although hidden, is the whole history of the Church of England, of the influences of Richard Hooker’s *Of the Laws of Ecclesiastical Polity* (1594), of the 17th-century Puritans movements, and of British Methodism. In addition to asserting African self-consciousness through salvation and the Gospel of Jesus Christ, African Methodism seeks African and African American liberation through reaffirmation of the Christian

³⁴⁷ Ibid., p. 96 (“As Episcopalians hemorrhaged membership, republicanism proved to be bureaucratic and inefficient in responding to an unfolding crisis. Lackluster church governance from 1785 to 1820, along with economic uncertainty propelled the Episcopal Church in Virginia and South Carolina into a nadir. Starting in the 1820s, an expanding planter class in the throes of a cotton revolution altered the South’s religious destiny. Resurgent Episcopal planters, flush with slave-produced cotton fortunes, had new financial resources to support their church’s expansion. For many Episcopalians in the South it became obvious in the forty years prior to the Civil War, that cotton had a sacred power in that it enabled the contemporary fulfillment of Haggai’s prophecy by restoring the “glory” to God’s holy temples.)

³⁴⁸ Lawrence, Brian D., “The relationship between the Methodist church, slavery and politics, 1784-1844” (2018). *Theses and Dissertations*, pp. 1-2 (“John Wesley set the tone early for the Methodist’s attitude towards slavery, but his enthusiasm for the emancipation of slaves would not be fully replicated in the **American Methodist church**. . . . Spiritual equality among people was a fundamental belief in the early Methodist church, whether male, female, black or white. Methodists embraced Galatians 3:28 which says, “There is neither Jew nor Gentile, neither slave nor free, nor is there male and female, for you are all one in Christ Jesus.” Slavery was antithetical to both the political ideals of the new nation and the “soul liberty” of the Methodist church. While **British Methodists** proclaimed that slavery represented a fundamental lack of freedom and equality, **American Methodists** faltered on this issue. . . . Though slavery was condemned by **early American Methodists**, it would eventually become engrained into the church even after outcry from northern Methodists who advocated abolitionism in the 1830s. . . .)

foundations of Anglo-American constitutional law. African Methodism is deeply political.

A. The Free African Society founded in 1787 in Philadelphia

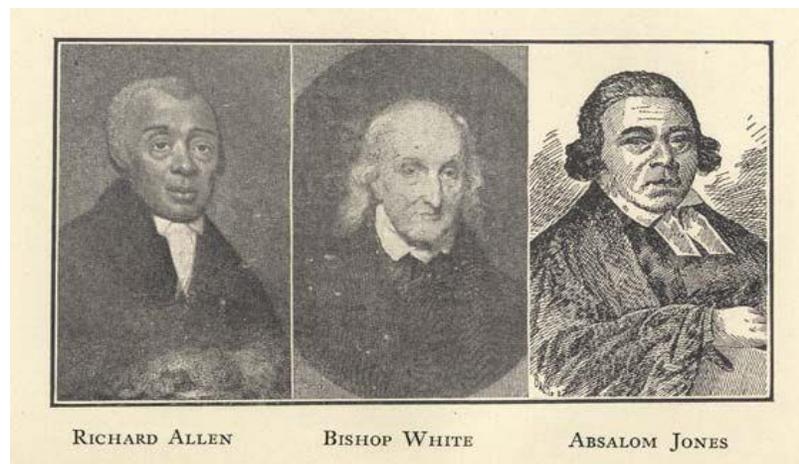
Now the spirit of racism—not brotherly love—had fomented in Philadelphia in 1787. One morning, at St. George’s Methodist Episcopal Church in Philadelphia, while kneeling to pray in a gallery, Richard Allen, Absalom Jones, and other black worshipers were pulled from their knees and directed to go to a segregated section of that church. Instead, the black group of parishioners completed their prayers, got up off of their knees, and left the St. George’s Methodist Episcopal Church, never again to return. At the time of this incident, Richard Allen had received his license to preach from Bishop Francis Asbury at the Christmas Conference in 1784. He had preached in New Jersey and in Pennsylvania. Because of his prior experiences with racism among the whites, he had started to think of creating a separate meeting place for African Americans to worship. But when he mentioned his interest in creating a separate meeting place to white Methodist leaders, they discarded the proposal. Richard Allen had also worked with Absalom Jones in launching a mutual aid society for benevolent purposes and “without regard to religious tenets.”³⁴⁹ They named this mutual society the “Free African Society.” This Free African Society’s members were mostly Anglican, and most of its members became members of the predominantly-black St Thomas Episcopal Church of Philadelphia, which was founded by Rev. Absalom Jones.

The Free African Society assumed religious as well as secular functions, meeting initially in a rented storeroom. From 1788 to 1791 the society met at the Friends Free African School House, and there they began holding regular worship services in 1790. In the interim Allen and Jones began soliciting subscriptions to build a meeting house but with the intention of remaining under the jurisdiction of the Methodist Church. However, upon completing this ‘African Church,’ as Allen termed it, he was rebuffed first by the Methodist Church which refused to supply a minister, and then by the members of the society, the majority of whom voted to affiliate with the Church of England.... On July 17, 1794, the original building the Free African Society had erected was dedicated to St. Thomas’ African Episcopal Church and Absalom Jones, after being ordained the first black Protestant Episcopal priest, became the pastor.³⁵⁰

³⁴⁹ Lincoln and Mamiya, *The Black Church in the African American Experience*, p. 51.

³⁵⁰ *Ibid.*

It should be noted here that African Methodism (led by Rev. Richard Allen) had a close tie to the Anglican Church in Philadelphia, which was headed by Bishop William White, president of the General Convention of the Protestant Episcopal Church of the United States. Bishop White had served as a mentor to both Rev. Absalom Jones (Episcopal/Anglican) and to Rev. Richard Allen (Methodist). Bishop White was also instrumental in helping Absalom Jones to become the first black Episcopal priest in the United States and in consecrating the predominantly-black church, St. Thomas Episcopal Church in Philadelphia.



During the 1780s, when Richard Allen had converted to Methodism, the Methodist movement was still a part of Church of England—so technically Richard Allen was himself an Anglican who decided to remain within the Methodist Episcopal Church, due in large measure to his ministerial connections to Bishop Francis Asbury. “Richard Allen had first been asked to pastor St. Thomas’s, but insisting that he could ‘not be anything else but a Methodist’ he declined that honor. He was confident... that ‘no religious sect or denomination would suit the capacity of the colored people as well as the Methodist.’”³⁵¹

While Rev. Absalom Jones became the first black Anglican priest at the St. Thomas African Episcopal Church in 1787, Rev. Richard Allen “succeeded in having Methodist Bishop Francis Asbury dedicate the building he had purchased, and Bethel Church of Philadelphia, as it was named, became the mother church of what was to be a

³⁵¹ Ibid.

new denomination, the African Methodist Episcopal Church.”³⁵² As there were several societies of freed African Americans in the surrounding states of New Jersey, New York, Maryland, and Delaware, the A.M.E. denomination quickly spread into those regions, and Rev. Allen helped to organize those churches as well.³⁵³

Closely affiliated with Richard Allen and the “Allenites” were a separate group of black Methodists from the state of New York. They, too, had encountered similar discriminatory experiences in the Methodist Episcopal Church in New York. Like Absalom Jones and Richard Allen, they pulled out of the John Street Methodist Episcopal Church in New York City, in order to start their own, separate denomination in 1796. Their first church was built in 1800. For a while, the Black Methodists in New York were loosely affiliated with Richard Allen’s church, but the two groups of black Methodist could never reach common ground. By the year 1801, the black Methodists of New York officially voted to call themselves the African Methodist Episcopal Zion Church, in order to distinguish itself from the “Allenites.”³⁵⁴ In 1822, James Varick was elected its first bishop.³⁵⁵ It became known as the “Freedom Church” because of its participation in the Underground Railroad, and because of its long list of abolitionist luminaries, such as Sojourner Truth, Harriet Tubman, Rev. Jermain Louguen, Catherine Harris, Rev. Thomas James, and Frederick Douglass,³⁵⁶ “who was licensed as a local A.M.E. Zion preacher.”³⁵⁷

Thus, it can truly be said that both the A.M.E. Church and A.M.E. Zion Church best reflected the Wesleyan anti-slavery position than any other church within the Methodist family of denominational churches. For instance, “[t]he ‘Mission and Purpose of the Church,’ presented in the Discipline as a preface to the Wesleyan ‘Articles of Religion,’ declares that:

Each local church of the **African Methodist Episcopal Church** shall be engaged in carrying out the spirit of **the original Free African Society** out of which the A.M.E. Church evolved, that is, to seek out and save the lost and serve the needy through a continuing program of: (1) preaching the

³⁵² Ibid., p. 52.

³⁵³ Ibid.

³⁵⁴ Ibid., p. 57.

³⁵⁵ Ibid.

³⁵⁶ Frederick Douglass had as a slave visited the Bethel A.M.E. Church in Baltimore. He had been long positively influenced by Methodist preachers and the Methodist Church. When he gained his freedom and lived in New Bedford, Massachusetts, he was determined to join a predominately-white Methodist Episcopal Church, and he joined the Elm Street Methodist Church. But when he observed blatant racial segregation and discrimination, even in the administration of the Sacraments, he refused to return. He then joined an AME Zion Methodist Church in New Bedford, which made him a class-leader and a local preacher. Douglass, however, was disappointed with the Zion Methodists’ lack of willpower to fight against slavery and racism. For this reason, Douglass left the Zion Methodist Church and joined William Lloyd Garrison’s Anti-Slavery Society. See, e.g., Frederick Douglass, *Autobiographies* (New York, N.Y.: The Library of America, 1995), pp. 359-363.

³⁵⁷ Ibid., p. 58.

gospel, (2) feeding the hungry, (3) clothing the naked, (4) housing the homeless, (5) cheering the fallen, (6) providing jobs for the jobless, (7) administering to the needs of those in prisons, hospitals, nursing homes, asylums and mental institutions, senior citizens' homes, caring for the sick, the shut-in, the mentally and socially disturbed, and (8) encouraging thrift and economic advancement.³⁵⁸

The African Methodist churches thus symbolized and carried out Methodism's original anti-slavery position,³⁵⁹ as reflected in Wesley's *Thoughts Upon Slavery*,³⁶⁰ which the predominantly-white, slave-holding Methodist Episcopal Church (South)³⁶¹ had, after 1844, officially rejected. Most significantly, the African Methodist churches fought to overturn the legal and constitutional foundations of American slavery that were established in the United States Constitution; and they stood in direct opposition to the settled pro-slavery views of Convention Delegate John Rutledge of South Carolina, and of many other pro-slavery delegates who attended the Constitutional Convention in 1787.

Bishop Asbury would also indirectly spread Methodism to West Africa when he ordained an African American named Rev. Daniel Coker (1780 -1846). Rev. Coker "was an African American of mixed race from Baltimore, Maryland; after he gained freedom from slavery, he became a Methodist minister. He wrote one of the few pamphlets published in the South that protested against slavery and supported abolition."³⁶² Rev. Coker was also an associate Bishop Richard Allen, because in 1816, Coker helped Allen and other black Methodists in founding the African Methodist Episcopal Church. "In 1820, Coker took his family and immigrated to the British colony of Sierra Leone, where he was the first Methodist missionary from a Western nation. There Coker founded the West Africa Methodist Church."³⁶³

³⁵⁸ Ibid., pp. 54-55.

³⁵⁹ The Methodist Church engaged in a valiant anti-slavery protest movement during the late 1780s.

See, e.g., "The Long Road: Francis Asbury and George Washington," (October 1, 2015), <https://www.francisasburytriptych.com/francis-asbury-and-george-washington/>

For example, in 1785, Methodists superintendents Bishop Francis Asbury and Thomas Coke met personally with future President George Washington at his home at Mount Vernon. They both asked Gen. Washington to sign their abolition petition to be submitted to Virginia legislature. Gen. Washington stated that he shared their abolition sentiments but felt that it would not be appropriate for him to sign any petition, but that if the Virginia legislature brought the matter to the floor, then he would give his opinion on the subject.

³⁶⁰ See Appendix A, "Notes on Rev. John Wesley's *Thoughts Upon Slavery* (1778)."

³⁶¹ See, "Methodist Episcopal Church- South" https://en.wikipedia.org/wiki/Methodist_Episcopal_Church,_South

³⁶² https://en.wikipedia.org/wiki/Daniel_Coker

³⁶³ Ibid.

Lastly, there was a strong connection between the Anglican-Protestant Episcopal Church and the Methodist Episcopal Church since the very founding of the United States. As previously stated, the Methodist movement was a “religious society” that grew out of the Church of England (or the Anglican Protestant Episcopal Church in the United States after 1787). The leading Anglican bishop in the United States was Bishop William White of Philadelphia. For a while, Methodist Bishop Thomas Coke had entertained the idea of rejoining or merging the Methodist Church with the Episcopal Church, but Bishop Asbury did not like that idea. Within the Free African Society, however, the Methodist-licensed preacher Absalom Jones decided to join the new Anglican Protestant Episcopal Church. In 1794, Rev. Jones and other black Episcopalians founded the Episcopal Church of St. Thomas. Bishop William White ordained Jones as a deacon in 1795 and as a priest or presbyter in 1802. As such, Rev. Absalom Jones became the first ordained African American Episcopal priest in the United States.

A. African Methodism, Slavery, and the U.S. Constitution

Throughout its history, African Methodism has remained a staunch supporter and defender of the United States Constitution. African Methodism has always sought to reaffirm the U.S. Constitution and its fundamental laws and values. Both the A.M.E. and A.M.E. Zion Churches have continued to preach liberation and human rights through adherence to general constitutional principles set forth in the American *Declaration of Independence* and in the “Preamble” to the *U.S. Constitution*. Although most of the framers of these documents owned slaves, or were willing to accommodate slaveholders, African Methodism has insisted that the principles enunciated in America’s constitutional documents lead to universal freedom and justice for everyone. If we pry into the minds and thoughts of some of the early leading African Methodists, we find a theology and philosophy that is similar to Hooker’s *Of the Laws of Ecclesiastical Polity* (1594), whereby the ideal of natural religion, natural law, and natural justice were automatically read into man-made constitutional laws and statutes. Thus relying upon the “laws of nature” as well as the “law of Christ,”³⁶⁴ African Methodism argued for the abolition of both slavery and racial discrimination. For instance, A.M.E. Bishop Alexander Payne (1811 – 1893) adopted the same natural-law conceptualization of Christian law and polity as set forth in Dr. Richard Hooker’s *Of the Law of Ecclesiastical Polity* (1594),³⁶⁵ in that Bishop Payne believed that human laws were subordinate to

³⁶⁴ The fundamental “Law of Christ,” to wit, is to “love ye one another” (John 15:12); to do justice and judgement (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)

³⁶⁵ See, e.g., “Frederick Douglass,” *Standard Encyclopedia of Philosophy*, stating: “Douglass is an important American historical figure in the intellectual history of natural law.”

God's natural moral laws. Since the institution of slavery violated God's natural moral laws, Payne argued that slavery must be abolished in principle and in practice. In a speech given in 1839, Payne said:

Slavery brutalizes man.... So it subverts the *moral government of God*. In view of the moral agency of man, God hath most wisely and graciously given him *a code of laws*, and *certain positive precepts*, to control and regulate moral actions. This *code of laws, and these positive precepts*, with the divine influence which they are naturally calculated to exert on the mind of man, constitutes his moral government.

Now, to nullify these laws—to weaken or destroy their legitimate influence on the human mind, or to hinder man from yielding universal and entire obedience to them is to subvert *the moral government of God*.

Now, *slavery nullifies these laws and precepts*—weakens and destroys their influence over the human mind, and hinders men from yielding universal and entire obedience to them; therefore slavery subverts the moral government of God....

In a word, *slavery tramples the laws of the living God under its unhallowed feet*—weakens and destroys the influence which those laws are calculated to exert over the mind of man, and constrains the oppressed to blaspheme the name of the Almighty.³⁶⁶

Was Bishop Payne's views merely "idealistic," given the socioeconomic and "racial" structural foundations of the United States? From the very beginning of his early adulthood, the newly-freed Frederick Douglass, as a licensed A.M.E. Zion preacher living in New Bedford, Massachusetts, certainly thought that *true Christian holiness* meant doing more in the field of abolitionism and petitioning for human rights. According to Douglass, from most accounts, the white American Methodists had by the early 1800s, within a generation of the Revolution of '76, completely forgotten about Wesley's, Asbury's, and Coke's anti-slavery position, and had begun to condone slavery.³⁶⁷ That is to say, many white Methodists, especially in the South, owned

³⁶⁶ <https://www.blackpast.org/african-american-history/1839-daniel-payne-slavery-brutalizes-man/> ("In June 1839, Rev. Daniel Payne delivered the oration at Fordsboro, New York, on the occasion of his ordination by the Franckean Synod of the Lutheran Church. The speech was delivered in support of a synodical report to end slavery in America. The speech helped persuade the synod leadership to support the report. Payne's speech appeared in the Lutheran Herald and Journal of the Fort Plain, N.Y., Franckean Synod 1:15 (August 1, 1839), 113-14. It is posted here with permission of the Lutheran Theological Seminary, Abdel Ross Wentz Library, Gettysburg, Pennsylvania.")

³⁶⁷ I note here especially that this mode of induction into the Christian faith, that is to say, to rely upon God's grace, has remained predominant in the African American faith tradition. For example, in his autobiography *Life and Times*, Frederick Douglass recalled his own conversion experience as follows: "Previously to my contemplation of the anti-slavery movement and its probable results, my mind had been seriously awakened to the subject of religion. I was not more than thirteen years

African American slaves and condoned slavery during the early 1800s.³⁶⁸ But Douglass was spiritually perceptive enough to distinguish the “false Christianity” of the slaveholders from the true Christian faith—which he thought William Lloyd Garrison represented:

Seventeen years ago, few men possessed a more heavenly countenance than William Lloyd Garrison, and few men evinced a more genuine or a more exalted piety. The bible was his text book—held sacred, as the world of the Eternal Father—sinless perfection—complete submission to insults and injuries—literal obedience to the injunction, if smitten on one side to turn the other also. Not only was Sunday a Sabbath, but all days were Sabbaths, and to be kept holy. All sectarism false and mischievous—the regenerated, throughout the world, members of one body, and the HEAD Christ Jesus. Prejudice against color was rebellion against God. Of all men beneath the sky, the slaves, because most neglected and despised, were nearest and dearest to his great heart. Those ministers who defended slavery from the bible, were of their ‘father the devil;’ and those churches which fellowship slaveholders as Christians, were synagogues of Satan, and our nation was a nation of liars.... ‘You are the man, the Moses, raised up by God, to deliver his modern Israel from bondage,’ was the spontaneous feeling of my heart....³⁶⁹

And Douglass also had a similar admiration of the official Methodist doctrine and discipline on slavery, having written:

I had read somewhere, in the Methodist Discipline, the following question and answer: ‘Question. What shall be done for the extirpation of slavery?’

old, when, in my loneliness and destitution, I longed for someone to whom I could go, as to a father and protector. The preaching of a **white Methodist minister, named Hanson**, was the means of causing me to feel that in God I had such a friend. He thought that all men, great and small, bond and free, were sinners in the sight of God: that they were by nature rebels against his government; and that they must repent of their sins, and be reconciled to God through Christ. I cannot say that I had a very distinct notion of what was required of me, but one thing I did know well: that I was wretched and had no means of making myself otherwise. I consulted a good colored man named Charles Lawson, and in tones of holy affection he told me to pray, and to ‘cast all my care upon God.’ This I sought to do; and though for weeks I was a poor, broken-hearted mourner, traveling through doubts and fears, I finally found my burden lightened, and my heart relieved. I loved all mankind, slaveholders not excepted, though I abhorred slavery more than ever. I saw the world in a new light, and my great concern was to have everybody converted. My desire to learn increased, and especially did I want a thorough acquaintance with the contents of the Bible. I have gathered scattered pages of the Bible from the filthy street-gutters, and washed and dried them, that in moments of leisure I might get a word or two of wisdom from them.... My mistress was still a professor of religion, and belonged to class. Her leader was no less a person than Rev. Beverly Waugh, the presiding elder, and afterwards one of the bishops of the **Methodist Episcopal church**.... I have written, or endeavored to write, copying from the Bible and the **Methodist hymn-book**....” *Life and Times of Frederick Douglass* (New York, N.Y.: The Library of America, 1994), pp. 538-539, 542.

³⁶⁸ Frederick Douglass, *Autobiographies* (New York, N.Y.: The Library of America, 1995), pp. 52-53, 299-300, 600.

³⁶⁹ *Ibid.*, pp. 36-363.

‘Answer. We declare that we are as much as ever convinced of the great evil of slavery; therefore, no slaveholder shall be eligible to any official station in our church.’³⁷⁰

The African Methodist Frederick Douglass would eventually conceptualize his own Christian calling “to preach the gospel”³⁷¹ as the very catalyst of his thoughts and strivings to become “a useful man in the world.”³⁷² Following the natural law traditions of the Western Church, as exemplified in Hooker’s *Of the Laws of Ecclesiastical Polity* (1594), Frederick Douglass believed that Christianity was a republication of natural religion, and that the natural moral law of God³⁷³ must be read into the United States Constitution.³⁷⁴ “I would invoke the spirit of patriotism,” said Douglass, “in the name

³⁷⁰ Frederick Douglass, *Autobiographies* (New York, N.Y.: The Library of America), p. 557.

³⁷¹ *Ibid.*, p. 233.

³⁷² *Ibid.*

³⁷³ See, e.g., *Stanford Encyclopedia of Philosophy*, “Frederick Douglass,” stating:

However, given the numerous religious references in his speeches and writings, and his drawing on the language of the King James Bible, and the rhetoric of manifest destiny, a primary source for his employment of the **idea of natural law** seems to be his adoption of the American Protestantism of the Second Great Awakening, with its democratic, republican, and generally independent spirit.

He believed that there were forces in operation, which must inevitably work the downfall of slavery:

“The arm of the Lord is not shortened,” and the doom of slavery is certain. I, therefore, leave off where I began, with hope. While drawing encouragement from the Declaration of Independence, the great principles it contains, and the genius of American Institutions, my spirit is also cheered by the obvious tendencies of the age. (1852b, FDLW v.2: 203)....

Douglass was not looking behind him; he was fully engaged at every moment since his emancipation working to bring and end to slavery. Moreover, his **view of natural law** led to his critique of American slavery, and undergirded his arguments for active resistance to slavery and his interpretation of the U.S. Constitution. It is also worth noting, that natural law theorists have not ceded the field; thus **Douglass is an important American historical figure in the intellectual history of natural law.**

See, also, Frederick Douglass, *Autobiographies*, p. 429, stating:

“I would invoke the spirit of patriotism,” wrote Douglass, “in the name of **the law of the living God, natural and revealed**... I warn the American people... I warn them that, strong, proud, and prosperous though we be, there is a power above us that can ‘bring down high looks...’ I would are the American people, and the American government, to be wise in their own day... that prouder and stronger governments than this have been shattered by the bolts of a just God....”

³⁷⁴ See *Stanford Encyclopedia of Philosophy*, “Frederick Douglass,” stating:

Although he initially acknowledges that the intentions of the framers was to allow slavery to continue in the states where it was established, he reported that he was convinced by Smith’s argument that the meaning of the document was not set by the intention of the framers but **by rules of legal interpretation** that focused on **natural law**. By the following year he even altered his position on the **framers’ intentions**: they meant **the U.S. Constitution to be an anti-slavery document**....

Douglass depended heavily on the *U.S. Declaration of Independence*, as well as the documented disagreements and *cross-purposes, of the founders*. He was guided by **his view of natural law**, and argued that **the general ideas of America’s founding documents**, as part of the **history of Western democracy and republicanism**, pointed toward an interpretation of the U.S. Constitution as an evolving document

of *the law of the living God, natural and revealed*, and in the full belief that ‘righteousness exalteth a nation, while sin is a reproach to any people.’”³⁷⁵

Furthermore, Douglass and other abolitionists insisted, throughout the nineteenth century, that the United States Constitution was an “abolition” document—not a proslavery document. For example, Douglass argued that “the constitution of the United States not only contained **no guarantees in favor of slavery**, but, on the contrary, it is, in its **letter and spirit**, an **anti-slavery instrument, demanding the abolition of slavery** as a condition of its own existence, as **the supreme law of the land.**”³⁷⁶ Douglass and other abolitionists were inspired by the famous *Somerset* case (1772),³⁷⁷ and they believed that the laws of nature (i.e., natural religion) and the law of the Gospels (i.e. revealed religion)—as set forth in Rev. John Wesley’s *Thoughts Upon Slavery* (1778)—joined forces to form the *fundamental law* of the United States Constitution and, as such, the institution of slavery was unconstitutional.

Prior to 1865, it had since become the settled opinion, among African Methodists, that the *United States Constitution* (1787) could be read and interpreted as being inherently an anti-slavery document, by virtue of its “**Preamble**,” which rendered the entire practice and institution of slavery “unconstitutional.” This view was expressed by Frederick Douglass, who was then an active member of the A.M.E. Church and a former local preacher in an A.M.E. Zion Church, where he writes:

My new circumstances compelled me to re-think the whole subject, and to study, with some care, not only the just and proper rules of legal interpretation, but the origin, design, nature, rights, powers, and duties of civil government, and also the relations which human beings sustain to it.

By such a course of thought and reading, I was conducted to the conclusion that the constitution of the United States—inaugurated ‘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’—could not well have been designed at the same time to maintain

that could potentially be in tune with civilizational development.

³⁷⁵ Douglass, *Autobiographies*, p. 429.

³⁷⁶ *Ibid.*, p. 392.

³⁷⁷ For example, in England, the Case of *Somerset v. Stewart* (1772) 98 ER 499, (1772) 20 State Tr 1, (1772) Lofft 1 upheld the view that slavery was “odious” and could be justified by any “reasons, moral or political.” And in colonial British North America, successful court challenges to the institution of African slavery soon occurred in Vermont (1777), followed by Pennsylvania (1780), Massachusetts (1783) and Connecticut (1784).

and perpetuate a system of rapine and murder like slavery; especially, as not one word can be found in the constitution to authorize such a belief.

