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**“A History of the Anglican Church—Part XXVIII:
An Essay on the Role of Christian Lawyers and Judges within the
Secular State”©**

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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 forty-fourth essay in this series: “A History of the Anglican Church—Part XXVIII.”

INTRODUCTION¹

“Of the Passing of the Firstborn” is the eleventh chapter in W.E.B. Du Bois’ seminal classic *The Souls of Black Folk* (1903) , and here Dr. DuBois shared with great passion his most personal hopes and fears, and poured out unto the world his heart—symbolized by the sorrow over the death of his only begotten firstborn son. Dr. DuBois’ dead son was not simply the single loss of one dead child, but he also symbolized an incomprehensible faith in divine sacrifice of a firstborn child to God. Solemnly, Dr. Du Bois writes:

But hearken, O Death! Is not this my life hard enough, — is not the dull land that stretches its sneering web about me cold enough,— is not the world beyond these four little walls pitiless enough, but that thou must needs enter here,— thou, O Death! About my head the thundering storm beat like a heartless voice, and the crazy forest pulsed with the curses of the weak; but what cared I, within my home beside my wife and baby boy? Wast thou so jealous of one little coign of happiness that thou must needs enter there, — thou, O Death?

A perfect life was his, all joy and love, with tears to make it brighter, — sweet as a summer’s day beside the Housatonic. The world loved him; the women kissed his curls, the men looked gravely into his wonderful eyes, and the children hovered and fluttered about him....

If one must have gone, why not I? Why may I not rest me from this restlessness and sleep from this wide waking? Was not the world’s alebic, Time, in his young hands, and is not my time waning? Are there so many workers in the vineyard that the fair promise of this little body could lightly be tossed away? The wretched of my race that line the alleys of the nation sit fatherless and unmothered; but Love

¹ This paper is written in honor of **Father Berhanu Bekele of the Saint Mary’s Ethiopian Orthodox Tehewado Church of Tampa Bay**, Florida, which adheres to the Mosaic theology of the firstborn son as the foundation for excluding females from ordination to the sacerdotal priesthood. I am a good friend of Father Bekele’s, and I have been, since 2015, a frequent guest of St. Mary’s Ethiopian Orthodox Church of Tampa Bay. In April 2018, I had the honor of meeting, and taking a photograph with, His Royal Highness Prince Sahle-Selassie (grandson of the former legendary Emperor of Ethiopia Haile Selassie) at one of its events in Tampa, hosted by a local Episcopal Church (St. Mary’s Episcopal Church in Tampa).

sat beside his cradle, and in his ear Wisdom waited to speak. Perhaps now he knows the All-love, and needs not to be wise. Sleep, then, child,— sleep till I sleep and waken to a baby voice and the ceaseless patter of little feet—above the Veil.

Whether Dr. Du Bois intended this eleventh chapter in *The Souls of Black Folk* to symbolize Moses' theology of the firstborn son that is found in the story of the Passover in Exodus, and subsequently promulgated throughout the Pentateuch, is a matter of conjecture, but the parallels between the two are clear: the just must live by faith, — a faith that is sometimes expressed by the sacrifice of the things which we most love, including the sacrifices of our hopes for the Future! But the things which we love most—as symbolized by the firstborn²— must not separate us from

² See, e.g., New Advent (Catholic Encyclopedia), which defines “firstborn” as follows: “the word [‘firstborn’], though casually taken in Holy Writ in a metaphorical sense, **is most generally used by the sacred writers to designate the first male child in a family.** The **first-cast male animal** is, in the English Bibles, termed “**firstling**”. **The firstlings, both human and animal, being considered as the best representatives of the race, because its blood flows purest and strongest in them, were commonly believed, among the early nomad Semitic tribes, to belong to God in a special way.** Hence, very likely, the custom of sacrificing the first-cast animals; hence **also the prerogatives of the first-born son;** hence, possibly, even some of the superstitious practices which mar a few pages of the history of Israel.

“Among the Hebrews, as well as among other nations, **the first-born enjoyed special privileges. Besides having a greater share in the paternal affection, he had everywhere the first place after his father** (Genesis 43:33) and **a kind of directive authority over his younger brothers** (Genesis 37:21-22, 30, etc.); **a special blessing was reserved to him at his father's death, and he succeeded him as the head of the family, receiving a double portion among his brothers** (Deuteronomy 21:17). Moreover, the first-birthright, up to the time of the promulgation of the Law, **included a right to the priesthood.** Of course this latter privilege, as also the headship of the family, to which it was attached, continued in force only when brothers dwelt together in the same house; for, as soon as they made a family apart and separated, **each one became the head and priest of his own house.**

“When God chose unto Himself the tribe of Levi to discharge the office of priesthood in Israel, He wished that His rights over the first-born should not thereby be forfeited. He enacted therefore that **every first-born be redeemed, one month after his birth, for five sicles** (Numbers 3:47; 18:15-16). This redemption tax, calculated also to remind the Israelites of the death inflicted upon the first-born of the Egyptians in punishment of Pharaoh's stubbornness (Exodus 13:15-16), went to the endowment-fund of the clergy. No law, however, stated that the first-born should be presented to the Temple. It seems, however, that after the Restoration parents usually took advantage of the mother's visit to the sanctuary to bring the child thither. This circumstance is recorded in St. Luke's Gospel, in reference to Christ (ii, 22-38). It might be noted here that St. Paul refers the **title primogenitus to Christ** (Hebrews 1:6), **the "first-born" of the Father.** The **Messianic sacrifice was the first-fruits of the Atonement offered to God for man's redemption.** It must be remembered, however, contrary to what is too often asserted and seems, indeed, intimated by the liturgical texts, that the "pair of turtle-doves, or two young pigeons" mentioned in this connexion, were offered for the purification of the mother, and not for the child. Nothing was especially prescribed with regard to the latter.

“As polygamy was, at least in early times, in vogue among the Israelites, precise regulations were enacted to define who, among the children, should enjoy the legal right of primogeniture, and who were to be redeemed. The right of primogeniture belonged to the first male child born in the family, either of wife or concubine; the first child of any woman having a legal status in the family (wife or concubine) was to be redeemed, provided that child were a boy.

our faith in the Lord. Perhaps this is why in the Pentateuch God requires from the Children of Israel the *sacrifice of the firstborn son*.³ Perhaps this is why from this sacrifice came the Levitical priesthood, which prefigured the priesthood of Christ. For even God himself so loved the world that He sacrificed his only begotten and firstborn son, Israel, so that the world through him might be saved.

This *sacrifice of the firstborn son* was prefigured in the patriarch Abraham's attempt to sacrifice of his firstborn son, Isaac, as the ultimate expression of faith. The sheer act of Abraham's attempted sacrifice of his firstborn son was an exemplification of the sort of faith that was pleasing to God. For this selfless act, Abraham was called the father of faith, a friend of God, and the father of many nations. His faith was accounted unto him as "righteousness," and through Abraham's seed, all nations of the world would be blessed. Similarly, the office of the priesthood became the ultimate offering up of one's life to holiness in service to the Hebrew Temple— originally, only the firstborn sons of the twelve Hebrew tribes were acceptable for this priestly office, until God restricted the priesthood to the firstborn sons from the tribe of Levi.⁴ Thereafter, following the example of these ancient Hebrews, the early Christians restricted the priesthood to men. Many

"As the first-born, so were the firstlings of the Egyptians smitten by the sword of the destroying angel, whereas those of the Hebrews were spared. As a token of recognition, God declared that all firstlings belonged to Him (Exodus 13:2; Numbers 3:3). They accordingly should be immolated. In case of clean animals, as a calf, a lamb, or a kid (Numbers 18:15-18), they were, when one year old, brought to the sanctuary and offered in sacrifice; the blood was sprinkled at the foot of the altar, the fat burned, and the flesh belonged to the priests. Unclean animals, however, which could not be immolated to the Lord, were redeemed with money. Exception was made in the case of the firstling of the ass, which was to be redeemed with a sheep (Exodus 34:20) or its own price (Josephus, Ant. Jud., IV, iv, 4), or else to be slain (Exodus 13:13; 34:20) and buried in the ground. Firstlings sacrificed in the temple should be without blemish; such as were "lame or blind, or in any part disfigured or feeble", were to be eaten unconditionally within the gates of the owner's home-city."

<http://www.newadvent.org/cathen/06081a.htm>

³ See, e.g., Richard Baxter, *A Christian Directory Or, a Sum of Practical Theology, And Cases of Conscience* (Part 2 Christian Economics)(reprinted in Columbia, S.C. on January 18, 2019), p 27 ("we find in Scripture not only single persons, but the societies of such, sanctified to God. Deut. vii. 6, 'Thou art an holy people unto the Lord thy God; he hath chosen thee to be a special people to himself above all people that are upon the face of the earth.' So Deut.xiv. 20, 21. So that body of that commonwealth did all jointly enter into covenant with God, and God to them, Deut. xxix.; xxx.; and xxvi. 17-19, 'Thou hast vouched the Lord this day to be thy God, and to walk in his ways; and the Lord hath vouched thee this day to be his peculiar people, that thou mayst be an holy people to the Lord.' So chap. Xxviii. 9; Dan. viii. 24; xii, 7. **Joshua, chap. xxiv. devoteth himself and his house to Lord; 'I and my house will serve the Lord.'** And Abraham by circumcision (the covenant, or seal of the covenant of God) consecrated his whole household to God; and so were all families after him to do (as **the males, in whom the whole was consecrated**). And whether besides the typifying intent, **there were not somewhat more in the sanctifying of all the first-born to God, who if they lived, were to be the heads of the families, may be questioned**).

⁴ Numbers 8:1-26.

of them reasoned that Christ himself was the “lamb...without blemish, a male” described in the story of the Passover.⁵ And so for the next nineteen centuries, the Christian priesthood, arguably the highest office in Africa and Europe, was restricted to men. But if the all-male priesthood restriction was sacred and mandatory in all things ecclesiastical, the secular vocations were likewise implicated: the most important and significant secular vocations, at once subject to the laws of nature, were also restricted to men. To be sure, within the Christian commonwealth, the secular was subjected to the sacred; because natural law was subordinate to divine law and eternal law.

Since the late nineteenth and early twentieth centuries, the “rights of women” to vote and work outside of the home have changed all of this! And not simply the secular laws of vocation and education have been turned upside down, but so too have the Sacred Scriptures been stretched, re-read, and reinterpreted in order accommodate the ordinations of women in many church denominations. The sacred position of man-- as father and priest-- based upon the *Mosaic theology of the firstborn*, has been all but decimated!

Today in the United States, with all of our American might and exceptionalism, we Americans no longer assume that certain jobs or positions should be held only by men, and others held only by women; and, most Christians balk at the idea that a woman not be allowed to serve a pastor, priest, elder and bishop. Not only that, this logic, which is today standard jurisprudence in the West, has upheld the post-modern idea that a man is not distinct from a woman; that women should endeavor to do everything that men have done; that anyone might convert, even with tacit church approval, from one sex to another; and that same-sex marriage is good, right, and the functional equivalent of traditional heterosexual marriage.⁶

⁵ Exodus 12:5.

⁶ Here, I recognize that my criticism of the modern ideas on human sexuality and same-sex marriage is deeply controversial, but keeping in mind, at all times, with what I believe to be the negative impact of these ideas upon the survival of the African American working classes, and upon vulnerable, underprivileged peoples of all races and nations, I must reject the notion of liberal political freedom without taking into account the age-old wisdom that espouses the sort of responsible, conservative restraint that is the wisdom of the priest, pastor, and father—i.e., sacred, life-saving justice. Nor is it the duty of African American Christians to blindly acquiesce to a secular political ideology that removes the only ladder of fatherhood and husbanding upon which African American peoples must climb in order eradicate the last vestiges of chattel slavery: the deterioration of gender relations within the African American community and the destruction of the African American family.

My criticism certainly reflects the on-going competition between two competing, overlapping value-systems within Anglo-American political discourse and jurisprudence. Indeed, this following conflict between these two value-systems are as follows: first, the **Anglo-American “secular” conceptualization of “political freedom”** is to stretch human activities to the outer boundaries of the human imagination; whereas the **Anglo-American “Christian” understanding of “political freedom”** is deeply rooted in a form of Thomism that combines “faith and reason,” and the Augustinian-Lutheran theology on the lack of free will that is outside of the truth of the Gospels. See, Table 1, below:

Table 1. Dichotomy in Anglo-American Political Discourse and Theory

<p style="text-align: center;">Secular Political Theory/ Anglo-American Liberalism (e.g., Whigs)</p>	<p style="text-align: center;">Christian Political Theology/ Anglo-American Conservatism (e.g., Tories)</p>
<p>Magna Carta of 1215; Petition of Rights of 1628; English Bill of Rights of 1689; Declaration of Independence of 1776; U.S.</p>	<p>God’s Divine Providence; Sacred Scriptures⁷; Magna Carta of 1215; Petition of Rights of 1628; English Bill of Rights of 1689;</p>

⁷ See, e.g., John Marshall Gest, “The Influence of Biblical Texts upon English Law,” An address delivered before the Phi Beta Kappa and Sigma xi Societies of the University of Pennsylvania on June 14, 1910 (“**The Old Testament was indeed considered as supplemented rather than supplanted by the New, but subject to this qualification, the Bible, although it consisted of not one book, but of many books, written at periods of time far removed from one another, and from different points of view, in divers tongues and in the literary forms peculiar to an ancient and Eastern civilization, was considered as the permanent expression of the divine will,** and almost every text as an inspired oracle for the guidance for all men in all countries and at all times. Interpretation and criticism were practically unknown; and the histories of the early Semitic tribes, their prophetic exhortations, their poetry, lyric and dramatic, and their laws were all received on the same basis; and a text of the Bible, wherever it might be found, and whatever might be its logical connection, was regarded as an infallible authority. **Indeed, in the fundamental laws of the Colonies of Massachusetts, Connecticut, New Haven and West New Jersey, the judges were commanded to inflict penalties according to the law of God. The study of the Scriptures was specifically associated with the study of law.** Chief Justice Fortescue, in his book *de Laudibus*, said of the judges, that after court ‘when they have taken their refreshments they spend the rest of the day in the study of the laws, reading the Holy Scriptures, and other innocent amusements, at their pleasure.’ All through the middle ages, and indeed for long after, men craved authority for all they thought, said and did. **The Bible was, of course, first, with the writings of the Fathers of the Church second;** but Aristotle, ‘The Philosopher,’ especially as his works were reconciled with Christianity through the writings of St. Thomas Aquinas, was followed with almost equal devotion; and many of the Latin poets and Cicero served in default of something better. Virgil was particularly esteemed, being regarded as almost a forerunner of Christianity; indeed St. Paul was supposed to have shed tears over Virgil’s tomb in his regret that he had never seen the greatest of the poets in life.”) **Indeed, under the classical and orthodox Christian worldview, the Sacred Scriptures must aid and supplement human reason and understanding.** The power of human reason and understanding is simply inadequate without divine intervention, i.e., the Sacred Scriptures. See, e.g., St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 77 (“Thus, since we are too weak by unaided reason to find out truth, and since, because of this, we need the authority of the holy writings, I had now begun to believe that you would not, under any circumstances, have given such eminent authority to those scriptures throughout all lands if it had not been that through them your will may be believed in and that you might be sought.... The authority of scripture seemed to me all the more

Constitution of 1787 ; Natural Law or the Laws of Nature	Declaration of Independence of 1776; U.S. Constitution of 1787 ; Natural Law or the Laws of Nature
Solon; Socrates; Plato; Aristotle; Cicero; Thomas Hobbes; John Locke; Jean Jacques Rousseau; Baron de Montesquieu; David Hume; Thomas Jefferson; American Founding Fathers, etc.	Socrates; Plato; Aristotle; Justin Martyr; St. Augustine; St. Thomas Aquinas; Richard Hooker; Martin Luther; John Calvin; Thomas Hobbes; John Locke; Sir Edward Coke; Roger Williams; John Wesley, etc.
Political Freedom; Individual Liberty	No act that is opposed to God’s Law is true “Freedom”; there is “No Free Will,” unless sanctioned and ordained by God’s Law; or, there is no “Free Will” outside of life in Christ.

Secular Anglo-American liberalism is reflected in the writings of American Founding Fathers such as Thomas Jefferson, who-- under the influence of Enlightenment thinkers such as David Hume-- incorrectly believed⁸ that **“Christianity neither is, nor ever was a part of the common law.”**⁹ As I have

revered and worthy of devout belief because, although it was visible for all to read, it reserved the full majesty of its secret wisdom within its spiritual profundity.”)

⁸ Thomas Jefferson’s view of the common law was typical of the viewpoint of American slaveholders, English Whigs, and the commercial interests of his day. They typically did not admit that the English common law was thoroughly “Christian” and had had the “Law of Christ” thoroughly sewn into it. And they were opposed to the English Tories, the Church of England, the Spiritual Lords in the House of Lords, the Anglican clergy, and Anglican jurisprudence. For instance, Lord Mansfield decided the famous case of *Somerset v. Stewart (1772) 98 ER 499*, in the favor of the captured African slave who had been taken to England, where there never had been any positive laws enacting slavery. The question thus arose, “Does the Common Law support slavery?” In keeping with Anglican traditions, Lord Mansfield held that English common-law tradition did not support the existence of slavery on England’s soil. Hence, the official position of the Church of England was that the laws of nature did not support chattel slavery—a viewpoint that the pro-slavery interests in British North America and West Indies emphatically disdained. Thus following the holding in *Somerset v. Stewart (1772)*, the Massachusetts colonial and state courts consistently held the same position: “On July 8, [1783] slavery was effectively abolished in Massachusetts, with the ruling by the Massachusetts Supreme Court in the *Commonwealth v. Jennison [(1783)]* case. A slave named Quock Walker sued his owner for his freedom. The court ruled that he was free and the Commonwealth brought suit for wrongful imprisonment of Walker by Jennison. The court used the Massachusetts Declaration of Rights, that state “all men are born free and equal”, as the basis for saying that slavery was abolished under the Massachusetts Constitution, which include the Declaration of Rights..... In the case the *Commonwealth v Aves [(1836)]*, the court ruled that any slave brought into state boundaries was legally freed.” New York, Vermont, Connecticut, and Rhode Island recognized the iniquity of slavery and its inconsistency with the Declaration of Independence. These states embarked upon a *programme of gradual emancipation* during the years 1777-1799, respectively. New Jersey adopted similar legislation on gradual emancipation in 1804. Historians note, however, that gradual emancipation of African Americans in the North during the 18th and early 19th centuries was fraught with difficulty: free blacks in the North were governed by customs or laws much similar to “black codes,” and they were subjected to dejure racial segregation or discrimination. In other words, during the late 18th and 19th centuries, the “Law of Christ,” as instilled in the English Common Law and acknowledged in the American Declaration of Independence, was still being worked out and resolved through the churches, legislative assemblies, and the hearts and minds of the American people.

⁹ **I have never fully disagreed with Thomas Jefferson’s reasoning on the important point that the Christian religion is not the only source of the English Common Law.** See, e.g., “Jefferson’s Letter to Dr. Thomas Cooper, May 10, 1804,” where Jefferson writes: “Justice Fortescue Aland, who possessed more Saxon learning than all the judges and writers before mentioned put together, places this subject on more limited ground. Speaking of the laws of the Saxon kings, he says, “the ten commandments were made part of their laws, and consequently were once part of the law of England; so that to break any of the ten commandments was then esteemed a breach of the common

painstakingly shown throughout this entire series, the “**Law of Christ**”¹⁰—
through the English ecclesiastical and chancery courts¹¹— **is the very essence**
of English common law¹² **and Anglo-American jurisprudence.**¹³ As liberal

law, of England; and why it is not so now, perhaps it may be difficult to give a good reason." Preface to Fortescue Aland's reports, xvii. Had he proposed to state with more minuteness how much of the scriptures had been made a part of the common law, he might have added that in the laws of Alfred, where he found the ten commandments, two or three other chapters of Exodus are copied almost verbatim. But the adoption of a part proves rather a rejection of the rest, as municipal law. We might as well say that the Newtonian system of philosophy is a part of the common law, as that the Christian religion is. **The truth is that Christianity and Newtonianism being reason and verity itself**, in the opinion of all but infidels and Cartesians, **they are protected under the wings of the common law** from the dominion of other sects, but not erected into dominion over them. An eminent Spanish physician affirmed that the lancet had slain more men than the sword. Doctor Sangrado, on the contrary, affirmed that with plentiful bleedings, and draughts of warm water, every disease was to be cured. The common law protects both opinions, but enacts neither into law." **In this same letter, Jefferson writes, "Christianity neither is, nor ever was a part of the common law"** According to Jefferson, the common law has pagan origins and is secular in nature. He argued that, over time, the Anglo-Saxon common law adopted Christian ideas and ideals, while drawing in received principles and truths from a variety of other non-Christian sources as well, **while enacting no particular religious sect into law.** However, early 19th-century American courts rejected Jefferson's broad and liberal view of the common law. Early 19th-century American courts uniformly held that **England's ecclesiastical courts** (which had jurisdiction over domestic relations, wills and probate, and administered the canon law of the Church) had played a significant role in shaping the English common law. For this reason, early American chancery courts were given jurisdiction over the same class of cases that were previously adjudicated in England's ecclesiastical courts. As justification for granting this jurisdiction, early 19th-century American tribunals concluded that England's ecclesiastical jurisprudence was part of both English and American common law.

¹⁰ The Law of Christ 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).

¹¹ The **English Court of Chancery, which administered equity**, (i.e., the court of equity or court of "conscience") was traditionally presided over by a senior bishop within the Church of England. This senior bishop was called "Lord Chancellor" and, in terms of prestige, power, and influence, the Lord Chancellor was second only to the Archbishop of Canterbury. England's equity jurisprudence was based upon the Roman civil law (i.e., the Code of Justinian) and the Roman Catholic canon law. England's equity jurisprudence was in essence the "Law of Christ" and, as such, it was superior to the English common law. Equity thus operated to correct injustices which the common law left unpunished or unrepaired.