Then, again, if the declared purposes of an instrument are to govern the meaning of all its parts and details, as they clearly should, the constitution of our country is our warrant for the abolition of slavery in every state in the American Union.³⁷⁸

That “Preamble,” which Frederick Douglass references here, is in essence the “fundamental law” which serves as the foundation of the *United States Constitution*. As such, this “Preamble” to the United States Constitution is the “first principle” upon which American constitutional jurisprudence is based. When this “Preamble” is construed *constitutionally*, it reflects the “fundamental law” of the land; when construed *philosophically*, it represents natural justice; and when construed *theologically*, it represents the “law of Christ,”³⁷⁹ or the “Golden Rule”³⁸⁰ in all of its equitable manifestations.³⁸¹ This was, at least, the settled opinion of the Rev. Algernon Sidney Crapsey, an Anglican priest, who reached the same conclusion in his *Religion and Politics* (1905).³⁸² African Methodism has taken the same view as Rev. Crapsey’s, and, as previously mentioned in the “Introduction” to this paper, this view is substantially justified, notwithstanding the fact most of the framers of U.S. Constitution either owned slaves or compromised on the question of slavery or the slave trade.

Following the end of slavery in 1865, the A.M.E. Church, in furtherance of its conceptualization of itself as a haven of freedom and a sentinel for the weak and powerless, continued to bring God’s natural moral law of liberty to bear upon the American state and national governments. Whether unwittingly or not, the A.M.E. Church’s role carried out the essential function of the Church of England that was articulated in Hooker’s *Of the Laws of Ecclesiastical Polity* (1594), which held that there is one natural moral law of God, which is the law of reason, and that both Church and State bore joint responsibility for implementing that same natural moral law.³⁸³ Perhaps this is why A.M.E. Bishop Henry McNeal Turner (1834 – 1915), who was the first

³⁷⁸ Frederick Douglass, *Autobiographies* (New York, N.Y.: The Library of America, 1995), pp. 392-393.

³⁷⁹ 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).

³⁸⁰ 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.”)

³⁸¹ In other words, “Christianity is a republication of natural religion.” See, e.g., Matthew Tindall, *Christianity as Old as the Creation* (1730); William Warburton, *An Alliance of Church and State* (1736); Joseph Butler, *An Analogy of Religion*; and John Witherspoon, *Lectures on Moral Philosophy* (1770-90).

³⁸² Algernon Sidney Crapsey, *Religion and Politics* (New York, N.Y.: Thomas Whittaker, 1905), pp. 305-306.

³⁸³ See this series, *The Apostolate Papers, A History of the Anglican Church*, Part XX, Paper No. 31 (“Apologetics of the Rev. Richard Hooker (1554- 1600)”).

African American elected to the Georgia state legislature, was so active in politics. In 1883, Bishop Turner spoke out vociferously against official racial discrimination, even criticizing, for example, the U.S. Supreme Court's holding in the *Civil Rights Cases* (1883) which held that the Civil Rights Bill of 1875 was unconstitutional.³⁸⁴

Today, the American Methodist churches almost uniformly acknowledge the Wesleyan heritage of social holiness and social justice, but given the fact that few of these churches still acknowledge that Rev. Wesley's theology was fundamentally an orthodox "Anglican" theology, they are also less likely to acknowledge that Methodism is the heritage of the Elizabethan-era political theory and theology of Richard Hooker's *Of the Laws of Ecclesiastical Polity* (1594), or of 17th-century Puritanism. African Methodism, whose history tends to stop the dates of their founding in the cities of

³⁸⁴ See, e.g., <https://docsouth.unc.edu/church/turnerbd/turner.html>, where A.M.E. Bishop Turner criticizes the United States Supreme Court's holding in the *Civil Rights Cases*, 109 U.S. 3 (1883). Bishop Turner states:

The reason I have gone to the United States Supreme Court library at Washington, D. C., and procured a true and correct copy of the revolting decision, which declared the Civil Rights bill unconstitutional, and entails upon the colored people of the United States every species of indignities known to proscription, persecution and even death itself, and will culminate in their leaving the United States or occupying the status of free slaves, until extermination follows, is because the great mass of our people in this country, including black and white, appear to be so profoundly ignorant of the cruel, disgraceful and inhuman condition of things affecting the colored race, and sustaining the brutal laws, which are degrading and goring their very lives out; I have met hundreds of persons, who, in their stupid ignorance, have attempted to justify the action of the Supreme Court in fettering the arms of justice and disgracing the nation by transforming it into a savage country. The world has never witnessed such barbarous laws entailed upon a free people as have grown out of the decision of the United States Supreme Court, issued October 15, 1883. For that decision alone authorized and now sustains all the unjust discriminations, proscriptions and robberies perpetrated by public carriers upon millions of the nation's most loyal defenders. It fathers all the "Jim-Crow cars" into which colored people are huddled and compelled to pay as much as the whites, who are given the finest accommodations. It has made the ballot of the black man a parody, his citizenship a nullity and his freedom a burlesque. It has ingendered the bitterest feeling between the whites and blacks, and resulted in the deaths of thousands, who would have been living and enjoying life today. And as long as the accompanying decision remains the verdict of the nation, it can never be accepted as a civil, much less a Christian, country.

The colored man or woman who can find contentment, menaced and shackled by such flagrant and stalking injustice as the Supreme Court has inflicted upon them, must be devoid of all manliness and those self-protecting instincts that prompt even animals to fight or run. If the negro as a race, intends to remain in this country, and does not combine, organize and put forth endeavors for a better condition of things here or leave it and search for a land more congenial, he is evidently of the lowest type of human existence, and slavery would be a more befitting sphere for the exercise of his dwarfed and servile powers than freedom. When colored people were forced into "Jim-Crow cars" and deprived of any right, which the whites enjoyed in the days of slavery, they were charged half fare. Now they have to pay for first-class fare, and in thousands of instances are compelled to accept half accommodations, but it is needless to enter into further detail, for the same principle or unprinciple runs throughout the entire series.

Therefore, I have compiled and published these documents upon the same for the information of my race everywhere, and their friends, that they may see their odious and direful surroundings, and ask themselves whether they can submit to them or not.

H. M. TURNER.

Atlanta, Ga., November 15, 1893.

Philadelphia and New York, has especially become oblivious to its deeper ecclesiastical roots within the Church of England. Indeed, as an heir of Puritanism, the African Methodism as well as the larger Methodist movement were founded as an expression of “orthodox” Anglicanism—they are not adherents of deism or of latitudinarian Anglicanism, which defined and shaped the 18th-century Protestant Episcopal Church.³⁸⁵

CONCLUSION

The *Book of Exodus* is a restatement of God’s holy mandate for constitutional law, international law, and ethnic and racial relations. In *Exodus*, Pharoah, is a universal symbol of civil government and magistrates everywhere, and the people of Israel represent the rights of the poor and innocent everywhere in the world. To thus “obey [God’s] voice”³⁸⁶ and to “keep [God’s] covenant”³⁸⁷ meant to be a “kingdom of priests, and an holy nation,”³⁸⁸ and *it meant to preach the Gospel to the poor*.³⁸⁹ This political idea became the foundation of Anglo-American political thought and constitutional law, since at least the 9th century A.D. And by the 18th century, there was no truer expression of this spirit of holiness in the British Empire than that of the Methodist movement that was led by the Rev. John Wesley (1703- 1791). The Methodist movement was a “High Church” movement that held to the political church-state views of Richard Hooker’s *Of the Laws of Ecclesiastical Polity* (1594), but at the same time, the Methodist movement was also a “Low Church” evangelical mission that emphasized “heart religion,” to wit:

For this is the covenant that I will make with the house of Israel after those days, saith the Lord: ***I will put my laws into their mind, and write them in their hearts***; and I will be to them a God, ***and they shall be to me a people***: and they shall not teach every man his neighbour, and every man his brother, saying, Know the Lord: ***for all shall know me, from the least to the greatest***. For I will be merciful to their unrighteousness, and their sins and their iniquities will I remember no more. In that he saith, A new covenant, he hath made the first old.³⁹⁰

This was, says St. Augustine, prophesied in 1 Samuel 2:36, to wit: “And it shall come to pass, that every one that is left in thine house shall come and crouch to him for a piece of silver and a morsel of bread, and shall say, Put me, I pray thee, into one of the priests’

³⁸⁵ Here, I am speaking in terms of 18th-century ecclesiastical history. Twenty-first century churches may, or may not, reflect the same principles of their forefathers.

³⁸⁶ Exodus 19:5-6.

³⁸⁷ Ibid.

³⁸⁸ Ibid.

³⁸⁹ Luke 4:18 (“The Spirit of the Lord is upon me, because he hath anointed me to preach the gospel to the poor; he hath sent me to heal the broken-hearted, to preach deliverance to the captives, and recovering of sight to the blind, to set at liberty them that are bruised.”)

³⁹⁰ Hebrews 8: 10-13.

offices, that I may eat a piece of bread.” St. Augustine explains “What then does he say who comes to worship the priest of God, even the Priest who is God? ‘Put me into one part of Thy priesthood, to eat bread.’ I do not wish to be set in the honour of my fathers, which is none; put me in a part of Thy priesthood. For ‘I have chosen to be mean in Thine house;’ I desire to be a member, no matter what, or how small, of Thy priesthood. By the priesthood he here means the people itself, of which He is the Priest who is the Mediator between God and men, the man Christ Jesus. This people the Apostle Peter calls ‘a holy people, a royal priesthood.’”³⁹¹ For St. Augustine, the whole people, the common man, were priestly or were capable of becoming a priestly people. Christ is their Priest, or their High Priest. The ecclesiastical implications of Augustine’s theology were clear: top-down and repressive ecclesiastical structures that ignored the spiritual needs of the common man was unbiblical and unchristian. At the same time, the political implications of this Augustinian theology, within the secular world, was also clear: insofar as the secular constitution is concerned, equality, equity, due process of law, and democracy were *sine qua non*. This was the logical culmination of the themes of the Protestant Reformation in England and Europe.

The Methodist movement in America succeeded where the Church of England’s Society for the Propagation of the Gospels in Foreign Parts (SPG) had previously failed. The reason for this is that the SPG represented and symbolized both the British Crown and the Church of England, two institutions that most Americans did not want to see firmly established in American soil. The other reason is that the SPG was not evangelical and was wholly representative of traditional style and mode of High-Church Anglicanism. It might be argued that Rev. John Wesley’s ministry in Georgia did not succeed because his style of ministry reflected this High-Church Anglican style. Rev. George Whitefield and, later, Bishop Francis Asbury, on the other hand, brought an evangelical style of Methodism to colonial British North America, and this style was most suited to American culture.

From the beginning, British Methodism remained firm in its position that Methodist theology was no different than the orthodox theology of the Church of England: the *Holy Bible*, the *Book of Common Prayer*, the *Thirty-Nine Articles of Religion*, and Dr. Richard Hooker’s *Of the Laws of Ecclesiastical Polity* (1594). Hooker’s conceptualization of natural moral law, the magistrate as God’s vicegerent, and the relation of the church and the state as being two sides of the same coin, was part and parcel of Rev. Wesley’s standard sermons and polemics on the theological and political questions of the 18th-century. British Methodism was in essence orthodox Anglicanism. Both British and American Methodism promoted the brotherhood of man

³⁹¹ St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 582.

and the fatherhood of God; it was anti-slavery from its inception. And Methodism's legacy and positive influence upon both England and the new United States were significant. For, indeed, Methodism truly reflected God's invisible church on earth.

In closing, I would be remiss if I did not insist here that his paper was not designed to lampoon or criticize the Protestant Episcopal Church of the United States, or to elevate African Methodism or any other Methodist denomination above the status of human frailty and mortality. The material corruption that infected the Anglican Church and the Episcopal Church during the 18th century, and which rendered them spiritually impotent and morally bankrupt, has touched, to a very great degree, all churches and the wider society within the United States. Not even the Black church in the United States has been exempted from the temptations of this sort of corruption and moral decadence. The objective, then, of both this paper and this entire series had been to vindicate superiority of St. Augustine's political theory and catholic theology of civil polity and demonstrate that this theory and theology was the foundation of both the Protestant Reformation and Anglo-American constitutional law. It is the plain duty of the Christian church, and especially Christian public officials, lawyers, and judges, to acknowledge the perennial conflict between the "earthly city" and the "City of God," and to promote *justice* and *truth* within secular state. This the *Book of Exodus* clearly teaches us: that empires and entire nations rule only by the authority, law, and the power of God—manifested in the application of *justice* and *truth*—and manifested through a *covenantal relationship* with God that can only be fulfilled through means of inner virtue, inner morality, and inner holiness amongst individual persons. The history of the Methodist movement is a manifestation of this spiritual, civil, and political heritage.

THE END

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APPENDIX A

“Richard Hooker and John Wesley- A Theological Comparison of Two Anglicans”

By Roderick O. Ford, Litt.D.

The objective of this note is to demonstrate the theological relationship between the Anglican divine Richard Hooker (1554-1600) and the Rev. John Wesley (1703 – 1791). In making this demonstration, I wish to show that the catholic legal philosophy of St. Thomas Aquinas (1225 – 1274) was expressly incorporated into Anglican Church theology through Dr. Hooker’s influential work, *Of the Laws of Ecclesiastical Polity* (1594). This catholic legal philosophy was wholistic and tied sacred and secular laws together into one system of law, to wit: **eternal law** ←----→ **divine law** ←----→ **natural law** ←----→ **human law**. As a practicing Anglican priest, Rev. Wesley did not disturb this orthodox Anglican theological system, notwithstanding the fact that Wesley himself was pioneering or clarifying a soteriological philosophy and theology that would become known as Wesleyan-Methodism. Rev. Wesley’s conceptualization of law remained Anglican and, therefore, catholic. Since this aspect of Rev. Wesley’s theology is “fundamental” to the Wesleyan idea of social holiness, I cannot conclude that modern-day Methodism is free to deviate from it, and still be rightfully called “Wesleyan” or “Methodist.” Moreover, this “catholic” or orthodox Anglican conception of civil law—the view that *Christianity is a republication of natural religion*—was not lost upon the Black Church, which mimicked the Wesleyan approach to social holiness and social justice, in its plight toward freedom and justice in the United States.³⁹² Hence, Christian theology and human rights jurisprudence may very well have converged in Great Britain, the United States, and the West.

Within the context of Anglo-American constitutional law, the theology and philosophy of Dr. Richard Hooker is foundational.

In political philosophy, Hooker is best remembered for his account of law and the origins of government in Book One of the [*Of the Laws of Ecclesiastical Polity*]. Drawing heavily on the legal thought of Thomas Aquinas, Hooker distinguishes seven forms of law: eternal law (“that which

³⁹² Two examples of Black-Church theology are (a) the thoughts and writings of Frederick Douglass and (b) Dr. Martin Luther King, Jr.’s *Letter from the Birmingham City Jail* (1963). Douglass said, “I would invoke **the spirit of patriotism**, in the name of the **law of the living God, natural and revealed**, and in the full belief that ‘righteousness exalteth a nation, while sin is a reproach to any people.’” Frederick Douglass, *Autobiographies* (New York, N.Y.: The Library of America, 1994), p. 429.

God hath eternally purposed himself in all his works to observe"), celestial law (God's law for the angels), nature's law (that part of God's eternal law that governs natural objects), the law of reason (dictates of Right Reason that normatively govern human conduct), human positive law (rules made by human lawmakers for the ordering of a civil society), divine law (rules laid down by God that can only be known by special revelation), and ecclesiastical law (rules for the governance of a church). Like Aristotle, whom he frequently quotes, Hooker believes that humans are naturally inclined to live in society. Governments, he claims, are based on both this natural social instinct and on the express or implied consent of the governed.

[*Of the Laws of Ecclesiastical Polity*] is remembered not only for its stature as a monumental work of Anglican thought, but also for its influence in the development of theology, political theory, and English prose.³⁹³

And, according to Richard P. Heitzenrater, who is a Wesleyan expert, Hooker's three-fold theology on *scripture*, *tradition*, and *reason*, which became the standard orthodox theology for the Church of England, had a strong influence upon John Wesley.

Richard Hooker undertook to provide an exposition of church polity and doctrine in a work that became a definitive explication of the Elizabethan Settlement, *The Laws of Ecclesiastical Polity*. In his work, Hooker first raises the crucial question as to what the authorities should be for answering basic questions of ecclesiastical structure and thought. His answer, self-consciously walking a line between the poles of thought in his day (to become a model of the mediating, via media tradition of the Church of England), was three-fold: (1) **Scripture** (but not as used by the Puritans) provides the main source of truth and the basic test of Christian veracity, but was not to be used in the manner of the Puritans' understanding of sola scriptura—scripture was not a handbook that provided specific answers to all questions, to be followed to the letter: doing all the things spelled out there, omitting all the things not found there. Hooker suggested that the scriptures, the primary source of truth, should be seen whole and could provide guidelines for thought and action in many areas. (2) **Tradition** (but not as used by the Roman Catholics) provides a view of life and thought from the earliest centuries of Christianity, closest to the purity of the apostolic witness and most liable to be (in its consensus) an authentic

³⁹³ https://en.wikipedia.org/wiki/Richard_Hooker

reflection and explication of the biblical testimony—certainly not to be venerated equally with scripture (as the Council of Trent had decreed), and by all means limited to the first few centuries of the church, excluding the “innovations” of the medieval church. Hooker saw the value of tradition as an early authoritative explanation of scriptural truths. (3) **Reason** (but not as used by the Platonists) furnishes the means by which scripture and tradition can be scrutinized and understood by thoughtful persons—**revealed truth may at times be above reason, but can never be contrary to reason.** Hooker was willing to discern connections between revelation and reason as sources and measures of truth in order to develop doctrines that were cogent and credible. Hooker’s delineation of theology and polity supplied the definitive outline and defense of the via media and the Elizabethan Settlement for generations to come. **By the eighteenth century, Hooker was a standard authority. Samuel Wesley’s Advice to a Young Clergyman (1735) assumes that any aspiring cleric will be well-grounded in Hooker, and John Wesley’s own framework for authority owes an obvious debt to the Hookerian perspective that had become pervasive by his day.**³⁹⁴

Without question, Hooker’s approach to Christianity and “reason” appears to have been adopted amongst the 18th-century Christian deists such as Matthew Tindall’s *Christianity as Old as the Gospel* (1730) and Bishop Joseph Butler’s *The Analogy of Religion* (1736).

In the case of John Wesley, this theology was clearly a plain copy of Hooker’s approach to hermeneutical analysis of the Sacred Scriptures and of his varying approach to important questions of law and polity. Rev. Wesley’s quadrilateral theological method

³⁹⁴ Richard P. Heitzenrater, *Wesley and the People Called Methodists* (Nashville, TN: Abingdon Press, 2013), pp. 10-11.

was fourfold: Scripture,³⁹⁵ Tradition,³⁹⁶ Reason,³⁹⁷ and Experience.³⁹⁸ Thus adopting the orthodox Anglican doctrine of Dr. Richard Hooker’s *Of the Laws of Ecclesiastical Polity* (1594) and others, Rev. Wesley also believed that all law—secular and sacred—comes from God. He preached this in his sermons.³⁹⁹

Dr. Richard Hooker’s Anglican Theology	Rev. John Wesley’s Anglican Theology
(The “Anglican Trilateral”)	(The “Wesleyan Quadrilateral”)
Scripture	Scripture
Tradition	Tradition
Reason	Reason
	Experience

According to Rev. Wesley, God’s **natural moral law** predates Moses or the law of Moses.⁴⁰⁰ This moral law is God’s “eternal mind” and it is “coeval with his nature.”⁴⁰¹ This law is also the “immutable rule of right and wrong.”⁴⁰² Furthermore, this moral law

³⁹⁵ “Wesley insisted that scripture is the first authority and contains the only measure whereby all other truth is tested. It was delivered by authors who were divinely inspired. It is a rule sufficient of itself. It neither needs, nor is capable of, any further addition.[citation needed] The scripture references to justification by faith as the gateway to scriptural holiness are: Deut. 30:6; Ps. 130:8; Ezek. 36:25, 29; Matt. 5:48; 22:37; Luke 1:69; John 17:20–23; Rom. 8:3–4; II Cor. 7:1; Eph. 3:14; 5:25–27; I Thess. 5:23; Titus 2:11–14; I John 3:8; 4:17.”

³⁹⁶ “Wesley wrote that it is generally supposed that traditional evidence is weakened by length of time, as it must necessarily pass through so many hands in a continued succession of ages. Although other evidence is perhaps stronger, he insisted: “Do not undervalue traditional evidence. Let it have its place and its due honour. It is highly serviceable in its kind, and in its degree”. Wesley states that those of strong and clear understanding should be aware of its full force. For him it supplies a link through 1,700 years of history with Jesus and the apostles. The witness to justification and sanctification is an unbroken chain drawing us into fellowship with those who have finished the race, fought the fight, and who now reign with God in his glory and might.”

³⁹⁷ “Although scripture is sufficient unto itself and is the foundation of true religion, Wesley wrote: “Now, of what excellent use is reason, if we would either understand ourselves, or explain to others, those living oracles”. He states quite clearly that without reason we cannot understand the essential truths of Scripture. Reason, however, is not a mere human invention. It must be assisted by the Holy Spirit if we are to understand the mysteries of God. With regard to justification by faith and sanctification Wesley said that although reason cannot produce faith, when impartial reason speaks we can understand the new birth, inward holiness, and outward holiness.”

³⁹⁸ “Apart from scripture, experience is the strongest proof of Christianity. “What the scriptures promise, I enjoy”. Again, Wesley insisted that we cannot have reasonable assurance of something unless we have experienced it personally. John Wesley was assured of both justification and sanctification because he had experienced them in his own life. What Christianity promised (considered as a doctrine) was accomplished in his soul. Furthermore, Christianity (considered as an inward principle) is the completion of all those promises. Although traditional proof is complex, experience is simple: “One thing I know; I was blind, but now I see.” Although tradition establishes the evidence a long way off, experience makes it present to all persons. As for the proof of justification and sanctification Wesley states that Christianity is an experience of holiness and happiness, the image of God impressed on a created spirit, a fountain of peace and love springing up into everlasting life.”

³⁹⁹ See, generally, William M. Arnett, “John Wesley and the Law,” *The Asbury Seminary*, [citation omitted], pp. 22-31.

⁴⁰⁰ *Ibid.*, p. 23. (NOTE: the words in quotations marks are Rev. Wesley’s own words taken from his printed sermons).

⁴⁰¹ *Ibid.*

⁴⁰² *Ibid.*, p. 24.

is instinctively placed inside of human beings and constitute the “inmost spirit” of the human conscience.⁴⁰³ Significantly, this law is “supreme, unchangeable reason; it is unalterable rectitude; it is the everlasting fitness of all things that are or ever were created.”⁴⁰⁴ The moral law may be said to constitute God Himself and (or) the will of God. At this point, Rev. Wesley’s view of “moral law” was orthodox, catholic, and Anglican. It reflected the classic Greco-Roman view of Cicero as well as the theological views of St. Paul, St. Augustine of Hippo, St. Thomas Aquinas, and the Anglican divine Richard Hooker.

THE END

⁴⁰³ Ibid., p. 23.

⁴⁰⁴ Ibid.

APPENDIX B

“Methodism and the Ancient Church of Alexandria (Egypt)”

By

Roderick O. Ford, Litt.D.

During the period of the American Revolutionary War (1775-1783), a crisis occurred in the churches of England and America because of war and strained relations between the colonists and the British. Within the Methodist movement, which was still considered to be a part of the Church of England, the problem of the ordination of Methodist ministers soon emerged. Ordained Methodist ministers were then required to be ordained by a Bishop within the Church of England. After the commencement of the Revolutionary War in North America, the Bishop of London, who had jurisdiction over all Anglican churches there, refused to ordain any Anglican priests, let alone ministers within the Methodist movement. Rev. John Wesley, who was the leader of the Methodist Movement, was himself an ordained priest within the Church of England; but Anglican priests (i.e., presbyters) were not allowed to ordain ministers—only Bishops had this authority. At that time, the Church of England followed the same ecclesiastical rule as found in the Church of Rome: only the Bishop retained the authority to ordain a minister. A crisis soon occurred within the Methodist movement in North America: how would their ministers be ordained, without authority from a Bishop within the Church of England?

Thus, faced with this crisis, Rev. Wesley searched the Scriptures and looked to ancient ecclesiological practices of the Church of Alexandria, Egypt for guidance. In doing so, he essentially returned to the dogma of the Early Church. In this case, Wesley bypassed the Western Church and looked to the first Oriental Orthodox Church—the Coptic Church of Alexandria, Egypt—for guidance. That church had been founded by the Apostle John Mark (i.e., the author of the Gospel of St. Mark). In this ancient North African church, as noted by Martin Luther and others, the bishops were elected by presbyters and elders—not appointed by an archbishop or a pope. Therefore, while following the ecclesiological example of the ancient Church of Alexandria, Rev. Wesley reasoned that ordained Anglican priests and elders, who were a part of the Methodist movement, retained emergency power to elect a superintendent or “bishop” for the Methodist movement in North America.

John Wesley, the founder of the Methodist tradition, believed that the offices of bishop and presbyter constituted one order, **citing an ancient opinion from the Church of Alexandria; Jerome, a Church Father, wrote: "For even at Alexandria from the time of Mark the Evangelist until the episcopates of Heraclas and Dionysius the presbyters always named as bishop one of their own number chosen by themselves and set in a more exalted position, just as an army elects a general, or as deacons appoint one of themselves whom they know to be diligent and call him archdeacon.** For what function, excepting ordination, belongs to a bishop that does not also belong to a presbyter?" (Letter CXLVI). **John Wesley thus argued that for two centuries the succession of bishops in the Church of Alexandria, which was founded by Mark the Evangelist, was preserved through ordination by presbyters alone and was considered valid by that ancient Church.**⁴⁰⁵

Citing this authority from the ancient Alexandrian habitude, Rev. Wesley, one other ordained Anglican priest, and two elders ordained Thomas Coke and Francis Asbury the first superintendents of the Methodist Church in British North America. Both Coke and Asbury assumed the title of "bishop," and this American church adopted the name "Methodist Episcopal Church."