¹² Thomas Jefferson's descriptive analysis of the history and development of the English Common Law during the days of the Saxon or Anglo-Saxon kingdoms, circa 450 A.D.-1066 A.D., in his famous letter to "Dr. Thomas Cooper" (August 10, 1814)" appears to be historically inaccurate. See, e.g., Edwin Maxey, "The Ecclesiastical Jurisdiction in England," *The Michigan Law Review Association*, Vol. 3, No. 5 (Mar. 1905), pp. 360-364 (stating that prior to the arrival of William the Conqueror in 1066 A.D., "[t]he bishops, with the assistance of archdeacons and deans, exercised their ecclesiastical jurisdiction through the ordinary gemotes of the hundred and shire. Neither had they developed any procedure that was distinctively their own - in England they used the common law procedure as on the continent they used the civil law procedure...."). See, also, Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner's Sons, 1957), p. 17, stating that during the seventh and eight centuries, A.D., in Anglo-Saxon England, "Anglo-Saxon kings and nobles endowed bishoprics and monasteries with land to save their souls; the nobles attached chaplains to their halls, soon to become the parsons of the parish. To the devout Anglo-Saxon, God was ever present, ready to reward and punish; the eternal life of the next world was surely more important than the brief tale of this.... Throughout the vital years of Anglo-Saxon rule the moral force and strength of the church, in diocese, parish, and monastery, was steadily extended. The churchmen stood, in an age of faith, as mediators between God and man; they alone controlled the means of salvation, the holy sacraments. The learned men of the age were almost all churchmen...." Professor Smith notes that [during the twelfth century, on the **hundred courts**] "a reeve, a priest, and four men attended...." *Ibid.*, 21. Lastly, Professor Smith notes that **the English common law took shape during the reign of King Henry II (1133-1189)**, stating: "By steps... Henry II made himself the most powerful king England had yet seen. His most desirable reforms were in the fields of judicial

Whig revolutionaries, the American Founding Fathers were, in fact, overzealous in their efforts to remove the Church of England's ecclesiastical jurisprudence and influence from the American legal and constitutional system.¹⁴ The "Law of Christ,"¹⁵ however, despite many of these American Founding Fathers' platitudes and disapprobation, was thoroughly sewn into the English common law and constitutional jurisprudence during several centuries prior to 1776.

To be clear, American Christian theology (Anglo-American conservatism) is not simply "Christian superstition", but it is a conservatism that is not only deeply-rooted in science and inductive reasoning that grows out from the human experience, but it is also firmly established in American common law and equity jurisprudence—the **Church of England's ecclesiastical jurisprudence became a part of American common law.**¹⁶ Theologically speaking, the law of God is

procedure. Under Henry the law became more comprehensive, equal, and reasonable. The story of many of Henry's achievements was told in a famous treatise on the laws and customs of England... probably written by Ranulf Glanville, Henry's justiciar.... Early in his reign Henry began to send out royal justices to the counties to investigate and report upon local conditions, to check upon the sheriffs, and to see that justice was done... In so doing he extended the authority of the king's courts and thus reduced the power of baronial jurisdictions. The royal or itinerant justices went down regularly to every county. Their presence in a county court turned it into a royal court. The travelling justices were 'the *curia regis* on the march.' They used the freeholders assembled in the county to help them in judicial, financial, and administrative business. Such a procedure was one of the many ways in which traditions of service and cooperation were developed, useful chapters in the background of the growth of local self-government. The itinerant justices not only brought surer justice to the counties; they also helped to spread a knowledge of the legal principles used the *curia regis* and its branches. In the long development of a reasoned system of law this slow process was important. The cumbersome and formal customary law that had grown up in the various local areas through Anglo-Saxon days varied from district to district. Although the feudal law brought by the Normans was similar throughout England it was concerned with the conditions of landholding and little else. As **the itinerant justices moved about England they began to make a national, common law for the whole kingdom, declaring the principles and practice of the central courts at Westminster and absorbing the best of the local law. The result, slowly achieved, was a uniform law for all England....** As common law hardened into fixed forms it did not always provide remedies or protect rights; it sometimes worked injustice. Then it was the right and duty of the king to intervene with his prerogative power to secure justice and to see that right was done. **Justice not allowed by the forms of the law could thus be obtained by royal interference. This was the beginning of the great system of law known as equity.**"

¹³ Therefore, I disagree with Thomas Jefferson: his descriptive analysis of the history and development of the English Common Law, in his famous letter to "Dr. Thomas Cooper" (August 10, 1814), is bizarre, incoherent, and incredible—he ignores the fact that "customary" law on the British isles did not become "common law" until the Christian kings, under the guidance of the Pope and Archbishops of Canterbury, organized Anglo-Saxon "customary law" into "common law," which William the Conqueror administered under the auspices of Roman civil law and canon law.

¹⁴ In fairness, Thomas Jefferson seemed to acknowledge the Christian faith to be a very credible source for common-law jurisprudence; and one might even interpret Jefferson to have believed only that the common law does not establish a particular Christian denomination and that it does not require a man to become a professed Christian, a Roman Catholic, an Anglican, or a member of any particular church.

¹⁵ The Law of Christ 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).

¹⁶ For example, **the regulation of the institution of marriage had always been a joint operation between the Church and the State;** the Church was in the superior position and determined the substance of domestic relations

law; while the State had always been in subordinate position to the Church, and that the State was simply assigned a subordinate task of enforcing this ecclesiastical-domestic relations law, through the chancery courts or family-law tribunals. **It was my understanding that “the institution of marriage” was clearly created by the Church over the course of two millennia, and that the secular governments of Europe and the United States functioned simply to enforce the terms and parameters of this institution, which the Church created.** See, e.g., “**The Adoption of the Common Law by the American Colonies,**” **The American Law Register (September 1882)** (“But through the jurisprudence of England, as administered through common-law forms, has been incorporated into the body of the American law without much dispute, **the remedies enforced in the ecclesiastical courts** were not so willingly accepted as within the jurisdiction of our purely secular courts, in a country **where matters ecclesiastical are left entirely to church judicatories independent of the state. If, however, all these matters which in England at the time of the settlement of the American colonies were solely cognizable in the courts ecclesiastical, are not within the jurisdiction of our courts, many most [sic] flagrant civil injuries would be without a remedy.** For in England, many matters purely civil in their nature are within the exclusive jurisdiction of the ecclesiastical courts. For example, all cases arising out of the contract of marriage, in consequence of the old view that this relation was of a purely religious character, were only cognizable in courts presided over by ecclesiastics. In America, where the contract of marriage is purely a civil contract, and where no ecclesiastical courts exist to take cognizance of such cases, breaches of marital rights would be remediless if the ordinary civil courts had not jurisdiction of such causes. In many of the states, statutory enactments incorporating in extensor the main provision of the English law, and designating the proper courts for the exercise of this jurisdiction, have removed all difficulty and confusion from the subject. **But apart from these statutes, it has been decided that our civil courts have jurisdiction of cases in which rights of person or property are involved, which in England are solely within the jurisdiction of the ecclesiastical courts.** [citing *Short v. Stotts*, 58 Ind. 29; *Crump v. Morgan*, 3 Ired. Eq. 91; *Wightman v. Wightman*, 4 Johns. Ch. 343; and *Williamson v. Williamson*, 1 Johns. Ch. 489]. See, e.g. *LeBarron v. LeBarron*, 35 Vt. 365 (“To enable us to determine this question, it becomes necessary to examine into the real source and extent of the jurisdiction of the court over this subject. **The legal power to annul marriages has been recognized as existing in England from a very early period, but its administration, instead of being committed to the common-law courts, was exercised by their spiritual or ecclesiastical courts. Under the administration of these courts for a long period of time, the principles and practice governing this head of their jurisdiction ripened into a settled course and body of jurisprudence,** like that of the courts of chancery and admiralty, and constituted with these systems a part of the general law of the realm, and in the broad and enlarged use of the term, a part of the common law of the land. **This country having been settled by colonies from England under the general authority of the government, and remaining for many years a part of its dominion, became and remained subject and entitled to the general laws of the government, and they became equally the laws of this country, except so far as they were inapplicable to the new relation and condition of things. This we understand to be well settled, both by judicial decision and the authority of eminent law writers.** But if this were not so, the adoption of the common law of England by the legislature of the state was an adoption of the whole body of the law of that country, aside from their parliamentary legislation, and included those principles of law administered by the courts of chancery and admiralty to our local situation and circumstances and not repugnant to our constitution and laws), as well as that portion of their laws administered by the ordinary and common tribunals. **As the jurisdiction in cases matrimonial in England was exclusively committed to the spiritual courts, and had never been exercised by the ordinary law courts, the same could not be exercised by the courts of law in this country until it was vested in them by the law-making power. As we have never had any ecclesiastical courts in this country who could execute this branch of the law, it was in abeyance until some tribunal was properly clothed with jurisdiction over it or vested in the legislature.** It was probably on this ground that the legislatures of the states proceeded in granting divorces as many of them did in former times. **When the legislature establish a tribunal to exercise this jurisdiction or invest it in any of the already established courts, such tribunal becomes entitled, and it is their duty to exercise it according to the general principles of the common law of the subject and the practice of the English courts so far as they are suited to our condition and the general spirit of our laws.”)**)

reflected in the “law of reason” or the “law of nature.” And all actions that contravene reason or nature— as St. Augustine and St. Thomas Aquinas teach us— are not true freedom or true liberty, but they are instead godless degeneracy and morbidity.

It is my observation that **the question of the all-male priesthood** is deeply rooted in this conservative ideal: that tampering with this exclusive sex-role within the church has had a profound impact upon our understanding of manhood outside of the church. It is also my observation that in the United States, *the deterioration of the traditional African American family structure during the past forty years is an exemplification of the profound impact of opening the priesthood to women—indeed, these two phenomena correlate and parallel each other.* Indeed, the priest is fundamentally a leader of families, and this is especially significant for the African American community: “[t]he black family is the primary unit of the Black Church. The historic Black Church was a gathering of families and extended families worshipping in a sanctuary they themselves erected, and buried in due course in the churchyard that was already hallowed by the memories of past generations it enshrined. There is a symbiosis between the black family and the church which makes for mutual reinforcement and creates for most black families their initial or primary identity.”¹⁷ See, e.g., **Appendix D**, “Orthodoxy and the African American Priesthood- ‘Cases of Conscience.’”

Conversely, where and when the pastoral ministry has been exclusively all-male, the traditional African American family structure has been most firmly established. I believe this to be a clear manifestation of the law of God in human nature. I would not be surprised to learn that in African American churches, where there is a clear understanding that a woman may not be ordained as a priest, pastor, or preacher, that the relations between the men and women within those congregations are less competitive and more congenial and peaceful; that men experience higher church attendance and brotherhood; and that no same-sex marriages ever been contemplated or performed. **I am also not surprised to learn that only in churches where women have been ordained as priests and pastors have same-sex marriages been allowed or performed and approved!**

In addition, it is also my impression that, in the United States today, we have accepted without careful consideration or thoughtful scientific inquiry or

¹⁷ C. Eric Lincoln and Lawrence H. Mamiya, *The Black Church in the African American Experience* (Durham, N.C.: Duke University Press, 1990), p. 402.

discussion, certain doctrines on human sexuality that may very well contravene the “law of reason” and the “law of nature.” Under these conditions, the Holy Bible and its traditional teachings on the all-male priesthood, the theology of the firstborn son, and traditional marriage have come under assault by post-modernity and secular materialism. The battleground is today raging inside of churches worldwide! And by my scorecard, the traditional, orthodox churches have lost considerable ground but are nevertheless holding firm:

See, below, Table 2, “Major U.S. Religious Traditions—Ordination of Women.”

The Major U.S. Religious Traditions That Ordain Women

YES <i>Group generally allows ordination of women</i>	NO <i>Group generally does not allow ordination of women</i>
American Baptist Church	Jewish Orthodox
Buddhist	Latter Day Saints (Mormon)
Episcopal Church	Missouri Synod Lutheran Church
Evangelical Lutheran Church in America	Muslim
Jewish: Reform and Conservative Movements	Orthodox Church In America
Presbyterian Church (USA)	Southern Baptist Convention
United Church of Christ	Roman Catholic Church
Unitarian Universalist	
United Methodist Church	
Pentecostal Church of God	
Assemblies of God	
African Methodist Episcopal	
Disciples of Christ	
Christian Science	

Source: Pew Research Center, Pentecostal Church of God, General Council of the Assemblies of God, New York Times, Disciples of Christ

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Today, orthodox Christians who are men and who adhere to the Mosaic theology of the firstborn son, in defense of their traditional viewpoint that women should not be ordained to the Christian priesthood or the pastoral ministry, are the remnant of the traditional church of the first century—and, like their brothers within the early church, they are susceptible to worldly, imperial persecution! It is the profound orthodox view of the apostolic, catholic, and holy faith:

-- that God is immortal¹⁸ and eternal¹⁹;

¹⁸ “You have told me already, lord, with a strong voice in my inner ear, that you are eternal and alone have immortality. You are not changed by any shape or motion, and your will is not altered by temporal process, because

- that God's immortality and eternity are immutable²⁰;
- that God is truth,²¹ and truth is law²²;
- that God's creation²³ is a reflection of truth²⁴;

no will that changes is immortal." St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 211.

¹⁹ "Your today is **eternity**. Therefore, you generated the coeternal one [i.e. Christ], to whom you said, 'This day I have begotten you.' You made all time and before all times you are, and there was never a time when there was no time. There was no time, therefore, when you had not made anything, because you had made time itself." St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 193. "Will you say that these things are false which truth tells me, with a loud voice in my inner ear, about the very **eternity of the creator**: that his essence is changed in no respect by time and that his will is not distinct from his essence? Thus, he does not will one thing now and another thing later, but he wills once and for all everything that he wills—not again and again; and not now this and now that. Nor does he will afterward what he did not will before, nor does he cease to will what he had willed before. Such a will would be mutable and no mutable thing is **eternal**. But **our god is eternal**." St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 214. "But your word, god, is a fountain of life eternal, and it does not pass away." St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 247.

²⁰ "Yet who is it that teaches us unless it be the truth **immutable**? For even when we are instructed by means of the mutable creation, we are thereby led to the truth **immutable**.... And therefore, unless the beginning remained immutable, there would then not be a place to which we might return when we had wandered away. But when we return from error, it is though our gaining knowledge that we return. In order for us to gain knowledge he teaches us, since he is the beginning, and speaks to us." St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 190. "For that is truly real which remains **immutable**. It is good, then, for me to hold fast to god, for if I do not remain in him, neither shall I abide in myself; but he, remaining in himself, renews all things." St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 101.

²¹ "For where I found **truth**, there I found my **god, who is the truth**." St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 166.

²² "Your **law is the truth** and you are **truth**." St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 48. "Commit to **truth** whatever you have received from **truth**, and you will lose nothing." St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 49.

²³ "Let us see, lord, '**the heavens, the work of your fingers**,' and clear away from our eyes the fog with which you have covered them. **In them is that testimony of yours which gives wisdom** even to the little ones." St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 239. "You have also told me, lord, with a strong voice in my inner ear, that you have created all natures and all substances, which are not what you are yourself; and yet they do exist. Only that which is nothing at all is not from you, and **that motion of the will away from you, who are, toward something that exists only in a lesser degree**—such a motion is an offense and a **sin**. No one's sin either hurts you or disturbs the order of your rule, either first or last." St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 211.

²⁴ "I should have more readily doubted that I am alive than that the **truth exists**—the **truth** which is 'clearly seen, being understood by the things that are made.' [Romans 1:20]." St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 101. "And I saw that all things harmonize, not only in their places but also in their seasons. And I saw that **you, who alone are eternal**, did not begin to work after unnumbered periods of time—because all ages, both those which are past and those which shall pass, neither go nor come except through your working and abiding." St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 103. "For when I inquired how it was that I could appreciate the beauty of bodies, both celestial and terrestrial; and what it was that supported me in making correct judgments about things mutable; and when I concluded, 'This ought to be thus; this ought not'—then when I inquired how it was that I could make such judgments (since I did, in fact, make them), I realized that I had found **the unchangeable and true eternity of truth** above my changeable mind." St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 104.

-- that God's Word, which is eternal²⁵, created creation and is itself truth²⁶;

-- that God's Word is Christ, and that Christ is himself unchangeable²⁷ truth²⁸; and,

-- that God's Word has proscribed homosexual conduct²⁹, but has ordained the subordination of women to their husbands³⁰, and of their husbands to Christ.³¹

²⁵ "But your **word**, god, is a fountain of life **eternal**, and it **does not pass away**." St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 247.

²⁶ "In this **beginning**, god, you have made heaven and earth—through your **word, your son**, your power, your wisdom, your truth: all wondrously speaking and wondrously creating. Who shall comprehend such things and who shall tell of it?" St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 190.

²⁷ "The preachers of your word pass away from this life into another, but your scripture is spread abroad over the people, even to the end of the world. Indeed, both heaven and earth shall pass away, but your words shall never pass away." St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 240; See, also., Matthew 5:17-18 ("Think not that I am come to destroy the law, or the prophets: I am not come to destroy, but to fulfil. For verily I say unto you. Till heaven and earth pass, one jot or one tittle shall in no wise pass from the law, till all be fulfilled.")

²⁸ "For by consulting the Gospel we learn that **Christ is Truth**." St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 645. "But I thought otherwise. I saw in our lord Christ only a man of eminent wisdom to whom no other man could be compared—especially because he was miraculously born of a virgin—sent to set us an example of despising worldly things for the attainment of immortality, and thus exhibiting his divine care for us. It was because of this, I held, that he had merited his great authority as leader. But concerning the mystery contained in '**the word was made flesh**,' I could not even form a notion. From what I learned from what had been handed down to us in the books about him—that he ate, drank, slept, walked, rejoiced in spirit, was sad, and discoursed with his fellows—I realized that his flesh alone was not bound to your word, but also that there was a bond with the human soul and body. Everyone knows this who knows the unchangeableness of your word, and this I knew by now, as far as I was able, and I had no doubts at all about it.... And this man I held to be superior to all others, not only because he was a form of the truth, but also because of the great excellence and perfection of his human nature, due to his participation in wisdom." St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), pp. 105-106.

²⁹ "Can it ever, at any time or place, be unrighteous for a man to love god with all his heart, with all his soul, and with all his mind; and his neighbor as himself? Similarly, **offenses against nature are everywhere and at all times to be held in detestation and should be punished. Such offenses, for example, were those of the Sodomites; and, even if all nations should commit them, they would all be judged guilty of the same crime by which the divine law, which has not made men so that they should ever abuse one another in that way.** For the fellowship that should be between god and us is violated whenever that nature of which he is the author is polluted by perverted lust. But these offenses against customary morality are to be avoided according to the variety of such customs. Thus, what is agreed upon by convention, and confirmed by custom or the law of any city or nation, may not be violated at the lawless pleasure of any, whether citizen or stranger. For any part that is not consistent with its whole is unseemly. Nevertheless, **when god commands anything contrary to the customs or compacts of any nation, even though it were never done by them before, it is to be done; and if it has been interrupted, it is to be restored; and if it has never been established, it is to be established.** For it is lawful for a king, in the state over which he reigns, to command that which neither he himself nor anyone before him had commanded. And if it cannot be held to be inimical to the public interest to obey him—and, in truth, it would be inimical if he were not obeyed, since obedience to princes is a general compact of human society—how much more, then, ought we unhesitatingly to obey god, the governor of all his creatures! For just as among the authorities in human society, the greater

Thus, the orthodox view of disallowing the ordination of women is deeply-rooted in the idea of God’s immutable, eternal law, which human motion or human volition is powerless to change, whereby human deviation downward to a lower degree is sheer offense and sin against God—of such to the orthodox Christian mind is the idea of same-sex marriage, homosexual conduct, and the ordination of female pastors!

In sheer defense of the Christian foundations of colonial New England, the 1637 trial of Ann Hutchinson (1591-1643) by Governor John Winthrop (1587-1649) correctly condemned her conduct, although reaching an unnecessarily harsh sentence! I too wanted Governor John Winthrop’s “city upon a hill” ideal for Black America when I was a college and law student during the late 1980s and early 1990s. In fact, I reasoned, too, that this “city upon a hill” for Black America—not unlike colonial New England—had to have some form of reasonable order, coordination, and separation of the sexes.³²

In fact, when I was a law student at the University of Illinois, my Christian thinking about gender was much like the thinking of Governor Winthrop, who believed in well-defined gender roles and who tried to balance the law of God

authority is obeyed before the lesser, so also must god be above all.” St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 36.

³⁰ In general, Anglo-American common law and statutory law acknowledge a sort of “natural law” that the husband is “natural head” of the family or the household, in that these secular laws place upon the husband the primary and sole responsibility for supporting the wife and children. This natural law is, of course, embraced and reflected in Christian theology. For instance, St. Augustine has written, “[w]e see the face of the earth, replete with earthly creatures and man, created in your image and likeness, in the very image and likeness of you—that is, having the power of reason and understanding—by virtue of which he has been set over all irrational creatures. And just as there is in his soul one element which controls by its power of reflection and another which has been made subject so that it should obey, so also, physically, **the woman was made for the man: for, although she had a like nature of rational intelligence in the mind, still in the sex of her body she should be similarly subject to the sex of her husband, as the appetite of action is subjected to the deliberation of the mind in order to conceive the rules of right action. These things we see, and each of them is good; and the whole is very good!.... Thus, you subordinated rational action to the higher excellence of intelligence, as the woman is subordinate to the man.... We see all these things, and they are very good**, because you see them thus in us—you who have given us your spirit, by which we may see them so and love you in them.” St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), pp. 258-259.

³¹ 1 Corinthians 11:3 (“But I would have you know, that the head of every man is Christ; and the head of the woman is the man; and the head of Christ is God.”)

³² See, e.g., **Appendix D**, “Orthodoxy and the African American Priesthood—‘Cases of Conscience.’”

with the demands of a modern-day society. I too believed that African American men had a stern duty to fairly assess their relationships with African American women and to balance the demands of holding together the traditional African American family against the rise of American materialism, secular feminism, and even a nihilistic humanism and apostasy from within the church.³³ And because of the damaging impact of chattel slavery and segregation upon African American fatherhood, men, and boys, I reasoned that there should be strict gender rules and roles for African American men and women, or else the African American family, household, and community structure could not survive.

My Christian theology of the ordination of women is copied largely from the texts, writings, sermons, and publications of the Coptic and Ethiopian churches upon this subject.³⁴ The Coptic and Ethiopian churches gave this part of the Bible, regarding female ordination, a very strict construction, much like Governor John Winthrop did in Colonial New England during the seventeenth century. It reflects the orthodox view of the Mosaic *theology of the firstborn son*. It relies on the example of Christ and his selection of the first twelve apostles, together with Apostolic and orthodox church tradition of selecting all-male priesthood, and as later expounded upon by the Protestant founders Martin Luther and John Calvin.³⁵ To be sure, the Puritans of colonial New England, as exemplified in the trial and banishment of Anne Hutchinson (1591-1543), embraced this orthodox view of gender roles and of carefully affixing the status of women in both the church and civil society, as serious matter of Christian theology, ecclesiastical law, constitutional law, public policy, and family government.

SUMMARY

³³ To preserve the traditional family in America—and especially within Black America— gender roles will need to be more clearly defined, both within the home or church and in the society at large. The failure to understand the need to formulate a clearly-defined gender policy— i.e., a gender policy that proscribes antisocial behavior among both men and women— has devastated the African American family structure in the United States. And since Black America does not exist as an island unto itself, it is not unlikely that its contagion will not be felt throughout America as a whole.

³⁴ See, e.g., **Appendix A**, “Protestant Reformers and the All-Male Priesthood”; **Appendix B**, “C.S. Lewis on Women Priests”; **Appendix C**, “Why Women Were Never Priests”; **Appendix D**, “Orthodoxy and the African American Priesthood—‘Cases of Conscience’”; and **Appendix E**, “Homosexuality and Ordination of Women” by H.H. Pope Shenouda III, Coptic Orthodox Church.”

³⁵ *Id.*

In seventeenth-century Colonial New England, the Mosaic law and the Law of Christ³⁶ served as the constitutional law of the colony. There was no room for exception: the Puritans had crossed the Atlantic Ocean under a solemn oath to live up to their covenant with God. If they strayed away from this covenant, God would turn away his grace from them, but if they adhered to God's law then they would be blessed. Therefore, the law of Christ had to be implemented and enforced throughout the colony, and the Massachusetts Bay Colony strictly construed and enforced the letter of the King James Bible as the law of the land. One of the fundamental tenets of Christian doctrine was the subordinate status of women. See, e.g., 1 Corinthians 11:3 ("But I would have you know, that the head of every man is Christ; and the head of the woman is the man; and the head of Christ is God."); and 1 Timothy 2:12 ("But I suffer not a woman to teach, nor to usurp authority over the man, but to be in silence.")

In colonial New England, Puritan women were generally allowed more latitude and freedom than in England, and when Anne Hutchinson (1591-1643), who attempted to stretch this freedom to its outer limits, she helped to spark the Antinomian controversy that swept the Massachusetts Bay Colony during the period 1636-37. Hutchinson had held meetings in which she taught the scripture to both men and women, and this act was considered unbiblical, lawless, and heretical. In addition, Hutchinson had taught that most of New England's ministers were following a "doctrine of works" that was similar to sacramental system of the Roman Catholics. As a consequence, she was brought up on charges and tried for heresy in 1637. Governor John Winthrop, who had given the iconic "City on a Hill" sermon in 1630, presided over the trial. In the end, Hutchinson would not relent or repent, and she was therefore banished from the colony. Like Rev. Roger Williams before her, who had been banished from the same colony in 1635, Anne Hutchinson is today known for her civil disobedience as a pioneer for religious freedom.

³⁶ Christian moral theology guided the development of English common law and equity was the central message of Jesus of Nazareth 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).

Part XXVIII. Anglican Church: “Puritanism and the Suppression of Female Clergy in Colonial New England: the Story of Anne Hutchinson (1591-1643)”

A. Governor John Winthrop (1587-1649) and the “City on the Hill” Sermon of 1630

In 1637, the governor of Massachusetts Bay Colony banished Anne Hutchinson and sentenced her to exile outside of this Christian colony because she had breached social protocol of appropriate behavior for women. In retrospect, we assume that the backwards, austere Puritanism of the seventeenth-century had led to this banishment. But was Governor John Winthrop really a sexist or misogynistic? Or was he simply trying to preserve the delicate balance of sexual and gender relations between males and females within colonial New England, in order to preserve community cohesion, family government and stability, and peace and prosperity? In other words, were well-defined gender roles, as well as strict laws, rule, and policies on enforcing those gender roles, necessary in Colonial New England?

First and foremost, we must recognize that Governor John Winthrop and the founders of the Massachusetts Bay Colony looked to the Mosaic Law as their constitutional law and as the supreme law of the land. In the Book of Deuteronomy, Moses had laid before the Children of Israel two options: a Blessing, if they following God’s law; or a Curse, if they disobeyed God’s law. Governor Winthrop, in what became known as his iconic “City on a Hill” sermon³⁷, given in 1630 in England, as a preparation for launching the new colony in America, invoked this Mosaic law of “Blessing and Curse” and forewarned the future colonists that in order for the Massachusetts Bay Colony to thrive, it must strictly adhere to the Bible or the Law of God. For is quite clear the “covenant-constitution” of the Massachusetts Bay Colony was extracted directly from the

³⁷ In Matthew 5:13-16, Jesus of Nazareth said:

Ye are the salt of the earth; but if the salt have lost his savour,
Wherewith shall it be salted? It is thenceforth good for nothing,
But to be cast out, and to be trodden under foot of men.
Ye are the light of the world, **A city that is set on an hill cannot be hid.**
Neither do men light a candle, and put it under a bushel, but on a
Bushel, but on a candlestick; and it giveth light unto all that are in the house.
Let your light so shine before men, that they may see your good works,
And glorify your Father which is in heaven.

Sacred Scriptures and was deeply-rooted in Puritan theology. As John Winthrop's "City on a Hill"³⁸ sermon stated:

Thus stands the cause between God and us. We are entered into covenant with Him for this work. We have taken out a commission. **The Lord hath given us leave to draw our own articles.** We have professed to enterprise these and those accounts, upon these and those ends. **We have hereupon besought Him of favor and blessing.** Now if the Lord shall please to hear us, and bring us in peace to the place we desire, then hath **He ratified this covenant and sealed our commission, and will expect a strict performance of the articles contained in it;** but if we shall neglect the observation of these articles which are the ends we have propounded, and, dissembling with our God, **shall fall to embrace this present world and prosecute our carnal intentions, seeking great things for ourselves and our posterity, the Lord will surely break out in wrath against us,** and be revenged of such a people, and make us know the price of the breach of such a covenant.

Now the only way to avoid this shipwreck, and to provide for our posterity, **is to follow the counsel of Micah, to do justly, to love mercy, to walk humbly with our God.** For this end, we must be knit together, in this work, as one man. We must entertain each other in brotherly affection. We must be willing to abridge ourselves of our superfluities, for the supply of others' necessities. We must uphold a familiar commerce together in all meekness, gentleness, patience and liberality. We must delight in each other; make others' conditions our own; rejoice together, mourn together, labor and suffer together, always having before our eyes our commission and community in the work, as members of the same body. **So shall we keep the unity of the spirit in the bond of peace. The Lord will be our God, and delight to dwell among us, as His own people, and will command a blessing upon us in all our ways, so that we shall see much more of His wisdom, power, goodness and truth, than formerly we have been acquainted with.** We shall find that the God of Israel is among us, when ten of us shall be able to resist a thousand of our enemies; when He shall make us a praise and glory that men

³⁸ See, e.g., Mathew 5:14, Jesus of Nazareth, stating: "'You are the light of the world. A city that is set on a hill cannot be hidden.'" . . .

shall say of succeeding plantations, "may the Lord make it like that of New England." For we must consider that we shall be as a city upon a hill. The eyes of all people are upon us.

So that **if we shall deal falsely with our God in this work we have undertaken, and so cause Him to withdraw His present help from us**, we shall be made a story and a by-word through the world. We shall open the mouths of enemies to speak evil of the ways of God, and all professors for God's sake. We shall shame the faces of many of God's worthy servants, and cause their prayers to be turned into curses upon us till we be consumed out of the good land whither we are going.

And to shut this discourse with that exhortation of Moses, that faithful servant of the Lord, in his last farewell to Israel, Deut. 30. "Beloved, there is now set before us life and death, good and evil," in that we are commanded this day to love the Lord our God, and to love one another, to walk in his ways and to keep his Commandments and his ordinance and his laws, and the articles of our Covenant with Him, that we may live and be multiplied, and that the Lord our God may bless us in the land whither we go to possess it. **But if our hearts shall turn away, so that we will not obey, but shall be seduced, and worship other Gods, our pleasure and profits, and serve them; it is propounded unto us this day, we shall surely perish out of the good land whither we pass over this vast sea to possess it.**

Therefore let us choose life,
that we and our seed may live,
by obeying His voice and cleaving to Him,
for He is our life and our prosperity.

Hence, Calvinist covenant theology laid the foundation of the Massachusetts Bay Colony, colonial New England, and, for that matter, English North America. Massachusetts' "Calvinist covenant-constitution" would continuously exert enormous influence upon American constitutional law and policy.³⁹ The Law of

³⁹ The influence of the Gospel upon American ideals, values, and constitutional law is remarkable. For example, "A City upon a Hill" is a phrase from the parable of Salt and Light in Jesus's Sermon on the Mount. In Matthew 5:14, Jesus of Nazareth tells his listeners, "You are the light of the world. A city that is set on a hill cannot be hidden."... .

"A Model of Christian Charity"

This scripture was cited at the end of Puritan John Winthrop's lecture or treatise, "A Model of Christian Charity" delivered on March 21, 1630 at Holyrood Church in Southampton before his first group of Massachusetts Bay colonists embarked on the ship Arbella to settle Boston.

In this speech, Gov. Winthrop warned his fellow Puritans that their new community would be "as a city upon a hill, the eyes of all people are upon us", meaning, if the Puritans failed to uphold their covenant with God, then their sins and errors would be exposed for all the world to see:

"So that if we shall deal falsely with our God in this work we have undertaken and so cause him to withdraw his present help from us, we shall be made a story and a byword through the world". Winthrop's lecture was forgotten for nearly two hundred years until the Massachusetts Historical Society published it in 1838. It remained an obscure reference for more than another century until Cold War era historians and political leaders made it relevant to their time, crediting Winthrop's text as the foundational document of the idea of American exceptionalism.

"CITY ON A HILL THEME IN AMERICAN POLITICS"

On 9 January 1961, President-Elect **John F. Kennedy** quoted the phrase during an address delivered to the General Court of Massachusetts:

... I have been guided by the standard John Winthrop set before his shipmates on the flagship Arabella (sic) three hundred and thirty-one years ago, as they, too, faced the task of building a new government on a perilous frontier. "We must always consider", he said, "that we shall be as a city upon a hill—the eyes of all people are upon us". Today the eyes of all people are truly upon us—and our governments, in every branch, at every level, national, state and local, must be as a city upon a hill—constructed and inhabited by men aware of their great trust and their great responsibilities. For we are setting out upon a voyage in 1961 no less hazardous than that undertaken by the Arabella (sic) in 1630. We are committing ourselves to tasks of statecraft no less awesome than that of governing the Massachusetts Bay Colony, beset as it was then by terror without and disorder within. History will not judge our endeavors—and a government cannot be selected—merely on the basis of color or creed or even party affiliation. Neither will competence and loyalty and stature, while essential to the utmost, suffice in times such as these. For of those to whom much is given, much is required ...

On November 3, 1980, **Ronald Reagan** referred to the same event and image in his Election Eve Address "A Vision for America"

I have quoted John Winthrop's words more than once on the campaign trail this year—for I believe that Americans in 1980 are every bit as committed to that vision of a shining "city on a hill," as were those long ago settlers ...
These visitors to that city on the Potomac do not come as white or black, red or yellow; they are not Jews or Christians; conservatives or liberals; or Democrats or Republicans. They are Americans awed by what has gone before, proud of what for them is still... a shining city on a hill.

and in his January 11, 1989, farewell speech to the nation:

I've spoken of the shining city all my political life, but I don't know if I ever quite communicated what I saw when I said it. But in my mind it was a tall, proud city built on rocks stronger than oceans, wind-swept, God-blessed, and teeming with people of all kinds living in harmony and peace; a city with free ports that hummed with commerce and creativity. And if there had to be city walls, the walls had doors and the doors were open to anyone with the will and the heart to get here. That's how I saw it, and see it still.

U.S. Senator **Barack Obama** also made reference to the topic in his commencement address on June 2, 2006 at the University of Massachusetts Boston:

It was right here, in the waters around us, where the American experiment began. As the earliest settlers arrived on the shores of Boston and Salem and Plymouth, they dreamed of building a City

Moses and the Law of Christ would continuously pollinate the common law in America, just as they had pollinated it in England. And a central component to that law was the law of domestic and family relations and traditional gender roles between men and women.

Hence, the Puritan fathers had determined that the Law of Moses and the Law of Christ would govern the Massachusetts Bay Colony as its supreme law. These laws strictly governed the separate and subordinate roles for women within that society—again, not to deprecate women, but rather to promote the general welfare of the community. Christ was the head of the husband, and the husband was the head of the wife. The husband was told to love his wife as Christ had loved the church and gave himself for it. At the same time, a woman was given wide latitude to do many things, but only for so long as she remained in a subordinate position to her husband. As Professor Laurel Thatcher Ulrich has written, New England women were given a considerable amount of latitude in expressing and asserting themselves, so long that they helped to maintain the delicate balance of gender differences that were necessary to promote family government.

For this reason, Professor Ulrich insists that the trial and banishment of a “high-society” woman like Anne Hutchinson should be placed into a proper context. Professor Ulrich writes:

American history textbooks often use the story of Anne Hutchinson's trial and banishment as evidence of patriarchal domination of women

upon a Hill. And the world watched, waiting to see if this improbable idea called America would succeed. More than half of you represent the very first member of your family to ever attend college. In the most diverse university in all of New England, I look out at a sea of faces that are African-American and Hispanic-American and Asian-American and Arab-American. I see students that have come here from over 100 different countries, believing like those first settlers that they too could find a home in this City on a Hill—that they too could find success in this unlikeliest of places.

In 2016, 2012 Republican presidential candidate **Mitt Romney** incorporated the idiom into a condemnation of Donald Trump's 2016 presidential campaign:

His domestic policies would lead to recession; his foreign policies would make America and the world less safe. He has neither the temperament nor the judgment to be president, and his personal qualities would mean that America would cease to be a shining city on a hill.

In 2017, former FBI Director **James Comey** used the phrase in testimony before the Senate Intelligence Committee: ...[W]e have this big, messy, wonderful country where we fight with each other all the time, but nobody tells us what to think, what to fight about, what to vote for, except other Americans, and that's wonderful and often painful. But we're talking about a foreign government that [...] tried to shape the way we think, we vote, we act. [...] [They]'re going to try to run it down and dirty it up as much as possible. That's what this is about. And they will be back, because we remain — as difficult as we can be with each other, we remain that shining city on the hill, and they don't like it.

in Puritan Massachusetts. They tell us that John Winthrop "ruled with an iron hand," that religion "endorsed female subjection," and that Hutchinson's judges "were almost as outraged by her 'masculine' behavior as by her heretical beliefs." **These short-hand accounts of a complex story inadvertently lose one of its most interesting dimensions--Hutchinson's ability to unsettle and potentially unseat the iron-handed governor.** It would be hard to find another time or place in American history where the theological speculations of a housewife could carry such political weight. Far from endorsing female subjection, the Puritan movement initially encouraged female assertiveness, not by overt questioning of social norms but by nurturing lay engagement in religious discourse.

English settlers were attempting to put the new wine of dissenting protestantism into the old bottle of patriarchal order. As childbearers, sexual partners, passionate believers, good housekeepers, and fragile sinners, Puritan women both challenged and defined the boundaries of appropriate behavior. Although some succumbed to doubt and despair, others used the demanding doctrines of reformation to refigure their lives. Speaking their minds they provoked a conservative leadership to limit the possibilities of religious and political expression....

Reading Winthrop's journal in the light of recent scholarship helps us to see seemingly fixed categories as contested terrain. According to law, women were civilly dead, subject to the authority of husbands and fathers. Yet the realities of daily life and the opportunities of a new world constantly undercut formal authority. Innocent gatherings of women became politically dangerous. Would-be rulers succumbed to the enticements of female dissenters. Wifhood became a model both for liberty and submission. **As freedom of conscience and patriarchal authority collided, John Winthrop struggled to assert control, winning political battles that left a lasting mark on Puritan institutions....**

Although Puritan jurisprudence did nothing to challenge male authority in the household, it did hold men accountable for sexual

transgression and it entertained complaints from the lowliest members of society.⁴⁰

Hence, in colonial New England, the burden of government included the unfortunate, unpleasant, and very delicate task of drawing the social barriers between men and women, so that neither breached social norms. Men could not abuse or beat their wives unmercifully; women could not perform the duties of a man or teach a man. All of this was expected, and reflected the will of God. The entire society was built upon this ideal of the “city upon a hill” whereby God’s chosen people were obedient to His will.

B. The Trial and Banishment of Anne Hutchinson (1591-1643)

The 1637 trial of Anne Marbury (Hutchinson) (1591-1643) is the story of a talented Puritan theologian who was banished from the Massachusetts Bay Colony because she threatened the male-dominated and Puritan social order. She was born and raised in Alford, Lincolnshire, England. Her father was a radical Puritan dissenter who had gone to jail for his beliefs; and her grandfather had been a personal friend of the great Desiderius Erasmus, who had engaged in the great debate with Martin Luther during the early 1500s. Anne has able to attain a good education because of her father’s position and connections. She married William Hutchinson, a prominent merchant; and would later bare fifteen children from him. She resided during her early adulthood in London, where she met the Reverend John Cotton and grew to admire his ministry. When Rev. Cotton fell out of favor with the Anglican high church command, he fled to Boston, Massachusetts in 1634. Thereafter, William and Anne Hutchinson followed him to Boston in 1635. In Boston, the Hutchinson’s were able to purchase one the large homes in the heart of Boston and they immediately became one the town’s leading families. Anne Hutchinson had met in conventicle meetings in London; in these meetings the Sacred Scriptures and various sermons were discussed. And so when she moved to Boston she began to organized at-home conventicle meetings. At first, only women attended, but later women and their husbands attended these meetings. Her meetings soon became wildly popular and the “talk of the town.”

Hutchinson's visits to women in childbirth led to discussions along the lines of the conventicles in England. She soon began hosting weekly meetings at her home for women who wanted to discuss Cotton's sermons and hear her explanations and elaborations. Her meetings for

⁴⁰ Laurel Thatcher Ulrich, “John Winthrop’s ‘City of Women,’” *Massachusetts Historical Review*, 3:19-338

women became so popular that she had to organise meetings for men, as well, and she was hosting 60 or more people per week. These gatherings brought women, as well as their husbands, "to enquire more seriously after the Lord Jesus Christ."

As the meetings continued, Hutchinson began offering her own religious views, stressing that only "an intuition of the Spirit" would lead to one's election by God, and not good works. Her theological interpretations began diverging from the more legalistic views found among the colony's ministers, and the attendance increased at her meetings and soon included Governor Vane. Her ideas that one's outward behaviour was not necessarily tied to the state of one's soul became attractive to those who might have been more attached to their professions than to their religious state, such as merchants and craftsmen. The colony's ministers became more aware of Hutchinson's meetings, and they contended that such "unauthorised" religious gatherings might confuse the faithful. Hutchinson responded to this with a verse from Titus, saying that "the elder women should instruct the younger."

Hutchinson's gatherings were seen as unorthodox by some of the colony's ministers, and differing religious opinions within the colony eventually became public debates. The resulting religious tension erupted into what has traditionally been called the Antinomian Controversy, but has more recently been labelled the Free Grace Controversy.⁴¹

This "Antinomian Controversy," essentially meant "against law" controversy, meaning that Hutchinson's methods and teachings were unorthodox and against Puritan teachings. From between 1635 and 1637, Anne Hutchinson and her brother-in-law, Rev. John Wheelwright continued to preach and teach that the Massachusetts clergymen had submitted to a "covenant of works," similar to the Roman Catholic's system of sacraments and indulgences. They charged that these ministers had gotten away from "holiness" and the "born-again" conversion experience of the truly elect and the saved. These accusations, of course, greatly offended the ministers of the colony—not to mention the fact that Hutchinson

⁴¹ https://en.wikipedia.org/wiki/Anne_Hutchinson

herself was a woman. There was, then, widespread outcry and the call for Hutchinson to cease conducting her private gatherings and to refrain criticizing the other clergymen within the colony and from espousing her theological doctrines and teachings. Anne Hutchinson refused and defended herself by relying on an argument in favor of religious liberty. In 1637, she was formally charged and brought to trial, with Gov. John Winthrop presiding:

The Examination of Mrs. Ann Hutchinson at the Court at Newtown.

Mr. Winthrop, governor. Mrs. Hutchinson, you are called here as one of those that have troubled the peace of the commonwealth and the churches here; you are known to be a woman that hath had a great share in the promoting and divulging of those opinions that are causes of this trouble, and . . . **you have spoken divers things as we have been informed very prejudicial to the honour of the churches and ministers thereof, and you have maintained a meeting and an assembly in your house that hath been condemned by the general assembly as a thing not tolerable nor comely in the sight of God nor fitting for your sex,** and notwithstanding that was cried down you have continued the same, therefore we have thought good to send for you to understand how things are, that if you be in an erroneous way we may reduce you that so you may become a profitable member here among us, otherwise if you be obstinate in your course that then the court may take such course that you may trouble us no further, therefore I would intreat you to express whether you do not hold and assent in practice to those opinions and factions that have been handled in court already, that is to say, whether you do not justify Mr. Wheelwright's sermon and the petition.

Mrs. Hutchinson. I am called here to answer before you but I hear no things laid to my charge.

Gov. I have told you some already and more I can tell you.

(Mrs. H.) Name one
Sir.

Gov. Have I not named some already?

Mrs. H. What have I said or done?

Gov. Why for your doings, this you did harbour and countenance those that are parties in this faction that you have heard of.

(Mrs H.) That's matter of conscience,
Sir.

Gov. Your conscience you must keep or it must be kept for you.

Mrs. H. Must not I then entertain the saints because I must keep my conscience.

Gov. Say that one brother should commit felony or treason and come to his other brother's house, if he knows him guilty and conceals him he is guilty of the same. It is his conscience to entertain him, but if his conscience comes into act in giving countenance and entertainment to him that hath broken the law he is guilty too. So if you do countenance those that are transgressors of the law you are in the same fact.

Mrs. H. What law do they transgress?

Gov. The law of God and of the state.

Mrs. H. In what particular?

Gov. Why in this among the rest, whereas the Lord doth say honour thy father and thy mother.

Mrs. H. Ey Sir in the Lord.

(Gov.) This honour you have broke in giving countenance to them.

Mrs. H. In entertaining those did I entertain them against any act (for there is the thing) or what God hath appointed?

Gov. You knew that Mr. Wheelwright did preach this sermon and those that countenance him in this do break a law.

Mrs. H. What law have I broken?

Gov. Why the fifth commandment.

Mrs. H. I deny that for he saith in the Lord. . . .

Gov. You have counselled them.

(Mrs. H.) Wherein?

Gov. Why in entertaining them.

Mrs. H. What breach of law is that Sir?

Gov. Why dishonouring of parents.

Mrs. H. But put the case Sir that I do fear the Lord and my parents, may not I entertain them that fear the Lord because my parents will not give me I leave?