It should be noted her that the Lutheran and Calvinist doctrines of the "priesthood of all believers" were also central to Wesley's position on the ordination of Thomas Coke and Francis Asbury to the position of superintendent (i.e., "bishop") in the Methodist church. Under the doctrine of the priesthood of all believers, both "presbyters" and "bishops" are either appointed or elected by the congregation, which was the "priesthood of all believers," as defined as follows: "[b]ut ye are a chosen generation, a royal priesthood, an holy nation, a peculiar people; that ye should shew forth the praises of him who hath called you out of darkness into his marvelous light..."(1 Peter 2:9); and "[y]e also, as lively stones, are built up a spiritual house, an holy priesthood, to offer up spiritual sacrifices, acceptable to God by Jesus Christ." (1 Peter 2:5). This doctrine led the Methodists to also reach a different theological conclusion on the doctrine of Apostolic succession; the Roman Catholic, Anglican and other Orthodox churches tended to stress the unbroken chain of the laying on of hands and passing on through consecration and ordination the Apostolic succession through the college of bishops (i.e., through episcopacy); but the Methodists stressed "fidelity to apostolic doctrine," rather than the unbroken chain of laying on of hands from the first Apostles of Christ down to the current ecclesiastical leaders of a particular church. In

⁴⁰⁵ https://en.wikipedia.org/wiki/Wesleyan_theology

other words, the Methodist clergy cared little for having a direct linkage to the first Apostles of Christ through person-to-person laying on of hands, ordination, and consecration.⁴⁰⁶ But rather the Methodists emphasized spiritual holiness through following the authentic doctrine of the Gospels. Hence, the Methodists emphasized orthopraxy (i.e., “right practice”) and orthodoxy (i.e., “right belief”), and these they retained largely from the Church Fathers and the Early Church.

THE END

⁴⁰⁶ ““In addition to the aforementioned arguments, in 1937 the annual Conference of the British Methodist Church located the ‘true continuity’ with the Church of past ages in “the continuity of Christian experience, the fellowship in the gift of the one Spirit; in the continuity in the allegiance to one Lord, the continued proclamation of the message; the continued acceptance of the mission;...’ [through a long chain which goes back to] “the first disciples in the company of the Lord Himself ... This is our doctrine of apostolic succession’ [which neither depends on, nor is secured by,] ‘an official succession of ministers, whether bishops or presbyters, from apostolic times, but rather by fidelity to apostolic truth.””
https://en.wikipedia.org/wiki/Wesleyan_theology

APPENDIX C

“Notes on the Reverend John Wesley’s

Thoughts Upon Slavery (1778)”

By

Roderick O. Ford, Litt.D.

The downfall of Rev. Dr. Samuel Stanhope Smith from the presidency at Princeton in 1812 signaled the weaknesses in Calvinistic Puritanism’s conceptualization of biblical text as God’s unshakable word, such that any crevice that allowed for seeming contradictions from science would open the door to “Arminianism,” and, therefore, to heresy. The “New Methodists,” or the Arminian Puritans, did not have the same pitfalls. The great heir of Richard Baxter’s Arminian “New Methodism” was the Rev. John Wesley, who adopted a four-fold view of Christian theology that allowed for the following four sources of theology: (a) the Sacred Scriptures; (b) the Sacred Traditions of the Church; (c) Reason (i.e., the laws of nature); and (d) Experience (i.e., common sense, human conscience of self-evident truths). The method of theological analysis allowed Rev. Wesley to apply the tools of reasoning advanced by philosopher Francis Bacon, Edward Coke, John Locke, Isaac Newton, and many others to the truths of the *Holy Bible*. For Rev. Wesley, the principles of justice and equity were restatements of the golden rule or the “law of Christ,” and he was fully capable of speaking about human affairs in both the language of revealed religion (i.e., the *Holy Bible*) and natural religion (i.e., natural law). In *Thoughts Upon Slavery* (1778), Rev. Wesley attacked the institution of domestic slavery in the academic language of an Oxford scholar while utilizing a discourse that was rooted in science, reason, and natural law.

Indeed, in *Thoughts Upon Slavery* (1778), Rev. Wesley documents in clear and persuasive language the evil effects of global British mercantilism upon the African continent. In part I of this work, Rev. Wesley correctly points out that the Christian religion—its spirit and letter—led naturally to the gradual fall and decline of slavery throughout the Roman empire.⁴⁰⁷ “[A]fter Christianity prevailed,” wrote Wesley, “[slavery] gradually fell into decline in almost all parts of Europe. This great change began in Spain, about the end of the eighth century.”⁴⁰⁸ Rev. Wesley’s opinion is

⁴⁰⁷ John Wesley, *Thoughts Upon Slavery* (London, England: John Crukshank Publisher, 1778), p. 4.

⁴⁰⁸ *Ibid.*

supported by the writings of the great French philosopher Alexis de Tocqueville.⁴⁰⁹ Hence, Rev. Wesley asks the important question, How and why was slavery revived. In a word, 16th-century European mercantilism revived slavery. “[S]lavery was nearly extinct,” writes Rev. Wesley, “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.”⁴¹⁰ When slavery was first introduced into Spain, the nature Christian response was to denounce this practice as evil, as Rev. Wesley states:

In 1540 Charles the fifth, then king of Spain, determined to put n end to the negro-slavery: giving positive orders, That all the negro slaves in the Spanish dominions should be set free. And this was accordingly done by Lagasea, whom he sent and impowered to free them all, on condition of continuing to labour for their masters. But soon after Lagasea returned to Spain, slavery returned and flourished as before. Afterwards other nations, as they acquired possessions in America, followed the examples of the Spaniards; and slavery has now taken deep root in our American colonies.⁴¹¹

For England, the first involvement in the slave trade began in about 1566 with the voyages of Sir. John Hawkins off of the coast of western Africa to the West Indies.⁴¹² But British mercantilism, which was built upon the slave trade, did not begin in earnest until the reign of King Charles II after about the year 1660, and for Englishmen the slave trade became of significant national concern after the Assiento contract of 1713, which granted to England a monopoly over the Spanish-American slave trade for thirty years.

In Part II of *Thoughts Upon Slavery*, Rev. Wesley turns to first-hand accounts for support of his discussion on effects which British mercantilism and slave-trading had upon the coasts of western Africa. The area up for discussion is described as follows:

That part of Africa when the negroes are brought, commonly known by the name of Guinea, extends along the coast, in the whole, between three and four thousand miles. From the river Senegal, (seventeen degrees north of the line) to Cape Sierra Leona, it contains seven hundred miles. Thence it runs eastward about fifteen hundren miles, including the Grain-Coast, the

⁴⁰⁹ Thus commenting on this subject, the great French social theorist Alex De Tocqueville opined that “[a]ntiquity 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.**” Alexis de Tocqueville, *Democracy in America* (New York, N.Y.: Harper Perennial, 1988), p. 348.

⁴¹⁰

⁴¹¹ *Ibid.*, p. 5.

⁴¹² *Ibid.*, p. 15.

Ivory-Coast, the Gold-Coast, and the Slave-Coast, with the large kingdom of Benin. From hence it runs southward, about twelve hundred miles, and contains the kingdoms of Congo and Angola.⁴¹³

Rev. Wesley next relies upon several first-hand accounts which verifies that the African peoples who populated these regions were civilized, orderly, and law-abiding civilizations. Some of them had professed the Muslim faith. Africans of Congo and Angola were described as “generally a quiet people.”⁴¹⁴ What corrupted these African civilizations and led to the transatlantic slave trade? Rev. Wesley asked. It was European merchants “by prevailing upon them to make war upon each other, and to sell their prisoners—till then they seldom had any wars.”⁴¹⁵ The wars between the Africans were thus instigated by greedy European merchants—supplemented by the sale of rum to the Africans.⁴¹⁶ Hence, men-stealing, in violation of the Sacred Scriptures, became the order of the day.

Now the Middle Passage—the trip from West Africa to the Americas—was horrific. Rev. Wesley also lucidly describes in *Thoughts Upon Slavery* the whippings, brandings, burnings, and suicides which occurred right off the coasts of West Africa, where the captives were loaded as cargo onto the slave ships. Rev. Wesley recounts:

You know the people were not stupid, not wanting in sense, considering the few means of improvement they enjoyed. Neither did you find them savage, fierce, cruel, treacherous, or unkind to strangers. On the contrary, they were in most parts a sensible and ingenious people. They were kind and friendly, courteous and obliging, and remarkably fair and just in their dealings. Such are the men whom you hire their own countrymen, to tear away from this lovely country; part by stealth, part by force, part made captives in those wars, which you raise or foment on purpose. You have seen them torn away, children from their parents, parents from their children: Husbands from their wives, wives from their beloved husbands, brethren and sisters from each other. You have dragged them who had never done you any wrong, perhaps in chains, from their native shore. You have forced them into your ships like an herd of swine, them who had souls immortal as your own: (Only some of them have leaped into the sea, and resolutely stayed under water, till they could suffer no more from you.) You have stowed them together as close as ever they could lie, without any regard either to decency or convenience.—And when many of them had been poisoned by foul air,

⁴¹³ Ibid., pp. 6-7.

⁴¹⁴ Ibid., p. 14.

⁴¹⁵ Ibid., p. 17.

⁴¹⁶ Ibid.

or had sunk under various hardships, you have seen their remains delivered to the sheep, till the sea should give up his dead. You have carried the survivors into the vilest slavery, never to end but with life: such slavery as is not found among the Turks at Algiers, no, nor among the heathens in America.⁴¹⁷

Next, Rev. Wesley clearly lays the blame for this evil in the trade in human beings upon the British merchants and the mercantilist system. “It is you that induce the African villain,” wrote Rev. Wesley, “to sell his countrymen; and in order thereto, to steal, rob, murder men, women and children without number: by enabling the English villain to pay him for so doing.... It is your money, that is the spring of all....”⁴¹⁸ True indeed, for as St. Paul has written, “[f]or the love of money is the root of all evil: which while some coveted after, they have erred from the faith, and pierced themselves through with many sorrows.”⁴¹⁹

Now the influence of natural rights philosophy and the 18th-century Enlightenment upon Rev. Wesley’s moral theology is quite clear in *Thoughts Upon Slavery*, which advances a higher law argument that subordinates secular human law to the “law of nature and reason.” Rev. Wesley’s *Thoughts Upon Slavery* is the plainest expression of the absolute sovereignty of God’s providence, will, and law over human affairs. Rev. Wesley writes:

But waving, for the present, all other considerations, I strike at the root of this complicated villainy. I absolutely deny all slave-holding to be consistent with any degree of even natural justice.

I cannot place this in a clearer light, than that great ornament of his profession, judge Blackstone has already done. Part of his words are as follows:

‘The three origins of the right of slavery assigned by Justinian, are all built upon false foundations. 1. Slavery is said to arise from captivity in war. The conqueror having a right to the life of his captive, if he spares that, has then a right to deal with him as he pleases. But this is untrue, if taken generally, That by the law of nations, a man has a right to kill his enemy. He has only a right to kill him in particular cases in cases of absolute necessity for self-defense. And it is plain, this absolute necessity did not subsist, since he did not kill him, but made him prisoner. War itself is justifiable

⁴¹⁷ Ibid., pp. 50-51.

⁴¹⁸ Ibid., pp. 52-53.

⁴¹⁹ I Timothy 6:10.

only on principles of self-preservation. Therefore it gives us no right over prisoners, but to hinder their hurting us by confining them. Much less can it give a right to torture, or kill, or even to enslave an enemy when the war is over. Since therefore the right of making our prisoners slaves, depends on a supposed right of slaughter, that foundation failing, the consequence which is drawn from it must fail likewise.

It is said, Secondly, slavery may begin, by one man's selling himself to another. And it is true, a man may sell himself to work for another: But he cannot sell himself to be a slave, as above defined.... His property likewise, with the very price which he seems to receive, devolves ipso facto to his master, the instant he becomes his slave: In this case therefore the buyer gives nothing, and the seller receives nothing....

We are told, Thirdly, that men may be born slaves, by being the children of slaves. But this being built on the two former rights, must fall together with them. If neither captivity, nor contract can by the plain law of nature and reason, reduce the parent to a state of slavery, much less can they reduce the offspring.' It clearly follows, that all slavery is as irreconcilable to justice as to mercy.

That slave-holding is utterly inconsistent with mercy, is almost too plain to need a proof. Indeed it is said, 'That these negroes being prisoners of war, our captains and factors buy them merely to save them from being put to death. And is not this mercy?' I answer, 1. Did Sir John Hawkins, and many others, seize upon men, women, and children, who were at peace in their own fields and houses, merely to save them from death? 2. Was it to save them from death, that they knock'd out the brains of those they could not bring away? 3. Who occasioned and fomented those wars, wherein these poor creatures were take prisoners? Who excited them by money, by drink, by every possible means, to fall upon one another? Was it not themselves? They know in their own conscience it was, if they have any conscience left. But 4. To bring the matter to a short issue. Can they say before GOD, That they ever took a single voyage, or bought a single negro from this motive? They cannot. They well know, to

get money, not to save lives, was the whole and sole spring of their motions.⁴²⁰

This “law of nature” or natural-rights philosophy was also the foundation of the American *Declaration of Independence* (1776), whose original draft dealt specifically with the immoral nature of the transatlantic slave trade, and held King George III of having violated the natural rights of the enslaved Africans. Hence, if Christianity is a republication of natural religion and natural law,⁴²¹ the Old Testament’s prohibition against men-stealing⁴²² is likewise a republication of the natural rights of every human being to “life, liberty, and the pursuit of happiness.” On this very subject, historian W.E.B. Du Bois says:

The *Declaration of Independence* showed a significant drift of public opinion from the firm stand taken in ‘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 a ‘cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people in their transportation thither. This piratical warfare, the opprobrium of infidel powers, is 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 legislative 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 has 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.’ ...

Jefferson himself says that this 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.

⁴²⁰ John Wesley, *Thoughts Upon Slavery* (London, England: Joseph Crukshank Publisher, 1778).

⁴²¹ 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).

⁴²² Exodus 21:16 (“And he that stealeth a man, and selleth him, or if he be found in his hand, he shall surely be put to death.”)

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.'⁴²³

Here we find an interesting reference to the unification of economic interests in slavery and the transatlantic slave trade, between merchants on both sides of the Atlantic. Following the war, economic motives for maintaining slavery, and reopening the slave trade, suddenly confronted American merchants in both the South and the North. "The economic forces of the country," writes W.E.B. Du Bois, "which had suffered most, sought to recover and rearrange themselves; and all the selfish motives that impelled a bankrupt nation to seek to gain its daily bread did not long hesitate to demand a reopening of the profitable African slave-trade."⁴²⁴ Following the end of the American Revolutionary War, the American economic interests were allowed to do whatever it wished with both slavery and the slave-trade—and this it did, unregulated, for the next "three-quarters of a century," under a policy of "*laissez-faire, laissez-passer*."⁴²⁵

The results of all this, perhaps, is best expressed by Founding Father Alexander Hamilton in Federalist Paper # 54, which clearly set forth the fixed attitude of the American founding fathers toward the natural rights of African slaves. In *The Federalist*, Paper # 54, Alexander Hamilton writes:

THE next view which I shall take of the House of Representatives relates to the appointment of its members to the several States which is to be determined by the same rule with that of direct taxes. It is not contended that the number of people in each State ought not to be the standard for regulating the proportion of those who are to represent the people of each State. ...

Slaves are considered as property, not as persons. They ought therefore to be comprehended in estimates of taxation which are founded on property, and to be excluded from representation which is regulated by a census of persons. ...

The true state of the case is, that they partake of both these qualities: being considered by our laws, in some respects, as persons, and in other respects as property. In being compelled to labor, not for himself, but for a master; in being vendible by one master to another master; and in being subject at all times to be restrained in his liberty and chastised in his body, by the

⁴²³ W.E.B. Du Bois, "The Suppression of the African Slave Trade," *Writings* (New York, N.Y.: The Library of America, 1986), p. 54.

⁴²⁴ *Ibid.*, p. 55.

⁴²⁵ *Ibid.*, p. 56.

capricious will of another, the slave may appear to be degraded from the human rank, and classed with those irrational animals which fall under the legal denomination of property. In being protected, on the other hand, in his life and in his limbs, against the violence of all others, even the master of his labor and his liberty; and in being punishable himself for all violence committed against others, the slave is no less evidently regarded by the law as a member of the society, not as a part of the irrational creation; as a moral person, not as a mere article of property. The federal Constitution, therefore, decides with great propriety on the case of our slaves, when it views them in the mixed character of persons and of property. ...

This is in fact their true character. It is the character bestowed on them by the laws under which they live; and it will not be denied, that these are the proper criterion; because it is only under the pretext that the laws have transformed the negroes into subjects of property, that a place is disputed them in the computation of numbers; and it is admitted, that if the laws were to restore the rights which have been taken away, the negroes could no longer be refused an equal share of representation with the other inhabitants....

Let the case of the slaves be considered, as it is in truth, a peculiar one. Let the compromising expedient of the Constitution be mutually adopted, which regards them as inhabitants, but as debased by servitude below the equal level of free inhabitants, which regards the SLAVE as divested of two fifths of the MAN.⁴²⁶

That American economic interests—i.e., American merchants—were given a *free hand* to economically exploit the situation in British North America, following the end of the American Revolutionary War, and to preserve the *institution of slavery*, and to *avail itself of the transatlantic slave trade*, was cause for great concern to both Americans and Englishmen who questioned the motives of the American patriots. In his *A Calm Address to Our American Colonies* (1775), Rev. Wesley concluded that the real motive power behind the American Revolutionary disturbance was the interests of a few “republicans,” on both sides of the Atlantic, who wished to undermine King George III. “We have a few men in England who are determined enemies to monarchy.... They love neither England nor America, but play one against the other, in subserviency to their grand design of overturning the English Government.”⁴²⁷ Furthermore, in *A Calm*

⁴²⁶ *The Federalist Papers*, Paper #54. <https://guides.loc.gov/federalist-papers/text-51-60#s-lg-box-wrapper-25493430>

⁴²⁷ John Wesley, “A Calm Address to Our American Colonies” (1775).

Address to Our American Colonies (1775), Rev. Wesley seriously doubts the authenticity of the colonists' claims that "no taxation without representation" was the same as "slavery." Rev. Wesley states:

'Who then is a slave?' Look into America, and you may easily see. See that Negro, fainting under the load, bleeding under the lash! He is a slave. And is there 'no difference' between him and his master? Yes; the one is screaming, 'Murder! Slavery!' the other silently bleeds and dies!

'But wherein then consists the difference between liberty and slavery?' Herein: You and I and the English in general, go where we will, and enjoy the fruit of our labors: This is liberty. The Negro does not: This is slavery.

Is not then all this outcry about liberty and slavery mere rant, and playing upon words?⁴²⁸

Similarly, his *Some Observations on Liberty* (1776), Rev. Wesley stated:

Slavery is a state wherein neither a man's goods, nor liberty, nor life, are at his own disposal. Such is the state of a thousand, of ten thousand, Negroes in the American colonies. And are their masters in the same state with them? In just the same slavery with the Negroes? Have they no more disposal of their own goods, or liberty, or lives? Does anyone beat or imprison them at pleasure; or take away their wives, or children, or lives; or sell the like cows or horses? This is slavery; and will you face us down that the Americans are in such slavery as this?⁴²⁹

Since the American patriots clearly maintained a double standard with respect to the fundamental rights of African slaves to "life, liberty and the pursuit of happiness," and there was no other evidence that the American colonists enjoyed fewer rights than similarly-situated British commoners, Rev. Wesley seriously questioned the authenticity of the American Revolution's motives. Chief among his concerns was that the American republic's mottos "We the People" and "Liberty" had the tendency to place the will of the American people above God's will and sovereignty. Rev. Wesley felt that true liberty comes from submission to God's will, not through a plurality of opinions held by "the people." On this point, Rev. Wesley wrote:

To inflame them still more, you go on: 'Liberty is more or less complete, according as the people have more or less share in the Government.' This is altogether contrary to matter of fact: The greater share the people have in

⁴²⁸ Ibid.

⁴²⁹ John Wesley, "Some Observations on Liberty" (1776).

the Government, the less liberty, either civil or religious, does the nation in general enjoy. Accordingly, there is most liberty of all, civil and religious, under a limited monarchy; there is usually less under an aristocracy, and least of all under a democracy. What sentences then are these: ‘To be guided by one’s own will, is freedom; to be guided by the will of another, is slavery?’ This is the very quintessence of republicanism; but it is a little too bare-faced; for, if this is true, how free are all the devils in hell, seeing they are all guided by their own will! And what slaves are all the angels in heaven, since they are all guided by the will of another! See another stroke: ‘The people have power to model Government as they please.’ What an admirable lesson, to confirm the people in their loyalty to the Government! Yet again: ‘Government is a trust, and all its powers a delegation.’ It is a trust, but not from the people: ‘There is no power but of God.’ It is a delegation, namely, from God; for ‘rulers are God’s ministers,’ or delegates. How irreconcilable with this are your principles! ⁴³⁰

Rev. Wesley’s observations of the American principle of liberty was that, fundamentally, it failed, at least explicitly, to acknowledge the sovereignty of God and that civil magistrates are God’s vicegerents. The American Revolution appeared to Rev. Wesley to be nothing more than a power-grab by a few elite British-American Whig politicians and merchants who wished to overthrow of both King George III and Church of England, and all the sacred principles and traditions that these two institutions represented. It did not appear to Rev. Wesley, who was himself a Tory-Anglican, that an American republic, governed by the sovereignty of “We the People,”⁴³¹ – which meant scarcely one-tenth of the total American population⁴³² -- could maintain sufficient fidelity to the natural-law principle of “[t]here is no power but of God.”⁴³³

Following the establishment of the new United States government in 1787, circumstances proved Rev. Wesley’s moral concerns to be justified,⁴³⁴ not just with respect to African American slaves, but also with respect to many other disenfranchised groups, including Army veterans, the working classes, small farmers, and various other minority groups—everywhere the concern was that the American Revolution had

⁴³⁰ Ibid.

⁴³¹ In “Some Observations on Liberty” (1776), Rev. Wesley says, “See now to what your argument comes. You affirm, all power is derived from the people; and presently exclude one-half of the people from having any part or lot in the matter. . . . Hitherto we have endeavored to view this point in the mere light of reason; and, even by this, it appears, that this supposition, which has been palmed upon us as undeniable, is not only false, not only contrary to reason, but contradictory to itself; the very men who are most positive that the people are the source of power, being brought into an inexplicable difficulty, by that single question, ‘**Who are the people?**’ reduced to a necessity of either giving up the point, or owning that by the people, **they mean scarce a tenth part of them.**”

⁴³² Ibid.

⁴³³ Romans 13:1-2.

⁴³⁴ John Wesley, “Some Observations on Liberty” (1776).

betrayed the trust of the average American who labored under the same repressive restrictions as before the revolution. The Methodist Church in America perpetuated Rev. Wesley's zealous anti-slavery advocacy,⁴³⁵ petitioning Gen. George Washington,⁴³⁶ and even sacrificing liberty, life and limb for the cause of the enslaved Africans.⁴³⁷ And the horrible treatment that many of these Methodist received at the hands of pro-slavery ruffians proved Rev. Wesley's concerns regarding the general substance and scope of "American liberty" and the plight of the African-American slaves to be prophetic.

THE END

⁴³⁵ The Methodist Church engaged in a valiant anti-slavery protest movement during the late 1780s.

See, e.g., "The Long Road: Francis Asbury and George Washington," (October 1, 2015),

<https://www.francisasburytrptych.com/francis-asbury-and-george-washington/>

For example, in 1785, Methodists superintendents Bishop Francis Asbury and Thomas Coke met personally with future President George Washington at his home at Mount Vernon. They both asked Gen. Washington to sign their abolition petition to be submitted to Virginia legislature. Gen. Washington stated that he shared their abolition sentiments but felt that it would not be appropriate for him to sign any petition, but that if the Virginia legislature brought the matter to the floor, then he would give his opinion on the subject.

⁴³⁶ Ibid.

⁴³⁷ The Methodist Church engaged in a valiant anti-slavery protest movement during the late 1780s.

See, e.g., <http://consulthardesty.hardspace.info/wp-content/uploads/2016/09/Hardesty-timeline-Rev10.pdf>, stating:

9 April 1785 Coke and Asbury personally inform General Washington (four years prior to his election as President) of their opposition to slavery. Coke is stalked by an assassin - then violently threatened in Virginia - for equating slavery with injustice. Instead of accepting a bounty for giving Coke a hundred lashes with the whip, a local magistrate - after hearing the evangelist preach in a barn - emancipates his 15 slaves. A chain reaction ensues, wherein perhaps an additional nine souls are freed from servitude.

Coke organizes church members in North Carolina to petition their legislature that manumission become legal. Failing, Coke returns to Virginia to lead calls for legislative change. This effort too is unsuccessful. Two counties set out indictments against him.

Appendix D

**“The American Revolutionary War: from the Personal Diary of Rev. John Wesley-
August 27, 1774 (Monday)”⁴³⁸**

By

Rev. John Wesley, M.A. (Oxford)

Monday, 27. – I set out for Norwich. That evening I preached at Colchester; Tuesday, at Norwich; Wednesday, at Yarmouth.

About this time I published the following letter in Lloyd’s Evening Post;

‘Sir,—I have been seriously asked, ‘from what motive did you publish your *Calm Address to the American Colonies?*’

‘I seriously answer, not to get money. Had that been my motive I should have swelled it into a shilling pamphlet and have entered it at Stationers’ Hall.

‘Not to get preferment for myself or my brother’s children. I am a little too old to gape after it for myself: and if my brother or I sought it for them, we have only to show them to the world.

‘Not to please any man living, high or low. I know mankind too well. I know they that love you for political service, love you less than their dinner; and they that hate you, hate you worse than the devil.

‘Lest of all did I write with a view to inflame any: just the contrary. I contributed my mite toward putting out the flame which rages all over the land. This I have more opportunity of observing than any other man in England. I see with pain to what a height this already rises, in every part of the nation. And I see many pouring oil into the flame, by crying out, ‘How unjustly, how cruelly, the King is using the poor Americans who are only contending for their liberty and for their legal privileges!’

‘Now there is no possible way to put out this flame, or hinder its rising higher and higher, but to show that the Americans are not used either cruelly or unjustly; that they are not injured at all, seeing they are not contending for liberty (this they had, even in its full, extent, both civil and religious); neither for any legal privileges; for they enjoy all that their charters grant. But what they contend for is the illegal privilege of being exempt

⁴³⁸ John Wesley, *The Journal of John Wesley: Founder of the Methodist Movement*, supra, pp.313-314.

from parliamentary taxation. A privilege this which no charter ever gave to any American colony yet; which no charter can give, unless it be confirmed both by King, Lords, and Commons; which, in fact, our colonies never had; which they never claimed till the present reign: and probably they would not have claimed it now had they not been **incited thereto by letters from England**. One of these was read, according to the desire of the congregation throughout the Combined Provinces. It advised them to seize upon all the King's officers and exhorted them, 'Stand valiantly, only for six months, and in that time there will be such commotions in England that you may have your own terms.'

'This being the real state of the question, without any coloring of aggravation, what impartial man can either blame the King or commend the Americans?

'With this view, to quench the fire by laying the blame where it was due, the *Calm Address* was written.'"

THE END

Appendix E

“The Signers of the American *Declaration of Independence* (1776)”

By

Roderick O. Ford , Litt.D.

This is a summary of the American Founding Fathers who signed the American *Declaration of Independence* in 1776. What is noticeably conspicuous is the lack of clergymen on this roster. The only active clergyman to sign this Declaration was the Rev. Dr. John Witherspoon, who was then president of the College of New Jersey (Princeton), where he taught Founding Father James Madison and several others. The commercial representative of “planter,” “lawyer”⁴³⁹ and “merchant” are overwhelming represented. These three groups represented the chief commercial or capitalistic elements of 18th and 19th century American society. Throughout this series, we have focused on the influence of Whig capitalism upon the church and state, and on the slow evolution of the primacy of capitalistic enterprises over the privileged position of the Church of England.

Church ←----→ State ←----→ Capitalism

The Revolution of '76 was in part a major component within this historic evolution, whereby modernity and commercialism vied for supremacy over both the Church and the State. In the case of the *Declaration of Independence* (1776), it is quite clear that American commercial interests utilized Christian natural law philosophy and jurisprudence in order to camouflage their grievances with moral philosophy and Christian natural-law theology. This was the work of Puritan theologians such as Rev. Dr. John Witherspoon (the President of the College of New Jersey) who were willing to merge commercial interests with the interests of Calvinism and Presbyterianism. The “natural rights” of nation-states, according to Dr. Witherspoon, were no different than the “natural rights” of individuals.

⁴³⁹ 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’ lordly, paramount rights and powers, and in denying that any rights attached to the under class.”)

Table 1. List of founding father 1776 dec of independence signers⁴⁴⁰

Name	State	Place of Birth	Birth Year	Death Year	Occupation	Religion
Adams, John	Massachusetts	Quincy, MA	1735	1826	Lawyer	Congregationalist/ Unitarian
Adams, Samuel	Massachusetts	Boston, MA	1722	1803	Merchant	Congregationalist
Bartlett, Josiah	New Hampshire	Amesbury, MA	1729	1795	Physician	Congregationalist
Braxton, Carter	Virginia	Newington, VA	1736	1797	Plantation Owner	Anglican/ Episcopalian
Charles Carroll of Carrollton	Maryland	Annapolis, MD	1737	1832	Merchant/Plantation Owner	Roman Catholic
Chase, Samuel	Maryland	Somerset Co., MD	1741	1811	Lawyer	Anglican/ Episcopalian
Clark, Abraham	New Jersey	Elizabethtown, NJ	1741	1794	Lawyer/Surveyor	Presbyterian
Clymer, George	Pennsylvania	Philadelphia, PA	1739	1813	Merchant	Anglican/ Episcopalian/ Quaker
Ellery, William	Rhode Island	Newport, RI	1727	1820	Lawyer/ Merchant	Congregationalist
Floyd, William	New York	Brookhaven, NY	1734	1821	Land Speculator	Presbyterian
Franklin, Benjamin	Pennsylvania	Boston, MA	1706	1790	Scientist/Printer	Deist/ Congregationalist
Gerry, Elbridge	Massachusetts	Marblehead, MA	1744	1814	Merchant	Anglican/ Episcopalian
Gwinnett, Button	Georgia	Down Hatherley, England	1735	1777	Merchant/Plantation Owner	Anglican/ Episcopalian
Hall, Lyman	Georgia	Wallingford, CT	1724	1790	Physician/Minister	Congregationalist
Hancock, John	Massachusetts	Quincy, MA	1737	1793	Merchant	Congregationalist

⁴⁴⁰ <https://www.usconstitution.net/declarsigndata.html>

Harrison, Benjamin	Virginia	Charles City Co., VA	1726	1791	Plantation Owner/Farmer	unknown
Hart, John	New Jersey	Hunterdon Co., NJ	1711	1779	Land Owner	Presbyterian
Hewes, Joseph	North Carolina	Kingston, NJ	1730	1779	Merchant	Presbyterian
Heyward Jr., Thomas	South Carolina	St. Helena Parrish, SC	1746	1809	Lawyer/ Plantation Owner	Anglican/ Episcopalian
Hooper, William	North Carolina	Boston, MA	1742	1790	Lawyer	Anglican/ Episcopalian
Hopkins, Stephen	Rhode Island	Providence, RI	1707	1785	Merchant	Baptist/ Congregationalist
Hopkinson, Francis	New Jersey	Philadelphia, PA	1737	1791	Lawyer/Musician	Anglican/ Episcopalian
Huntington, Samuel	Connecticut	Windham, CT	1731	1796	Lawyer	Congregationalist
Jefferson, Thomas	Virginia	Albermarle Co., VA	1743	1826	Lawyer/ Plantation Owner	Deist/ Anglican/ Episcopalian
Lee, Francis Lightfoot	Virginia	Mt. Pleasant, VA	1734	1797	Plantation Owner	Anglican/ Episcopalian
Lee, Richard Henry	Virginia	Stratford, VA	1732	1794	Plantation Owner/Merchant	Anglican/ Episcopalian
Lewis, Francis	New York	Llandaff, Wales	1713	1802	Merchant	Anglican/ Episcopalian
Livingston, Philip	New York	Albany, NY	1716	1778	Merchant	Presbyterian
Lynch Jr., Thomas	South Carolina	Prince George's Parrish, SC	1749	1779	Lawyer	Anglican/ Episcopalian
McKean, Thomas	Delaware	Chester Co., PA	1735	1817	Lawyer	Presbyterian
Middleton, Arthur	South Carolina	Charleston, SC	1742	1787	Plantation Owner	Anglican/ Episcopalian

Morris, Lewis	New York	West Chester Co., NY	1726	1798	Plantation Owner	Anglican/ Episcopalian
Morris, Robert	Pennsylvania	Liverpool, England	1734	1806	Merchant/Land Speculator	Anglican/ Episcopalian
Morton, John	Pennsylvania	Ridley Township, PA	1724	1777	Farmer	Anglican/ Episcopalian
Nelson Jr., Thomas	Virginia	Yorktown, VA	1738	1789	Merchant/ Plantation Owner	Anglican/ Episcopalian
Paca, William	Maryland	Abington, MD	1740	1799	Lawyer/ Plantation Owner	Anglican/ Episcopalian
Paine, Robert Treat	Massachusetts	Boston, MA	1731	1814	Lawyer/Scientist	Congregationalist
Penn, John	North Carolina	Carolina Co., VA	1740	1788	Lawyer	Anglican/ Episcopalian
Read, George	Delaware	Northeast MD	1733	1798	Lawyer	Anglican/ Episcopalian
Rodney, Caesar	Delaware	Dover, DE	1728	1784	Plantation Owner/Soldier	Anglican/ Episcopalian
Ross, George	Pennsylvania	New Castle, DE	1730	1779	Lawyer	Anglican/ Episcopalian
Rush, Benjamin	Pennsylvania	Philadelphia, PA	1746	1813	Physician	Presbyterian
Rutledge, Edward	South Carolina	Christ Church Parrish, SC	1749	1800	Lawyer/Plantation Owner	Anglican/ Episcopalian
Sherman, Roger	Connecticut	Newton, MA	1721	1793	Lawyer	Congregationalist
Smith, James	Pennsylvania	Northern Ireland	1719	1806	Lawyer	Presbyterian
Stockton, Richard	New Jersey	Princeton, NJ	1730	1781	Lawyer	Presbyterian
Stone, Thomas	Maryland	Charles Co., MD	1743	1787	Lawyer	Anglican/ Episcopalian

Taylor, George	Pennsylvania	Ireland	1716	1781	Merchant	Presbyterian
Thornton, Matthew	New Hampshire	Ireland	1714	1803	Physician	Presbyterian
Walton, George	Georgia	Cumberland Co., VA	1741	1804	Lawyer	Anglican/Episcopalian
Whipple, William	New Hampshire	Kittery, ME	1730	1785	Merchant	Congregationalist
Williams, William	Connecticut	Lebanon, CT	1731	1811	Merchant	Congregationalist
Wilson, James	Pennsylvania	Carskerdo, Scotland	1742	1798	Lawyer	Deist/ Anglican/Episcopalian
Witherspoon, John	New Jersey	Gifford, Scotland	1723	1794	Minister	Presbyterian
Wolcott, Oliver	Connecticut	Windsor, CT	1726	1797	Lawyer	Congregationalist
Wythe, George	Virginia	Elizabeth City Co., VA	1726	1806	Lawyer	Anglican/Episcopalian

28 Anglicans
14 Congregational
11 Presbyterian
1 Roman Catholic
2 Unknown

56 Total

- Only 13 did not own slaves⁴⁴¹

⁴⁴¹ John Adams, Samuel Adams, George Clymer, William Ellery, Elbridge Gerry, Samuel Huntington, Thomas McKean, Robert Treat Paine, Roger Sherman, Charles Thomson, George Walton, William Williams and James Willson.

Appendix F

“Signer of the *Declaration of Independence* (1776) and Their Views on Slavery”

by

Roderick O. Ford, Litt.D.

Table 1. Slavery and the Views of the Founding Fathers who Signed the *Declaration of Independence* (1776)

Name	State	Owned Slaves?	Opposition to Slavery?	Immediate Emancipation	Gradual Emancipation	Religion
Adams, John	MA	No	Yes	No	Yes ⁴⁴²	Congregationalist/ Unitarian
Adams, Samuel	MA	No	Yes	No	Yes ⁴⁴³	Congregationalist
Bartlett, Josiah	NH	Yes	No	Unknown	Unknown	Congregationalist
Braxton, Carter	VA	Yes	No	No	No	Anglican/ Episcopalian
Charles Carroll of Carrollton	MD	Yes	Yes	No	Yes	Roman Catholic
Chase, Samuel	MD	Yes	Yes	Yes ⁴⁴⁴	Yes ⁴⁴⁵	Anglican/ Episcopalian
Clark, Abraham	NJ	Yes	No	No	No	Presbyterian

⁴⁴² <https://www.gilderlehrman.org/history-resources/spotlight-primary-source/john-adams-abolition-slavery-1801>

⁴⁴³ <https://boston1775.blogspot.com/2009/01/samuel-adams-and-slavery-public-man.html?m=1#:~:text=Adams%20expressed%20a%20distaste%20for,American%20politicians%20in%20doing%20so.&text=Adams%20supported%20mild%20anti%20slavery%20measures%20in%20Massachusetts.>

⁴⁴⁴ <https://www.god-and-country.info/SChase.html#:~:text=In%201784%2C%20he%20introduced%20a,support%20the%20abolition%20of%20slavery.>

⁴⁴⁵ Ibid.

Clymer, George	PA	No	Yes	Yes	Yes ⁴⁴⁶	Anglican/ Episcopalian/ Quaker
Ellery, William	RI	No	Yes	Yes	Yes ⁴⁴⁷	Congregationalist
Floyd, William	NY	Yes	No	unknown	Unknown	Presbyterian
Franklin, Benjamin	PA	Yes	Yes ⁴⁴⁸	No	Yes	Deist/ Congregationalist
Gerry, Elbridge	MA	No	Yes	Yes	Yes	Anglican/ Episcopalian
Gwinnett, Button	GA	Yes	No	unknown	Unknown	Anglican/ Episcopalian
Hall, Lyman	GA	Yes	No	unknown	Unknown	Congregationalist
Hancock, John	MA	Yes	No	unknown	unknown ⁴⁴⁹	Congregationalist
Harrison, Benjamin	VA	Yes	No	unknown	Unknown	unknown
Hart, John	NJ	Yes	No	unknown	Unknown	Presbyterian
Hewes, Joseph	NC	Yes	No	No	No	Presbyterian
Heyward Jr., Thomas	SC	Yes	No	No	No	Anglican/ Episcopalian
Hooper, William	NC	Yes	No	unknown	unknown	Anglican/ Episcopalian

⁴⁴⁶ <https://artsandculture.google.com/entity/george-clymer/m01mpsj?categoryid=historical-figure>

⁴⁴⁷ https://en.wikipedia.org/wiki/William_Ellery

⁴⁴⁸ Franklin was elected president of the Pennsylvania Society for Promoting the Abolition of Slavery in 1787.

⁴⁴⁹ https://en.wikipedia.org/wiki/John_Hancock

Hopkins, Stephen	RI	Yes	Yes	Yes	Yes ⁴⁵⁰	Baptist/ Congregationalist
Hopkinson, Francis	NJ	Yes	No	unknown	Unknown	Anglican/ Episcopalian
Huntington, Samuel	CT	No	Yes	Yes	Yes ⁴⁵¹	Congregationalist
Jefferson, Thomas	VA	Yes	Yes	No	Yes ⁴⁵²	Deist/ Anglican/ Episcopalian
Lee, Francis Lightfoot	VA	Yes	No	unknown	Unknown	Anglican/ Episcopalian
Lee, Richard Henry	VA	Yes	Yes	No	Yes ⁴⁵³	Anglican/ Episcopalian
Lewis, Francis	NY	Yes	No	unknown	Unknown	Anglican/ Episcopalian
Livingston, Philip	NY	Yes	No	No	No ⁴⁵⁴	Presbyterian
Lynch Jr., Thomas	SC	Yes	No	No	No ⁴⁵⁵	Anglican/ Episcopalian

⁴⁵⁰ “In 1765, Stephen Hopkins authored a pamphlet entitled *The Rights of the Colonies Examined*, in which he wrote: ‘Liberty is the greatest blessing that men enjoy, and slavery the heaviest curse that human nature is capable of.’ An ardent patriot in the cause of American Independence, Hopkins would also make some strides toward the abolition of slavery in Rhode Island, although not without personal struggle.... Against this backdrop—when thoughts of independence were rooting and the Society of Friends (Quakers) continued to pressure its members to reject slavery—Stephen Hopkins penned this document of emancipation. Two years later, in 1774, he spearheaded a bill in the Rhode Island General Assembly that prohibited the importation of slaves into the colony. A decade later, in February 1784, the General Assembly passed ‘An Act Authorizing the Manumission of Negroes, Mulattoes, and Others, and for the Gradual Abolition of Slavery.’ It stipulated that no persons born in Rhode Island on or after March 1, 1784 were to “servants for life, or slaves.”... Although Hopkins freed Saint Jago when pressured by his Quaker associates, his refusal to free other household slaves led to his expulsion from the increasingly antislavery religious meeting.” <https://www.sethkaller.com/item/807-Four-Years-Prior-to-Signing-the-Declaration,-R.I.%E2%80%99s-Stephen-Hopkins-Declares-His-Slave%E2%80%99s-Independence>

⁴⁵¹ <https://www.nga.org/governor/samuel-huntington/#:~:text=At%2022%2C%20Huntington%20studied%20law,entered%20politics%20in%20Norwich%2C%20Connecticut.&text=Huntington%20also%20was%20a%20proponent,the%20Old%20State%20House%20Building.>

⁴⁵² [https://en.wikipedia.org/wiki/Thomas_Jefferson_and_slavery#Notes_on_the_State_of_Virginia_\(1785\)](https://en.wikipedia.org/wiki/Thomas_Jefferson_and_slavery#Notes_on_the_State_of_Virginia_(1785))

⁴⁵³ <https://leefamilyarchive.org/reference/theses/virginia/04.html>

⁴⁵⁴ Very active slave trader. <https://columbiaandslavery.columbia.edu/content/3-livingstons>

⁴⁵⁵ “Less than a month after signing the Declaration of Independence Lynch threatened that South Carolina would secede from the United States in a threat representing the interests his constituents. ‘If it is debated, whether their Slaves are their Property, there is an End of the Confederation.’” https://en.wikipedia.org/wiki/Thomas_Lynch_Jr.

McKean, Thomas	DE	No	No	unknown	Unknown	Presbyterian
Middleton, Arthur	SC	Yes	No	No	No	Anglican/Episcopalian
Morris, Lewis	NY	Yes	No	unknown	Unknown	Anglican/Episcopalian
Morris, Robert	PA	Yes	No	No	No ⁴⁵⁶	Anglican/Episcopalian
Morton, John	PA	Yes	No	unknown	Unknown	Anglican/Episcopalian
Nelson Jr., Thomas	VA	Yes	No	unknown	Unknown	Anglican/Episcopalian
Paca, William	MD	Yes	No	unknown	Unknown	Anglican/Episcopalian
Paine, Robert Treat	MA	No	Yes	Yes	Yes ⁴⁵⁷	Congregationalist
Penn, John	NC	Yes	No	No	No	Anglican/Episcopalian
Read, George	DE	Yes	No	unknown	Unknown	Anglican/Episcopalian
Rodney, Caesar	DE	Yes	No	No	Yes ⁴⁵⁸	Anglican/Episcopalian
Ross, George	PA	Yes	No	unknown	Unknown	Anglican/Episcopalian
Rush, Benjamin	PA	Yes	Yes	Yes	Yes ⁴⁵⁹	Presbyterian

⁴⁵⁶ Very active slave trader. <https://foundersandslavery.wordpress.com/2015/04/19/updated-robert-morris/>

⁴⁵⁷ https://en.wikipedia.org/wiki/Robert_Treat_Paine

⁴⁵⁸ https://en.wikipedia.org/wiki/Caesar_Rodney

⁴⁵⁹ Slave owner who became a staunch abolitionist: “For Rush, slavery was not simply unjust; it was a transgression against natural law and a blight against God—a serious charge for the devout Presbyterian Christian. He believed that the new nation could not continue to maintain such a scourge without a reckoning. ‘Remember that national crimes require national punishments,’ he wrote about slavery, “and without declaring what punishment awaits this evil, you may venture to assure

Rutledge, Edward	SC	Yes	No	No	No ⁴⁶⁰	Anglican/Episcopalian
Sherman, Roger	CT	No	No	No	No ⁴⁶¹	Congregationalist
Smith, James	PA	Yes	No	unknown	Unknown	Presbyterian
Stockton, Richard	NJ	Yes	No	unknown	unknown ⁴⁶²	Presbyterian
Stone, Thomas	MD	Yes	No	unknown	Unknown	Anglican/Episcopalian
Taylor, George	PA	Yes	No	unknown	Unknown	Presbyterian
Thornton, Matthew	NH	Yes	No	unknown	Unknown	Presbyterian
Walton, George	GA	No	No	unknown	Unknown	Anglican/Episcopalian
Whipple, William	NH	Yes	Yes	Yes	Yes ⁴⁶³	Congregationalist
Williams, William	CT	No	No	unknown	Unknown	Congregationalist

them that it cannot pass with impunity, unless God shall cease to be just or merciful.”
https://www.dickinson.edu/info/20043/about/3480/benjamin_rush

⁴⁶⁰ https://en.wikipedia.org/wiki/Edward_Rutledge#American_Revolution

⁴⁶¹ Although Sherman did not own slaves, he openly supported both slavery and the slave trade. “Roger Sherman opened debate the next day by adopting a familiar pose. He declared his personal disapproval of slavery but refused to condemn it in other parts of the nation. He then argued against a prohibition of the slave trade. First, he asserted that “the public good did not require” an end to the trade. Noting that the states already had the right to import slaves, Sherman saw no point in taking a right away from the states unnecessarily because ‘it was expedient to have as few objections as possible’ to the new Constitution. Here Sherman assumed it was necessary to defuse southern opposition to the Constitution, which might result from a ban on the slave trade, but he did not think it necessary to placate those who might oppose the Constitution if it allowed the slave trade to continue. Sherman was prepared to appease those who supported the slave trade, but he apparently was unconcerned about the strong opposition to the slave trade in his own region. Revealing his true priorities, Sherman urged the delegates to hurry and finish their business, noting, no doubt, that they had been in session for almost three months.” <https://www.archives.gov/publications/prologue/2000/winter/garrisons-constitution-2.html>

⁴⁶² <https://libertyandprosperity.com/richard-stockton-slave-statue-removed-stockton-u/>

⁴⁶³ “During the remaining years of Mr. Whipple’s life, he filled several important offices. In 1780, he was elected a representative to the general assembly of New Hampshire, the duties of which office he continued to discharge during several re-elections, with much honor to himself, and to the general acceptance of his constituents. After freeing his own slaves, Whipple wrote as follows to Josiah Bartlett, ‘The last accounts from South Carolina were favorable. A recommendation is gone thither for raising some regiments of blacks. This, I suppose, will lay a foundation for the emancipation of those wretches in that country. I hope it will be the means of dispensing the blessings of Freedom to all the human race in America.’” <https://www.dsdi1776.com/william-whipple/>

Wilson, James	PA	No (?) ⁴⁶⁴	No	Yes	Yes	Deist/ Anglican/ Episcopalian
Witherspoon, John	NJ	Yes	Yes	No	Yes ⁴⁶⁵	Presbyterian
Wolcott, Oliver	CT	Yes	No	unknown	Unknown	Congregationalist
Wythe, George	VA	Yes	Yes ⁴⁶⁶	unknown	Yes	Anglican/ Episcopalian

⁴⁶⁴ “While Wilson was an opponent of slavery (despite owning a slave himself), and would forcefully argue that the Constitution laid the foundation for “banishing slavery out of this country”, he remained relatively quiet on the issue at the convention, taking only minor steps like objecting to the fugitive slave clause on technical grounds so as to prevent roiling pro-slavery delegates, whose support was needed to ratify the new constitution. Even with his strong opposition to slavery, Wilson himself proposed the Three-fifths Compromise, which counted slaves as three-fifths of a person for the purpose of representation in the House of Representatives, in an effort to placate southern antipathy towards the House of Representatives; as the Convention proceeded, however, he would come to disavow the compromise.” [https://en.wikipedia.org/wiki/James_Wilson_\(Founding_Father\)](https://en.wikipedia.org/wiki/James_Wilson_(Founding_Father))

⁴⁶⁵ “In this connection it may be noted that in 1790 President Witherspoon, while a member of the New Jersey Legislature, was chairman of a committee on the abolition of slavery in the state, and brought in a report advising no action, on the ground that the law already forbade the importation of slaves and encouraged voluntary manumission. He suggested, however, that the state might enact a law that all slaves born after its passage should be free at a certain age—e.g., 28 years, as in Pennsylvania, although in his optimistic opinion the state of society in America and the progress of the idea of universal liberty gave little reason to believe that there would be any slaves at all in America in 28 years’ time, and precipitation therefore might do more harm than good.” John Witherspoon, *Lectures on Moral Philosophy* (Princeton, N.J.: Princeton Univ. Press, 1912), p. 74.

⁴⁶⁶ “One scholar states, without extensive documentation, that the problem of slavery preoccupied Wythe in his last years. In 1785, Jefferson assured English abolitionist Richard Price that Wythe’s sentiments against slavery were unequivocal.” https://en.wikipedia.org/wiki/George_Wythe#Slavery

Appendix G

“Who were the Delegates to the Constitutional Convention of 1787?”

By

Roderick O. Ford , Litt.D.

This Chart provides the names of the Delegates who attended the Constitutional Convention in 1787. What is noticeably conspicuous is the lack of clergymen. There were no full-time bishops or presbyters to represent the institution of the Christian Church or the “law of Christ” at the Constitutional Convention. The American Revolution had, in part, been a contest to overthrow the British Crown and thus the jurisdiction of his Church of England upon American soil, and to establish “Whig” supremacy in law and government. Hence, the commercial representatives of “planter,” “lawyer”⁴⁶⁷ and “merchant” were overwhelming represented at the Constitutional Convention. These three groups represented the chief commercial or capitalistic elements of the 18th and 19th century American economy.

It is important to note here, that within the Episcopal Church (i.e., the Church of England in the United States), this same class of planters, merchants, and lawyers—through “the vestry system”—had taken control over that church’s ecclesiastical government and clergy. This same class of planters, merchants, and lawyers next imposed a form of “Episcopalian republicanism” upon the Anglican church—similar to the presbyterian form of ecclesiastical government:

⁴⁶⁷ 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.”)

Table 1. The Vestry System in the Anglican Church in North America

The Anglican Church in Colonial British North America- 1780s-1800
<p><u>Supreme Governor:</u> General Convention (House of Bishops and House of Delegates (Clerical and Laity)</p> <hr style="width: 20%; margin: 10px auto;"/> <p>NOTE: the changes made to the governing structure of the Protestant Episcopal Church reflected a slight version of “presbyterian” ecclesiastical government.</p>
<p><u>General Church Management:</u></p> <p><u>Vestry System:</u> (A governing board of lay churchmen):</p> <ul style="list-style-type: none"> • Planters, etc. • Merchants, etc. • Lawyers, etc. <hr style="width: 20%; margin: 10px auto;"/> <p>NOTE: This same class (i.e., <i>Planters, Merchants, and Lawyers</i>) was predominant amongst the signers of the <i>Declaration of Independence</i> (1776) and at the Constitutional Convention of 1787. They were “latitudinarian Anglicans” and “Whig” patriots. See, e.g., Appendices C, D, and E.</p>
<p><u>Parish-Level Church:</u></p> <ul style="list-style-type: none"> • Parish Priests • Vicars • Curates, etc.

The changes within the new Episcopal Church reflected the new “latitudinarian Anglicanism” that prevailed after 1785. It was in alliance with the Scottish Common Sense Realism taught at Princeton and with the new Presbyterian Calvinism. Together, these motley groups comprised the conservative “Whig” American patriots.

Throughout this series, we have focused on the influence of Whig capitalism upon the church and state, and on the slow evolution of the primacy of capitalistic enterprises over the privileged position of the Church of England.

Church ←----→ State ←----→ Capitalism

This Chart clearly demonstrates how, by the time of the Constitutional Convention in 1787, commercial interests and capitalism had not only overthrown the Medieval estates of King and Bishop, but they had become predominant over Parliament and Congress in

both England the colonial British North America. For example, the American “slave power,” which was clearly represented by this same class interest at the Constitutional Convention of 1787, continued to perpetuate aristocracy, privilege, and economic monopoly.

Table. Pre-conditions for Abusive Contract Formation & Administration: Race, Class & Culture

White Planters, Landlords, Lawyers & Merchants and rising Industrialists (late 18th & early 19th Century American South)	White Indentured Servants; Black Slaves; Black Tenant Farmers & Black Farmworkers (late 18th & early 19th Century American South)
1. Superior Financial Knowledge	Limited Financial Knowledge
2. Superior Business Education	Inferior or no Business Education
3. Superior Political and Legal Influence	Limited or no Political or Legal Influence

The Constitutional Convention of 1787 reminds us that the institution of the Church of England and other Christian denominations had almost completely receded into the background, so that the Christian foundation of constitutional law and jurisprudence became more and more obscured, if not altogether obliterated in American law.