Gov. **If they be the fathers** of the commonwealth, and they of another religion, **if you entertain them then you dishonour your parents** and are justly punishable.

Mrs. H. If I entertain them, as they have dishonoured their parents I do.

Gov. No but you by countenancing them above others put honor upon them.

Mrs. H. I may put honor upon them as the children of God and as they do honor the Lord.

Gov. We do not mean to **discourse with those of your sex** but only this; you do adhere unto them and do endeavour to set forward this faction and so you do dishonour us.

Mrs. H. I do acknowledge no such thing neither do I think that I ever put any dishonour upon you.

Gov. **Why do you keep such a meeting at your house as you do every week upon a set day?**

Mrs. H. **It is lawful for me so to do**, as it is all your practices and can you find a warrant for yourself and condemn me for the same thing? The ground of my taking it up was, when I first came to this land because I did not go to such meetings as those were, it was presently reported that I did not allow of such meetings but held them unlawful and therefore in that regard they said I was proud and did despise all ordinances, upon that a friend came unto me and told me of it and I to prevent such aspersions took it up, but it was in practice before I came therefore I was not the first.

Gov. For this, that you appeal to our practice you need no confutation. If your meeting had answered to the former it had not been offensive, **but I will say that there was no meeting of women alone, but your meeting is of another sort for there are sometimes men among you.**

Mrs. H. **There was never any man with us.**

Gov. Well, admit **there was no man at your meeting** and that you was sorry for it, there is no warrant for your doings, and by what warrant do you continue such a course?

Mrs. H. I conceive the elder women **should there lies a clear rule in Titus, that instruct the younger** [Titus 2:3-5] and then I must have a time wherein I must do it.

...

Gov. But **suppose that a hundred men come unto you** to be instructed will you forbear to instruct them?

Mrs. H. As far as I conceive I cross a rule in it.

Gov. Very well and do you not so here?

Mrs. H. No Sir for my ground is they are men.

Gov. Men and women all is one for that, but **suppose that a man should come and say Mrs. Hutchinson I hear that you are a woman that God hath given his grace**

unto and you have knowledge in the word of God I pray instruct me a little, ought you not to instruct this man?

Mrs. H. I think I may. -- Do you think it not lawful for me to teach women and why do you call me to teach the court?

Gov. We do not call you to teach the court but to lay open yourself. . . .

Gov. Your course is not to be suffered for, besides that **we find such a course as this to be greatly prejudicial to the state**, besides the occasion that it is to seduce many honest persons that aye called to those meetings and your opinions being known to be different from the word of God may seduce many simple souls that resort unto you, besides that the occasion which hath come of late hath come from none but such as have frequented your meetings, so that now they are flown off from magistrates and ministers and this since they have come to you, and **besides that it will not well stand with the commonwealth that families should be neglected for so many neighbours and dames and so much time spent, we see no rule of God for this**, we see not that any should have authority to set up any other exercises besides what authority hath already set up and so what hurt comes of this you will be guilty of and we for suffering you.

Mrs. H. Sir I do not believe that to be so.

Gov. Well, we see how it is we must therefore put it away from you, or restrain you from maintaining this course.

Mrs. H. If you have a rule for it from God's word you may.

Gov. We are your judges, and not you ours and we must compel you to it.

Mrs. H. If it please you by authority to put it down I will freely let you for I am subject to your authority. . . .

Mr. Dudley, Dep. Gov. Here hath been much spoken concerning Mrs. Hutchinson's meetings and among other answers she saith that men come not there, I would ask you this one question then, whether never any man was at your meeting?

Gov. There are two meetings kept at their house.

Dep. Gov. How; is there two meetings?

Mrs. H. Ey Sir, I shall I not equivocate, there is a meeting of men and women and there is a meeting only for women.

Dep. Gov. Are they both constant?

Mrs. H. No, but upon occasions they are deferred.

Mr. Endicot. Who teaches in the men's meetings none but men, do not women

sometimes?

Mrs. H. Never as I heard, not one.

Dep. Gov. I would go a little higher with Mrs. Hutchinson. About three years ago we were all in peace. Mrs. Hutchinson from that time she came hath made a disturbance, and some that came over with her in the ship did inform me what she was as soon as she was landed. I being then in place dealt with the pastor and teacher of Boston and desired them to enquire of her, and then I was satisfied that she held nothing different from us, but within half a year after, she had vented divers of her strange opinions and had made parties in the country, and at length it comes that Mr. Cotton and Mr. Vane were of her judgment, **but Mr. Cotton cleared himself that he was not of that mind, but now it appears by this woman's meeting that Mrs. Hutchinson hath so forestalled the minds of many by their resort to her meeting that now she hath a potent party in the country. Now if all these things have endangered us as from that foundation and if she in particular hath disparaged all our ministers in the land that they have preached a covenant of works, and only Mr. Cotton a covenant of grace, why this is not to be suffered, and therefore being driven to the foundation and it being found that Mrs. Hutchinson is she that hath depraved all the ministers and hath been the cause of what is fallen out, why we must take away the foundation and the building will fall.**

Mrs. H. I pray Sir prove it that I said they preached nothing but a covenant of works.

Dep. Gov. Nothing but a covenant of works, why a Jesuit may preach truth sometimes.

Mrs. H. Did I ever say they preached a covenant of works then?

Dep. Gov. If they do not preach a covenant of grace clearly, then they preach a covenant of works.

Mrs. H. No Sir, one may preach a covenant of grace more clearly than another, so I said. . . .

D. Gov. I will make it plain that you did say that the ministers did preach a covenant of works.

Mrs. H. I deny that. . . .

D. Gov. What do I do charging of you if you deny what is so fully proved.

Gov. Here are six undeniable ministers who say it is true and yet you deny that you did say that they did preach a covenant of works and that they were not able ministers of the gospel, and it appears plainly that you have spoken it, and whereas you say that it was drawn from you in a way of friendship, you did profess then that it was out of conscience that you spake and said The fear of man is a snare wherefore should I be afraid, I will speak plainly and freely.

Mrs. H. That I absolutely deny, for the first question was thus answered by me to them. They thought that I did conceive there was a difference between them and

Mr. Cotton. At the first I was somewhat reserved, then said Mr. Peters I pray answer the question directly as fully and as plainly as you desire we should tell you our minds. Mrs. Hutchinson we come for plain dealing and telling you our hearts. Then I said I would deal as plainly as I could, and whereas they say I said they were under a covenant of works and in the state of the apostles why these two speeches cross one another. I might say they might preach a covenant of works as did the apostles, but to preach a covenant of works and to be under a covenant of works is another business.

Dep. Gov. There have been six witnesses to prove this and yet you deny it.

Mrs. H. I deny that these were the first words that were spoken.

Gov. You make the case worse, for you clearly shew that the ground of your opening your mind was not to satisfy them but to satisfy your own conscience. . . .

Mrs. H. I acknowledge using the words of the apostle to the Corinthians unto him, that they that were ministers of the letter and not the spirit did preach a covenant of works. . . .

Gov. Let us state the case and then we may know what to do. That which is laid to Mrs. Hutchinson's charge is this, **that she hath traduced the magistrates and ministers of this jurisdiction, that she hath said the ministers preached a covenant of works** and Mr. Cotton a covenant of grace, and **that they were not able ministers of the gospel, and she excuses it that she made it a private conference and with a promise of secrecy, &c.** now this is charged upon her, and they therefore sent for her seeing she made it her table talk, and then she said the fear of man was a snare and therefore she would not be affeared of them. . . .

Mrs. H. If you please to give me leave I shall give you the ground of what I know to be true. Being much troubled to see the falseness of the constitution of the church of England, I had like to have turned separatist; whereupon I kept a day of solemn humiliation and pondering of the thing; this scripture was brought unto me -- he that denies Jesus Christ to be come in the flesh is antichrist³¹ -- This I considered of and in considering found that the papists did not deny him to be come in the flesh nor we did not deny him -- who then was antichrist? . . . The Lord knows that I could not open scripture; he must by his prophetic office open it unto me. . . . I bless the Lord, he hath let me see which was the clear ministry and which the wrong. Since that time I confess I have been more choice and he hath let me to distinguish between the voice of my beloved and the voice of Moses, the voice of John Baptist and the voice of antichrist, for all those voices are spoken of in scripture. **Now if you do condemn me for speaking what in my conscience I know to be truth I must commit myself unto the Lord.**

Mr. Nowell. How do you know that that was the spirit?

Mrs. H. How did Abraham know that it was God that bid him offer his son, being a breach of the sixth commandment?

Dep. Gov. By an immediate voice.

Mrs. H. So to me by an immediate revelation.

Dep. Gov. How! an immediate revelation.

Mrs. H. By the voice of his own spirit to my soul. I will give you another scripture, Jer. 46. 27, 28 -out of which the Lord shewed me what he would do for me and the rest of his servants. -- But after he was pleased to reveal himself to me . . . Ever since that time I have been confident of what he hath revealed unto me. . . Therefore I desire you to look to it, for you see this scripture fulfilled this day and therefore I desire you that as you tender the Lord and the church and commonwealth to consider and look what you do. You have power over my body but the Lord Jesus hath power over my body and soul, and assure yourselves thus much, you do as much as in you lies to put the Lord Jesus Christ from you, and if you go on in this course you begin you wil I bring a curse upon you and your posterity, and the mouth of the Lord hath spoken it. . . .

Gov. The court hath already declared themselves satisfied concerning the things you hear, and concerning **the troublesomeness of her spirit and the danger of her course amongst us**, which is not to be suffered. Therefore if it be the mind of the court that Mrs. Hutchinson for these things that appear before us is unfit for our society, and if it be the mind of the court **that she shall be banished out of our liberties and imprisoned till she be sent away**, let them hold up their hands. . . .

Gov. Mrs. Hutchinson, the sentence of the court you hear is that you are banished from out of our jurisdiction as being a woman not fit for our society, and are to be imprisoned till the court shall send you away.

Mrs. H. I desire to know wherefore I am banished?

Gov. Say no more, the court knows wherefore and is satisfied.

Source: Thomas Hutchinson, History of the Colony and Province of Massachusetts (Boston, 1767). *Some spelling has been modernized.

Anne Hutchinson refused to conform to orthodox Puritan doctrine and, like Roger Williams, who had been banished in 1635, both Hutchinson and her brother-in-law John Wheelwright were banished from the Massachusetts Bay Colony in 1637. This was very unfortunate! Although by today's standards, this banishment was inhumane, it also displays how important the Sacred Scriptures were to the lives of the early Puritans of Massachusetts Bay Colony. "To build its city upon a hill, to build a New Jerusalem, Massachusetts had always tried to cleanse itself of error and protect itself from contamination and infection. It had proscribed and

banished Anglicans, it had proscribed and banished Antinomians, it had proscribed and banished Baptists. It had proscribed and banished any individual who dared challenge its theology, moral code, or political dominion.”⁴²

Anne Hutchinson, her family, and other supporters were banished to the nearby Plymouth Colony; and, subsequently, upon threats from Massachusetts Bay Colony, they migrated down to the Dutch colony in what is present-day New York City. Tragically, Hutchinson and five of her children were murdered during an Indian War in 1643.

CONCLUSION

The story and trial of Anne Hutchinson memorializes American legal and constitutional history and clearly reveals how thoroughly the Sacred Scriptures were sown into the first colonial charters (e.g., the Massachusetts Bay Colony’s original charter), the English common law, American customs, folkways, and mores, and constitutional jurisprudence. The Church and the State were not then separate entities in the colonies Massachusetts, Plymouth, Connecticut or Virginia. For this reason, Anne Hutchinson was banished from the Massachusetts Bay Colony in 1637, because she disagreed with an important tenant of Calvinist-Puritan theology on justification and sanctification and on role of women in teaching the Gospel to adult men. Like Rev. Roger Williams before her, who had been banished from the same colony in 1635, Anne Hutchinson is today known for her civil disobedience as a pioneer for religious freedom.

THE END

⁴² John M. Barry, *Roger Williams and The Creation of the American Soul: Church, State, and the Birth of Liberty* (New York, N.Y.: Viking Press, 2012), pp. 373-374.

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APPENDIX A:

“The Protestant Reformers and the All-Male Priesthood”

by

Roderick O. Ford, Litt.D.

The Law of Moses set forth a theology of an all-male priesthood that grew out of a patriarchal worldview and a system of primogeniture, where the father's eldest son inherited a double portion of his father's estate and also retained the right of first refusal over the priesthood. A Hebrew patriarch was both priest and father. Therefore, in the Old Testament, “priest” and “father” (or “king”) had similar meanings and functions. Amongst the twelve tribes of Israel, not all fathers were priests, but all priests were, in essence, fathers. Hence, the patriarch Abraham was both priest and father; for indeed, as St. Paul teaches us, the Levitical (i.e. Aaronic) priesthood sprang from Abraham's loins. Four hundred years after Abraham received God's covenant, the Levitical priests of ancient Israel were taken from the eldest brother of the family within the tribe of Levi—the *firstborn son*. Even Moses' older brother Aaron was set apart for the Aaronic or Levitical priesthood.⁴³

Indeed, Israel became God's *firstborn son*: “And thou shalt say unto Pharaoh, Thus saith the LORD, Israel is my son, even my **firstborn**. And I say unto thee, **Let my son go**, that he may serve me: and If thou refuse to let him go, behold, I will slay thy son, even thy firstborn.” Exodus 4:22-23.⁴⁴ The Ancient Hebrew law of the firstborn (or firstborn son) was apparently derived from, or the

⁴³ Moses and Aaron belonged to the tribe of Levi.

⁴⁴ “Frequently employed in the Bible in the literal sense of offspring, “firstborn” acquired metaphorical applications over time. Two such New Testament uses, as a term for the church and as a title for Christ, are theologically significant. The firstborn son in patriarchal society was regarded as special (Gen 49:3 ; Exod 13:2). He became the head of the family upon his father's death, having received his father's blessing (Gen 27) and a double portion of the inheritance (Deut 21:17). **After the Passover event in Egypt, every firstborn male belonged to God. This implied priestly duties, an obligation later transferred to the Levites (Num 8:14-19)**. Of special significance is the divine claim that Israel was God's firstborn (Exod 4:22-23). This signified Israel's favored status among the nations to be in covenant relationship with God. But it also meant Israel had a priestly function to perform as God's saving light to Gentile peoples. In the Book of Hebrews the author appears to call Christians “firstborn ones” (prototokon) in virtue of their relationship to Christ, whom he has already called the “firstborn” (prototokon) in 1:6. Through him they have been “enrolled in heaven.” <https://www.biblestudytools.com/dictionary/firstborn/>

Passover, but Mosaic theology traces its roots to the first father of all living, who was Adam.⁴⁵

⁴⁵ See, e.g., article titled “**Hebrew Roots/ Holy Priesthood/ Firstborn Priesthood,**” https://en.wikibooks.org/wiki/Hebrew_Roots/Holy_Priesthood/The_Firstborn_Priesthood, stating (“The First-Born Son. Adam, the first to be called to fulfill the role of priesthood in the earth failed to fulfill God’s eternal purpose and bring forth a kingdom of priests. His personal failure to function in sanctification and consecration resulted in the loss of his dominion over the earth. Although his birthright was not withdrawn, he now lacked the authority to function in it, in his fallen state. Through the plan of redemption revealed to him of the sacrificial Lamb to come, he resumed a measure of delegated authority which was passed down through the firstborn sons of his posterity.

“As the ‘first man,’ he was Yahweh’s first-born son in the earth. Had he been faithful to his commission, he could have brought forth a race of firstborn sons, in the same likeness and image in which he was created as a son of the Almighty God.

“This was his commission to have dominion, and to fill the earth with his own kind. Genesis 1:26-28

“The role of priesthood, even after his fall from his original status, was passed down to every subsequent first-born son of his offspring, down through each of the patriarchs to Noah, to Shem (Melchizedek), to Abraham, Isaac and Jacob, and then to the nation of Israel. Each of these functioned in the inheritance of the first-born priesthood.

“Israel is the family that became a nation. From the patriarchal family that carried the lineage of the firstborn priesthood through Abraham, Isaac and Jacob, Israel was born as a nation of firstborn sons. Israel had this calling on a national level. They were to be the nation that showed forth the Father’s glory and taught His laws to the rest of the nations of the world.

“The First-Born Nation

With the nation of Israel, Yahweh declared, ‘Israel is My Son, My firstborn’ ::Exodus 4:22 This was the first nation/kingdom to come forth from a righteous seed in the earth (Abraham).

“As soon as they were delivered from Egypt, out of bondage and foreign dominion to Himself, Yahweh instructed, ‘Sanctify unto Me all the firstborn’, ... ‘all the firstborn of man among your sons you shall redeem’ Exodus 13: 2, 13; 22:29 Yahweh redeemed and sanctified them to Himself during the slaying of Egypt’s first-born which had been in lieu of theirs. Numbers 3;13; 8:17 They were purchased with the blood of the sacrificial lamb, as of a lamb without spot or blemish, a type of THE Lamb which was to come and redeem His people. Exodus 12

“These firstborn of every family, as patriarchal heads, were then the officiating priesthood until the time of the golden calf incident, when the tribe of Levi was appointed instead of them. Exodus 19:22,24

“Yahweh called them as a whole nation to be His first-born, His kingdom of priests on the earth, with each man of each family being a functioning priest. ‘Now therefore, if you will indeed obey My voice and keep My covenant, then you will be a special treasure to Me above all people, for all the earth is Mine, and you shall be to Me a kingdom of priests and a holy nation.’ Exodus 19: 5-6

“A Priestly Nation

“The name ‘Israel’ speaks of one who strives with Elohim, who overcomes by the power of Elohim, or who rules and reigns with Elohim. This was the original call of Adam, the firstborn among men. Israel is called to be a Kingdom of priests and a holy nation. They are the firstborn nation of Yahweh God. Their priesthood is a royal priesthood - people who overcome, people who rule and subdue. Exodus 19: 5-6

“Moses said to Pharaoh, ‘Thus says Yahweh, Israel is My son, My firstborn. So I said to you, ‘Let My Son go, that he may serve Me;’ but you have refused to let him go. Behold, I will kill your son, your firstborn’ (Exodus

4:23-24). This is what Yahweh did and led our forefathers to Sinai and gave them the Covenant. He basically said, 'IF you obey My voice IF you keep My covenant, then you will operate as priests in a firstborn, royal priesthood.'

"This was what Yahweh called them to be, a kingdom of priests, a nation of priests to reach the rest of the world. As we know, Israel as a nation also failed as did Adam, to enter into their role of first-born priesthood and keep His covenant, and the order of priesthood was changed from the Firstborn/Melchizedek order, to that of the Levitical - the tribe of Levi fulfilling the function as priests for the rest of the nation.

"They forfeited their priesthood when they were unfaithful to the covenant and went into idolatry worshipping the golden calf and because of this great sin, the covenant was broken and the privilege of being His firstborn priesthood, after the original order, was annulled.

"Because of the failure of the firstborn priesthood to reflect Yahweh's holy character and walk in the priestly calling, Yahweh chose the Levites who rose up and stood with Moses and Yahweh – 'all the sons of Levi gathered themselves together to him' (Exodus 32:26) and they went through the camp exercising their priestly function and judged the nation for their sin (Exodus 32:27-28). As a result Yahweh chose the tribe of Levi as His firstborn priesthood. So that, instead of them being a nation of priests, now one tribe exercised the priesthood for the nation.

"The Firstborn Service of the Levites

"'Again Yahweh spoke to Moses, saying, "Now, behold, I have taken the Levites from among the sons of Israel instead of every firstborn, the first issue of the womb among the sons of Israel. So the Levites shall be Mine. For all the firstborn are Mine; on the day that I struck down all the firstborn in the land of Egypt, I sanctified to Myself all the firstborn in Israel, from man to beast. They shall be Mine; I am Yahweh.'" Numbers 3:11; also verse 45

"Also a system of redemption was established in lieu of the firstborn being priests unto Him by the payment of five shekels for each firstborn son in a family who should have fulfilled the priestly role. Instead of moving forward into the new order of every man functioning as a priest and them being His firstborn nation, the Levites were established as a priestly tribe instead. See Numbers 3:40-51

"The Levites served as a replacement for the firstborn priesthood for a time. The ordained order of the firstborn was violated but not superseded, and this replacement for which they had to pay in redemption money, was a temporary substitute for a time.

"Yahweh still retained ownership of the firstborn. A redemption price had to be paid for them according to His principles/His Torah, but for a time the Levites were to serve in their place until the 'firstborn' (Israel) became sanctified and mature, and was able to walk in their Royal calling and accurately reflect the character of their Father. They needed to be redeemed and empowered to fulfill the calling.

"The Levites have an eternal priesthood, but their priesthood was never meant to be the preeminent priesthood. The Levitical priesthood is a subset of the royal priesthood.

"The Levitical priesthood also failed in time, became corrupt, and had to be judged. With the failure of the Levitical priesthood at the time of Eli, the Ark of the Covenant was taken captive and the function of the priesthood became an empty ritual without the presence of Yahweh in their midst until its restoration by David. 1 Samuel 4: 1-10, 22

"For a short period David superseded the Levitical order and established a form of worship with a Tabernacle pitched solely for the Ark of His Presence. The worshipers entered within the veil in type of the greater David who was to come and initiate an entrance into the very presence of God for us. David as a type of Messiah functioned as a Priest, Prophet and King, a royal, priest.

“For the rest of their history until Messiah came, the ministries of priest and king were separate, and the priesthood through the Levites came short of fulfilling Yahweh's ultimate purpose. Apart from some individual instances and for short periods, there was no corporate expression of the Firstborn priesthood in Israel functioning in His power and anointing.

“Y'shua [i.e., Jesus of Nazareth] came to the lost sheep of the House of Israel to redeem the nation from the bondage of corruption that they might fulfill their calling to become the Firstborn Son of the Father and walk in their spiritual calling and appointment. Matthew 15:24

“At the time Y'shua [i.e., Jesus of Nazareth] came, the priesthood was once again corrupt and estranged from Yahweh God.

“Y'shua [i.e., Jesus of Nazareth] the Firstborn Son and the Last Adam

“Y'shua [i.e., Jesus of Nazareth] was the firstborn of Yahweh's chosen handmaid, Miriam, fathered by the Spirit of God and He inherited the right of the firstborn priest. The Son of God, by entering a tabernacle of human flesh, became a descendant of Adam, a firstborn son of Miriam and a firstborn Son of God, an Israelite according to the flesh and thereby our kinsman.

"And the Word became flesh and dwelt (tabernacled) among us, and we beheld His glory, the glory as of the only begotten of the Father, full of grace and truth". John 1:14

“He did what the first (Adam) failed to do – ‘Subdue and have dominion (rule)’ when the enemy came to test Him. Although dominion over the earth was given to Adam potentially, he failed to actually take hold of and secure that dominion, by exercising and retaining it under contest. You only truly possess what you can maintain under testing. This failure caused him to lose it to Satan, who overpowered him.

“Y'shua [Jesus of Nazareth] came and dealt with sin in order to reconnect the original priesthood of the firstborn with the God of Israel and to reinstate the broken covenant. He came so that all Israel could be empowered to walk in the authority of the original calling and do what they were originally supposed to do - to be a kingdom of priests in the earth. (Exodus 19: 6)

“We read in 1 John 3:8, ‘The Son of God appeared for this purpose, to destroy the works of the devil.’ He appeared to destroy what the devil had done - subverting man’s dominion and upsetting Kingdom order.

“He fulfilled His commission as the firstborn in the royal priesthood, He became the first of a new order, an order of firstborn sons. He was the last of the old order (the last Adam) and the first of a new order - a second man. (1 Corinthians 15:45-47). He became the only begotten of the Father, the "firstborn of all creation", the prototype of Firstborn sons. Hebrews 1: 6; Colossians 1:15

“The New Order

“As a son of Adam and a Son of God, legally according to the Father's eternal principles - His laws (Torah), He took the authority back from the usurper on behalf of, and for, all the other sons that He would also bring into His glory as part of the 'firstborn' company.

“**The new order of 'man' which He established is that of sonship with the Father, the restoration of that which was lost in Adam.** In doing so, He has called out a people from the old fallen Adamic order to be an **"ekklesia", “called out ones,” of THE Firstborn.** This calling is a restoration of all things which were lost to Adam's race which the Father gave to him as an inheritance. **It is a restoration of man's original creation in the image and likeness of Yahweh God, as well as his position as a king/priest over the earth.**

“[Jesus of Nazareth] came to His own people and called them out of the systems of this world, out of the then established Aaronic/Levitical system and back into the Melchizedek/Davidic order, the original order which He

The Mosaic theology of the firstborn son thus rested upon the story of Abraham would become a father to many nations. Abraham's son Jacob (i.e., the father of twelve tribes of Ancient Israel), who had received his older brother Essau's birthright, would become set apart to fulfill the role of priesthood to all the nations. For this reason, "Israel" was called God's "firstborn son."

The feast of the Passover further developed this theology of the firstborn son. In the beginning, from the time of the first Passover, where God's final plague upon Egypt—the Death Angel—killed all of the firstborn sons of the families that did not have the blood of a lamb above the door, all of the Twelve Tribes of Israel would consecrate their firstborn sons for the priesthood, or for service to the Temple, in honor of the God of Israel.

When Moses went up to Mount Sinai to receive the Decalogue, eleven of the twelve tribes of Israel—except the Levites-- built and worshiped golden calf, out of slavish Egyptian habits. For this reason, from that point forward, God only selected priests out from the firstborn sons of the tribe of Levi. Hence, the Levitical priesthood was all-male and based upon the Mosaic theology of the first-born son.

established in Adam. He has gone within the veil as our High Priest, with the atonement for our sin and opened the way for us as priests of the Firstborn, to enter into the very presence of the Almighty and function as priests in this new order.

"We have entered into the spiritual counterpart of the functioning of the priesthood on Mount Zion which King David established, where the priests ministered continually in worship before the Ark of the Covenant in the literal Shekinah of the Holy One, with no veil dividing them from His Presence.

But you have come to Mount Zion and to the city of the living God, the heavenly Jerusalem, to an innumerable company of angels, to the general assembly (ecclesia) and church of the firstborn, who are registered in heaven and to Y'shua the mediator of the new covenant" Hebrews 12:22-24a (Mt.Zion was the place of David's Tabernacle)

"Our Mediator has opened up the way for us to come up to Mount Zion and worship Him in the "beauty of holiness", to behold Him in the sanctuary as a 'man' restored to the "image and likeness" of Yahweh God and bring in the holy incense before Him on behalf of the people. Psalm 29: 1-2; 96: 7-9

"He has restored our dominion over creation and over he who became the "god of this world".

"Let us rejoice and be glad and give Him glory" (Revelation 19: 7)."

Now during the time of Christ, this was the Jewish tradition and the Jewish law: only the firstborn sons from the tribe of Levi could be consecrated as priests.

The early church surmised whether Jesus of Nazareth chose his first twelve apostles in order to prefigure the twelve tribes of Israel in the Book of Revelation.⁴⁶ Each of Christ's twelve apostles has been described as representing one of the patriarchs of the twelve tribes of ancient Israel, and as such, the patriarchs of the early church—i.e., the Bishops of Alexandria, Antioch, Jerusalem, Constantinople, and Rome—were called priests and patriarchs, after the Mosaic or Levitical tradition. That the High Priest Melchizedek prefigured Christ, and was not part of the Levitical priesthood, did not break the early church's custom of setting aside and ordaining only men for the pastoral office. St. Paul was most learned in Jewish law and most influential in interpreting that law in light of Christ, and he concluded that God was head of Christ, who was head of man, who was head of woman—there could therefore be no role for women in pastoral positions, in which they presided over men, within the church.

This theology of the all-male priesthood, all-male presbyters, and all-male pastors, deacons, elders, and bishops was embraced by the Calvinists Puritans of England and New England during the seventeenth century. According to the Puritans, “the law of Christ” mandated that only men could be set apart for the priesthood or pastoral office. The Roman Catholic Church had established this rule as a matter of Sacred Tradition, but the Reformation's great leaders, who rejected Catholic Sacred Tradition—men such as Martin Luther and John Calvin—had determined that the Law of Christ, as determined through the doctrine of Sola Scriptura, has essentially led to the same conclusion: only men could be ordained to the pastoral office.

⁴⁶ Does the ancient Hebrew theology on the firstborn (or firstborn son) governs ordination the Christian pastors? Did Jesus' twelve apostles symbolize the Twelve Tribes of Israel; and, if so, did they symbolize the Jewish-Levitical priesthood? On this topic, Professor Sean Frayne of Trinity College writes: “One saying of Jesus, which Matthew and Luke report in different settings, supplies the key to the Twelve's importance. Peter asks what reward he and the others will have, and Jesus answers, “You who have followed me will also sit on twelve thrones, judging the twelve tribes of Israel” (Matt 19:28, also Luke 22:28-30). In other words, the Twelve had a symbolic role to play in Jesus' ministry to Israel, indicating that the long-awaited restoration of the tribes was about to occur in and through that ministry..... the Christians recalled the action of Jesus in choosing 12 founding members and associated them with Israel's tribal foundation story.” <https://www.bibleodyssey.org/en/people/related-articles/twelve-the>

Marin Luther believed in the “priesthood of all believers,” including women; but he did not believe that women could be lawfully be ordained as presbyters or priests. The Protestant Reformers did debate whether the Old Testament prophetesses, such as Deborah and Queen Esther, qualified women to perform as New Testament presbyters and priests; and they also discussed whether there were circumstances in which a woman, during an emergency, such as a time of war, or during a moment of imminent death of a person, might perform one of the priestly sacred rites, such as baptism.

But on the whole the first Protestant Reformers largely adopted in tact the Catholic rule against the ordination of women to the pastoral office. Traditionally, the Protestant founders accepted all orthodox or “catholic” dogma up until about 451 A.D., the year of the Council of Chalcedon; or, alternatively, up to around “the time of St. Augustine” (i.e., circa, 350-450 A.D.). The Protestant Reformers accepted the teachings of the universal church, as they had been passed down through the apostles, up to around this period:

The Church is not a democracy in which sacred tradition, doctrine, and discipline can be changed by consensus. The Church already has a consensus...the Apostolic Consensus. When it comes to the question of women priests, the consensus is clear.

Consider what these Church Fathers have to say about women and the priesthood.

St. Irenaeus, "Against Heresies" (1.31.2) wrote, *"After this he gave women mixed chalices and told them to give thanks in his presence. Then he took another chalice much larger than that on which the deceived woman gave thanks, and, pouring from the smaller... to the much later. . the larger chalice was filled from the smaller chalice and overflowed."*

Tertullian, in "The Prescription of Heretics" (41), says: *"How wanton are the women of these heretics! they dare to teach, . to dispute, to carry out exorcisms, to undertake cures, it may be even to baptize."*

In his work "On Veiling Virgins" (9.1), Tertullian wrote: *"It is not permissible for a woman to speak in church, nor may she teach, baptize, offer, or claim for herself any function proper to a man, and least of all the office of priest."*

Firmilian, in Epistle 75.1-5 to Cyprian, tells of a woman who went into an ecstasy (shamanism?) and came out a prophetess. *"That woman who first through marvels or deceptions of the demons did many things to deceive the faithful, among other things... she dared to do this, namely that by an impressive invocation she feigned she was sanctifying bread, and offering a sacrifice to the Lord."*

Origen, in his commentary on 1 Cor 14:34 tells of the four daughters of Philip; who prophesied, yet they did not speak in the Churches. *"We do not find that in the Acts of the Apostles... For it is shameful for a woman to speak in the church."*

St. Epiphanius, in "Against Heresies" (79.304) wrote:

"If women were ordained to be priests for God or to do anything canonical in the church, it should rather have been given to Mary... She was not even entrusted with baptizing... Although there is an order of deaconesses in the church, yet they are not appointed to function as priests, or for any administration of this kind, but so that provision may be made for the propriety of the female sex [at nude baptisms]. Whence comes the recent myth? Whence comes the pride of women or rather, the woman's insanity?"

In 49. 2-3 St. Epiphanius tells of the Cataphrygians, a heretical sect related to the Montanists. He wrote:

The Cataphrygians pretended that a woman named Quintillia or Priscilla had seen Christ visiting her in a dream at Pepuza, and sharing her bed. He took the appearance of a woman and was dressed in white."Among them women are bishops and priests and they say

nothing makes a difference' For in Christ Jesus there is neither male nor female... " [Gal. 3:28]

St. John Chrysostom, in his treatise "On the Priesthood" (2.2) points out that Jesus said, *"Feed my sheep" only to Peter. "Many of the subjects could easily do the things I have mentioned, not only men, but also women. But when there is question of the headship of the church... let the entire female sex retire."*

In the same treatise (3.9) St. John Chrysostom wrote: *"Divine law has excluded women from the sanctuary, but they try to thrust themselves into it."*

St. Augustine, "On Heresies" (27) speaks of the Pepuzians mentioned by St. Epiphanius. *"They give such principality to women that they even honor them with priesthood."*⁴⁷

In *On the Councils of the Church* (1539), for example, Martin Luther himself described one of the "essential marks" of the true church to be the power to call and ordain that the pastor, who should be a competent male person. Luther opined that included within that "essential mark" (i.e., the Law of Christ) was the all-male pastoral office. Luther explained:

It is, however, true that the Holy Spirit has excepted women, children, and incompetent people from this function, but chooses (except in emergencies) only competent males to fill this office, as one reads here and there in the epistles of St. Paul that a bishop must be pious, able to teach, and the husband of one wife – and in 1 Corinthians 14:34 he says, 'The women should keep silence in the churches'. In summary, it must be a competent and chosen man. Children, women, and other persons are not qualified for this office, even though they are able to hear God's word, to receive baptism, the sacrament, absolution, and are also true, holy Christians, as St. Peter says (1 Pet 3:7 – Luther's Works, American Edition 41:154, 155)....

⁴⁷ https://jandyongenesis.blogspot.com/2019/07/the-churchs-consensus-on-women-and.html?m=1&fbclid=IwAR1gQLnrJgvnyfoY_Mt4GIwpx55440OmfSTKlM800YPT5tHlYu5_vJnGpuU

[I]n the New Testament the Holy Spirit, speaking through St. Paul, ordained that women should be silent in the churches and assemblies (1 Cor 14:34), and said that this is the Lord's commandment. Yet he knew that previously Joel (2:28,29) had proclaimed that God would pour out his Spirit also on handmaidens. Furthermore, the four daughters of Philip prophesied (Acts 21:9). But in the congregations or churches where there is a ministry women are to be silent and not preach (1 Timothy 2:12). Otherwise they may pray, sing, praise, and say 'Amen', and read at home, teach each other, exhort, comfort and interpret the Scriptures as best they can (LW 40:390, 391)....

[In a sermon on Joel 2:28 ('I will pour out my Spirit...; your sons and your daughters shall prophecy') Luther comments:] The four daughters of Philip were prophetesses. A woman can do this – not preach in public, but console and teach – a woman can do this just as much as a man. There are certainly women and girls who are able to comfort others and teach true words, that is to say, who can explain Scripture and teach and console other people...this all counts as prophesying, not preaching (Sermon on Joel 2:28 (1531) Weimar Ausgabe [Weimar Edition] XXXIV, p 483).⁴⁸

John Calvin, too, reached the same conclusion as did Martin Luther, regarding the status of women and the priesthood. Calvin concluded that the Law of Christ did not permit that women should be ordained to the pastoral office. In his influential and landmark publication, *Institutes of the Christian Religion*, he wrote:

What the custom was before Augustine's day is gathered, first, from Tertullian, who says that a woman is not permitted to speak in the Church, nor yet to teach, or baptize, or offer [Holy Communion], that she may not claim to herself any office of the man, not to say of the priest. (Tertull. Cont. Haeres. Lib.1) Of the same thing we have a

⁴⁸ Greg Lockwood, "Martin Luther on Women Pastors," <https://thetruthinlove.net/martin-luther-on-women-pastors/> (stating: "Luther addresses the issue in a similar vein in a number of other places: 'Lectures on 1 Timothy' (Luther's Works 28:276,77); 'Sermons on the First Epistle of Peter (LW 30:54,55, 88); 'The misuse of the mass' (LW 36:151,52). There can be no doubt concerning his firm adherence to the apostolic teaching of 1 Corinthians 14:34. For Luther, God's will regarding women's ordination is made crystal clear in the Scriptures. If it was so clear to him and to the Christian church through nearly two millennia, we may well ask: Why is it now widely claimed that these passages are unclear?")

sufficient Witness in Epiphanius, when he upbraids Martan with giving permission to women to baptize.

I am not unaware of the answer given by those who take an opposite view, viz., that common use is very different from an extraordinary remedy used under the pressure of extreme necessity, but since he declares it mockery to allow women to baptize, and makes no exception, it is sufficiently plain that the corruption is condemned as inexcusable on any pretext. In his Third Book, also, when he says that it was not even permitted to the holy mother of Christ, he makes no reservation.⁴⁹

Therefore, it is easy to see how the Calvinists and Puritans of the seventeenth century limited the roles of women within the church and, for that matter, in society as a whole. The Puritans of colonial New England relied examples of Christ in the New Testament as well as upon the Mosaic doctrine of the theology of the firstborn, primogeniture, and the Levitical priesthood to establish their social customs and laws, including the policy of separating men from women with respect to performing certain roles within the church. Women were not allowed to teach men; they could not perform the two sacraments of baptism and Holy Communion; and they could not be ordained as pastors. This restriction, they reasoned, was mandated by both the Law of Christ and the Law of Moses—the Christian worldview required this hierarchy, and any violation of this order was a breach of the divine covenant between God and man.

THE END

⁴⁹ John Calvin, *The Institutes of the Christian Religion: The Four Books—Complete and Unabridged* (Print-on-Demand Publication if Columbia, S.C. on April 1, 2018 by Pantianos Classics Publication)(original English translation published in London, England in 1581), pp. 470-471.

APPENDIX B.

“C.S. Lewis on Women Priests”

“I should like Balls infinitely better', said Caroline Bingley, 'if they were carried on in a different manner... It would surely be much more rational if conversation instead of dancing made the order of the day.' 'Much more rational, I dare say,' replied her brother, 'but it would not be near so much like a Ball.' We are told that the lady was silenced: yet it could be maintained that Jane Austin has not allowed Bingley to put forward the full strength of his position. He ought to have replied with a *distinguo*. In one sense conversation is more rational for conversation may exercise the reason alone, dancing does not. But there is nothing irrational in exercising other powers than our reason. On certain occasions and for certain purposes the real irrationality is with those who will not do so. The man who would try to break a horse or write a poem or beget a child by pure syllogizing would be an irrational man; though at the same time syllogizing is in itself a more rational activity than the activities demanded by these achievements. It is rational not to reason, or not to limit oneself to reason, in the wrong place; and the more rational a man is the better he knows this.

“These remarks are not intended as a contribution to the criticism of *Pride and Prejudice*. They came into my head when I heard that the Church of England was being advised to declare women capable of Priests' Orders. I am, indeed, informed that such a proposal is very unlikely to be seriously considered by the authorities. To take such a revolutionary step at the present moment, to cut ourselves off from the Christian past and to widen the divisions between ourselves and other Churches by establishing an order of priestesses in our midst, would be an almost wanton degree of imprudence. And the Church of England herself would be torn in shreds by the operation. My concern with the proposal is of a more theoretical kind. The question involves something even deeper than a revolution in order.

“I have every respect for those who wish women to be priestesses. I think they are sincere and pious and sensible people. Indeed, in a way they are too sensible. That is where my dissent from them resembles Bingley's dissent from his

sister. I am tempted to say that the proposed arrangement would make us much more rational 'but not near so much like a Church'.

“For at first sight all the rationality (in Caroline Bingley's sense) is on the side of the innovators. We are short of priests. We have discovered in one profession after another that women can do very well all sorts of things which were once supposed to be in the power of men alone. No one among those who dislike the proposal is maintaining that women are less capable than men of piety, zeal, learning and whatever else seems necessary for the pastoral office. What, then, except prejudice begotten by tradition, forbids us to draw on the huge reserves which could pour into the priesthood if women were here, as in so many other professions, put on the same footing as men? And against this flood of common sense, the opposers (many of them women) can produce at first nothing but an inarticulate distaste, a sense of discomfort which they themselves find it hard to analyse.

“That this reaction does not spring from any contempt for women is, I think, plain from history. The Middle Ages carried their reverence for one Woman to the point at which the charge could be plausibly made that the Blessed Virgin became in their eyes almost 'a fourth Person of the Trinity.' But never, so far as I know, in all those ages was anything remotely resembling a sacerdotal office attributed to her. All salvation depends on the decision which she made in the words *Ecce ancilla* [Behold the handmaid of the Lord]; she is united in nine months' inconceivable intimacy with the eternal Word; she stands at the foot of the cross. But she is absent both from the Last Supper and from the descent of the Spirit at Pentecost. Such is the record of Scripture. Nor can you daff it aside by saying that local and temporary conditions condemned women to silence and private life. There were female preachers. One man had four daughters who all 'prophesied', i.e. preached. There were prophetesses even in the Old Testament times. Prophetesses, not priestesses.

“At this point the common sensible reformer is apt to ask why, if women can preach, they cannot do all the rest of a priest's work. This question deepens the discomfort of my side. We begin to feel that what really divides us from our opponents is a difference between the meaning which they and we give to the word 'priest'. The more we speak (and truly speak) about the competence of women in

administration, their tact and sympathy as advisers, their national talent for 'visiting', the more we feel that the central thing is being forgotten. To us a priest is primarily a representative, a double representative, who represents us to God and God to us. Our very eyes teach us this in church. Sometimes the priest turns his back on us and faces the East - he speaks to God for us: sometimes he faces us and speaks to us for God. We have no objection to a woman doing the first: the whole difficulty is the second. But why? Why should a woman not in this sense represent God? Certainly not because she is necessarily, or even probably, less holy or less charitable or stupider than a man. In that sense she may be as 'God-like' as a man; and a given woman much more so than a given man. The sense in which she cannot represent God will perhaps be plainer if we look at the thing the other way round.

“Suppose the reformer stops saying that a good woman may be like God and begins saying that God is like a good woman. Suppose he says that we might just as well pray to 'Our Mother which art in heaven' as to 'Our Father'. Suppose he suggests that the Incarnation might just as well have taken a female as a male form, and the Second Person of the Trinity be as well called the Daughter as the Son. Suppose, finally, that the mystical marriage were reversed, that the Church were the Bridegroom and Christ the Bride. All this, as it seems to me, is involved in the claim that a woman can represent God as a priest does.

“Now it is surely the case that if all these supposals were ever carried into effect we should be embarked on a different religion. Goddesses have, of course, been worshipped: many religions have priestesses. But they are religions quite different in character from Christianity. Common sense, disregarding the discomfort, or even the horror, which the idea of turning all our theological language into the feminine gender arouses in most Christians, will ask 'Why not? Since God is in fact not a biological being and has no sex, what can it matter whether we say He or She, Father or Mother, Son or Daughter?'

“But Christians think that God Himself has taught us how to speak of Him. To say that it does not matter is to say either that all the masculine imagery is not inspired, is merely human in origin, or else that, though inspired, it is quite arbitrary and unessential. And this is surely intolerable: or, if tolerable, it is an argument not in favour of Christian priestesses but against Christianity. It is also

surely based on a shallow view of imagery. Without drawing upon religion, we know from our poetical experience that image and apprehension cleave closer together than common sense is here prepared to admit; that a child who has been taught to pray to a Mother in Heaven would have a religious life radically different from that of a Christian child. And as image and apprehension are in an organic unity, so, for a Christian, are human body and human soul.

“The innovators are really implying that sex is something superficial, irrelevant to the spiritual life. To say that men and women are equally eligible for a certain profession is to say that for the purposes of that profession their sex is irrelevant. We are, within that context, treating both as neuters. As the State grows more like a hive or an ant-hill it needs an increasing number of workers who can be treated as neuters. This may be inevitable for our secular life. But in our Christian life we must return to reality. There we are not homogeneous units, but different and complimentary organs of a mystical body. Lady Nunburnholme has claimed that the equality of men and women is a Christian principle. I do not remember the text in scripture nor the Fathers, nor Hooker, nor the Prayer Book which asserts it; but that is not here my point. The point is that unless 'equal' means 'interchangeable', equality makes nothing of the priesthood for women. And the kind of equality which implies that the equals are interchangeable (like counters or identical machines) is, among humans, a legal fiction. It may be a useful legal fiction. But in church we turn our back on fictions. One of the ends for which sex was created was to symbolize to us the hidden things of God. One of the functions of human marriage is to express the nature of the union between Christ and the Church. We have no authority to take the living and sensitive figures which God painted on the canvas of our nature and shift them about as if they were mere geometrical figures.

“This is what common sense will call 'mystical'. Exactly. The Church claims to be the bearer of a revelation. If that claim is false then we want not to make priestesses but to abolish priests. If it is true, then we should expect to find in the Church an element which unbelievers will call irrational and which believers will call supra-natural. There ought to be something in it opaque to our reason though not contrary to it - as the facts of sex and sense on the natural level are opaque. And that is the real issue. The Church of England can remain a church only if she retains this opaque element. If we abandon that, if we retain only what can be

justified by standards of prudence and convenience at the bar of enlightened common sense, then we exchange revelation for the old wraith Natural Religion.