The Chart below reveals the names of those constitutional delegates who owned slaves. Slave ownership, in and of itself, did not necessarily reveal how a particular delegate felt about the institution of slavery. Some slave owners wished to end slavery, and some non-slave-owners did not wish to end slavery because they were slave-traders who had a financial stake in slavery. But, overall, each of the Delegates to the Constitutional Convention of 1787 agreed to tolerate the institution of slavery. Perhaps most of them tolerated slavery, because they believed that it was a dying institution that would eventually pass away. They were not steadfast in taking a high-moral position on the question of slavery, and their tolerance for slavery is evident though the “Three-Fifths Compromise” in the U.S. Constitution as well as the constitutional clause the continued to permit the slave trade up to the year 1808.

Lastly, I would be remiss if I did add that during the several years leading up to the Constitutional Convention of 1787, there had developed an anti-slavery and pro-abolitionist movement. In 1785, Methodist bishops Francis Asbury and Thomas Coke had visited Gen. George Washington in his home at Mount Vernon in order to petition for the complete abolition of slavery. Washington would later chair the Constitutional Convention. Also, it was the plain understanding of most northerners that slavery was

incompatible with the declared aims of the *Declaration of Independence* (1776).⁴⁶⁸ It seems strange that the American founding fathers saw no need for any discussion of the constitutional implications of holding in the *Somerset* (1772) and its progeny of cases in northern colonies.⁴⁶⁹

Table 2. Delegates to the 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 Bassett	DE	Lawyer		Methodist	Yes * but freed them after converting to Methodism	Yes
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

⁴⁶⁸ For example, in England, the Case of *Somerset v. Stewart* (1772) 98 ER 499, (1772) 20 State Tr 1, (1772) Lofft 1 upheld the same antislavery view. And in colonial British North America, successful court challenges to the institution of African slavery occurred in Vermont (1777), followed by Pennsylvania (1780), Massachusetts (1783) and Connecticut (1784).

⁴⁶⁹ Although the American founding fathers would have had knowledge of the *Somerset* decision, and its progeny, they did not discuss abolishing slavery, only the slave-trade. See, e.g. W.E.B. Du Bois, "The Suppression of the African Slave Trade," *Writings* (New York, N.Y.: The Library of America, 1986), p. 58. ("Slavery occupied no prominent place in the Convention called to remedy the glaring defects of the Confederation, for the obvious reason that few of the delegates thought it expedient to touch a delicate subject which, if let alone, bade fair to settle itself in a manner satisfactory to all.")

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 Gorham	MA	Merchant		Congregationalist	No	Yes
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
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According to W.E.B. Du Bois, there was a “Settlement by the Convention” on the question of the institution of African slavery, as follows:

Thus, the slave-trade article of the Constitution stood finally as follows:--

“Article I. Section 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.”

This settlement of the slavery question brought out distinct differences of moral attitude toward the institution, and yet differences far from hopeless. To be sure, the South apologized for slavery, the Middle States denounced it, and the East could only tolerate it from afar; and yet all three sections united in considering it a temporary institution, the cornerstone of which was the slave-trade. No one of them had ever seen a system of slavery without an active slave-trade; and there were probably few members of the Convention who did not believe that the foundations of slavery had been sapped merely by putting the abolition of the slave-trade in the hands of Congress twenty years hence. Here lay the danger; for when the North called slavery ‘temporary,’ she thought of twenty or thirty years, while the ‘temporary’ period of the South was scarcely less than a century. Meantime, for at least a score of years, a policy of strict *laissez-faire*, so far as the general government was concerned, was to intervene. Instead of calling the whole more energy of the people into action, so as gradually to crush this portentous evil, the Federal Convention lulled the nation to sleep by a ‘bargain,’ and left to the vacillating and unripe judgment of the States one of the most threatening of the social and political ills which they were so courageously seeking to remedy.⁴⁷⁰

THE END

⁴⁷⁰ Ibid., pp. 66-67.

Appendix H

“Preamble and Articles of Association of the Free African Society-- 1787”

PREAMBLE OF THE FREE AFRICAN SOCIETY

Philadelphia

[12th, 4th mo., 1778]-- Whereas, Absalom Jones and Richard Allen, two men of the African race, who, for their religious life and conversation have obtained a good report among men, these persons, from a love to the people of their complexion whom they beheld with sorrow, because of their irreligious and uncivilized state, often communed together upon this painful and important subject in order to form some kind of religious society, but there being too few to be found under the like concern, and those who were, differed in their religious sentiments; with these circumstances they labored for some time, till it was proposed, after a serious communication of sentiments, that a society should be formed, without regard to religious tenets, provided, the persons lived an orderly and sober life, in order to support one another in sickness, and for the benefit of their widows and fatherless children.

ARTICLES.

[17th, 5th mo., 1787] — We, the free Africans and their descendants, of the City of Philadelphia, in the State of Pennsylvania, or elsewhere, do unanimously agree, for the benefit of each other, to advance one shilling in silver Pennsylvania currency a month; and after one year's subscription from the date hereof, then to hand forth to the needy of this Society, if any should require, the sum of three shillings and nine pence per week of the said money: provided, this necessity is not brought on them by their own imprudence.

And it is further agreed, that no drunkard nor disorderly person be admitted as a member, and if any should prove disorderly after having been received, the said disorderly person shall be disjointed from us if there is not an amendment, by being informed by two of the members, without having any of his subscription money returned.

And if any should neglect paying his monthly subscription for three months, and after having been informed of the same by two of the members, and no sufficient reason appearing for such neglect, if he do not pay the whole the next ensuing meeting, he shall be disjointed from us, by being informed by two of the members its an offender, without having any of his subscription money returned.

Also, if any person neglect meeting every month, for every omission he shall pay three pence, except in case or sickness or any other complaint that should require the assistance of the Society, then, and in such a case, he shall be exempt from the fines and subscription during the said sickness.

Also, we apprehend it to be just and reasonable, that the surviving widow of a deceased member should enjoy the benefit of this Society so long as she remains his widow, complying with the rules thereof, excepting the subscriptions.

And we apprehend it to be necessary, that the children of our deceased members be under the care of the Society, so far as to pay for the education of their children, if they cannot attend the free school; also to put them out apprentices to suitable trades or places, if required.

Also, that no member shall convene the Society together; but, it shall be the sole business of the committee, and that only on special occasions, and to dispose of the money in hand to the best advantage, for the use of the Society, after they are granted the liberty at a monthly meeting, and to transact all other business whatsoever, except that of Clerk and Treasurer.

And we unanimously agree to choose Joseph Clarke to be our Clerk and Treasurer; and whenever another should succeed him, it is always understood, that one of the people called Quakers, belonging to one of the three monthly meetings in Philadelphia, is to be chosen to act as Clerk and Treasurer of this useful Institution.

The following persons met, viz., Absalom Jones, Richard Allen, Samuel Baston, Joseph Johnson, Cato Freeman, Caesar Cranchell, and James Potter, also William White [Bishop of Philadelphia (Anglican)], whose early assistance and useful remarks we found truly profitable. This evening the articles were read, and after some beneficial remarks were made, they were agreed unto.

Appendix I

“American Methodism, Christian Polity, and the Two Tables Theory of Civil Government”

By

Roderick O. Ford, Litt.D.

American Methodism was a brand of orthodox Anglicanism. It was evangelical. And, through Rev. George Whitefield, Methodism became a major contributor to the First Great Awakening during the 1730s and 40s. Like Rev. Jonathan Edwards and the “New Light” Puritans of colonial New England, the early American Methodists believed in orthodox Christian polity. The civil magistrates were considered the vicegerents of God, and the secular laws and constitutions were considered as restatements of God’s natural moral laws. In England, Rev. John Wesley’s brand of Methodism was no different, as he upheld the High-Church theology of orthodox Anglicanism, including Dr. Richard Hooker’s ideas about the official relationship of the church and state, as reflected in his *Of the Laws of Ecclesiastical Polity* (1594). Throughout the 18th century, Wesleyan-British Methodism remained emphatic that its theology was no different than the orthodox theology of the Church of England. In fact, Methodism had been conceptualized to restore orthodoxy and holiness to the Church of England. And so, whether Congregationalist/Presbyterian or Anglican/Methodist, the predominant Protestant sects in colonial British North America upheld the two-tables theory of civil and ecclesiastical government and incorporated that theory into the various colonial or state constitutions.

Indeed, the Christian character of American constitutional law was deeply-rooted in the colonial laws and charters of the several colonies. The colonial American and Protestant conception of “church and state,” owing in large measure to the history of religious persecution in England and Europe, thoroughly shaped the American mindset in favor of **state-supported Protestant churches** but with liberty of conscience to worship several versions of the Protestant faith. The Roman Catholic Church and other sects (e.g., Judaism, Islam, atheism, etc.) were generally disfavored if not altogether outlawed in colonial America. The colonial charters or constitutions then retained two broad characteristics: (a) first, they were “republican” in character, meaning that the colonies were ruled by elected official and legislative assemblies; and (b) second, they explicitly acknowledged within their governing charters or constitutions the truth of the

Protestant Christian faith.

It is within this context that Bishops Francis Asbury and Thomas Coke helped found the Methodist Episcopal Church in 1784. Likewise, it is within this context that the Free African Society was founded in 1787, which led to the founding of St. Thomas Episcopal Church, which was the first African American Episcopal Church, and the African Methodist Episcopal Church, in 1794, respectively. During this period, the “British” conceptualization of the relationship between the Christian religion and secular law had not been completely eradicated, and all of the colonies then maintained state-supported churches. American Methodism, therefore, could rely upon the “revealed” religion of the Christian faith, and the “natural religion” of the American *Declaration of Independence*, in proclaiming the Gospel and advocating for the abolition of slavery. American Methodism’s early conception of the relationship between the church and the state was that of the “two-tables” theory of government. Methodism’s call to “social holiness” would have had a firm constitutional foundation during the late 1700s and early 1800s in the new United States. Methodism’s ideal polity was that a Christian polity as conceptualized by Dr. Richard Hooker’s or Rev. Roger William’s Two-Table’s Theory of Civil Government.

Hence, from the early 1600 through the early 1800s— notwithstanding the “Spirit of 1776” and the American Revolutionary War—the “Two Tables” theory of civil government remained predominant at least in the states that had originally comprised the thirteen original colonies. Deeply ingrained within the Protestant spirit was the belief that God was the supreme governor of the universe and that all persons should be free to worship Him as his or her conscience deemed necessary. This obligation or civil right was derived from the First Table of the Mosaic Ten Commandments. Secondly, the civil government, as God’s vice-regency, served to keep civil peace and order, and even to protect the true Christian faith. Hence, the separation of Church and State, at least from the Protestant perspective, meant nothing more than simply dividing up shared governance responsibilities between the Church and the State. These two institutions were like two sides of the same coin—the Christian religion remained the backbone of secular jurisprudence and constitutional law. See, e.g., “Table 1. “Protestant Reformation—The Two Tables Theory for Church and State.”

Table 1. “Protestant Reformation—The Two Tables Theory for Church and State”

<p>New England Puritans (1620-1800); Rev. Roger Williams (1603 – 1683)¹// Rev. Richard Baxter (1615 – 1691)// Rev. John Wesley (1703 – 1791) // Rev. George Whitefield (1714 – 1770) // Rev. Martin Luther King, Jr. (1929 – 1968)(e.g., Protestant Reformation Theory of Law and Government-- e.g., Lutheranism, Calvinism, Baptist theology, American Methodism, and New England Puritanism)</p>	
CHURCH-- FIRST TABLE	STATE-- SECOND TABLE
Ten Commandments (I – IV):	Ten Commandments (V- X):
<p>I am the Lord thy God, which have brought thee out of the land of Egypt, out of the house of bondage. Thou shalt have no other gods before me! Ex. 20:2-3.</p> <p>Thou shalt not make unto thee any graven image, or any likeness of any thing that is in heaven above, or that is in the water under the earth. Thou shalt not bow down thyself to them, nor serve them: for I the LORD thy God am a jealous God, visiting the iniquity of the fathers upon the children unto the third and fourth generation of them that hate me; and shewing mercy unto thousands of them that love me, and keep my commandments. Ex. 20:4-6</p>	<p>Honor thy father and thy mother: that thy days may be long upon the land which the LORD thy God giveth thee. Ex. 20:12</p> <p>Thou shalt not kill! Ex. 20:13</p> <p>Thou shalt not commit adultery! Ex. 20: 14</p> <p>Thou shalt not steal! Ex. 20: 15</p> <p>Thou shalt not bear false witness against thy neighbor! Ex. 20:16</p> <p>Thou shalt not covet thy neighbor's house, thou shalt not covet thy neighbor's wife, nor his manservant, nor his maidservant, nor his</p>

Thou shalt not take the name of the LORD thy God in vain; for the LORD will not hold him guiltless that that taketh his name in vain. Ex. 20: 7

Remember the Sabbath day, to keep it holy. Six days shalt thou labour, and do all thy work:but the seventh day is the Sabbath day of the LORD thy God: in it thou shalt not do any work, thou , nor thy son, nor thy daughter, thy manservant, nor thy maidservant, nor thy cattle, nor thy stranger that is within thy gates: for in six days the LORD made heaven and earth, the sea, and all that in them is, and restedthe seventh day: wherefore the LORD blessed the Sabbath day, and hallowed it. Ex. 20:8-11.

ox, nor his ass, nor any thing that is thy neighbor's. Ex. 20: 17

That the U.S. Constitution (ratified in 1787) or the American Bill of Rights (ratified in 1789) did not prohibit the establishment of state- supported churches within the several states is evidenced by that all of thirteen original colonies had established churches prior to the American Revolution (1775- 1789) and they continued to operate state-supported churches for several decades after the American Revolution. See Table 2, “Established Churches in the 13 Original American Colonies.”

Table 2. “Established Churches in 13 Original American Colonies”⁴⁷¹

Colony	Protestant Denomination	Established Church- Years of Operation	Duration of Support for Established Church
Virginia	Anglican/ Church of England	1606 - 1830	244 years
Massachusetts	Puritan/ Congregational Church	1629 - 1833	204 years
New Hampshire	Puritan/ Congregational Church	1639 - 1877	238 years

⁴⁷¹ “The Church of England was designated the established church in Virginia in 1609, in New York in 1693, in Maryland in 1702, in South Carolina in 1706, in North Carolina in 1730, and in Georgia in 1758.” [https://en.wikipedia.org/wiki/Episcopal_Church_\(United_States\)#Governance](https://en.wikipedia.org/wiki/Episcopal_Church_(United_States)#Governance)

Rhode Island	Puritan/ Congregational Church/Baptist Church/Non- Denominational/ Protestant Christian Faith	1643 - 1842	199 years
Connecticut	Puritan/ Congregational Church	1639 - 1818	179 years
Delaware	Non- Denominational/ Protestant Christian Faith	1637 - 1792	155 years
Maryland	Anglican/ Church of England	1632 - 1833	204 years
New York	Anglican/ Church of England	1614 - 1846	225 years
Georgia	Anglican/ Church of England	1663 - 1798	135 years
North Carolina	Anglican/ Church of England	1663 - 1875	212 years
South Carolina	Anglican/ Church of England	1663 - 1868	205 years
Pennsylvania	Non- Denominational/ Protestant Christian Faith	1681 - 1790	109 years
New Jersey	Non- Denominational/ Protestant Christian Faith	1702 - 1844	142 years

This constitutional scheme meant that the Christian character of American jurisprudence and constitutional law, under the Protestant “two-tables” conception of civil government, continued unimpeded following the American Revolutionary War. As Table 3, below, reveals, the Christian Faith was explicitly incorporated into American law and jurisprudence at the state level.

Table 3. “Christian Character of Colonial Charters and State Laws”

Colony	Protestant Denomination	Key Provision within Constitutional Charter
Virginia	Anglican/ Church of England	<p>“Every Person should go to church, Sundays and Holidays, or lye Neck and Heels that Night, and be a Slave to the Colony the following Week; for the second Offence, he should be a Slave for a Month; and for the third, a Year and a Day.”</p> <p>Governor Argall’s Decree 1617</p> <p>“That religion, or the duty which we owe to our Creator and the manner of discharging it, can be directed by reason and conviction, not by force or violence; and therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other.”</p> <p>Virginia Declaration of Rights 1776</p>
Massachusetts	Puritan/ Congregational Church	<p>“Like many who arrived on these shores in the 17th century, the Puritans of Massachusetts Bay came to America seeking religious freedom... The freedom they sought, however, was for themselves and not for others. The Puritans felt called by God to establish ‘new Israel,’ a holy commonwealth based on a covenant between God and themselves as the people of God. Though there were separate areas of authority for church and state in Puritan Massachusetts, all laws of the community were to be grounded in God’s law and all citizens were expected to uphold the divine covenant...”</p> <p>Very early in the Massachusetts experiment, dissenters arose to challenge the Puritan vision of a holy society. The first dissenter, Roger Williams (c.1603-1683), was himself a Puritan minister but with a very different vision of God’s plan for human society. Williams argued that God had not given divine sanction to the Puritan colony. In his view, the civil authorities of</p>

		<p>Massachusetts had no authority to involve themselves in matters of faith. The true church, according to Williams, was a voluntary association of God's elect. Any state involvement in the worship or God, therefore, was contrary to the divine will and inevitably led to the defilement of the church...</p> <p>Banished from Massachusetts in 1635, Roger Williams founded Rhode Island, the first colony with no established church and the first society in America to grant liberty of conscience to everyone." -- First Amendment Center</p> <p>"Article II. It is the right as well as the duty of all men in society, publicly and at stated seasons, to worship the Supreme Being, the great Creator and Preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience, or for his religious profession or sentiments. provided he doth not disturb the public peace or obstruct others in their religious worship.</p> <p>Article III. And every denomination of Christians, demeaning themselves peaceably and as good subjects of the commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.</p> <p>Chapter VI. Article I. Any person chosen governor, lieutenant-governor, councillor, senator, or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz:</p> <p>"I _____, do declare that I believe the Christian religion..."</p> <p>Massachusetts Constitution 1780</p>
New Hampshire	Puritan/ Congregational Church	<p>"Article III. When men enter into a State of society they surrender up some of their natural rights to that society, in order to ensure the protection of others..."</p>

		<p>Article IV. Among the natural rights, some are in their very nature unalienable, because no equivalent can be given or received for them. Of this kind are the RIGHTS OF CONSCIENCE...</p> <p>Article V. Every individual has a natural and unalienable right to worship GOD according to the dictates of his own conscience and reason; and no person shall be hurt, molested, or restrained in his person, liberty, or estate for worshipping God in the manner most agreeable to the dictates of his own conscience, or for his religious profession, sentiments, or persuasion; provided he doth not disturb the public peace or disturb others in their religious worship.</p> <p>Senate. Provided, nevertheless, That no person shall be capable of being elected a senator who is not of the Protestant religion...</p> <p>House of Representatives. Every member of the house of representatives... shall be of the Protestant religion...</p> <p>President. [H]e shall be of the Protestant religion.” New Hampshire Constitution 1784</p>
<p>Rhode Island</p>	<p>Puritan/ Congregational Church/Baptist Church/Non- Denominational/ Protestant Christian Faith</p>	<p>“That [the inhabitants], pursueing, with peaceable and loyall minces, their sober, serious and religious intentions, of goalie edifieing themselves, and one another, in the holy Christian faith and worship, as they werepersuaded; together with the gaining over and conversion of the poor ignorant Indian natives, in thoseparts of America, to the sincere profession andobedience of the same faith and worship...</p> <p>[T]rue pietye rightly grounded upon gossell principles, will give the best and greatest security to soveraignetye, and will lay in the hearts of men the strongest obligations to true loyaltye: Now know bee, that wee beinge willinge to encourage the hopefull undertakeinge of oure sayd lovall and loveinge subjects, and to secure them in the free exercise and enjoyment of all their civill and religious rights, appertaining to them, as our</p>

		<p>loveing subjects; and to preserve unto them that libertye, in the true Christian ffaith and worshipping of God...</p> <p>That our royall will and pleasure is, that noe person within the sayd colonye, at any tyme hereafter, shall bee any wise molested, punished, disquieted, or called in question, for any differences in opinione in matters of religion, and doe not actually disturb the civill peace of our sayd colony; but that all and everye person and persons may, from tyme to tyme, and at all tymes hereafter, freelye and fullye have and enjoye his and their owne judgments and consciences, in matters of religious concernments...</p> <p>[A]nd to direct, rule, order and dispose of, all other matters and things, and particularly that which relates tothe makinge of purchases of the native Indians, as to them shall seeme meete; wherebv oure sayd people and inhabitants, in the sayd Plantationes, may be soe religiously, peaceably and civilly governed, as that, by their good life and orderlie conversations, they may win and invite the native Indians of the countrie to the knowledge and obedience of the onlie true God, and Saviour of mankinde.”</p> <p>Charter of Rhode Island and Providence Plantations July 15, 1663</p>
Connecticut	Puritan/ Congregational Church	<p>“[O]ur said people, Inhabitants there, may bee soe religiously, peaceably and civilly Governed as their good life and orderly Conversacon may wynn and invite the Natives of the Country to the knowledge and obedience of the onely true God and Saviour of mankind, and the Christian faith, which in our Royall intencons and the Adventurers free profession is the onely and principall end of this Plantacon.”</p> <p>Connecticut Colony Charter 1662</p>
Delaware	Non- Denominational/ Protestant Christian Faith	<p>“BECAUSE no People can be truly happy, though under the greatest Enjoyment of Civil Liberties, if abridged of the Freedom of their Consciences, as to</p>

		<p>their Religious Profession and Worship: And Almighty God being the only Lord of Conscience, Father of Lights and Spirits; and the Author as well as Object of all divine Knowledge, Faith and Worship, who only doth enlighten the Minds, and persuade and convinceth the Understandings of People, I do hereby grant and declare, That no Person or Persons, inhabiting in this Province or Territories, who shall confess and acknowledge Our almighty God, the Creator, Upholder and Ruler of the world; and professes him or themselves obliged to live quietly under the Civil Government, shall be in any Case molested or prejudiced, in his or their Person or Estate, because of his or their conscientious Persuasion or Practice, nor be compelled to frequent or maintain any religious Worship, Place or Ministry, contrary to his or their Mind, or to do or suffer any other Act or Thing, contrary to their religious Persuasion.</p> <p>AND that all Persons who also profess to believe in Jesus Christ, the Saviour of the World, shall be capable (notwithstanding their other Persuasions and Practices in Point of Conscience and Religion) to serve this Government in any Capacity, both legislatively and executively.”</p> <p>Charter of Delaware 1701</p>
<p>Maryland</p>	<p>Anglican/ Church of England</p>	<p>“Article XXXIII. That, as it is the duty of every man to worship God in such manner as he thinks most acceptable to him; all persons, professing the Christian religion, are equally entitled to protection in their religious liberty; wherefore no person ought by any law to be molested in his person or estate on account of his religious persuasion or profession, or for his religious practice; unless, under colour of religion, any man shall disturb the good order, peace or safety of the State, or shall infringe the laws of morality, or injure others, in their natural, civil, or religious rights; nor ought any person to be compelled to frequent or maintain, or contribute, unless on contract, to maintain any particular place of worship, or any particular ministry; yet the Legislature may, in their discretion, lay a general and equal tax for the support of the Christian religion; leaving to each individual the power of</p>

		<p>appointing the payment over of the money, collected from him, to the support of any particular place of worship or minister, or for the benefit of the poor of his own denomination, or the poor in general of any particular county: but the churches, chapels, globes, and all other property now belonging to the church of England, ought to remain to the church of England forever...</p> <p>Article XXXV. That no other test or qualification ought to be required, on admission to any office of trust or profit, than such oath of support and fidelity to this State, and such oath of office, as shall be directed by this Convention or the Legislature of this State, and a declaration of a belief in the Christian religion."</p> <p>Maryland State Constitution 1776</p>
<p>New York</p>	<p>Anglican/ Church of England</p>	<p>"The Dutch Colony of the seventeenth century was officially intolerantly Protestant but was, as has been noted, in practice tolerant and fair to people of other faiths who dwelt within New Netherland.</p> <p>When the English took the province from the Dutch in 1664, they granted full religious toleration to the other forms of Protestantism, and preserved the property rights of the Dutch Reformed Church, while recognizing its discipline.</p> <p>In 1697, although the Anglican Church was never formally established in the Province of New York, Trinity Church was founded in the City of New York by royal charter, and received many civil privileges and the munificent grants of land which are the source of its present great wealth." -- <i>New Advent Catholic Encyclopedia</i></p> <p>"THAT Noe person or persons which professe ffaith in God by Jesus Christ Shall at any time be any wayes molested punished disquieted or called in Question for any Difference in opinion or Matter of Religious Concernment"</p> <p>New York Charter of Liberties and Privileges 1683</p>

<p>Georgia</p>	<p>Anglican/ Church of England</p>	<p>“Article VI. [R]epresentatives... shall be of the Protestant religion...</p> <p>Article LVI. All persons whatever shall have the free exercise of their religion; provided it be not repugnant to the peace and safety of the State; and shall not, unless by consent, support any teacher or teachers except those of their own profession.”</p> <p>Georgia Constitution 1777</p>
<p>North Carolina</p>	<p>Anglican/ Church of England</p>	<p>“Article XIX. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences.</p> <p>Article XXXI. That no clergyman, or preacher of the gospel, of any denomination, shall be capable of being a member of either the Senate, House of Commons, or Council of State, while he continues in the exercise of pastoral function.</p> <p>Article XXXII. That no person, who shall deny the being of God or the truth of the Protestant religion, or the divine authority of the Old or New Testaments, or who shall hold religious principles incompatible with the freedom and safety of the State, shall be capable of holding any office or place of trust or profit in the civil department within this State.</p> <p>Article XXXIV. That there shall be no establishment of any one religious church or denomination in this State, in preference to any other; neither shall any person, on any pretence whatsoever, be compelled to attend any place of worship contrary to his own faith or judgment, nor be obliged to pay, for the purchase of any glebe, or the building of any house of worship, or for the maintenance of any minister or ministry, contrary to what he believes right, of his voluntarily and personally engaged to perform; but all persons shall be at liberty to exercise their own mode of worship: — Provided, That nothing herein contained shall be construed to exempt preachers of treasonable or seditious discourses, from legal trial and punishment.”</p>