“It is painful, being a man, to have to assert the privilege, or the burden, which Christianity lays upon my own sex. I am crushingly aware how inadequate most of us are, in our actual and historical individualities, to fill the place prepared for us. But it is an old saying in the army that you salute the uniform not the wearer. Only one wearing the masculine uniform can (provisionally, and till the Parousia) represent the Lord to the Church: for we are all, corporately and individually, feminine to Him. We men may often make very bad priests. That is because we are insufficiently masculine. It is no cure to call in those who are not masculine at all. A given man may make a very bad husband; you cannot mend matters by trying to reverse roles. He may make a bad male partner in a dance. The cure for that is that men should more diligently attend dancing classes; not that the ballroom should henceforth ignore distinctions of sex and treat all dancers as neuter. That would, of course be eminently sensible, civilized, and enlightened, but, once more, 'not near so much like a Ball'.

“And this parallel between the Church and the ball is not so fanciful as some would think. The Church ought to be more like a Ball than it is like a factory or a political party. Or, to speak more strictly, they are at the circumference and the Church at the Centre and the Ball comes in between. The factory and the political party are artificial creations - 'a breath can make them as a breath has made'. In them we are not dealing with human beings in their concrete entirety - only with 'hands' or voters. I am not of course using 'artificial' in any derogatory sense. Such artifices are necessary: but because they are artifices we are free to shuffle, scrap and experiment as we please. But the Ball exists to stylize something which is natural and which concerns human beings in their entirety - namely courtship. We cannot shuffle or tamper so much. With the Church, we are farther in: for there we are dealing with male and female not merely as facts of nature but as the live and awful shadows of realities utterly beyond our control and largely beyond our direct knowledge. Or rather, we are not dealing with them but (as we shall soon learn if we meddle) they are dealing with us.”

APPENDIX C.

“Why Women Were Never Priests” by Alice C. Linsley

“In the Episcopal Church USA, the innovation of women priests has caused great confusion and division. This has spread throughout the whole Anglican Communion. This innovation is contrary to the binary pattern of Holy Scripture whereby the "blood work" of women and of men is distinct and never confused. A female standing as a priest at the altar is as confusing as a male image intended to represent the Virgin Mary.

“If the priest is an icon of Jesus Christ, then the priesthood is a Christological matter, and as such, it necessarily touches on soteriology. It cannot be a matter of secondary importance. Anglicans, even bishops, have no authority to change the received tradition concerning Jesus Christ, our Priest who offered Himself as the perfect sacrifice for the salvation of the world.

“C.S. Lewis is correct that when it comes to received Tradition, ‘We cannot shuffle or tamper so much. With the Church, we are farther in: for there we are dealing with male and female not merely as facts of nature but as the live and awful shadows of realities utterly beyond our control and largely beyond our direct knowledge. Or rather, we are not dealing with them but (as we shall soon learn if we meddle) they are dealing with us.’

“... The priesthood originated among Abraham's Proto-Saharan ancestors and from the beginning was a sign pointing to the one true Form of Priest, Jesus Christ. Every priest, either living before Christ or after Christ’s appearing, stands as a sign pointing to Him and receives the priesthood from Him.

“The priesthood is a unique office and it is impossible to change it in any essential way. All attempts to change the priesthood, such as developed out of Protestantism or the ordination of women "priests", corrupt the sign so that it no longer points to the Jesus the true Priest, who is the fulfillment of the Horite expectation of the Divine Seed (Gen. 3:15). The Church has no authority to change the ontological pattern since the priesthood existed before the Church. The priesthood was not established by the Apostles, nor even by Jesus Christ Himself,

but is an historical reality with a point of origin among Abraham's Kushite ruler-priest ancestors (Horites/Horim).

“The first ruler-priest mentioned in the Bible is Melchizedek who lived during the time of Abraham. It is clear from Genesis 14 that Melchizedek and Abraham were well acquainted. Both belonged to the Horite ruler-priest caste which practiced endogamy. In other words, Abraham and Melchizedek were kinsmen. It is likely that Melchizedek was the brother-in-law of Joktan, Abraham's father-in-law.

“The author of Hebrews tells us that Melchizedek points to Jesus as the true Priest: ‘This hope we have as an anchor of the soul, both sure and steadfast, and which enters the Presence behind the veil, where the forerunner has entered for us, even Jesus, having become High Priest forever according to the order of Melchizedek.’ (Hebrews 6:13-20)

“Melchizedek represents the Messianic priesthood, but he does not represent the beginning of the priesthood. Cain and Abel acted as priests when they offered sacrifices in Genesis. This means that the priesthood was not established by the Apostles, it existed long before them. According to Saint John Chrysostom, a Church Father, the priesthood “is ranked among heavenly ordinances. And this is only right, for no man, no angel, no archangel, no other created power, but the Paraclete himself ordained this succession...”

“If the Apostles are not the source of the Christian priesthood, what is the source? It can only be the eternal Christ, who is the eternal Form/Priest. Through Jesus Christ the eternal truth signified by the Priesthood comes into focus. He alone is Priest, fulfilling atonement through His own shed blood. The Priesthood therefore, is necessarily tied to the Blood of Jesus Christ. Where people deny the saving nature of Jesus' Blood there can be no true Priesthood. Any priest who denies the necessity of repentance and trust in Jesus' Blood as the means of forgiveness, is a false priest.

“What can we say about the Priesthood?

“The priesthood is one of the oldest religious offices in the world, traced back to at least 4000 B.C. It emerged out of the Proto-Saharan and Nilotic context

and extended from the Sudan and ancient Nubia through Arabia to the Indus River Valley. According to the Vedic book, the Matsya, the Kushites (Sa-ka) ruled the ancient world for 7000 years. They spread their binary worldview and their religious practices, such as falcon-shaped fire altars dedicated to Horus. The Vedic Priest Manuals (Brahmanas) speak of how the Brahman offered sacrifice at altars which they constructed according to geometry and at the proper seasons which they determined through astronomy. The Vedas also reveal the danger of a priestly order that becomes too powerful and self-serving, as happened also with the ruler-priests of Jesus' time (Sanhedrin). When the True Priest appeared among them, they were unable to recognize Him because their understanding of the office of the Priest had become corrupted.

“The priest must be understood against the backdrop of Horite perceptions of blood as the substance of life or the ground of Being. The binary aspect of blood is seen in the belief that it can both purify and pollute. The priest was not to come into contact with blood before his time of service in the temple. Contact with blood or a corpse caused him to be ritually impure. At the same time, spiritual contamination was cleansed by the blood of sacrificed lambs. Purity, holiness and blood are closely related concepts among the Afro-Asiatics, as is evident from linguistic study. The Hebrew *thr* means "to be pure" and corresponds to the Hausa/Hahm *toro*, meaning "to be clean." They are related to the Ethiopian Amarigna word *anatora*, which means "pure" and to the Tamil *tiru*, which means "holy." There is a relationship to the proto-Dravidian *tor*, meaning "blood." In some Kushitic languages *mtoro* means rain and *toro* refers to God. The Egyptian *ntr*, meaning deity, is related and also refers to deified Horite rulers.

“From the dawn of time humans recognized that life is in the blood. They saw offspring born of water and the blood. They knew that the loss of blood could bring death. Killing animals in the hunt also meant life for the community. They sought ways to ensure that their dead entered life beyond the grave, especially their rulers who could intercede for them before the Deity. This is why peoples around the world covered their dead rulers in red ochre dust as early as 80,000 years ago. This red dust is a sign pointing to the Pleromic Blood of Jesus.

“God planted eternity in our hearts so we innately know that Christ's Blood is not only redemptive, but also the source of our life. This is what St. Paul calls

"the mystery of Christ". As his second missionary journey, Paul preached that, "in Him [Jesus Christ] we live and move and have our being." (Acts 17:28) He also wrote: "In Him we have redemption through His blood, the forgiveness of sins, according to the riches of His grace which He made to abound toward us in all wisdom and prudence, having made known to us the mystery of His will, according to His good pleasure which He purposed in Himself, that in the dispensation of the fullness of the times, He might gather together in one all things in Christ, both which are in heaven and which are on earth. (Eph. 1:7-10)

"These words follow Paul's explanation of the saving work of Jesus Christ in Ephesians: But now in Christ Jesus, you that used to be so far apart from us have been brought very close, by the blood of Christ. For He is peace between us, and has made the two into one and broken down the barrier which used to keep them apart, actually destroying in His own person the hostility caused by the rules and decrees of the Law. This was to create one single man in Himself out of the two of them and by restoring peace through the Cross, to unite them both in a single body and reconcile them with God. In His own person He killed the hostility... Through Him, both of us have in one Spirit our way to come to the Father. (Eph. 2:13-14)

"Second, we know that the priest functions to mitigate blood guilt. Anthropologists have noted that there is considerable anxiety about shed blood among primitive peoples. Among the Afro-Asiatics, the priesthood served to relieve blood guilt and anxiety and to perform rites of purity. The priest addresses impurities by seeking purification through blood sacrifice. He also addresses anxiety about shed blood through blood sacrifice.

"Third, we know that no woman served as a priest in any official capacity. Women did not enter the area of the altar where blood was offered in animal sacrifice. We know this because the Afro-Asiatics, from whom we received the priestly office, believed that the blood shed by men and women were never to mix or even be in the same place. Sacred law prohibited the blood shed in killing (male) and the blood shed in giving life (female) to share the same space. This binary worldview supports clear distinction between life and death. The same distinction of life-taking and life-giving is behind the law that forbids boiling a young goat in its mother's milk (Deut. 14:21)....

“The ontological impossibility of women priests

“Scripture speaks of numerous women in positions of leadership, but none were priests. Deborah and Huldah were regarded as prophets and their families were in the priestly lines. Daughters of priests, such as Asenath and Zipporah, are remembered as great women as well. However not a single women can be identified as a priest in the Bible or in the history of the Church. It is clear then that women have never been priests and that the nature of the priesthood from the beginning has been such that it pertains only to men.

“The biblical worldview is not concerned with subjective opposites such as tall-short, talented-untalented, dark skin-light skin, intelligent-unintelligent, etc. as these are relative and subjective, not absolute and objective. The Bible is concerned about what is ontologically real. It is not a book of superstition or antiquated ideas. It is full of reason and evidence of empirical observation.

“The binary distinctions were the basis for law and religious practice in the Afro-Asiatic Dominion. Both law and religion recognized that one of the opposites is always greater in some way. The Sun’s light is greater than moonlight. Males are stronger and larger than females. Heaven is more glorious than earth, and life is superior to death. Only in this last category is the feminine greater than the masculine, because the blood of menstruation and childbirth speaks of life, whereas the blood drawn by men in war, hunting and animal sacrifice speaks of death.

“Warriors were responsible for the blood they shed in battle. Hunters were responsible for the blood they shed in the hunt, and priests were responsible for the blood of the animals they sacrificed. Midwives, wives and mothers were responsible for the blood of first intercourse, menstrual blood and blood shed in childbirth. The two bloods were never to mix or even to be present in the same space. Women did not participate in war, the hunt, and in ritual sacrifices. Likewise, men were not present at the circumcision of females or in the “mother’s house” to which women went during menses and to give birth.

“Because the Creator wants the distinction between life and death to be clear at all times to all peoples, He established this distinction between the “blood work” of women and men. This distinction between the two bloods is the basis for the

priesthood, an office ontologically exclusive to males, since only men in the priestly lines could fill the office. This is a received tradition and a holy ordinance which no synod or jurisdiction has authority to change. The priesthood speaks of ancient holy tradition, not a creed, but rather the person of Jesus Christ.

“From the Afro-Asiatic perspective, which is the perspective of the Bible, God is male and God is priest. It is clear also that God condescends to grant to the lesser a greater role. So it is that a young maiden, from the least of the tribes of Israel, should become the un-wedded Bride of God and the ever-virgin Mother of Christ our God.

“God has not changed the office of the priesthood. It survives in Christian communities that preserve Holy Tradition received concerning the Son of God.[9] When the priesthood is held high and priests live above contamination, the world is drawn to Jesus Christ. This happens because there is only one Priesthood: the Messianic Priesthood. There is only one Priest: Jesus Christ, and there is only one Blood, Christ’s pleromic blood which is the life of the world.

“St. Paul expresses it this way: ‘There is one Body, one Spirit, just as one hope is the goal of your calling by God. There is one Lord, one Faith, one baptism, and one God and father of all, over all, through all and within all.’ (Eph. 4:4-5)

“As C.S. Lewis has written: ‘I have every respect for those who wish women to be priestesses. I think they are sincere and pious and sensible people. Indeed, in a way they are too sensible... I am tempted to say that the proposed arrangement would make us much more rational, but not near so much like a Church.’”

THE END

APPENDIX D.

“Orthodoxy and the African American Priesthood— ‘Cases of Conscience’”

By
Roderick O. Ford, Litt.D.

The orthodox view of the all-male priesthood is closely aligned with the status of fatherhood, manhood, and husband-hood.⁵⁰ In ancient Hebrew tradition, the word “family” literally meant “the father’s house.” In the Christian world, the Messiah is described as the bridegroom, and the church as the bride. Therefore, the orthodox view of the all-male priesthood as an iconic symbol of Jesus Christ the High Priest, is to strictly limit the priesthood to men. This restriction of the priestly office to men has deep and profound meaning for the African American community and other communities of color. Not only does this priestly restriction reinforce the idea of manhood, heterosexuality, and traditional, opposite-sex marriage, but it reinforces the status of fathers as the head of the home, church, and nation-state.⁵¹ And as “fathers” — whether as priest inside of the church, or as husbands inside of the home— the fundamental purpose of *priestly manhood* is to obey, adjudicate, administer, and teach the law of Christ to his church and (or) family. In either case, under the orthodox Christian worldview, the man is at all

⁵⁰ See, e.g., Richard Baxter, *A Christian Directory Or, a Sum of Practical Theology, And Cases of Conscience* (Part 2 Christian Economics)(reprinted in Columbia, S.C. on January 18, 2019), p 27 (“So that body of that commonwealth did all jointly enter into covenant with God, and God to them, Deut. xxix.; xxx.; and xxvi. 17-19, ‘Thou hast vouched the Lord this day to be thy God, and to walk in his ways; and the Lord hath vouched thee this day to be his peculiar people, that thou mayst be an holy people to the Lord.’ So chap. Xxviii. 9; Dan. viii. 24; xii, 7. **Joshua, chap. xxiv. devoteth himself and his house to Lord; ‘I and my house will serve the Lord.’ And Abraham by circumcision (the covenant, or seal of the covenant of God) consecrated his whole household to God; and so were all families after him to do (as the males, in whom the whole was consecrated). And whether besides the typifying intent, there were not somewhat more in the sanctifying of all the first-born to God, who if they lived, were to be the heads of the families, may be questioned).**”)

⁵¹ See, e.g. C. Eric Lincoln and Lawrence H. Mamiya, *The Black Church in the African American Experience* (Durham, N.C.: Duke University Press, 1990), p. 402 (The priest is fundamentally a leader of families, and this is especially significant for the African American community: “[t]he **black family is the primary unit of the Black Church. The historic Black Church was a gathering of families** and extended families worshiping in a sanctuary they themselves erected, and buried in due course in the churchyard that was already hallowed by the memories of past generations it enshrined. There is a **sybiosis between the black family and the church** which makes for **mutual reinforcement** and creates for most black families **their initial or primary identity.**”)

times the spiritual leader of both the home and the church. It is therefore not consistent with the orthodox conceptualization of priesthood to have a woman serve as pastor or priest.⁵² The church is, in essence, an extension of the traditional family (i.e., husband/ father (male); wife/mother (female); and children). See, e.g., Table 1, below, “Manhood: A Priestly Function in Church and Home.”

Table 1. Manhood: A Priestly Function in the Church and Home

Father (Church)	Father (Home)
Priest	Husband
Church	Home (Wife/ Children)
Obey/ Administer/ Teach Law of Christ	Obey/ Administer/ Teach Law of Christ

Indeed, Puritan families were believed to be small replicas of the larger Christian church. Puritans believed that the family (i.e., the household unit) to be ordained and sanctified by God. Family or household godly devotion was essential to Christian practice and an integral component to the larger Church body. The renowned, erudite Puritan Richard Baxter (1615-1691) has thus written:

It is the will of God that **rulers of families should teach those that are under them the doctrine of salvation**, i.e. the doctrine of God concerning salvation, and the terms on which it is to be had, and the means to be used for attaining it, and all the duties requisite on our parts in order thereunto.... Where I say men must thus teach, I imply they must be able to teach.... Family teaching must stand in a subordination to ministerial teaching, as families are subordinate to churches; and therefore, (1) Family teaching must give place to ministerial teaching, and never be set against it; you must not be hearing the master of a family, when you should be in a church hearing the pastor.... And therefore when any hard text or controversies fall in, the master [of the family] should consult the

⁵² For this reason, H.H. Pope Shenouda III, who was the 117th Pope of the Coptic Church, the Holy See of St. Mark, and the “Patriarch of Alexandria and all Africa,” Pope Shenouda has asked, if a man is the head of the home, then how can his wife be his priest in the church?

pastor for their exposition, unless it fall out that the master of the family be better learned in the Scripture than the pastor for their exposition, which is rare.... Now to the proof (remembering still that whatsoever proves it the ruler's duty to teach, must needs prove it the family's duty to learn, and to hearken to his teaching that they may learn.... Those that are to be chosen deacons or bishops, must be such as rule their own children and their own household well, 1 Tim. Iii. 4, 12.⁵³

The husband must undertake the principal part of the government of the whole family, even of the wife herself.⁵⁴

The husband must be the principal teacher of the family. He must instruct them and examine them, and rule them about the matters of God.... He must be as it were **the priest of the household.**⁵⁵

Therefore **Christian families are called churches**, because they consist of holy persons, that worship God, and learn, and love, and obey his word....⁵⁶

According to the orthodox viewpoint, all Christian men are “priests” in a sense, and indeed all Christians (male and female) constitute a “priesthood of all believers”; but the orthodox understanding of the ordained ministry is that it is set apart by God for special service in the Hebrew or Christian church—a strictly male function. Now, one of the primary duties of the priests—in addition to performing baptism and Holy Communion-- is to instruct other Christian men as to the voice of god, the law of god, and the true meaning of the Sacred Scriptures. The priest, as pastor, is therefore “first among equals” and is given deference in terms interpreting the meaning of God’s holy laws. And this is especially significant when one considers the large variety of issues, problems, cases, and controversies that arose before the pastors and bishops of the early church. These issues often posed questions about important, practical problems that other Christian men faced and which required an interpretation as to the meaning of God’s holy laws as they

⁵³ Richard Baxter, *A Christian Directory (or, A Sum of Practical Theology, and Cases of Conscience)*, Part 2, *Economics* (reprinted in Columba, S.C. on January 18, 2019).

⁵⁴ *Ibid.*, p. 60.

⁵⁵ *Ibid.*, p. 61.

⁵⁶ *Ibid.*, p. 45.

applied to unique challenges facing men and manhood—**these were practical cases of conscience.** In this sense, the priest is also the “pastor” of the church—i.e., he is a counselor, advisor, advocate, ecclesiastical judge, and an interpreter of the divine and sacred laws of Holy Scriptures. See, e.g., Table 2, “The Priest, the Pastoral Ministry, and Cases of Conscience.”

As Table 2 shows, the Roman Catholic and Anglican Churches, which were major social forces within Medieval and Early Modern Europe and England, developed western jurisprudence through a system of ecclesiastical and chancery courts. In fact, in England, the system of equity jurisprudence was developed from this system, as Anglo-American equity courts became known as “courts of conscience.” But even before the church became part of the Roman Empire, the pastors, elders and bishops—as evidenced by the letters of St. Paul—were called upon to resolve important cases of conscience, practical problems, and even legal issues that arose in the church and between or among church members. Perhaps it is for this reason that St. Paul said in 1 Corinthians 6:2: “[d]o ye not know that the saints shall judge the world? and if the world shall be judged by you, are ye unworthy to judge the smallest matters?”

Table 2. The Priest, the Pastoral Ministry, and “Cases of Conscience”

<p><u>The Church:</u></p> <p>Christian laymen/ lay Church members</p>	<p>-----></p>	<p><u>Law of God; Law of Christ:</u></p> <p>Lay Church Members encounter life challenges in the form of: Questions/ Problems/ Social or Political Problems</p>	<p>-----></p>	<p><u>Ecclesiastical Court/ Pastoral Judge/ Pastoral Counsellor or Advisor:</u></p> <p>Priests/ Pastors/ Elders/ Bishops/ Clergymen, etc.</p>	<p>-----></p>	<p><u>Problem Solving/ Conflict Resolution:</u></p> <p>Priest’s Application of moral laws of God; Law of Christ to Practical Questions/ Problems</p>
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In a highly sexualized society that strictly separated men from women, it would not have been practical or feasible for women to serve as a priest or pastor—to say

nothing of the churches’ tradition and the plain text of the Sacred Scriptures. The priesthood was thus early and largely cut out of the need to interpret the life of men and the meaning of manhood.

When African slaves were brought into the Christian churches in North America, the need to establish separate churches for them was justified by the sheer fact that the genre of the “cases of conscience” which they encountered required a specialized ministry.⁵⁷ The African Methodist Episcopal Church was founded in 1787 as a result of specialized social conditions faced by African Americans and which had been addressed by Rev. Richard Allen (Methodist) and Rev. Absalom Jones (Anglican) through the Free African Society.⁵⁸ This separation did not mean that the church doctrine was any different in the African American churches, but simply that the circumstances, social standing, and conditions of the African American church congregations were starkly different from white American congregations, thus requiring a slightly different emphasis in ministerial focus, style of service, and gospel preaching.⁵⁹ See, e.g., Table 3, “Priest, the Pastoral Ministry, and Cases of Conscience Unique to African Americans.”⁶⁰

Table 3, “Priest, the Pastoral Ministry, and Cases of Conscience Unique to African Americans.”

White American Church	Cases of Conscience
Black American Church	Cases of Conscience (Unique to the African American membership and community)

⁵⁷ C. Eric Lincoln and Lawrence H. Mamiya, *The Black Church in the African American Experience* (Durham, N.C.: Duke University Press, 1990).

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ The phrase “Cases of Conscience” is taken from two sources: first, the English chancery court and its related jurisprudence; and, second, from Puritan theologian Richard Baxter’s seminal work, *A Christian Directory: A Sum of Practical Theology and Cases of Conscience*.