		North Carolina Constitution 1776
South Carolina	Anglican/ Church of England	<p>“Article XXXVIII. That all persons and religious societies who acknowledge that there is one God, and a future state of rewards and punishments, and that God is publicly to be worshipped, shall be freely tolerated. The Christian Protestant religion shall be deemed, and is hereby constituted and declared to be, the established religion of this State. That all denominations of Christian Protestants in this State, demeaning themselves peaceably and faithfully, shall enjoy equal religious and civil privileges. To accomplish this desirable purpose without injury to the religious property of those societies of Christians which are by law already incorporated for the purpose of religious worship, and to put it fully into the power of every other society of Christian Protestants, either already formed or hereafter to be formed, to obtain the like incorporation, it is hereby constituted, appointed, and declared that the respective societies of the Church of England that are already formed in this State for the purpose of religious worship shall still continue Incorporate and hold the religious property now in their possession. And that whenever fifteen or more male persons, not under twenty-one years of age, professing the Christian Protestant religion, and agreeing to unite themselves in a society for the purposes of religious worship, they shall, (on complying with the terms hereinafter mentioned,) be, and be constituted, a church, and be esteemed and regarded in law as of the established religion of the state, and on a petition to the legislature shall be entitled to be incorporated and to enjoy equal privileges. That every society of Christians so formed shall give themselves a name or denomination by which they shall be called and known in law, and all that associate with them for the purposes of worship shall be esteemed as belonging to the society so called. But that previous to the establishment and incorporation of the respective societies of every denomination as aforesaid, and in order to entitle them thereto, each society so petitioning shall have agreed to and subscribed in a book the following five articles, without which no agreement or union of men upon pretense of religion shall entitle them to be incorporated and esteemed as a church of the established religion of</p>

		<p>this State:</p> <p>1st. That there is one eternal God, and a future state of rewards and punishments.</p> <p>2d. That God is publicly to be worshipped.</p> <p>3d. That the Christian religion is the true religion.</p> <p>4th. That the holy scriptures of the Old and New Testaments are of divine inspiration, and are the rule of faith and practice.</p> <p>5th That it is lawful and the duty of every man being thereunto called by those that govern, to bear witness to the truth.”</p> <p>South Carolina Constitution 1778</p>
<p>Pennsylvania</p>	<p>Non-Denominational/ Protestant Christian Faith</p>	<p>“Section. 2. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their Own consciences and understanding: And that no man ought or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any ministry, contrary to, or against, his own free will and consent: nor can any man, who acknowledges the being of a God, be justly deprived or abridged of any civil right as a citizen, on account or his religious sentiments or peculiar mode of religious worship: And that no authority can or ought to be vested in, or assumed by any power whatever, that shall in any case interfere with, or In any manner controul, the right of conscience in the free exercise of religious worship.</p> <p>Section 10... shall each [representative] before they proceed to business take... the following oath or affirmation:</p> <p>‘I do believe in one God, the creator and governor of the universe, the rewarder of the good and punisher of the wicked. And I do acknowledge the Scriptures of the Old and New Testament to be given by Divine inspiration.’</p>

		<p>And no further or other religious test shall ever hereafter be required of any civil officer or magistrate in this state.”</p> <p>Pennsylvania Constitution 1776</p>
New Jersey	Non-Denominational/ Protestant Christian Faith	<p>“XVIII. That no person shall ever, within this Colony, be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience; nor, under any pretense whatever, be compelled to attend any place of worship, contrary to his own faith and judgment; nor shall any person, within this Colony, ever be obliged to pay tithes, taxes, or any other rates, for the purpose of building or repairing any other church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately or voluntarily engaged himself to perform.</p> <p>XIX. That there shall be no establishment of any one religious sect in this Province, in preference to another; and that no Protestant inhabitant of this Colony shall be denied the enjoyment of any civil right, merely on account of his religious principles; but that all persons, professing a belief in the faith of any Protestant sect, who shall demean themselves peaceably under the government, as hereby established, shall be capable of being elected into any office of profit or trust, or being a member of either branch of the Legislature, and shall fully and freely enjoy every privilege and immunity, enjoyed by others their fellow subjects.”</p> <p>New Jersey Constitution 1776</p>

The history of the Society for the Propagation of the Gospel in Foreign Parts (SPG) reminds us, however, that American colonial charters, proclamations, and laws **did not necessarily mean that they were implemented, at least not up to the orthodox standards of the Church of England or to the standards of Wesleyan-Methodism.**

In fact the history of the SPG tells us that most of the colonial state-supported churches, with the exception of colonial New England, were defunded

or inadequately funded—and this was especially true of the Anglican churches in British North America. As Parliament and George I had prorogued the Convocation of the Church of England in 1718, the established Anglican churches in North America were likewise neglected. According to the SPG, the state of religion in the American colonies was quite dismal. Rev. Wesley would eventually make the same dismal report about the colony of Georgia during the 1730s. Established churches and established religion did not necessarily result in the populations being religious, especially since those “established” churches were not, at least in the minds of some, adequately funded and supported. The fact of the matter is, that during the late 18th-century and early 19th century, the forces of commercialism reorganized themselves following the American Revolutionary War (1775 – 1883) and recommenced the general trend towards secularism and irreligion in the new United States:

Church ←-----→ State ←-----→ Capitalism

The forces of commercialism and capitalism—represented primarily by planters, merchants, and lawyers—were present and predominant at the Constitutional Convention of 1787. The process of completely dismantling the state-supported churches (i.e., orthodox Christianity and the two-tables concept of civil government) did not occur until after the American Civil War (1861 – 1865). Nevertheless, the “planter, merchant, lawyer” class had gained almost complete control over both the clergy and the churches—this firm control had occurred especially in the Congregational churches throughout colonial New England, in the Presbyterian and Baptist churches, and in the Anglican church.

To conclude, the institution of the Protestant Christian Church—particularly the Church of England and the Puritan Congregational Churches of Colonial New England—remained a dominant force in American legal and constitutional law easily from the early 1600s up through the early 1800s, since the American Revolution (1775 – 1789) did not prohibit individual states from establishing state churches during this period. *The Holy Bible*, the English common law, and the sacred traditions of the various Protestant sects remained predominant in American law. As reflected in the state charters and by-laws, as cited above in Table 3, the principles of the Christian faith laid the natural-law foundations of American constitutional freedom, as reflected in the *American Declaration of Independence* (1776) and the *U.S. Constitution* (1787). This was generally called latitudinarian Anglicanism, which was closely aligned with Scottish Common Sense Realism. It was generally held that “Christianity is a republication of natural religion.” And it was the combination of both the

“revealed religion” of Christianity and the “natural religion” of American constitutional law that joined forces in order to spell the death-knell to the institution of African slavery during the mid- 1800s. Both the “revealed religion” and the “natural religion,” especially through the agency of the African-American Methodist and Baptist churches, would continue to influence American constitutional law in the 20th century.

American Methodism was built up upon the theology of orthodox Anglican theology, as reflected in Hooker’s *Of the Laws of Ecclesiastical Polity* (1594). Methodism conceptualized secular laws as being republications of God’s natural moral laws, and it conceptualized civil magistrates as God’s vicegerents. This was the basis of Methodism’s social justice mission work: it conceptualized the duty of government officials to administer the secular laws in a manner that comported with the “law of Christ.”⁴⁷² To that end, American Methodism became an early adversary of slavery, child labor, sweatshops and other unjust working conditions—American Methodism was not against “capitalism,” but rather it did oppose the spillover effects of the worst forms of predatory capitalism. And American Methodism has continued to spread a sort of “Social Justice” Gospel that perennially places pressure upon the secular government to enact and administer just laws.

CONCLUSION

American Methodism stood upon the broad shoulders of the American Revolution and America’s founding constitutional documents, as well as Wesleyan-British Methodism and orthodox Anglicanism. Indeed, America’s founding constitutional documents are indeed “Christian,” as the fundamental principles of the Christian faith did prevail, at least in principle, at the Constitutional Convention, when the American Founding Fathers adopted the “Preamble” to the *United States Constitution* (1787), notwithstanding the fact that the transatlantic slave trade was permitted to flourish for as season until 1808,⁴⁷³ and the institution of slavery remained intact but with the expectation that it would die naturally within a generation.⁴⁷⁴ Unfortunately, it is also the conclusion of this series on “Law and

⁴⁷² The “law of Christ 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).

⁴⁷³ W.E.B. Du Bois, *Writings*, p. 69.

⁴⁷⁴ *Ibid.*, pp. 55-56 (“Probably the whole country still regarded both slavery and the slave-trade as temporary.... 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.”)

Religion” that the systematic removal of the “orthodox” Christian faith from American constitutional law and jurisprudence, since the late 1700s, has fatally defaced and disfigured the administration of justice in the United States.

THE END

Appendix J

“The *Book of Common Prayer*—the Gift of the Church of England to the National Life of the United States”

By

Roderick O. Ford, Litt.D.

The great heritage of the Church of England is its spiritual support to both government and society at large. The Protestant Episcopal Church of the United States was the primary beneficiary of that heritage. Indeed, the Episcopal Church of the United States is still the national symbol of the connection between the Christian religion and the United States Constitution, as in evidenced by the attached “Prayers for National Life” and “Prayer for Social Justice.”

Prayers for National Life

18. For our Country

See also Various Occasions no. 17.

Almighty God, who hast given us this good land for our heritage: We humbly beseech thee that we may always prove ourselves a people mindful of thy favor and glad to do thy will. Bless our land with honorable industry, sound learning, and pure manners. Save us from violence, discord, and confusion; from pride and arrogance, and from every evil way. Defend our liberties, and fashion into one united people the multitudes brought hither out of many kindreds and tongues. Endue with the spirit of wisdom those to whom in thy Name we entrust the authority of government, that there may be justice and peace at home, and that, through obedience to thy law, we may show forth thy praise among the nations of the earth.

In the time of prosperity, fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in thee to fail; all which we ask through Jesus Christ our Lord. *Amen.*

19. For the President of the United States and all in Civil Authority

O Lord our Governor, whose glory is in all the world: We commend this nation to *thy* merciful care, that, being guided by *thy* Providence, we may dwell secure in *thy* peace. Grant to the President of the United States, the Governor of this State (*or* Commonwealth), and to all in authority, wisdom and strength to know and to do *thy* will. Fill them with the love of truth and righteousness, and make them ever mindful of their calling to serve this people in *thy* fear; through Jesus Christ our Lord, who *liveth* and *reigneth* with *thee* and the Holy Spirit, one God, world without end. *Amen.*

20. For Congress or a State Legislature

O God, the fountain of wisdom, whose will is good and gracious, and whose law is truth: We beseech *thee* so to guide and bless our Senators and Representatives in Congress assembled (*or* in the Legislature of this State, *or* Commonwealth), that they may enact such laws as shall please *thee*, to the glory of *thy* Name and the welfare of this people; through Jesus Christ our Lord. *Amen.*

21. For Courts of Justice

Almighty God, *who sittest* in the throne judging right: We humbly beseech *thee* to bless the courts of justice and the magistrates in all this land; and give unto them the spirit of wisdom and understanding, that they may discern the truth, and impartially administer the law in the fear of *thee* alone; through him who shall come to be our Judge, *thy* Son our Savior Jesus Christ. *Amen.*

22. For Sound Government

The responses in italics may be omitted.

O Lord our Governor, bless the leaders of our land, that we may be a people at peace among ourselves and a blessing to other nations of the earth.

Lord, keep this nation under your care.

To the President and members of the Cabinet, to Governors of States, Mayors of Cities, and to all in administrative authority, grant wisdom and grace in the exercise of their duties.

Give grace to your servants, O Lord.

To Senators and Representatives, and those who make our laws in States, Cities, and Towns, give courage, wisdom, and foresight to provide for the needs of all our people, and to fulfill our obligations in the community of nations.

Give grace to your servants, O Lord.

To the Judges and officers of our Courts give understanding and integrity, that human rights may be safeguarded and justice served.

Give grace to your servants, O Lord.

And finally, teach our people to rely on your strength and to accept their responsibilities to their fellow citizens, that they may elect trustworthy leaders and make wise decisions for the well-being of our society; that we may serve you faithfully in our generation and honor your holy Name.

For yours is the kingdom, O Lord, and you are exalted as head above all. Amen.

23. For Local Government

Almighty God our heavenly Father, send down upon those who hold office in this State (Commonwealth, City, County, Town, _____) the spirit of wisdom, charity, and justice; that with steadfast purpose they may faithfully serve in their

offices to promote the well-being of all people; through Jesus Christ our Lord. *Amen.*

24. For an Election

Almighty God, to whom we must account for all our powers and privileges: Guide the people of the United States (*or of this community*) in the election of officials and representatives; that, by faithful administration and wise laws, the rights of all may be protected and our nation be enabled to fulfill your purposes; through Jesus Christ our Lord. *Amen.*

25. For those in the Armed Forces of our Country

Almighty God, we commend to your gracious care and keeping all the men and women of our armed forces at home and abroad. Defend them day by day with your heavenly grace; strengthen them in their trials and temptations; give them courage to face the perils which beset them; and grant them a sense of your abiding presence wherever they may be; through Jesus Christ our Lord. *Amen.*

26. For those who suffer for the sake of Conscience

O God our Father, whose Son forgave his enemies while he was suffering shame and death: Strengthen those who suffer for the sake of conscience; when they are accused, save them from speaking in hate; when they are rejected, save them from bitterness; when they are imprisoned, save them from despair; and to us your servants, give grace to respect their witness and to discern the truth, that our society may be cleansed and strengthened. This we ask for the sake of Jesus Christ, our merciful and righteous Judge. *Amen.*

Prayers for the Social Order

27. For Social Justice

See also Various Occasions no. 21.

Grant, O God, that your holy and life-giving Spirit may so move every human heart [and especially the hearts of the people of this land], that barriers which divide us may crumble, suspicions disappear, and hatreds cease; that our divisions being healed, we may live in justice and peace; through Jesus Christ our Lord. *Amen.*

**THE END OF PART I OF THIS SERIES ON
“CHRISTIANITY AND LAW: A HISTORY OF THE
ANGLICAN CHURCH”**

Portrait of Methodist evangelical Rev. George Whitefield (1714- 1770)



~ Luke 10: 25-37

PART II.

Appendix A:

*“St Augustine on the Rise and Fall of the Roman Empire: A Theory of
Western Constitutional Law”*

by Roderick O. Ford, Litt. D.

APPENDIX A: “St Augustine on the Rise and Fall of the Roman Empire: A Theory of Western Constitutional Law”

by

Roderick O. Ford, Litt. D.

The Church of England was a constituent part of the Western Church, with deep roots in the Roman Catholic Church. Therefore, when Henry VIII and Elizabeth I brought the Church of England into existence during the hey-day of the Protestant Reformation, it contained many elements of the Protestant Faith: Anglicanism, Puritanism, Baptist theology, Independent theological doctrines, etc. Regardless, all Anglicans uniformly accepted certain fundamental aspects of the Western Church’s established Creeds, such as the Nicene Creed; and certain theological doctrines of the Western Church’s Fathers, particularly those voluminous writings of St. Augustine of Hippo. When the Protestant Reformation was being launched, a humanist revival was also being created through the rediscovery of Aristotle and the Greco-Roman classics. But instead of using the rediscovered pagan classics to undermine the Christian faith, most of the humanists looked to men like St. Augustine of Hippo and St. Thomas Aquinas for guidance with synthesizing these Greco-Roman classics into their catholic Christian identities. Significantly, the rediscovery of the Greco-Roman pagan classics created “Christian humanists”—not secular humanists. The Italian Renaissance was thus scientific, secular, and catholic Christian. In essence, the pagan worlds and the Christian worlds collided and formed a new synthesis of culture, law and theology. The result was the Protestant Reformation. And, above all, St. Augustine of Hippo’s writings and philosophy, which Proteste Reformers Martin Luther and John Calvin heavily relied upon, reigned supreme. Hence, it is safe to conclude that St. Augustine was a founding father of the Protestant Reformation. For, as Professor Mark Vessy’s “Introduction” to St. Augustine’s *Confessions* states:

Augustine was renowned in the Latin-speaking world as a founding father of Christian theology, but his influence proceeds far beyond that. In the *Confessions*, Augustine broke ground by exploring his chosen topic—faith in God—using a tool that had little precedent in prior scholarship: his own life. Equally important, Augustine found room in the young Christian religion for the highly evolved thought of the so-called pagan philosophers, particularly Plato. This may seem simple enough on its face, but, without exaggeration, Augustine was centuries ahead of his time. The personal nature of the *Confessions* gave everyday relevance to the more abstract elements of Platonic thought and Christian theology, *bringing the rival philosophies into harmony and delivering them to millions of readers. Weaving together introspection, classical learning, and faith, Augustine outlined the underpinnings of the Renaissance in Europe, two centuries that followed the Middle Ages and were marked by a ‘rebirth’ of classical values and humanism, the belief in the dignity of each member of the human race. The Renaissance, according to many scholars, began on the spring day in 1336 when a young poet named Petrarch opened a copy of the Confessions and found in it a justification for scanning his own consciousness rather than searching the world for answers to the great questions of life. In some ways, the Renaissance never ended, as the innovations made during*

that period in art, science, commerce, and politics laid the basis for the world as recognize today. In many fundamental ways, in the *Confessions* Augustine articulated the soul of modern man....¹⁵

The *Confessions* stands in a unique relationship to the Western idea of the literary classic. Augustine's most famous work challenges one of the supreme classics of ancient Latin literature, Virgil's *Aeneid*, the epic of Rome's imperial destiny. It contends against the sacred Roman model in an idiom derived from the Jewish and Christian scriptures, texts with their own strong claim to normative status in cultures of the ancient, medieval, and modern worlds. In the *Confessions* we witness the collision of two mighty traditions of storytelling, alike devoted to the long-term dealing of god(s) with human beings and societies. ...

In the time of Augustus Caesar, the first Roman emperor, the poet Virgil devised a prophetic storyline in which the Trojan refugee Aeneas, making his way to Italy under the gods' direction to found the future nation of Rome, was hospitably received at Carthage by Queen Dido. Aeneas' tale of the fall of Troy, told to Dido and her entourage in books 2 and 3 of the *Aeneid*, is the leading first-person narrative in Roman literature. Augustine, who composed mock speeches based on episodes in the *Aeneid* as a schoolboy and taught the poem to his own students for years afterward, would have known it by heart....

When T.S. Eliot was asked to give a lecture on Virgil in wartime London—another city lit by fire—he made his subject the question 'What Is a Classic?' (1944). He answered it by claiming Virgil as the universal classic of European literature, and the *Aeneid* as the poem par excellence of European civilization. For Eliot, the Roman destiny of Aeneas already prefigured the Christian destiny of the Western nations after Rome. The idea was not altogether original; like others who appealed to Virgil as guardian spirit of 'the West' during the dark years of the mid-twentieth century. Eliot was deeply indebted to Dante, the Christian poet who, in the *Commedia* (Divine Comedy) had taken the pagan Virgil as guide for part of his journey.... Augustine, not Virgil, created the plot of the 'divine comedy' onto which Eliot and other post-Romantic readers of Dante would one day graft their personal histories of the West....

Cicero was their exemplar of Latin eloquence, Virgil their poet of Rome's civilizing mission... Ever since the foundation of the Empire under Augustus four centuries earlier, the Romans had maintained a strong conviction of their own manifest destiny. Even if the Greeks were the original masters of the finer arts of humanity, fate had decreed that the Romans would impose the rule of law—by force if necessary—and pacify the nations of the earth. That was the vision proclaimed by Virgil's *Aeneid* and famously illustrated by the scenes on Aeneas' divinely forged shield in book 8 of the poem....

¹⁵ *Confessions*, p. 293.

For centuries the *Aeneid* defined what it meant to be Roman. Augustine's *Confessions* is the first work to strike directly at the mythical foundations of that collective sense of identity....¹⁶

If St. Augustine's *Confessions* struck at the cultural and literary core of the ancient Roman world, then his landmark work *The City of God* struck at the political philosophy, public-policies, public laws, and constitutional foundations of the Roman Empire. Both the *Confessions* and *The City of God* unambiguously establish the supremacy of the Christian faith over and above ancient Roman culture: Roman paganism, Roman philosophy, Roman religion, and Roman jurisprudence.

For St. Augustine, as he forcefully argued in *The City of God*, the Roman Empire had arisen and fallen under the weight of its own viciousness, immorality, and licentiousness. At the same time, he argued in *The City of God*, "that the Christian religion is health-giving."¹⁷ The fall of the Roman Empire was for St. Augustine and the Church much similar to the deluge during the time of Noah when God had cleansed the world of demonism and spiritual rot and filth, and saved only a few people who resided inside of an ark, which prefigured the body of Christ. The rise of the Christian Church in the West was seen as God's covenantal ark for the whole human race, thus replacing imperial Rome. This new belief system, known as the Christian faith, became the foundation of Western constitutional law and jurisprudence; and in England and British North America, that foundation remained firmly entrenched within their respective secular legal systems. This paper therefore, as set forth below, reveals why the Church of England's influence upon Anglo-American constitutional jurisprudence was also thoroughly Augustinian.

I. St. Augustine (*The City of God*): The Opinion of Rome's Imminent Citizens as to the Condition of the Roman Empire

Perhaps the most important legacy of St. Augustine's *The City of God* is his theological and historical analysis of the rise and fall of the Roman Empire. For St. Augustine, the fall of Rome was similar to the deluge during the time of Noah, when God cleansed the world of sin. For St. Augustine, the various gross deceptions—i.e., the gross deviant lifestyles, immorality, and unholiness-- which captivated the ancient Romans, were none other than "demons"¹⁸ or "false gods," often presented in their various forms of entertainment, such as the gladioator contests and the scenic plays at the theatres, whereby depraved lewdness and immorality were promoted and spread throughout the empire. Thus relying upon writings of ancient Roman historians, poets, and practical statesmen, St. Augustine concluded that immorality, lewdness, lasciviousness, pornography, adulterous living, drunkenness, riotous behaviors, and the like, ruined the Roman Empire, or at least debased the empire to the point at which the barbarian invasions and calamities were made easier.¹⁹ In *The City of God*, he writes:

Here, then, is this Roman republic, 'which has changed little by little from the fair and virtuous city it was, and **has become utterly wicked and dissolute.**' It is not

¹⁶ St. Augustine, *Confessions* (New York, N.Y.: Barnes & Noble Books, 2007), pp. xv- xlii.

¹⁷ St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), pp. 71-73.

¹⁸ *Ibid.*, pp. 70-75.

¹⁹ *Ibid.*

I who am the first to say this, but their own authors, from whom we learned it for a fee, and who wrote it long before the coming of Christ...²⁰

Let them read our commandments in the Prophets, Gospels, Acts of the Apostles, or Epistles; let them peruse the large number of precepts against avarice and luxury which are everywhere read to the congregations that meet for this purpose, and which strike the ear, not with the uncertain sound of a philosophical discussion, but with the thunder of God's own oracle peeling from the clouds...²¹

But if our adversaries do not care **how foully and disgracefully the Roman republic be stained by corrupt practices**, so long only as it holds together and continues in being...²² We have been forced to bring forward these facts, because **their authors have not scrupled to say and to write that the Roman republic had already been ruined by the depraved moral habits of the citizens**, and had ceased to exist before the advent of our Lord Jesus Christ. Now this ruin they do not impute to their own gods, though they impute to our Christ the evils of this life, which cannot ruin good men, be they alive or dead. And this they do, though our Christ has issued so many precepts inculcating virtue and restraining vice; while their own gods have done nothing whatever to preserve that republic that served them, and to restrain it from ruin by such precepts, but have rather hastened its destruction, by corrupting its morality through their pestilent example. No one, I fancy, will now be bold enough to say that the republic was then ruined because of the departure of the gods 'from each fane, each sacred shrine,' as if they were the friends of virtue, and were offended by the vices of men. No, there are too many presages from entrails, auguries, soothsayings, whereby they boastingly proclaimed themselves prescient of future events and controllers of the fortune of war—all of which prove them to have been present. And had they been indeed absent, the Romans would never in these civil wars have been so far transported by their own passions as they by the instigations of these gods....

Seeing that this is so—seeing that the filthy and cruel deeds, the disgraceful and criminal actions of the gods, whether real or feigned, were at their own request published, and were consecrated, and dedicated in their honor as sacred and stated solemnities; seeing they vowed vengeance on those who refused to exhibit them to the eyes of all, that they might be proposed as deeds worthy of imitation, why is it that these same demons, who, by taking pleasure in such obscenities, acknowledge themselves to be unclean spirits, and by delighting in their own villanies and iniquities, real or imaginary, and by requesting from the immodest, and extorting from the modes, the celebration of these licentious acts, proclaim themselves instigators to a criminal and lewd life; -- why, I ask, are they represented as giving some good moral precepts to a few of their own elect,

²⁰ Ibid., p. 58.

²¹ Ibid.

²² Ibid., p. 60.

initiated in the secrecy of their shrines?²³ If it be so, this very thing only serves further to demonstrate the malicious craft of these pestilent spirits. For so great is the influence of probity and chastity, that all men, or almost all men, are moved by the praise of these virtues; nor is any man so depraved by vice, but he hath some feeling of honor left in him....²⁴

Furthermore, St. Augustine pointed out that the Roman Pontiff Scipio Nascia,²⁵ elected by the Roman Senate, and whom St. Augustine described as “your chief pontiff, your best man in the judgment of the whole senate.”²⁶ This same Scipio had refused to consent to the destruction of Carthage during the Punic Wars, because:

“[h]e feared security, that enemy of weeks minds, and he perceived that a wholesome fear would be a fit guardian for citizens. And he was not mistaken: the event proved how wisely he had spoken. **For when Carthage was destroyed, and the Roman republic delivered from its great cause of anxiety, a crowd of disastrous evils forthwith resulted from the prosperous condition of things.** First concord was weakened, and destroyed by **fierce and bloody seditions**; then followed, by a concatenation of baleful causes, **civil wars**, which brought in their train such massacres, **such bloodshed, such lawless and cruel proscription and plunder**, that those Romans who, in the days of their enemies, now that their virtue was lost, **suffered greater cruelties at the hands of their fellow-citizens.** The lust of rule, which with other vices existed among the Romans in more unmitigated intensity than among any other people, after it had taken possession of the more powerful few, subdued under its yoke the rest, worn and wearied.”²⁷

Rome’s moral decay, says St. Augustine, was due to cultural influences such as the “scenic entertainments” in which “exhibitions of shameless folly and licence,”²⁸ and pestilential and wicked spirits²⁹ reigned without censure or limitation. “Besides,” says Augustine, “though the pestilence was stayed, this was not because the voluptuous madness of stage-plays had taken possession of a warlike people... these astute and wicked spirits... took occasion to infect, not the bodies, but the morals of their worshippers, with a far more serious disease.”³⁰ But perhaps the most serious disease of all were the “corrupt practices” that inhibited justice throughout the Roman Republic; even up to the time of the birth of Christ Jesus, when Caesar Augustus reigned, and when Cicero was assassinated for advocating for a more just and human republic. For in *The City of God*, St. Augustine says that this same Cicero confessed that within the Roman empire, “[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

²³ Ibid., p 69.