If we consider Lincoln and Mamiya's thesis in *The Black Church in the African American Experience*,⁶¹ it is quite clear that the American Civil Rights Movement of the 50's and 60's was a culmination of the "black church" experience, and that America's federal civil rights laws reflect "cases of conscience" unique to African Americans, as exemplified in the sermons and speeches of black clergymen such as Adam Clayton Powell and Martin Luther King, Jr. But today, one of the chief challenges to the historic Black Church is the 21st-century civil rights movement that is composed largely of non-black groups such as feminist women and the Lesbian-Gay-Transexual-Bisexual (LGTB) community. The pervasive secular ideal of "equality" presses even harder upon the doors of the church. It soon becomes difficult to honor Christian orthodoxy, because it is believed to be inherently discriminatory against both women and gays. Next comes the issue of "black women" and the argument that they compromise the majority of the church members within the Black Church but share a disproportionate share of leadership positions within this church. As Lincoln and Mamiya have stated:

In our historical overview we have attempted to show that the quest for parity by black preaching women derives largely from the African heritage of African American culture. Traditional African religions have usually given women a greater role in the religious sphere, from feminine depictions of certain deities, to roles as priestesses, diviners, herbalists, and midwives. It was, therefore, much more natural for black women to seek leading religious roles as preachers and pastors when the transition to Christianity was made. As a consequence, there probably have been more black women preachers than white women preachers. Many of these black women have had to serve their churches in unofficial and unrecognized positions as preachers, or under titles as exhorters, evangelists and missionaries, and more often in subliminated career paths such as teaching. During the mass migrations of African Americans to the urban centers of the North beginning with World War I, many black women preachers avoided the strictures of the traditional black denominations by founding

⁶¹ C. Eric Lincoln and Lawrence H. Mamiya, *The Black Church in the African American Experience* (Durham, N.C.: Duke University Press, 1990).

independent storefront churches. Today a few black women pastor independent, proprietary churches with substantial memberships. The issues of sexism and feminism in the black community are often overshadowed by the problem of race. Racism in American society is so pervasive and controlling in the lives of African Americans that the problems of sexual discrimination often get considerably less attention.⁶²

It is my viewpoint, however, that the above quotation from Lincoln and Mamiya highlights **the need for the black church to remain zealous in defending orthodox Christian doctrine against quasi-Christian heresy that creeps in under the guise of Afrocentric culture and misperceptions of Afrocentric pride, as well as undue financial pressures from outside secular and political forces** which incorrectly assume that secular laws and ideologies must be incorporated into Christian theological doctrine.

Hence, the African American priest or pastor served a unique role and function within the history of the “Negro Church”: he was a great preacher of the gospel; a masterful social worker; a savvy business man; a practical politician; an organizer of local schools, etc.⁶³ In sum, the “black preacher” became the greatest of African American leaders throughout all of American history—he surpassed the educators or doctors of philosophy, the lawyers, the elected officials, and even the captains of industry!⁶⁴ For it was the “black preacher” who piloted the African American people through slavery, Reconstruction, and the early days of juridical freedom during the first half of the twentieth century.⁶⁵ And it may arguably be said that the African American family, community, and cultural life was at its highest point of development ever prior to 1970, because of the leadership of the African American clergy.⁶⁶ During this long period in American history, the Black Church was indisputably the most important institution within the African American community: black men were readily accessible to black men for mutual

⁶² C. Eric Lincoln and Lawrence H. Mamiya, *The Black Church in the African American Experience* (Durham, N.C.: Duke University Press, 1990), p. 307.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Ibid.

aid an support through the Black Church.⁶⁷ Most if not all of the priests and pastors of Black America were men—an ideal that was in keeping with the traditional, orthodox conceptualization of the office of the pastor and of the Christian church.⁶⁸

Today, I admit, for those of us who are both African American and orthodox Christians, the challenge of female priests and pastors is thus much more expansive than the ecclesiology and theology. In the African American community, unlike in the white American community, the downfall of the all-male priesthood, conjoined with all of the other social pathologies with that community, presents serious concerns that the traditional, orthodox African American family structure might be completely decimated. For it is quite clear that “priesthood” is integrally connected to giving God’s advice to fathers and husbands involving critically important questions such as the status of women and children, marriage and divorce, fatherhood and manhood, secular politics, business, economics, and commercial affairs, slavery, war and peace, and the like. Ideally, the priest must be fatherly, erudite, wise, and a counselor of men leaders, fathers and husbands during times of grave difficulty regarding *practical cases of conscience*.

The priest is fundamentally a leader of families, and this is especially significant for the African American community: “[t]he **black family is the primary unit of the Black Church. The historic Black Church was a gathering of families** and extended families worshiping in a sanctuary they themselves erected, and buried in due course in the churchyard that was already hallowed by the memories of past generations it enshrined. **There is a symbiosis between the black family and the church** which makes for mutual reinforcement and creates for most black families their initial or primary identity.”⁶⁹

The priest, in essence, provides, among other things, an original interpretation of God’s divine laws primarily for the benefit to men, to fathers and husbands, specifically involving *practical cases of conscience*. Most importantly, the priest is Christ’s delegate, envoy, and Christological symbol and representative

⁶⁷ Ibid.

⁶⁸ In short, the African American priest or pastor was early and largely called upon to meet the unique needs of African Americans since the eighteenth-century, and was—and still is—the most important person in the African American community.

⁶⁹ C. Eric Lincoln and Lawrence H. Mamiya, *The Black Church in the African American Experience* (Durham, N.C.: Duke University Press, 1990), p. 402.

to the community. When one considers the pivotal and key leadership roles which the priest has within the church, family, and community, the divine purpose of God's limiting the priesthood to men is clear. Fatherhood and being a husband are ordained by God to be pastoral leadership positions within the family. And the priest is most significantly—as the symbol of Christ himself-- the spiritual leader of husbands, fathers, and families.

For this reason, the symbolism behind an all-male African American priesthood is most significant. For instance, the unique problems and challenges—*practical cases of conscience*-- facing today's African American fathers and husbands living in the United States would ideally be addressed and mediated by a male priest if these men had lived in ancient Israel or in medieval England. The priest was available to fathers and husbands of all social statuses, to provide practical advice regarding life's circumstances. And today that objective, purpose, and need is unchanged, although our mores regarding sex, gender roles, and masculinity has changed.

Indeed, within the African American community, during the first several decades since 1900, the traditional point of view, which was bolstered by the Black church, was that African American men should be the natural and indispensable breadwinner, and the African American woman should be his helpmate. But by the 1980s, we began to feel a slow tilt in the opposite direction, and during the 1990s, with mass incarceration, the ravages of the crack cocaine epidemic, and the triumph of American feminism, the plight of the traditional black family was at its nadir! Therefore, during my student days during the late 1980s and early 90s, and influenced by an orthodox Christian worldview, I believed that there needed to be a fundamental shift nature of the national dialogue about “race” and “gender”; and I also believed that that there needed to be a fundamental shift in the position of African American men—not African American women—in the home, as the leader and as the breadwinner.⁷⁰ See, e.g., Table 4, “Natural Law of Gender and Economic Development.”

⁷⁰ In addition, in order to facilitate this shift, I believed that the African American church needed to seriously adjust how it conceptualized “pastoral ministry” and the qualifications of ministers—like the Roman Catholic priests, Black preachers needed a squadron of “assistant pastors” to flood the African American community to be available as “parish priests” and as first-responders to the underprivileged black community.

Table 4. Natural Law of Gender and Economic Development

Employed Males	Unemployed Females (i.e., homemakers)	Strong traditional families (2 parent households); strong marriages; strong community cohesion; strong economic development.
Employed Females	Unemployed Males	Community dislocation; weak traditional families (Single parent households); decline in marriage; weak economic development; and social dislocation

At the same time, within the Black community, during the first several decades since 1900, the conventional wisdom was that a major reason that African Americans lagged behind their white counterparts, was because African American men were not allowed to discharge their paternal and conjugal roles as husbands and leaders within the home. Disparate income and discrimination between black and white men were often cited as a major and most significant concern. Black women were always available to perform as wives and mothers; but *Black men were simply not allowed a financial floor upon which to function properly as husbands and fathers.* See, e.g., Table 5, “American labor Market and Race, Gender, and Economic Development.”

Table 5. American Labor Market: Race, Gender, and Economic Development (A Theory of Gender and Pay Equity)

White Males	Strong Employment/ Very Strone Employment	Strong traditional families (2 parent households); strong marriages; strong community cohesion; strong economic development.
White Females	Strong employment/ Good employment	Strong traditional families (2 parent households); strong

		marriages; strong community cohesion; strong economic development.
Black Females	Strong employment/ Good employment	Community dislocation; weak traditional families (Single parent households); decline in marriage; weak economic development.
Black Males	Good employment/ Weak employment/ Very weak employment	Community dislocation; weak traditional families (Single parent households); decline in marriage; weak economic development.

In law school and during my years as a young lawyer, I intuitively looked to the African American church as the most important institution with the moral authority to address these sensitive issues. The church had the physical presence within the African American community; the church had the manpower and the moral authority; it had the sacred tradition and the sacred scriptures—if only it also had the technical skills and expertise from African American professionals! My novel *Bishop Edwards: A Gospel for African American Workers* grew out of this observation and concern—there needed to be an agency within the United States that could adequately address the plight of underprivileged African American men and their families. In my view, the systematic *denial* of African American men an adequate financial floor to function and discharge their natural roles of husband and father is, in essence, involuntary servitude and “badges or incidents of slavery,” which are proscribed by the Thirteenth Amendment, U.S. Constitution . This systematic denial is also an evasion of the nation’s moral obligations under the universal moral law of human rights. A true Christian man (and, indeed, all true English freemen under the ancient English common law) has to be able to function normally and naturally as husband and father, in order to discharge his obligations under the moral law of God and the law of Christ. This same law applies, however, to all men: men must be given the means to function normally and naturally as husbands and fathers in order to discharge the citizenship obligations to the society, community and nation. And no amount of female empowerment, or

disempowerment, can change this iron law of fatherhood!⁷¹ (This iron law of fatherhood is the nature of priesthood, because the priest in essence, provides, among other things, an original interpretation of God’s laws to husbands and fathers, specifically involving *practical cases of conscience*.)

Here, the historic African American church—together with the black college and university, black professionals and public officials, and public figures and influential celebrities —should take the lead. But not only that, the entire nation should follow their lead! It would be a path forward with the least amount of governmental intrusion—a conservative push forward, without governmental entanglement, and one having the firm foundations of the Gospel. *And with that leadership will come also the final destruction of the last vestiges of chattel slavery on American soil.* See, e.g., Table 6, below:

Table 6. Need for a Shift in National Attitude towards African American Men as Heads of Household, Husbands, and Fathers (e.g., “Black Fathers and Husbands” First Programme)

<p>African American Men</p>	<p>Conceptualize themselves as “Puritan priests”— cultivating a deep and abiding spiritual leadership in subjection to Christ⁷²— as fathers of their children and as husbands to their wives</p> <p>Accept full and complete responsibility for the plight of the African American family and community.</p> <p>Love their wives as Christ loved the Church, and gave himself for it. Therefore, cultivate a willingness to sacrifice and to die in the discharge of their priestly duties as husband/ father.</p>
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⁷¹ Thus applying this same law to the African American community in the United States, we must likewise conclude that ignoring or deprecating this iron law of fatherhood is a grievous constitutional evasion of the African American legal, political, ecclesiastical, and civil-rights communities. In order to effectuate the true meaning and purpose of the Thirteenth, Fourteenth, and Fifteenth Amendments to the United States Constitution, African American men must be systematically empowered economically and respected socially and politically as the husbands and fathers of the African American community.)

⁷² Our Jewish or Moslem brothers have similar tenets within their Orthodox belief systems; and I am not opposed to concluding that even agnostics or atheists might adopt similar ethical parameters in the fulfillment of this obligation. The point is that a man must be subject to the Law of Christ (which is the law of selfless service and love).

<p>African American Women</p>	<p>Acknowledge African American men as the undisputed fathers, husbands, and leaders of the African American community</p> <p>Conceptualize themselves as Puritan “Good Wives” (See, e.g., <i>Good Wives</i>)⁷³ to African American husbands and fathers.</p>
<p>White American Community</p>	<p>Make a concerted effort to create and honor hiring preferences for African American men from disadvantageous communities</p>
<p>Hispanic- American, Asian-American, Jewish-American, Native-American and other groups</p>	<p>Work together with African American men to improve labor-market outcomes of husbands/ fathers of color and to raise the standard of living of families of color</p>
<p>Christian Church Community</p>	<p>The American Church needs to coordinate and administer this entire “Black Fathers and Husbands First” programme—American employers, the white and other non-black communities, the government— in implementing this change.</p> <p>Espouse the traditional view of gender, fatherhood, and priesthood.</p> <p>Establish a variety of creative outreach ministries to support African American husbands and fathers of color</p>

As Table 4 reveals, the “natural law” (i.e., the “law of Christ” or the “law of God”) regarding fatherhood, gender relations, and family government is readily apparent. Here, the African American husband or father would have daily, weekly,

⁷³ Laurel Thatcher Ulrich, *Good Wives: Image and Reality in the Lives of Women in Northern New England, 165-1750* (New York, N.Y.: Vintage Books, 1991).

monthly, and perennial access to the pastoral ministry or parish priest, who would be readily available to provide support regarding concerns of conscience unique him. Not only that, this minister or priest, ideally, would be a well-trained, erudite, and spiritual leader who is thoroughly familiar with the modern social problems facing African American men and of the availability of social resources within the community. All of this, and more, would be available to help African American men meet their legal obligations as fathers under the secular law as well.

Importantly, *under traditional Anglo-American common law, and even under modern statutory law in many of the several states of the United States, the husband still bears the ultimate legal responsibility for supporting a wife and children.* This means that, despite all of their cultural and socioeconomic disadvantages, **African American men have collectively complete responsibility for African American mothers and children.** This responsibility is not only critically important in terms of economics, but it is profoundly spiritual, metaphysical, and eternal or extra-constitutional. See, e.g., Am Jur, Husband and Wife §§ 337-338, stating:

One of the most fundamental duties created by the law of domestic relations is that which **requires a man to support his wife and family.** In some jurisdictions, the duty of support is imposed upon the husband by statutes, including those statutes intended to alleviate the public burden of caring for poor and helpless persons by requiring those persons who are closely connected by consanguinity or affinity with the poor to support the latter, but it exists apart from statute as a duty arising out of the marital relationship....

In some jurisdictions, each spouse has a statutory inchoate interest in the property of the other spouse to the extent of his or her necessary support. In most jurisdictions, this legal obligation is enforceable in a suit by the wife to compel her husband to support her. Furthermore, statutes generally make the failure of a husband to furnish support to his wife, in the absence of extenuating circumstances, a punishable crime.

A common-law rule renders a husband who is derelict in respect of his duty to furnish support to his wife liable for necessities furnished her. In addition, there are statutes, in many jurisdictions, which render both husband and wife liable for family expenses and household supplies, but liability under such statutes is not predicted

upon the failure of the husband to furnish support for his wife. In any event, **a husband is liable under his contract for goods and services furnished the family.** The law, moreover, recognizes the agency of the wife to contract in behalf of the husband for goods furnished and services rendered the family.

The duty of a husband to support his wife and family does not, of course, render him obligated to furnish support for collateral relatives of his wife....⁷⁴

The all-male priesthood is even more reflective of the nature of manhood. The “sex drive” within the African American man is of natural necessity, in order to propagate his human progeny, and this “sex-drive” must be governed or restrained, through fatherly tutelage and priestly mentors, toward the healthy and moral formation of family life. But the underprivileged African American man’s ignorance, poverty, economic deprivation, and discriminatory treatment, in essence, stigmatizes him as unfit for being a husband and (or) fatherhood; and, the secular law “criminalizes” him when he defaults on these obligations—thus creating a major human rights catastrophe which the American church has thus far failed to address, and a constitutional crisis which the entire nation has thus far failed to acknowledge. In my view, only an all-male African American priesthood—as mediators on practical questions of conscience facing indigent African American men — can adequately address and lead on solving this crisis.

Moreover, when the family structure in the white community is compared to the typical black family structure in the United States, the factor of male-leadership, male-employment, and fatherhood is critically important. For instance, unlike in the white community, there are significant differences in the educational

⁷⁴ Nevertheless, and notwithstanding these legal duties and obligations of husbands to support their wives and children, no public provision is made generally for an equitable adjustment of the conjugal or paternal obligations of African American men toward their wives and children, notwithstanding the fact that most African American men have a very precarious position in the labor markets due to systematic binary racial-sexual discrimination. American employers have today largely designed jobs and job descriptions for women! And the jobs which give preference to African American men are typically dangerous, low-paying, heavy-industrial jobs—if they even exist—and professional sports. Moreover, the “wars on drugs and crime” of the 1980s and 90s have certainly stigmatized African American men in general as criminalized beings and social problems—making them undesirable workers (e.g., unwanted husbands and deadbeat dads) throughout the American labor market. It is therefore quite clear that a critical imbalance in American law is its failure to address the history and contemporary predicament of African American fathers within the household.

and labor-market outcomes between African American men and women. For, as I stated in my book *Labor Matters: The African American Labor Crisis 1861-Present* (2011, 2015):

Since 1970, the economic pressures on the working-class African American family and the increasing incarceration and unemployment of working-class black men created a metamorphosis in the psychology of black-male/ black-female interrelationships and a revolution in the African American household, which is today largely headed by black females. Slowly but surely, starting in the last two decades of the twentieth century, and continuing on through the early decades of the twenty-first century, black females were deemed slightly more qualifiedly employable into responsible positions than black males. This phenomenon has historic origins. From the end of the Civil War through the 1970s, the impact of history continued to influence, instruct, and cripple black male/ black female relations and family formation.

[[Footnote 72] ‘Slavery not only impoverished Blacks, it distorted and corrupted the structure of the Black family. In a survey of 612 Black families in rural Georgia in the 1930s, Black sociologist Charles Johnson found vivid evidence of communal disorganization: 29% of all children were illegitimate, and 25% of families were headed by a female: through an additional 37% of families were headed by married couples, the rest were common-law households. Johnson noted that ‘sex, as such, appears to be thing apart from marriage.’ This is comparable to the function of sex in the slave system, where it was mostly ‘a thing apart from marriage’—a practice permitted by slave masters.... [Demographer Philip] Hauser [conducted a five-decade study in which he] located the problem of endemic poverty in **the institution of slavery**, which denied many Blacks the opportunity to adopt a middle-class family lifestyle. However, he suggested that **its most devastating impact was on the Black male, who, both within the slave system and thereafter, was unable ‘because of the lack of opportunity and discriminatory practices, to assume the role of provider and protector of his family in accordance with prevailing**

definitions of the role of husband and father.’ Because of the substantial damage to ‘normative’ Blacks and consequently to their families and social structure, they have been relatively more dependent upon the state.’ Ronald Walters, *White Nationalism Black Interests* (Detroit, MI: Wayne State Univ. Press, 2004), pp. 149-150.]⁷⁵

Most ominously, the conventional wisdom within Black America during the first several decades of the twentieth century was that slavery and the exploitative aspects of racial segregation had led to the destruction of the traditional, two-parent African American family structure. This conventional wisdom had been carefully documented in the writings of men, such as Frederick Douglass, as, for example, I have memorialized in my book *Labor Matters: the African American Labor Crisis, 1861-Present* (2015):

The color line of the twentieth century was established in 1896 in the Supreme Court’s infamous case of *Plessy vs. Ferguson*, which upheld racial segregation. But the American color line had deep roots in the American slave codes as well. Those old slave codes lumped multiracial Africans (i.e., mulattoes) into the same class as the unmixed African slaves. Florida’s antebellum statutes explicitly mention mulattoes and treat them as ‘slaves,’ ‘Negroes,’ ‘free Negroes,’ etc....

In the antebellum South white fathers usually disowned their multiracial children and were willing to relegate them to the status of slaves. Indeed, in many states the race of the mother determined the race of the child, precisely to achieve the perpetual subordination of mulatto children to the same status as the other darker-skinned African American slaves.

Writing on this same point, **Frederick Douglass** observed that **‘[s]lavery had no recognition of fathers, as none of families.** That the mother was a slave was enough for its deadly purpose. By its law the child followed the condition of its mother. The father might be a

⁷⁵ Roderick O. Ford, *Labor Matters: The African American Labor Crisis 1861 to Present* (Tampa, FL.: Xlibris Publication, 2015), p. 11.

freeman and the child a slave. The father might be a white man, glorying in the purity of his Anglo-Saxon blood, and his child ranked with the blackest slaves. Father he might be, and not be husband, and could sell his own child without incurring reproach, if in its veins coursed one drop of African blood.’

‘[W]hile Africa is the land of our mothers,’ Booker T. Washington once observed, ‘the fathers of about a million and a half of us are to be found in the South among the blue-blooded Anglo-Saxons.’

And W.E.B. Du Bois once decried, “O Southern Gentlemen! If you deplore their [African Americans] presence here, thy ask, Who brought us? Why you cry, Deliver us from the vision of intermarriage, they answer that legal marriage is infinitely better than systematic concubinage and prostitution. And if in just fury you accuse their vagabonds of violating women, they also in fury quite as just my reply: The wrong which your gentlemen have done against helpless black women in defiance of your own laws is written on the foreheads of two million of mulattoes, and written in ineffaceable blood.’

Similarly, while commenting on the system of ‘Jim Crow’ racial segregation in the South during the early twentieth century, James Weldon Johnson observed that ‘a white gentleman may not eat with a colored person without the danger of serious loss of social prestige; yet he may sleep with a colored person without incurring the risk of any appreciable damage to his reputation.... [E]very thinking Southern white man understands clearly: ‘Social equality’ signifies a series of far-flung barriers against amalgamation of the two races; except so far as it may come about by white men with colored women.’

During the fall of 1995, I read Dr. E. Franklin Frazier’s⁷⁶ seminal classic *Black Bourgeoisie* (1957), which unbraided the *urban* African American middle

⁷⁶ E. Franklin Frazier (1894-1962)(Ph.D., University of Chicago). Dr. Frazier “was an American sociologist and author, publishing as E. Franklin Frazier. His 1932 Ph.D. dissertation was published as a book titled *The Negro Family in the United States* (1939); it analyzed the historical forces that influenced the development of the African-

classes on several fronts, including their mangled relationships between middle-class African American women who dominated their black-male companions and husbands!⁷⁷ Even during the days when racial segregation was predominant, Dr. Frazier's work *Black Bourgeoisie* concluded that *urban* middle-class African American women generally dominated their husbands—resulting in lost confidence, humiliation, and depression within that specific class of middle-class African American men.⁷⁸ Interestingly, Dr. Frazier even observed during the 1950s that, within the area of civil rights, these urban middle-class African American women could often play a more militant role than their husbands, because the white-dominated power structure tended to more readily and rapidly crush militant African American men—this led Dr. Frazier to describe “the Negro” as, to paraphrase him, “the lady among the races,”⁷⁹—a description which he did not state as a compliment or as a positive development!⁸⁰ Such description, to be sure, subverts the natural-law, common-law, and statutory obligations of African American men to discharge their obligations as fathers.