²⁴ Ibid., p. 68-69.

²⁵ Ibid., p. 35.

²⁶ Ibid., p. 35.

²⁷ Ibid., p. 35.

²⁸ Ibid., p. 36.

²⁹ Ibid., p. 37.

³⁰ Ibid.

republic, and have long since lost the reality.”³¹ 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.”³²

St. Augustine thus described the prevailing Roman political philosophy and logic, and the “corrupt practices” that had been allowed to prevail throughout the Roman Empire of his time, “**so long only as it holds together and continues in being**”³³:

Only let [the republic] 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 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.

³¹ Ibid., p. 62.

³² Ibid., p. 64.

³³ Ibid. p. 60.

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; et a succession of the most cruel and the most voluptuous pleasures maintain a perpetual excitement.

If such happiness is 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 this condition of things, and preserve it when once possessed.³⁴

Within this Roman scheme of things, the new Christian religion emerged, stood out conspicuously, and eventually reigned supreme within the hearts and minds of men and women who longed for a more just and humane world. For example, the Christians had begun to introduce to the Roman legions a humane law of war, such as “clemency,” so as to curtail the senseless Roman “slaughter, plundering, burning, and misery” amongst their conquered victims.³⁵ St. Augustine pointed out that just as the barbarians sacked the western half of the Roman empire, the saintly Christians not only survived, but they thrived!³⁶ The ancient bishops attained their supremacy of the western half of the Roman empire because the great wartime distress, including captivity by the barbarians, rendered these ancient Christians most suitable for worldly leadership, even among the barbarians.³⁷ St. Augustine compared these ancient Christians to the “three youths” including “Daniel” who were captive in ancient Babylon in the Old Testament— simply put, the civilizing effect of the Christian faith arose supreme from the ashes of Rome’s wicked fall.³⁸

II. St. Augustine (*The City of God*): A Summation of the History of the City-State of Rome

In *The City of God*, St. Augustine relies upon the Roman historian Varro, “a very learned heathen,”³⁹ for assistance with reconstructing the history of the ancient city-state of Rome. Firstly, Augustine proves that the “fabulous” or “mythical” history of the founding of Rome was utterly false. According to the historian Varro, “many of the religions and sacred legends should be feigned in a community in which it was judged profitable for the citizens that lies should be told even about the gods themselves.”⁴⁰ Among such lies was the belief in the divine origins of Julius Caesar, and the belief that he had descended from the goddess Venus. As this ancient

³⁴Ibid., pp. 59-60.

³⁵Ibid., p. 9.

³⁶Ibid., pp. 10-12.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid., p. 76.

⁴⁰ Ibid., p. 77.

history goes: ancient Troy fell to the ancient Greeks in the Trojan war, perhaps as recounted and memorialized in Homer's *Illiad*. And then the Romans defeated the Greeks, and the city of Rome was founded by two brothers: Romulus and Remus. But Romulus in an act of fratricide murdered his brother Remus and took kingship over the City of Rome.⁴¹ *Romulus* was then deified, and the city-state of Rome was founded.⁴² The second king of Rome was *Julius Prochulus*, and he commanded the Romulus be worshipped "as a god; and that in this way the people, who were beginning to resent the action of the senate, were quieted and pacified."⁴³ *Tullus Hostilius* became the third king of Rome; St. Augustine recounts that Hostilius "all his house" was "consumed by lightning."⁴⁴ Next, *Piscus Tarquinius* became the fourth king, and he was himself assassinated by the sons of *Servius Tullius*, who succeeded him as the fifth king.⁴⁵ *Servius* was then himself murdered by his own son-in-law, *Tarquinius Superbus* ("Tarquin"), who had become the sixth king of the city-state of Rome.⁴⁶ St. Augustine concludes, then, that up to the year 243 B.C., six kings had governed the city-state of ancient Rome, and that each of them had either attained the throne through violence:

- A. *Romulus*, the founder of the city-state of Rome, had murdered his brother Remus;
- B. *Julius Prochulus* may have been given the throne by the Senate, after it had secretly plotted to assassinate Romulus, the city's founder;⁴⁷
- C. *Tullus Hostilius* was no saint, and he and his entire house was mysteriously consumed by lightening, which means that they may have been executed or murdered;
- D. *Piscus Tarquinius* was assassinated by his successor *Servius Tullius*'s sons; and,
- E. *Servius Tullius* was assassinated by his own son-in-law *Tarquinius Superbus*, who became the sixth and last king of the city-state of Rome.

Of this period, Augustine writes: "[s]uch was the life of the Romans under the kings during the much-praised epoch of the state which extends to the expulsion of *Tarquinius Superbus* in the 243d year, during which all those victories, which were bought with so much blood and such disasters...."⁴⁸ According to St. Augusting, just as Cain had killed his brother Abel, as recounted in the *Book of Genesis*, the foundation of the city-state of Rome was founded upon a fratricide, when Romulus killed his brother Remus; and the ensuing plots, murders, and assassinations perpetuated this lust for glory and power that is the exemplification of the "City of Man" which is opposite to the "City of God."

⁴¹ Ibid., p. 86.

⁴² Ibid.

⁴³ Ibid., pp. 87-88.

⁴⁴ Ibid., p. 88-89.

⁴⁵ Ibid., p. 89.

⁴⁶ Ibid.

⁴⁷ Ibid., p. 87.

⁴⁸ Ibid., p. 90.

III. St. Augustine (*The City of God*): Summation of the History of the first Roman Emperors, 243 B.C. to 33 A.D.

Augustine next turns his attention to the period of the expansion of the city-state of Rome into what emerged as the ancient Roman Empire. That period began after the death of King Tarquinius Superbus in 243 B.C., when the Roman senate established the consulship, and there were initially two consuls: Collatinus and Brutus.⁴⁹ “[C]onsuls were first created, when the kingly power was abolished.”⁵⁰ St. Augustine succinctly described the Roman Empire as “an empire acquired by wars,”⁵¹ and by robbery (“[b]ut to make war on your neighbours, and thence to proceed to others, and through mere lust of dominion to crush and subdue people who do you no harm, what else is this to be called than great robbery?”)⁵² Moreover, under the Roman consulship, the Roman leadership intentionally deceived the Roman people, inculcating gods and myths which they knew to be false,⁵³ and largely for the purpose of empire-building.

Thus, under this same consulship, the Roman Empire expanded; there was “constant wars”⁵⁴ and to pay for these wars, the Roman patricians began to lord over their own people through taxation and usury.⁵⁵ “Frequent mobs, seditions, and at last civil wars, became common, while a few leading men on whom the masses were dependent, affected supreme power under the seemly pretence of seeking the good of senate and people; citizens were judged good or bad, without reference to their loyalty to the republic (for all were equally corrupt); but the wealthy and dangerously powerful were esteemed good citizens, because they maintained the existing state of things.”⁵⁶ “Nay, during this plague they introduced a new pestilence of scenic entertainments, which spread its more fatal contagion, not to the bodies, but the morals of the Romans... the poisonings imputed to an incredible number of noble Roman matrons... Or when, at one time, the Lucanians, Brutinians, Samnites, Tuscans, and Senonian Gauls conspired against Rome, and first slew her ambassadors, then overthrew an army under the praetor, putting to the sword 13,000 men, besides the commander and seven tribunes?”⁵⁷ “Or when both consuls at the head of the army were beset the Samnites in the Caudine Forks, and forced to strike a shameful treaty, 600 Roman knights being kept as hostages; while the troops, having laid down their arms, and being stripped of every thing, were made to pass under the yoke with one garment each?”⁵⁸ At the same time, mortal humans were assigned “quasi-divine authority,” and, induced by “the evil spirits” and inspired by the fictitious myths of the false Greco-Roman gods, the Roman consuls and people were often incited “to wicked actions.”⁵⁹ And so, even long before the barbarian invasions of the Roman Empire during the fifth century A.D., “the Roman republic had already been ruined by the depraved moral habits of the citizens.”⁶⁰ Next, in addition to this

⁴⁹ Ibid., pp. 90-91.

⁵⁰ Ibid., p. 90.

⁵¹ Ibid., p. 111-112.

⁵² Ibid., p. 114.

⁵³ Ibid., pp. 138, 140.

⁵⁴ Ibid., p. 91.

⁵⁵ Ibid., p. 91-92.

⁵⁶ Ibid., p. 92.

⁵⁷ Ibid., p. 93.

⁵⁸ Ibid., p. 93.

⁵⁹ Ibid., p. 68-69.

⁶⁰ Ibid., p. 69.

general decline in morals, the Romans were vexed with inexplicable health-care crisis and the spread of terrible diseases,⁶¹ the widespread death of women during childbirth,⁶² the widespread death of farm animals,⁶³ the constant conscription of young men into the Roman army—“so many wars were everywhere engaged in.”⁶⁴

Amongst these taxing, vexing, and terrible military campaigns were the three Punic Wars (264 B.C. to 146 B.C.)⁶⁵, of which St. Augustine writes: “[i]n the Punic wars, again, when victory hung so long in the balance between the two kingdoms, when two powerful nations were straining every nerve and using all their resources against one another, how many smaller kingdoms were crushed, how many large and flourishing cities were demolished, how many states were overwhelmed and ruined, how many districts and lands far and near were desolated! How often were the victors on either side vanquished! What multitudes of men, both of those actually in arms and of others, were destroyed! What huge navies, too, were crippled in engagements, or were sunk by every kind of marine disaster! Were we to attempt to recount or mention these calamities, we should become writers of history.”⁶⁶

And, in addition to the three Punic wars, were seditions and the outbreak of civil war within the Roman empire. This included the “servile wars” and the “gladiator rebellions.”⁶⁷ On this point, Augustine writes: “[t]he civil wars originated in the seditions which the Gracchi excited regarding the agrarian laws; for they were minded to divide among the people the lands which were wrongfully possessed by the nobility.”⁶⁸ “For noble and ignoble were indiscriminately massacred...”⁶⁹ Assassins and murders ran rampant, together with the judicial examinations and tortures of thousands of Roman citizens.⁷⁰ “The assassin of Gracchus himself sold his head to the consul for its weight in gold, such being the previous agreement. In this massacre, too, Marcus Fulvius, a man of consular rank, with all his children, was put to death.”⁷¹ “Then even historians themselves find it difficult to explain how the servile war was begun by a very few, certainly less than seventy gladiators, what numbers of fierce and cruel men attached themselves to these, how many of the Roman generals this band defeated, and how it laid waste many districts and cities. And that was not the only servile war: the province of Macedonia, and subsequently Sicily and the sea-coast, were also depopulated by bands of slaves. And who can adequately describe either the horrible atrocities which the pirates first committed, or the wars they afterwards maintained against Rome?”⁷²

Then began, about the year 140 B.C., a series of civil contests and civil wars between Roman consuls and the Roman senate, down to the reign of Caesar Augustus “in whose reign

⁶¹ Ibid., p. 94.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid., p. 95-103.

⁶⁶ Ibid., p. 95.

⁶⁷ Ibid., p 102-103.

⁶⁸ Ibid., pp. 101-102.

⁶⁹ Ibid., p. 102.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Ibid., p. 103.

Christ was born”⁷³ First: the civil war between two Roman consuls Marius and Sylla. Marius put to death “the foremost men in the state.”⁷⁴ In fuller description of Marius’ violence, Augustine writes:

As soon as Marius triumphed, and returned from exile, besides the butcheries everywhere perpetuated, the head of the consul Octavius was exposed on the rostrum; Caesar and Fimbria were assistanted in their own houses; the two Crassi, father and son were murdered in one another’s sight; Bebi and Numitorius were disemboweled by being dragged with hooks; Catulus escaped the hands of his enemies by drinking poison; Merula, the flamen of Jupiter, cut his veins and made a libation of his own blood to his god. Moreover, every one whose salutation Marius did not answer by giving his hand, was at once cut down before his face.⁷⁵

The bloodshed of Marius was next avenged by “the victory of Sylla... but when hostilities were finished, hostility survived, and subsequent peace was bloody as the war.”⁷⁶

Second: the civil war between the Roman consuls Sertorius and Catiline ensued, “of whom the one was proscribed, the other brought up by Sylla; from this to the war of Lepidus and Catulus, of whom the one wished to rescinde, the other to defend the acts of Sylla; from this to the war of Pompey and Caesar, of whom Pompey had been a partisan of Sylla, whose power he equaled or even surpassed, while Caesar condemned Pompey’s power because it was not his own, and yet exceeded it when Pompey was defeated and slain.”⁷⁷ Hence, the victory of Sylla over Marius in the first civil war extended down the reign of Julius Caesar various factions, one in favor of Sylla, and others opposed. Julius Caesar “when he had conquered Pompey, though he used his victory with clemency, and granted to men of the opposite faction both life and honours, was suspected of aiming at royalty, and was assassinated in the curia by a party of noble senators, who had conspired to defend the liberty of the republic. His power was then coveted by Antony, a man of very different character, polluted and debased by every kind of vice, who was strenuously resisted by Cicero on the same plea of defending the liberty of the republic.”⁷⁸

Thus, upon the death of Julius Caesar, three men contended for power or influence: Augustus, Antony, and Cicero. Indeed, Augustus was “the second Caesar, afterwards called Augustus, and in whose reign Christ was born.”⁷⁹ Caesar Augustus and Antony contended for the imperial throne. Cicero, who was a defender of Rome’s liberty, supported Augustus, and opposed Antony. Cicero favored Augustus “in order that his influence might counteract that of Antony; for he hoped that Caesar would overthrow and blast the power of Anthony, and establish a free state—so blind and unaware of the future was he: for that very young man, whose advancement and influence he was fostering, allowed Cicero to be killed as the seal of an alliance with Antony, and subjected to his own rule the very liberty of the republic in defence of

⁷³ Ibid., p. 106.

⁷⁴ Ibid., p. 104.

⁷⁵ Ibid., p. 104.

⁷⁶ Ibid., pp 104-105.

⁷⁷ Ibid., p. 106.

⁷⁸ Ibid.

⁷⁹ Ibid., pp. 106-107.

which he had made so many orations.”⁸⁰ Hence, Caesar Augustus’s conspiratorial role in the assassination of Cicero signified, and alliance with Mark Antony, as recounted in the words of St. Augustine, reflected the sadistic state of the Roman Empire during the time of Christ.⁸¹

IV. St. Augustine (*The City of God*): Theology that All Secular Power is Ordained by the one, true God

From the historical example of the decline and ultimate fall of the Roman Empire, St. Augustine then extrapolated a catholic theology of church and state. For in *The City of God*, Augustine asked “whether it is quite fitting for good men to rejoice in extended empire.”⁸² His answer is yes, if the “growth of a kingdom” is extended through “just wars” against the wicked. Conversely, the growth of bad empires or kingdoms through the conquering and subjugation of innocent, just nations is a form of evil. “Therefore, to carry on war and extend a kingdom over wholly subdued nations seems to bad men to be felicity, to good men necessity.... But beyond doubt it is greater felicity to have a good neighbor at peace, than to conquer a bad one by making war.”⁸³ Nevertheless, St. Augustine shows that evil kingdoms and empires cannot sustain their sovereignty without ordination and power from God. According to St. Augustine, such evil kingdoms and empires cannot exist without some form of virtue and value. In the case of the ancient Romans, they valued happiness and honor, or “Virtue and Felicity”⁸⁴—each and all very good things. The ancient Romans elevated “Virtue and Felicity” to the status of goddesses.⁸⁵ But St. Augustine believed that these ancient Romans did good by pursuing and promoting “virtue” and “felicity” as noble goals, but that they had seriously erred in not recognizing the fact that “virtue” and “felicity” were not “gods,” but rather these things were “a gift of God.”⁸⁶ In other words, St. Augustine concluded that the ancient Romans has fallen into error, because they worshipped “the divine gifts themselves,” rather than the one true God who is the author of those divine gifts. Nevertheless, St. Augustine affirms that even the ancient Romans had enough light in them to know that “felicity to be given by a certain God whom they know not....”⁸⁷ So a few leading men amongst the ancient Romans came very close to knowing the one, true God; but they were, nevertheless, still led astray by their lack of moral virtue.

The Roman leadership also intentionally misled and deceived the masses,⁸⁸ such that falsehoods were “useful for the common people to know... falsely” regarding the pagan theological myths displayed in “scenic plays.”⁸⁹ And that Rome’s collapse was due in large measure to the widespread deceptions by civic rulers and poets.⁹⁰ Had the Romans clung to “Virtue and Felicity”— even though “gifts” of God and not God Himself — they might have maintained the majesty of the Roman Empire, but the ancient Romans fell into deception (i.e.,

⁸⁰ Ibid., p. 106.

⁸¹ Ibid., p. 107.

⁸² Ibid., p. 123.

⁸³ Ibid.

⁸⁴ Ibid., p. 128.

⁸⁵ Ibid., pp. 128-130.

⁸⁶ Ibid., p. 131.

⁸⁷ Ibid., p. 132.

⁸⁸ Ibid., p. 138.

⁸⁹ Ibid.

⁹⁰ Ibid., p. 140.

clung to demons) which hastened its decline as result of a lack of moral virtue. Thus, “although not understanding them to be gifts of God,” wrote St. Augustine, “they ought at least to have been content with Virtue and Felicity” and to have ordered their laws and customs toward sustaining these ends.⁹¹ But the ancient Romans blindly took a different course, and they refused to be modest or to restrain their passions. On this point, St. Augustine further elaborated, using the following analogy:

That this may be more easily discerned, let us not come to nought by being carried away with empty boasting, or blunt the edge of our attention by loud-sounding names of things, when we hear of peoples, kingdoms, provinces. 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 circumstance; the other very rich. But the rich man is anxious with fears, pining with discontent, burning with covetousness, 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 two men, so in the two families, in two nations, in two kingdoms, this test of tranquility holds good; and if we apply it vigilantly and without prejudice, we shall quite easily see where the mere show of happiness dwells, and where real felicity. **Wherefore if the true God is worshipped, and if He is served with genuine rites and true virtue, it is advantageous so much to themselves, as to those over whom they reign.**⁹²

The ancient Romans sought the good things, the “good life,” the happy life, etc.; but these ancient Romans also elevated those subordinate things to the status of gods and goddess, rather than giving due homage to the one, true God, who is the author of all things.⁹³ For this reason, the ancient Romans went astray and, like several empires which predated it, fell by the wayside. See, e.g., Table 1. “The Mosaic Life-Death Grid.”

Table 1. The Mosaic Life-Death Grid

Law of Moses (Life)	Law of Sin (Death)
Virtue	Vice
Liberty	Slavery

For it is “that God, the author and giver of felicity,” writes St. Augustine, Who “alone is the true God,” and Who “gives earthly kingdoms both to the good and bad. Neither does He do

⁹¹Ibid., pp. 126-128.

⁹²Ibid., p. 112.

⁹³ Ibid., pp. 140-141.

this rashly, and, as it were, fortuitously—because He is God, not fortune—but according to the order of things and times, which is hidden from us, but thoroughly known to Himself; which same order of times, however, He does not serve as subject to it, but Himself rules as lord and appoints as governor.”⁹⁴ Kingdoms are given by God to both the good and the bad; but God gives true happiness or felicity only to the good, who are both rich and poor alike. **True happiness or felicity are the fruits of moral virtue, righteousness, and holiness—for this precept is both a fundamental Law of Moses and a fundamental Law of Christ.** See, e.g., Table 1, “The Mosaic Life-Death Grid.” Therefore, says St. Augustine, the just worshippers of the true God should not covet the riches, splendor or authority of earthly kingdoms. “[T]his is the mystery of the Old Testament, in which the New was hidden, that there even earthly gifts are promised: those who were spiritual understanding even then, although not yet openly declaring, both the eternity which was symbolized by these earthly things, and in what gifts of God true felicity could be found.”⁹⁵ The fall of kingdoms and empires, much like the fall and decline of individuals, is due in large measure to “enslavement to sin.”

The Roman Empire, says St. Augustine, became enslaved to sin, and that this empire declined and collapsed because the Roman people were “[d]epraved by good fortune, and not chastened by adversity,”⁹⁶ and not told to heed sound moral doctrine. In a word, says St. Augustine, the ancient Romans became immoral, criminal and licentious; and this moral state of things, without the Church of God to teach and influence it,⁹⁷ was the chief cause of the fall of the Roman Empire:

This is the reason why those divinities quite neglected the lives and morals of the cities and nations who worshipped them, and threw no prohibition in their way to hinder them from becoming utterly corrupt, and to preserve them from those terrible and detestable evils which visit not harvests and vintages, not house and possessions, not the body which is subject to the soul, *but the soul itself*, the spirit that rules the whole man. If there was any such prohibition, let it be produced, let it be proved. . . . Let them show or name to us the places which were at any time consecrated to assemblages in which, instead of the obscene songs and licentious acting of players, instead of the celebrations of those most filthy and shameless Fugalia (well called Fugalia, since they banish modesty and right feeling), the people were commanded in the name of the gods to restrain avarice, bridle impurity, and conquer ambition; where, in short, they might learn in that school which Persius vehemently lashes them to, when he says: ‘Be 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 are 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

⁹⁴ Ibid., p. 140.

⁹⁵ Ibid.

⁹⁶ Ibid., p. 37.

⁹⁷ 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.”)

thee to be, and what place He has ordered you to fill.’ 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.⁹⁸

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 covetousness, 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 neighbors 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 two men, so in two families, in two nations, in two kingdoms, this test of tranquility holds good; and if we apply it vigilantly and without prejudice, we shall quite easily see where the mere show of happiness dwells, and where real felicity. Wherefore if the true God is worshipped, and if He is served with genuine rites and true virtue, it is advantageous so much to themselves, as to those over whom they reign.⁹⁹

We have been forced to bring forward these facts, because their authors have not scrupled to say and to write that that the Roman republic had already been ruined by the depraved moral habits of the citizens, and had ceased to exist before the advent of our Lord Jesus Christ.¹⁰⁰

The Augustinian view of political science likewise places “virtue” or “holiness” (morality, equity, and justice) at the center of constitutional law. Forms of government are only secondary, for so long as virtue is thoroughly instilled within the customs and everyday practices of the citizenry. See, e.g., Table 2, “Western Political Science and Constitutional Legal Theory (1100 A.D. to 1900 A.D.).

⁹⁸ Ibid., p. 45.

⁹⁹ Ibid., p. 112.

¹⁰⁰ Ibid., pp. 68-69.

Table 2. Western Political Science and Constitutional Legal Theory (1100 A.D. to 1900 A.D.)

Law of Moses (Life)	Law of Sin (Death)
God (Good)	Sin (Evil or Satan)
Virtue	Vice
Liberty	Slavery
Forms of Government (Life) ¹⁰¹	Forms of Government (Death) ¹⁰²
<i>Monarchy</i> – (Republican Form- Limited by Principles of Equity and Natural Justice; Rule of Law; Checks and Balances)	<i>Tyranny</i> – (Imperial Government Form- Perverted by Absolute Authority; Divine Right Theory; Unchecked Crimes against Nature and Natural Law (i.e., Equity))
<i>Aristocracy</i> – (Republican Form- Limited by Principles of Equity and Natural Justice; Rule of Law; Checks and Balances)	<i>Oligarchy</i> – (Imperial Government Form- Perverted by Economic and Political Monopoly; Unchecked Crimes against Nature and Natural Law (i.e., Equity))
<i>Democracy</i> – (Direct Government Form- Limited by Principles of Equity and Natural Justice; Rule of Law; Checks and Balances)	<i>Anarchy</i> – (Government perverted by unchecked crimes; governmental conspiracy to perpetuate immorality and crime against Nature and Natural Law (i.e., Equity))

Significantly, the Augustinian view of political science holds that “peace” and “happiness” which the secular world desires is noble and good, but that the God of Israel, who is the God of the whole world, is the source of that “peace” and “happiness.” This Augustinian viewpoint likewise holds that this same God of Israel gives kingdoms and empires to both good and bad; and that His Providence controls the actions and destiny of the entire world. But the Augustinian view of the pagan views of “peace,” “felicity,” “virtue,” and the like, is that they have incorrectly elevated these concepts to the status of “gods” and “goddesses,” while ignoring and refusing due worship of the one, true God of Israel, who is the Creator of all. Nevertheless,

¹⁰¹ “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 [i.e., democracy]**. But when the monarch is unjust, or, as the Greeks say, a tyrant; or the aristocrats are unjust, and form a faction; or the people themselves are unjust, and become, as Scipio for want of a better name calls them, themselves the tyrant, then the republic is not only blemished (as had been proved the day before), but by legitimate deduction from those definitions, it altogether ceases to be. For it could not be the people’s weal when a tyrant factiously lorded it over the state; neither would the people be any longer a people if it were unjust, since it would no longer answer the definition of a people—‘an assemblage associated by a common acknowledgment of law, and by a community of interests.’” St. Augustine in *The City of God* (New York, N.Y.: The Library of America, 1950), p. 62.

¹⁰² Ibid.

St. Augustine gave credit to the pagan philosophers who endeavored to live virtuous lives and he concluded that pagan “virtue” was close in nature to the “holiness” espoused in Judea-Christian ethical standards. See, e.g., Table 3, “St. Augustine’s Catholic View of Virtue and Holiness.”

Table 3. St. Augustine’s Catholic View of Virtue and Holiness

Personal or Individual Ethical Standard (Theology of the Human Will and the Will of God)	Cultural or National Source
Virtue (Pagan)	Ancient Egyptians, Greeks, Romans and other nationalities of the ancient world; Philosophy
Holiness (Old Testament)	Ancient Israelites or Jews; Theology
Holiness (New Testament)	The universal (i.e., catholic) Christian Church; Theology and Philosophy

In *The City of God*, Augustine relied upon pagan writers Cicero, Scipio, Varro, and Porphyry, in order to make his point that even the pagans were not completely void of “nature,” “natural justice,” or the “power of reason”; nor were those ancient pagans completely void of just desires and motives, such as having the desire for “peace” and “happiness.” Nevertheless, St. Augustine was crystal clear that God was the foundation and source of “true justice,” and that no nation which ignores due homage and worship to that one, true God, cannot morally instruct or discipline its citizenry so as to inspire it to live virtuous lives or to establish true justice. In *The City of God*, St. Augustine writes:

But if we discard this definition of a people, and, assuming another, say that a people is an assemblage of reasonable beings bound together by a common agreement as to the objects of their love, then, in order to discover the character of any people, we have only to observe what they love.... According to this definition of ours, the Roman people is a people, and its weal is without doubt a commonwealth or republic. But what its tastes were in its early and subsequent days, and how it declined into sanguinary seditions and then to social and civil wars, and so burst asunder or rotted of the bond of concord in which the health of a people consists, history shows, and in the preceding books I have related at large. And yet I would not on this account say either that it was not a people, or that its administration was not a republic, so long as there remains an assemblage of reasonable beings bound together by a common agreement as to the objects of love. **But what I say of this people [i.e., the ancient Romans] and of this republic I must be understood to think and say of the Athenians or any Greek state, of the Egyptians, of the early Assyrian Babylon, and of every other nation, great or small, which had a public government. For, in general, the city of the ungodly, which did not obey the command of God that it should offer no sacrifice save to Him alone, and which, therefore, could not**

give the soul its proper command over the body, nor to the reason its just authority over the vices, is void of true justice.¹⁰³

Thus in the western world, since at least the fourth century, A.D., the “catholic” Christian religion may be rightfully said to have been placed at the foundation of western jurisprudence and constitutional law. It must be fully understood, that the generic name “gentiles” rightfully assigned to all of the non-Jewish/ non-Hebrew races of the world, for whom the true religion was extended, such that the “catholic” Christian faith takes and draws all races, cultures, and religions into one conception of a true, sovereign God whose Divine Providence reigns supreme over all nations. Here, we may place St. Augustine’s words into a proper context: “in general, the city of the ungodly, **which did not obey the command of God** that it should offer no sacrifice save to Him alone, and which, therefore, could not give the soul its proper command over the body, nor to the reason its just authority over the vices, **is void of true justice.**”¹⁰⁴

It is upon this theological and constitutional foundation (to wit, that nations must obey God in order to establish justice and just government) that the Protestant Reformers of central and northern Europe and the Calvinist-Puritans of colonial New England built their new Christian nation-states in both Europe and America. The Protestant Reformers (men such as Luther, Calvin, the Presbyterians, and the Puritans) looked to the Bible (i.e., especially the Book of Deuteronomy) for samples and examples of constitutional government. Even ideas of “federalism” and “separation of powers” were originally adopted in the West as Hebraic political ideals found in the Bible. See, e.g., Table 4, “Biblical (Ancient Israel) Origins of Constitutional Monarchy, Federalism, and Separation of Powers.”¹⁰⁵

Table 4. Biblical (Ancient Israel) Origins of Constitutional Monarchy, Federalism, and Separation of Powers

Doctrine of Federalism	<p>Biblical Sources:</p> <p>See, e.g., “The Ancient Hebrew Polity,” <i>The Presbyterian Quarterly</i> 12.2 (April 1898): 153-169. http://www.pcahistory.org/HCLibrary/periodicals/tpq/12-2-2.pdf</p>
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¹⁰³ Ibid., p. 706.

¹⁰⁴ Ibid.

¹⁰⁵ It may in fairness be said that the Egyptians influenced the ancient Hebrews, the ancient Babylonians, the ancient Greeks, the ancient Romans, etc.; and so many of the Bible’s ideas of justice and law may also be found in many other nations and cultures. This convergence between Christians and non-Christians of ideas of justice and law, however, only supports St. Augustine’s theological conclusions: the “command of God” and the “mandate to do justice” are timeless and universal. Nevertheless, the Protestant Reformers who ushered in the modern world were deeply religious and adamant in their desires to subjugate their new world order and new nation-states to the sovereignty of God’s Divine Providence.

	<p>See, e.g., Daniel Eleazar, Covenant & Polity in Biblical Israel: Biblical Foundations & Jewish Expressions (New York, N.Y.: Routledge, 1998).</p> <p>Daniel J. Eleazar, “Deuteronomy as Israel’s Ancient Constitution: Some Preliminary Reflection,” Jerusalem Center for Public Affairs, https://www.jcpa.org/dje/articles2/deut-const.htm</p> <p>Peter Barenboim, Biblical Origins of Separation of Powers Doctrine (E-Book, Moscow Florentine Society Site: Letny Sad Moscow 2005).</p>
<p>Doctrine of Separation of Powers</p>	<p>Biblical Sources:</p> <p>See, e.g., “The Ancient Hebrew Polity,” <i>The Presbyterian Quarterly</i> 12.2 (April 1898): 153-169. http://www.pcahistory.org/HCLibrary/periodicals/tpq/12-2-2.pdf</p> <p>See, e.g., Daniel Eleazar, Covenant & Polity in Biblical Israel: Biblical Foundations & Jewish Expressions (New York, N.Y.: Routledge, 1998).</p> <p>Daniel J. Eleazar, “Deuteronomy as Israel’s Ancient Constitution: Some Preliminary Reflection,” Jerusalem Center for Public Affairs, https://www.jcpa.org/dje/articles2/deut-const.htm</p> <p>Peter Barenboim, Biblical Origins of Separation of Powers Doctrine (E-Book, Moscow Florentine Society Site: Letny Sad Moscow 2005).</p>

St. Augustine of Hippo's political theory of justice, as expressed in *The City of God*, which is a *polemic*¹⁰⁶ patterned after the Book of Deuteronomy, in defense of the Christian faith against widespread charges that it had been the *primary cause for the fall of the Roman empire*, most influenced the political thought of Protestant leaders such as Martin Luther, John Calvin, the Puritan founding fathers of colonial New England, and the Founding Fathers of the United States.¹⁰⁷ (With respect to the American Founding Fathers during the 18th century, there were, of course, other important secular influences, such as those of the Enlightenment philosophes, but those other influences pale by comparison to the influence of Anglican-Catholic-Protestant Christianity, which was decisively "Augustinian."¹⁰⁸) For example, Professor Daniel J. Elazar in his article "Deuteronomy as Israel's Ancient Constitution,"¹⁰⁹ has written:

Deuteronomy had a similar impact on the Christian world. Whenever Christian theologians, political philosophers or reformers sought biblical sources for political ideas, they turned to Deuteronomy as a major Scriptural source.¹⁵ **The use of Deuteronomy reached its apogee during the Protestant Reformation in the sixteenth and seventeenth centuries when the founders of the new Swiss, Huguenot, Rhineland, Dutch, Puritan, and Scottish commonwealths rested their polities on Deuteronomic foundations.**¹⁶ The culmination of this trend came at the time of the American

¹⁰⁶In the history of constitutional law in the West, the Book of Deuteronomy is a most important text. For example, Daniel J. Elazar has written in his article "Deuteronomy as Israel's Ancient Constitution" that ancient and modern-day Jews continued to look to the Book of Deuteronomy for authority in structuring ecclesiastical and secular polity. Elazar also writes: "**Deuteronomy had a similar impact on the Christian world. Whenever Christian theologians, political philosophers or reformers sought biblical sources for political ideas, they turned to Deuteronomy as a major Scriptural source. The use of Deuteronomy reached its apogee during the Protestant Reformation in the sixteenth and seventeenth centuries when the founders of the new Swiss, Huguenot, Rhineland, Dutch, Puritan, and Scottish commonwealths rested their polities on Deuteronomic foundations. The culmination of this trend came at the time of the American revolutionary polemical literature between 1765 and 1805. As Donald Lutz has pointed out, Deuteronomy was cited more frequently than all citations of European political philosophers combined, a major source for the myriad political sermons of the period.**"

¹⁰⁷ Ibid.

¹⁰⁸ During the 18th century, the Renaissance morphed into the Enlightenment, but it did not shake the foundation of Augustinian Catholicism's (i.e., mainline Protestantism) or Thomist Catholicism's (i.e., the Roman Catholic Church) influence upon the secular legal system in England, Europe, or North America. Sir Isaac Newton's mathematics, which was perhaps the most profound discovery of the Enlightenment, simply could not be defined as antithetical heresy in violation of the fundamental tenets of the Church of England. Science, inventions, and discovery were, instead, carried forth under the auspices of bishops, theologians, and churchmen. Once Martin Luther had elevated the common man to the status of priest, under the doctrine of the "priesthood of all believers," the commoners of Europe began to insist upon attaining constitutional rights and economic justice. As they re-read the Sacred Scriptures, which had only recently been interpreted into their native languages (i.e., German, English, Dutch, French, etc.), they began to firmly rely upon the "Word of God" as their firm authority for requesting ecclesiastical, social, economic, and political change. The Bible was, in essence, the de facto constitution of Europe, England, and North America—the source of the canon law, the civil law, the common law, and the written compacts (i.e., social contracts or constitutions). **But perhaps the most important Biblical text was the Book of Deuteronomy.** For example, Daniel J. Elazar has written in his article "Deuteronomy as Israel's Ancient Constitution" that ancient and modern-day Jews continued to look to the Book of Deuteronomy for authority in structuring ecclesiastical and secular polity. Elazar also writes: "Deuteronomy had a similar impact on the Christian world. Whenever Christian theologians, political philosophers or reformers sought biblical sources for political ideas, they turned to Deuteronomy as a major Scriptural source. **The use of Deuteronomy reached its apogee during the Protestant Reformation in the sixteenth and seventeenth centuries when the founders of the new Swiss, Huguenot, Rhineland, Dutch, Puritan, and Scottish commonwealths rested their polities on Deuteronomic**

revolutionary polemical **literature between 1765 and 1805**. As Donald Lutz has pointed out, Deuteronomy was cited more frequently than all citations of European political philosophers combined, a major source for the myriad political sermons of the period.

In fact, in “Deuteronomy as Israel’s Ancient Constitution,” Professor Elazar describes the Book of Deuteronomy as ancient Israel’s “constitution,” whereby Moses summarized the fundamental law of God and set forth the basic concepts of ecclesiastical and civil government. Importantly, Professor Elazar explains “ancient constitutions” as being “distinguished from modern ones by devoting as much or more attention to the moral and socio-economic bases of the polity as to the frame of government.”¹¹⁰ “The whole document [i.e., the Book of Deuteronomy],” writes Professor Elazar, “is presented as a covenant in the spirit and format of Israelite constitutions.”¹¹¹ Although the Book of Deuteronomy does not require a particular form of government, it does explicitly restrict a monarchical form of government to that of the “constitutional monarch,” citing Deuteronomy 17: 16-20: “That his heart be not lifted up above his brethren, and that he turn not aside from the commandment, to the right hand, or to the left: to the end that he may prolong his days in his kingdom, he, and his children, in the midst of Israel.”¹¹²

In his article, “Biblical Origins of the Separation of Powers Doctrine,” Professor Peter Barenboim concluded that the Law of Moses published the first “Bill of Rights,” to wit: Deuteronomy 1: 16, 27; 7:11; 16: 18, 19; 11: 19; 17; 20; 25: 1-3; and Exodus. 20:13; 21: 12-14; 22:28.¹¹³ Furthermore, Prof. Barenboim argues that the Old Testament also established the idea that the “divine king” should only rule subject to a “divine fundamental law,” which in turn would be interpreted by an independent judge—whether priest, prophet, or judge. “All Israeli kings or aristocrats,” writes Professor Barenboim, “were subject to” the rule of divine fundamental law.¹¹⁴ “A famous Anglo-American commentary states that Moses’ father-in-law advised him to delegate his judiciary powers, which led to the establishment of a hierarchical structure for conflict resolution,” writes Prof. Barenboim. “The Old Testament laid the basis of the separation of church and state, as well as separation of powers, which nearly three thousand years later, in the 18th century, again moved into the foreground of history.”¹¹⁵ “[T]he word ‘judge’ in the Old Testament means what it means today, even though some of them were military leaders and prophets....”¹¹⁶ According to Prof. Barenboim, the prophet Samuel was

foundations. The culmination of this trend came at the time of the American revolutionary polemical literature between 1765 and 1805. As Donald Lutz has pointed out, Deuteronomy was cited more frequently than all citations of European political philosophers combined, a major source for the myriad political sermons of the period.”

¹⁰⁹ See Table 4 for References Citation.

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

believed to be the last independent Judge.¹¹⁷ “Both the Bible and the Constitution,” says he, “were binding on political authorities and have served as restraints on power. The king was subject to the Torah... powerful Presidents and powerful Congresses, we know, are subject to the Constitution.”¹¹⁸

It is my position, then, that St. Augustine’s influence upon the American Founding Fathers would have come indirectly through the Church of England, the Puritans of colonial New England, and the English Baptists. The Puritan divines, particularly the more conservative Calvinists, would have relied strictly upon the Bible in crafting constitutional principles for the civil magistrate. And this readily apparent in the first founding documents of colonial New England, to wit:

- (1). Charter of the Virginia Colony, 1606
- (2). Mayflower Compact, 1620
- (3). Massachusetts Bay Charter, 1629
- (4). Massachusetts Body of Liberties, 1641
- (5). Massachusetts General Law and Liberties, 1647
- (6). The Fundamental Orders of Government, 1639 [Connecticut]
- (7). Patent for Providence Plantations, 1643 [Rhode Island]
- (8). Royal Charter of 1663 [Rhode Island]

The fundamental constitutional principles which undergird these colonial documents [e.g., the sovereignty and providence of God; the Christian religion as the true faith; the laws of nature, natural justice, and domestic tranquility; etc.] may also be found in the American Declaration of Independence and the U.S. Constitution. See, e.g., Table 5, “Catholic (Natural Law) Interpretation of the U.S. Constitution.”

Table 5. Catholic (Natural Law) Interpretation of the U.S. Constitution

St. Augustine’s <i>The City of God</i>	American Constitutional Law
	<i>Declaration of Independence</i>

¹¹⁷ Ibid.

¹¹⁸ Ibid.

“The unanimous Declaration of the thirteen united States of America,

“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.

“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.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, —That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an

	absolute Tyranny over these States.”
Nature ¹¹⁹	Nature’s God
God ¹²⁰	Law’s of Nature
Natural Law (Providence) ¹²¹	Entitlement to disserve political bonds which connect a people to another as a result of theft, robbery, abuse, etc.
Justice taken away... Robbery ¹²²	
Liberty (Man’s Nature) ¹²³	
Happiness ¹²⁴	
Definition of Republic/ Empire ¹²⁵	

¹¹⁹ St Augustine defines “nature” as “essential.” He writes: “Consequently, to that nature which supremely is, and which created all else that exists, no nature is contrary save that which does not exist. For nonentity is the contrary of that which is. And thus there is no being contrary to God, that Supreme Being, and Author of all beings whatsoever... It is not nature, therefore, but vice, which is contrary to God.” *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 382. Similarly, in another section of *The City of God*, St. Augustine describes “God Himself,” as “the fountain of all justice.” *Ibid*, p. 27.

¹²⁰ St. Augustine defines the idea of the “God of Nature” as follows: “In Scripture they are called God’s enemies who oppose His rule, not by nature, but by vice; having no power to hurt Him, but only themselves. For they are His enemies, not through their power to hurt, but by their will to oppose Him. For God is unchangeable, and wholly proof against injury. Therefore the vice which makes those who are called His enemies resist Him, is an evil not to God, but to themselves. And to them it is an evil, solely because it corrupts the good of their nature.” *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 382. And, in another section of *The City of God*, St. Augustine writes: “The spirit of life, therefore, which quickens all things, and is the creator of every body, and of every created spirit, is God Himself, the uncreated spirit. In His supreme will resides the power which acts on the wills of all created spirits, helping the good, judging the evil, controlling all, granting power to some, not granting it to others. For, as He is the creator of all natures, so also is He the betower of all powers, not of all wills; for wicked wills are not from Him, being contrary to nature, which is from Him.... The cause of things, therefore, which makes but is not made, is God; but all other causes both make and are made.” *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 155. And, finally, St. Augustine makes no bones about the fact that the “gods” of the pagans are non-existent; that the “God” of the pagans and other non-Christians is none other than the God of Israel. For on this point, St Augustine writes: “Who is this God, or what proof is there that He alone is worthy to

Tranquility; Order ¹²⁶	
	Life, Liberty and Pursuit of Happiness, Gov't instituted to secure liberty, natural rights; justice, etc.
	<p style="text-align: center;"><i>U.S. Constitution</i></p> <hr/> <p style="text-align: center;"><i>Preamble to the U.S. Constitution:</i></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</p>

receive sacrifice from the Romans? One must be very blind to be still asking who this god is. He is the God whose prophets predicted the things we see accomplished. He is the God from whom Abraham received the assurance, ‘In they seed shall all nations of be blessed.’ That this was fulfilled in Christ, who, according to the flesh sprang from that seed, is recognized, whether they will or no, even by those who have continued to be the enemies of this name.... He is the God whom Porphyry, the most learned of the philosophers, though the bitterest enemy of the Christians, confesses to be a great God, even according to the oracles of those whom he esteems gods.” *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 701.

¹²¹ St. Augustine does not use the words “natural law” but nevertheless defines the substance of natural law as follows: “All natures, then, inasmuch as they are, and have therefore a rank and species of their own, and a kind of internal harmony, are certainly good. And when they are in the places assigned to them by the order of their nature, they preserve such being as they have received. And those things which have not received everlasting being, are altered for better or for worse, ***so as to suit the wants and motions of those things to which the Creator’s law has made them subservient***; and thus they tend in the divine providence to that end which is embraced in the general scheme of the government of the universe.” *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 384. And, again, in another place, St. Augustine described “**nature**” as “**peace**”; and “**natural law**” as the “**law of peace**.” According this view, “inequality” is inherent in nature, even though all beings are equal in worth, importance, and dignity. Inequality is necessary to balance out the forces of nature and to establish the peace, tranquility (e.g., health and prosperity), and concord within every aspect of creation, including human political organizations, families, and nations. “The peace of all things is the tranquility of order,” wrote St. Augustine in *The City of God* (New York, N.Y.: The Library of America, 1950), pp. 690-693. “**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. He ought to make this endeavor in behalf of his wife, his children, his household, all within his reach, even as he would wish his neighbor to do the same for him if he needed it; and consequently he will be at peace, or in well-ordered concord, with all men, as far as in him lies. And this is the order of this concord that a man, in the first place, injure no one, and, in the second, do good to every one he can reach.** Primarily, therefore, his

	establish this Constitution for the United States of America.”
<p>Anglican clergyman <u>Algernon Sidney Crapsey’s <i>Religion and Politics</i></u> comment on The Preamble of U.S. Constitution¹²⁷</p> <p><u>St. Augustine’s <i>City of God</i></u></p> <hr/> <p>Justice¹²⁸</p> <p>Tranquility¹²⁹</p> <p>Liberty¹³⁰</p> <p>Common Weal of People/ General Welfare¹³¹</p> <p>Common Defense (“Just War”)¹³²</p>	<p>A More Perfect Union</p> <p>Establish justice</p> <p>Domestic tranquility</p> <p>General Welfare</p> <p>Blessing of Liberty</p> <p>Common Defense</p>

own household are his care, for **the law of nature** and **of society** gives him readier access to them and greater opportunity of serving them. And hence the apostle says, ‘Now, if any provide not for his own, and specially for those of his own house, he hath denied the faith, and is worse than an infidel.’ **This is the origin of domestic peace, or the well-ordered concord of those in the family who rule and those who obey. For they who care for the rest rule—husband the wife, the parents the children, the masters the servants; and they who are cared for obey—the women their husbands, the children their parents, the servants their masters. But in the family of the just man who lies by faith and is as yet a pilgrim journeying on to the celestial city, even those who rule serve those whom they seem to command; for they rule not from a love of power, but from a sense of the duty they owe to others—not because they are proud of authority, but because they love mercy.**”

¹²² “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 private who had been seized. For when that 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 are styled emperor.’” St. Augustine, *The City of God* (New York, N.Y.: The Library of America, 1950), pp. 112-113.

¹²³ “This is prescribed by the order of nature: it is thus that God has created man. For ‘let them,’ He says, ‘have dominion over the fish of the sea, and over the fowl of the air, and over every creeping thing which creepeth on the earth.’ He did not intend that His rational creature, who was made in His image, should have dominion over anything but the irrational creation—not man over man, but man over the beasts... for it is with justice, we believe, that the condition of slavery is the result of sin. And this is why we do not find the word ‘slave’ in any part of

Scripture until righteous Noah branded the sin of his son with this name. It is a name, therefore, introduced by sin and not by nature. The origin of the Latin word for slave is supposed to be found in the circumstances that those who by the law of war were liable to be killed were sometimes preserved by their victors, and were hence called servants. And these circumstances could never have arisen save through sin. For even if we wage a just war, our adversaries must be sinning; and every victory, even though gained by wicked men, is a result of the first judgment of God... But by nature, as God first created us, no one is the slave either of man or of sin. This servitude is, however, penal, and is appointed by that law which enjoins the preservation of the natural order and forbids its disturbance; for if nothing had been done in violation of that law, there would have been nothing to restrain by penal servitude.” St. Augustine in *The City of God* (New York, N.Y.: The Library of America, 1950), pp. 693-694.

¹²⁴ “For to what but to felicity should men consecrate themselves, were felicity a goddess? However, as it is not a goddess, but a gift of God, to what God but the giver of happiness ought we to consecrate ourselves, who piously love eternal life, in which there is true and full felicity? But I think, from what has been said, no one ought to doubt that none of these gods is the giver of happiness, who are worshipped with such shame, and who, if they are not so worshipped, are more shamefully enraged, and thus confess that they are most foul spirits. Moreover, how can he give eternal life who cannot give happiness? For we mean by eternal life that life where there is endless happiness... So, then, He only who gives true happiness gives eternal life, that is, an endlessly happy life.” St. Augustine in *The City of God* (New York, N.Y.: The Library of America, 1950), pp. 693-694. Furthermore, St. Augustine goes so far as to say unequivocally that the worship of any gods, or the pursuit from any other source, other than in the name of Christ, cannot merit true happiness: “And since those gods whom this civil theology worships have been proved to be unable to give this happiness, they ought not to be worshipped on account of those temporal and terrestrial things, as we showed in the give former books....” *Ibid.*, pp. 204-205. Finally, St. Augustine declares that “happiness” as the final, eternal end of all true Christians: “Of the happiness of the eternal peace, which constitutes the end or true perfection of the saints.... And thus we may say of peace, as we have said of eternal life, that it is the end of our good; and the rather because the Psalmist says of the city of God, the subject of this laborious work, ‘Praise the Lord, O Jerusalem; praise thy God, O Zion: for He hath strengthened the bars of thy gates; He hath blessed thy children within thee; who hath made thy borders peace.’ For when the bars of her gates shall be strengthened, none shall go in or come out from her; consequently we ought to understand the peace of her borders as that final peace we are wishing to declare.” *Ibid.*, p. 696.

¹²⁵ In *The City of God*, p. 706, St. Augustine summarized his whole philosophy of “catholic” political science, as follows: “But if we discard this definition of a people, and, assuming another, say that a people is an assemblage of reasonable beings bound together by a common agreement as to the objects of their love, then, in order to discover the character of any people, we have only to observe what they love.... According to this definition of ours, the Roman people is a people, and its weal is without doubt a commonwealth or republic. But what its tastes were in its early and subsequent days, and how it declined into sanguinary seditions and then to social and civil wars, and so burst asunder or rotted of the bond of concord in which the health of a people consists, history shows, and in the preceding books I have related at large. And yet I would not on this account say either that it was not a people, or that its administration was not a republic, so long as there remains an assemblage of reasonable beings bound together by a common agreement as to the objects of love. But what I say of this people and of this republic I must be understood to think and say of the Athenians or any Greek state, of the Egyptians, of the early Assyrian Babylon, and of every other nation, great or small, which had a public government. For, in general, the city of the ungodly, which did not obey the command of God that it should offer no sacrifice save to Him alone, and which, therefore, could not give the soul its proper command over the body, nor to the reason its just authority over the vices, is void of true justice.” And in another part of *The City of God*, St. Augustine writes:

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 acknowledgment 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 [i.e., democracy]. But when the monarch is unjust, or, as the Greeks say, a tyrant; or the aristocrats are unjust, and form a faction; or the people themselves are unjust, and become, as Scipio for want of a better name calls them, themselves the tyrant, then the republic is not only blemished (as had been proved the day before), but by legitimate deduction from those definitions, it altogether

ceases to be. For it could not be the people's weal when a tyrant factiously lorded it over the state; neither would the people be any longer a people if it were unjust, since it would no longer answer the definition of a people—'an assemblage associated by a common acknowledgment of law, and by a community of interests.'" St. Augustine in *The City of God* (New York, N.Y.: The Library of America, 1950), p. 62.

¹²⁶ "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.**" *The City of God* (New York, N.Y.: The Library of America, 1950), pp. 690-693.

¹²⁷ Algernon Sidney Crapsey, *Religion and Politics* (New York, N.Y.: Thomas Whittaker, 1905), pp. 305-306 ("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 the 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.... When the people of the United States decreed by constitutional amendment that the government should never by law establish any religion, they did actually establish the only religion that could comprehend in its membership the whole American people.")

¹²⁸ "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." *The City of God*, p. 112.

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CONCLUSION

St. Augustine of Hippo's *The City of God* is perhaps the official position of the Western Church regarding the political theory and constitutional law. This Western Church includes both the Roman Catholic and the Protestant wings of Christendom. This official position holds that a law of morality (i.e., virtue) is necessary in order for a civilization to flourish and that the human body may be subject to the rule of reason within the human soul in order for civil governments to establish true justice. The objective of this moral law is to preserve peace, order, and domestic tranquility; and, even though the civil magistrate has valid authority to mete out civil justice, this valid civil authority is ordained and given by God Himself and governed by His moral law. In *The City of God*, St. Augustine explained to his contemporaries that the Roman Empire had fallen under the weight of its own licentiousness and immorality; and that the Christian religion was "life-giving" because it promoted morality and virtue. For this reason, the Western Church (especially the Roman Catholic Church and the Church of England) have held to the position that any separation of Church from the State must be "procedural" but not "substantive," because there is only one substantive fundamental law which governs both Church and State. The Church is responsible for certain important aspects of human life, whereas the State is responsible for other very important aspects of secular life. In the Anglican worldview (as reflected in the constitutional documents of colonial New England), both the Church and the State must cooperate and act in tandem with each other, as two sides of the same coin.

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 [i.e., democracy]. But when the monarch is unjust, or, as the Greeks say, a tyrant; or the aristocrats are unjust, and form a faction; or the people themselves are unjust, and become, as Scipio for want of a better name calls them, themselves the tyrant, then the republic is not only blemished (as had been proved the day before), but by legitimate deduction from those definitions, it altogether ceases to be. For it could not be the people's weal when a tyrant factiously lorded it over the state; neither would the people be any longer a people if it were unjust, since it would no longer answer the definition of a people—"an assemblage associated by a common acknowledgment of law, and by a community of interests." St. Augustine in *The City of God* (New York, N.Y.: The Library of America, 1950), p. 62.

¹³² St. Augustine acknowledges the idea of "just war" in *The City of God*, where he states: "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.'" Ibid, p. 27.