Therefore, even as early as the 1950s, the African American intelligentsia had begun to embrace the conventional wisdom that the impact of slavery and segregation upon gender relations within the African American community was still being felt in its impact upon the African American household, African American home life, and the fatherhood of African American men. In fact, American universities and employers have systematically undermined these African American institutions:

American family from the time of slavery to the mid-1930s. The book was awarded the 1940 Anisfield-Wolf Book Award for the most significant work in the field of race relations. It was among the first sociological works on blacks researched and written by a black person. In 1948 Frazier was elected as the first black president of the American Sociological Association. He published numerous other books and articles on African-American culture and race relations. In 1950 Frazier helped draft the UNESCO statement *The Race Question*.”
https://en.wikipedia.org/wiki/E._Franklin_Frazier

⁷⁷ See, generally, E. Franklin Frazier, *Black Bourgeoisie* (New York, N.Y.: Free Press Paperbacks, 1957).

⁷⁸ *Ibid.*, P. 221 (“As one of the results of not being able to play the ‘masculine role,’ middle-class Negro males have tended to cultivate their ‘personalities’ which enable them to exercise considerable influence among whites and achieve distinction in the Negro world. Among Negroes they have been noted for their glamour. In this respect they resemble women.... This fact would seem to support the observation of an American sociologist that the Negro was ‘the lady among the races,’ if he had restricted his observation to middle-class males among American Negroes. In the South the middle-class Negro male is not only prevented from playing a masculine role, but generally he must let Negro women assume leadership in any show of militancy. This reacts upon his status in the home where the tradition of female dominance, which is widely established among Negroes, has tended to assign a subordinate role to the male.”).

⁷⁹ *Ibid.*, p. 221.

⁸⁰ *Ibid.*

‘On occasion, some observers of U.S. racial relations have asked whether black women face more or less discrimination than black men in pursuing their employment goals and careers. Explicitly addressing a question on this subject, our respondents were often very thoughtful in their replies. A male college graduate in the West saw some important differences:

“There are definitely systematic differences. **[Black] women are perceived as being less of a threat, more passive than men. They are seen as feminine, weak.** [White males] feel like they can manipulate women by virtue of their sex, manifest many different ways, through sex bias jokes, or gender type things like, that’s a man’s job. Or, ‘honey you don’t want to get your dress dirty, or something.’ ... Black males are perceived to be powerful, a threat.

In his view **the black male image that is frightening** to many whites on the street has a counterpart in the workplace. Black women are seen as less of a threat because they can be manipulated in sexist ways.

This employment preference creates labor-market competition and jealousy between black male and black female workers. Most recently in 2011, Stanford University law professor Richard Banks observed a similar phenomenon regarding tension in relations between black men and women, where the black women earned more money or played a more dominant role in the relationship.

Whatever the drawbacks of the conventional role-divided marriage, one virtue is that everyone knows their job. Roles, if constricting, are at least understood: The husband provides economically, while the wife cares for the home and the children. When a wife out-earns her husband, the couple cannot conform to that conventional male-breadwinner model. Rather than adhere to predefined roles, they have no choice but to improvise, to attempt to fashion their own model of a

relationship as they patch together expectations developed during their own coming of age. Many husbands find it difficult to accept a subordinate economic role in the family. They know they don't earn the bulk of the income, but they might still feel they should.

A 2010 report issued by the Pew Research Center, 'Women, Men, and the New Economics of Marriage,' found that when the husband is the primary earner, each member of the couple is equally likely to have the final say about how money is spent; but that **when the wife is the primary earner, she is more than twice as likely as her husband to have the final say above financial decision. It seems that if the husband earns the money, it assumed to belong to the family. When the wife earn the money, it is more likely to be viewed as hers.**

These tensions about gender roles no doubt help to explain the empirical finding that marriages in which the wife earns substantially more than the husband seem to be more likely to dissolve than marriages in which the husband is the primary earner. I wouldn't find it surprising if such marriages are more conflict ridden.⁸¹

I therefore disagreed with the conventional wisdom of American feminism *which implicitly holds that African American men are the functional equivalent of white American men* in terms of wielding privilege and power throughout American society. As an African American male college and law student during the late 1980s and early 1990s, the awful history and contemporary sociology of the plight of the African American family deeply affected me. While in law school at the University of Illinois, amidst the social turmoil that was ravishing the African American family and community, **I intuitively believed that bringing an all-male, predominantly African American law fraternity to the University of Illinois College of Law would raise the morale of black male law students**

⁸¹ Roderick O. Ford, *Labor Matters: the African American Labor Crisis, 1861-Present* (Tampa, FL.: Xlibris, 2015), pp. 15-16.

through focusing their attention towards positive, wholesome endeavors, and through building life-long bridges of professional networking across the nation.⁸²

Along these same lines, I proposed that the College of Law bring to its campus an “all-black,”⁸³ all-male legal fraternity, whose parent chapter was a graduate chapter in Washington, D.C. and that was closely affiliated with the Beta Chapter at Howard University’s Law School. The name of that legal fraternity was the *Sigma Delta Tau Legal Fraternity*. The website for Howard University Law School describes this fraternity as follows:

The Sigma Delta Tau Legal Fraternity is the oldest continuously existing African-American legal fraternity in the United States and was founded in the District of Columbia at Robert H. Terrell Law School on November 17, 1934 by Nathaniel A. Dobbins, J. H. Kirkland Renfro, W. Harold Flowers, Leon A. Jones, and Benjamin F. Hailstorks, Jr. Their main purpose was to foster among male law students and attorneys scholarship and professionalism in the study, practice, and procedure of the law. Currently, the Fraternity is comprised of judges, lawyers, legal scholars, and other legal professionals all dedicated to forward the purpose of the fraternity....

Other Chapters

Beta - Howard University School of Law

Gamma – Rutgers University School of Law (Inactive)

Delta – University of Baltimore School of Law (Inactive)

Epsilon – Georgetown University Law Center (Inactive)

⁸² The early 1990s was also the era of Death Row Records, John Singleton’s *Boyz In the Hood*, and the L.A. Riots of 1992. The young African American men of my generation—even graduate students and law students-- were very much influenced by what was happening in the nation’s inner cities, including those of us who had grown up on the college campus. During my years in college and law school, it was not difficult for me to conclude that young African American men were under assault and the primary targets of systematic racism. “Sex” and “race” became significant in my understanding of the race problem in the United States, but for all practical purposes I believed that African American men needed to “get themselves together” as a class and as a group. In order to do this, I concluded in law school that some form of organization and self-separation amongst African American men was necessary.

⁸³ Of course, this legal fraternity was not restricted only to African American men. In fact, I invited a white American of Italian descent and a Roman Catholic to become one of our initial members and he accepted the invitation.

Zeta – District of Columbia School of Law (Inactive)

Eta – George Washington University Law School (Inactive)

Theta – University of Illinois (Inactive)

Sometime in 1992 or 93, I led a group of law students from Champaign, Illinois to Washington, D. C. to meet with brothers from the mother chapter of Sigma Delta Tau Legal Fraternity at Howard University. Within this entourage were young African American men (all law students), one of whom went on to work on the staffs of Senator Barack Obama and, later, Senior Obama Advisor Valerie Jarrett; and the other whom worked as a legislative aide to Hon. Jessie Jackson, Jr., Congressman from Illinois.

I was installed as the first “Chief Justice” of the Sigma Delta Tau Legal Fraternity, Theta Chapter, University of Illinois College of Law. This was a very radical attempt to set aright the gender imbalance in America, and to stave off the systematic emasculation of African American men within the American legal academy, legal profession, the bar, and the bench. I had hoped then to stress the important point that **UNLESS AFRICAN AMERICAN MEN ARE ESTABLISHED, TREATED, AND RESPECTED AS FATHERS AND HUSBANDS WITHIN THE HOUSEHOLD** then there can be so solution to the race crisis in the United States. Thus influenced by an orthodox Christian worldview of gender and family, I reasoned that 90% of the social crisis within the African American community would be easily obliterated if the African American male was firmly re-established as the husband, father, and leader of the African American home. And finally, I believed that all Americans—white, black, Hispanic, etc., etc. —had a fundamental obligation to help to correct the problem of black-male emasculation and disenfranchisement both within the home and throughout society as a whole. And, by this, I envisioned faith-based initiatives—**led by highly-skilled, trained and educated African American clergymen--** as exemplified in my novel *Bishop Edwards: A Gospel for African American Workers* (2001, 2011, 2015), patterned after the Law of Moses and regimen of orthodox Christianity, in conjunction with special programmes within the public and private sector, that would promote African American fatherhood and families; support African American fathers in various matters and concerns that are unique to them;

and provide a “veterans-like hiring preference” for African American men from disadvantaged communities, with respect to jobs in various specialized fields and industries. Most significantly, the Black Church, the Black college and university, and leading doctors and professionals with specialized interests needed to study the problem (causes, symptoms, and solutions) of the lingering break-down or break-up of male-female relationships within the African American community.

The ordination of African American female pastors within the historic Black Church, therefore, was never acceptable to me. When I was a child growing up in rural, northern Florida, during the 1970s and 80s, none of the African American churches had ever had any female pastors. These churches adhered to what was then the “traditional or majority view” of ordination.⁸⁴ The Primitive Baptist Churches which I attended segregated the male deacons, who sat on the left side of the church, from the female deaconesses, who sat on the right side of the church. (Three decades later, I made several visits to the St. Mary’s Ethiopian Orthodox Tehewado Church of Tampa Bay, and there I noted the exact same separation of the sexes within the church!). Likewise, the African Methodist churches in rural northern Florida were no different—these were “orthodox” churches. The African Methodist women could not approach the sacred altar to take Holy Communion, without wearing a covering upon their heads, which indicated that these holy women acknowledged the following holy order: Christ is the head of the man; the man is the head of the woman; and God is the head of Christ. For this reason, many of these African Methodist women—as I distinctly recall-- always wore beautiful hats, to symbolize the sacred “covering,” to church. But during the 1980s, a shift in the urban African Methodist churches commenced, and more females were being ordained as pastors. Interestingly, there appeared to be no robust debate within the African American church community regarding the biblical justifications for ordaining female pastors.

⁸⁴ See, e.g., **Appendix A**, “Protestant Reformers and the All-Male Priesthood”; **Appendix B**, “C.S. Lewis on Women Priests”; **Appendix C**, “Why Women Were Never Priests”; and **Appendix E**, “Homosexuality and Ordination of Women” by H.H. Pope Shenouda III, Coptic Orthodox Church.”

At the same time, I noticed that several other major-black church denominations, such as the Baptists and the Pentecostals, continued to hold firm to the orthodox view of restricting ordinations to men. The Roman Catholics certainly held firm in its position of restricting ordinations of deacons and priests to men. And so I naturally assumed that the “traditional” or “majority” view was that only men could be ordained as “priests” or as “pastors.” Throughout my Christian walk of faith, I held to the “traditional” or “majority view” of ordination.⁸⁵

Even in law school, the doctrine of primogeniture, for example, was considered to be archaic and even discriminatory and sexist! Female law students were no longer limited in their aspirations within the legal profession; and the Christian foundations of American jurisprudence was held in great suspicion, never mentioned, and even discouraged. Likewise, within the American legal academy during the 1990s, the traditional Christian view of gender roles in society was considered to be very backwards and uncultured. Hence, the American legal academy significantly challenged my Christian and patriarchal worldview during the early 1990s. Even the pronoun “he” was emphatically replaced with “she” in many law school texts.⁸⁶ Prior to entering law school, I had been taught in both high school and in college the traditional view of using gender-based pronouns in English composition. The general rule of thumb was, as least up through the late 1980s, was that the dominant male pronoun “he” automatically “represented” the female pronoun “she.” We were still very much under the traditional Christian view of the world: God had created the man first, then the woman, as his wife. In other words, throughout the English-speaking world, and in standard English composition, the pronoun “he” or “himself” could represent “she” or “herself.” For example, during his iconic “I Have A Dream Speech,” Martin Luther King, Jr. said:

⁸⁵ Although I was never completely certain and assumed that those church denominations that ordained women to become pastors had a very good reason for doing so. I had been raised to think in terms of Christian patriarchy, and I have viewed women and men as playing well-defined and distinct roles within the home and in society.

⁸⁶ Prior to entering law school, I had seen the words “he or she” used in some texts, in order to emphasize gender equity and fairness; but the American legal academy had begun to simply print textbooks and scholarly articles that used only the pronoun “she” in place of the traditional “he”!

One hundred years later the life of the Negro is still badly crippled by the manacles of stagnation and the chains of discrimination. One hundred years later the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. One hundred years later the Negro still languished in the corners of American society and finds **himself** in exile in **his own land**.

The male-dominated world that I grew up in continued to utilize this manner of expression, and we understood that, for example, when Dr. King said “himself” and “his” in his “I Have A Dream” speech, that he automatically included women within that word. In other words, “himself” and “his” automatically included both Negro men and Negro women, as a matter of cultural expression. But deeply-rooted within that cultural expression was our understanding of Christian theology and its deep roots throughout our culture: *the female was automatically included within, and was subordinate to, the male.*⁸⁷

During the early 1970s, the secular viewpoint of gender, law and society was significantly impacting the church. Without questions, the influence of money and capital were significantly impacting the traditional church and its traditional view of women. American and European churches suddenly began to push for the ordination of female pastors, female priests, female elders, female bishops and other senior female leaders within the church. Since the early 1970s, women’s issues and women’s rights thus naturally infiltrated the church, and men and women were challenging orthodoxy. But I don’t think these movements touched the rural African American communities until the early twenty-first century. In my own home church—the Bethlehem A.M.E. Church (McAlpin, Florida) — during the late 1990s, the words “The New” were inserted in front of the words “Bethlehem A.M.E. Church,” *seemingly* in order to affirm the A.M.E. Church’s break from its older, rural, and farming traditions,-- a tradition which disallowed the ordination of women. Hence the words “The New” affirmed the A.M.E. Church’s more liberal, urban direction toward affirming the ordination of women and similar liberal theological doctrine.⁸⁸

⁸⁷ Ibid.

⁸⁸ During the years 1995 until about the 2001, an African American female pastor (Rev. Helen Johnson) was appointed by the Eleventh A.M.E. Episcopal District to pastor the Bethlehem A.M.E. Church, an “orthodox” rural church in North Florida. There was doubt and resistance to this appointment. For example, my maternal aunt

Had I not been exposed to the African American community and home life, and witnessed firsthand the need for fathers and husbands within the home, I likely would have easily given in to the idea of ordaining women to the priesthood and to the new liberalization of church dogma. But I never did approve of female ordination, and I continue to disapprove of the ordination of women to the priesthood or to the pastoral office, and with great alarm! (Here, I should clarify myself: I believe in the ordination or “consecration” of holy women to separate and distinct roles within the church; including high-level leadership roles as church administrators, evangelists, deaconesses, prophetesses, teachers, and even theology professors. I believe in the traditional view that ordained female clergy (i.e., consecrated “holy women” such as nuns or deaconesses) should exercise a “supplemental church ministry” that is limited to women only, or to women and children. But under no circumstances should they be ordained as pastors, priests, bishops, and the like, because they cannot exercise spiritual authority of over men.⁸⁹

THE END

(DOB, '33), who was a life-long church member of Bethlehem A.M.E. since the early 1950s, did not approve of appointing a woman to pastor this church. I am told that the Bethlehem A.M.E. congregation in McAlpin, Florida was split down the middle in favor or against the appointment of Rev. Helen Johnson, on grounds of theological doctrine regarding female pastors. But most of the older, traditionalist A.M.E. members had by that time already died; younger A.M.E. church members, such as myself, were not replacing these older members.

⁸⁹ Significantly, the prophetic office, which is open to women, is arguably a higher spiritual station than the sacerdotal priesthood or pastoral ministry! For in the Bible, the prophetic office served as the lightening rod to steer entire nations away from falsehood and sin, and women—such as the Prophetesses Sarah, Miriam, Abigail, Deborah, Esther, and Huldah— fulfilled this prophetic role.)

APPENDIX E.

“Homosexuality and Ordination of Women’ by H.H. Pope Shenouda III, Coptic Orthodox Patriarchate, delivered at London, England to the Church of England on November 26, 1990.”

by

Roderick O. Ford, Litt.D.

On November 26, 1990, during an ecumenical gathering in London, England, H.H. Pope Shenouda III, who was then the 117th Pope of the Coptic Church, the Holy See of St. Mark, and the “Patriarch of Alexandria and all Africa,” delivered a series of sermons (or lectures) to the Church of England, one of which was on the topic of the Orthodox view of the ordination of women. “My best wishes to the Anglican Church, its bishops and its priests, wishing for this church all prosperity,” Pope Shenouda said, as he encouraged Anglican leadership to refrain from ordaining women to the priesthood. “I wish and pray that this may not happen,” said Pope Shenouda. “That is what I can say. We are friends of the Anglican Church and we do not want to have any division or separation in the Church for the sake of the good of the Church. We pray that this may not happen.”

Perhaps Pope Shenouda III’s most poignant objection to ordaining women was that it turns the Bible story upside down and perverts the truth of the eternal Mosaic priesthood (including the Levitical priesthood, the Melchezidik priesthood, and the New Testament priesthood of Christ). Most significantly, Israel was called God’s firstborn son in the Book of Genesis; and so, too, was Christ called God’s firstborn son in the New Testament. In the Old Testament, the first “priesthood” was established through the firstborn sons of Israel. As Pope Shenouda III stated in his presentation to the Church of England:

The first priesthood was the priesthood of the great patriarchs of the church: Father Abraham, Father Noah, Father Isaac, Father Jacob. All these were men. The second kind of priesthood was the priesthood of Melchizedek, who was mentioned in Genesis, chapter 14, and in Hebrews chapter 7, and the priesthood of Aaron and his sons. All of

them were men. There was not a single woman priest in all of the Old Testament.... The firstborn children who were sanctified to God before choosing the priesthood of Moses, Aaron and the sons of Aaron—were all men. When the Lord Jesus Christ chose the twelve Apostles to be the first priests or archpriests, or the first bishops or ecumenical bishops, they were all men. And the first bishops consecrated by them were also men.

Subsequently, through the tradition of the Church, the “priest” was viewed a mediator between God and mankind, and as such, represented the very person of Jesus of Nazareth. Indeed, “the priest represents our Lord Jesus Christ,” said Pope Shenouda. Therefore, according to Pope Shenouda, both the text of the Bible and the Sacred Tradition of the Roman Catholic and Orthodox Churches restricted the priesthood to men. The Sacred Tradition (i.e., the teachings on how the holy life or the Christian life) was handed down from the time of the first Apostles to our present day. And this sacred tradition contain the traditional interpretations of the scriptures and restrict the sacerdotal ordination to men. “No woman in the world is more holy than Saint Mary,” explained Pope Shenouda. “And no woman in the whole world is more worthy—if it is a matter of worthiness—than the Virgin Mary. And Saint Mary the Virgin did not claim to be a priest. She was the spiritual mother of all the Apostles, but she did not claim to be a priest.”

This sacerdotal restriction, however, did not mean that “holy women” could not hold special office in the church, or not be consecrated for leadership positions. Two primary roles for “holy women” are that of (1) the prophetess and (2) the deaconess. But in no circumstances could such consecrated women fulfill the role and function of the priest. First and foremost, even consecrated “holy women” could not teach men. “In the First Epistle to Timothy, the Apostle says: ‘Let a woman learn in silence with all submission,’ Pope Shenouda explained. “And I do not permit a woman to teach or have authority over a man, but to be in silence. (1 Tim 2: 11, 12). That means that the work of prayer in the Liturgy is the work of the priest. She may attend silently and not teach men or have authority over men.”)

Secondly, not even the consecrated holy women were allowed to perform any of the sacraments or any of “the work of the priest.” They could not, for example, perform the Holy Sacraments such as the Eucharist or Baptism. Pope

Shenouda asked, “How can a woman baptize men? It is not easy. If she is a bishop and ordains priests, under her authority, under her hierarchy or jurisdiction. This is contradictory to the teaching of the Holy Bible.”

But there were many noble, worthy, and honorable roles which women could fulfill within Church. These roles were, in fact, indispensable: such as teaching children—for by teaching children, the women were the first and primary influencers of the next generation of priests. “If women take care of their children they prepare for us the priests of the Church,” said Pope Shenouda. Of course, women could teach other women; they could, of course, teach children; and they could perform outreach missionary work, such as attendance to the poor, the elderly, and the sick or disabled. As “mother of the church,” the woman served the highest function as the symbol of the heart of the church. **“If a woman is not called to be the head, perhaps she is called to be the heart, and no difference,”** concluded Pope Shenouda.

Table 1. Orthodox Church View of the All-Male Priesthood

Old Testament Priesthood

Father (God)----→ Abraham (and the Patriarchs)----→ Moses (and the Levitical Priesthood)

New Testament Priesthood

Father (God)----→ Son (Christ)----→ Apostles (and the Elders, Overseers and Bishops)

Pope Shenouda III admonished the Anglican Church to accept the Bible “as the basis of our dogma,” and to not lean upon human conjecture and understanding. “We have to respect the Bible and its teaching,” on the question of women’s ordination to the priesthood, he said. The ordination of female priests lead naturally to the very perversion of the Sacred Scripture. Pope Shenouda said frankly:

There is another point I wish to mention very frankly and very openly. I am sorry to say these words, but please excuse me. The Church may try to please women by ordaining them as priests, and this is what happened here. After this, being a priest was no longer sufficient for

women, they wanted to be bishops. After being ordained as bishops, it was still insufficient. Then, women began to ask the question: Is God a Man or a Woman? Of course gender is not found in Divinity. But they began to say: ‘Why do we say: ‘Our Father who are in heaven?’ Why do we not say ‘Our Mother?’” and this was a problem in many meetings of the World Council of churches, and some tried to compromise and say ‘Our Parent who art in heaven.’... This suggestion means that we have to change the Bible!

And so, as stated in Table 2, below, the implications of ordaining women to the priesthood is to downplay the significance of gender and to disregard well-defined gender roles that are prescribed in the Bible.

Table 2. Orthodox View: Ordination of Women Perverts of the Priesthood

Mother or Father (God) ----→ Son (Christ)----→ Apostles (Male or Female Elders, Bishops, etc.)

But most significantly is the question of the impact of ordaining women upon the household. Pope Shenouda asked: **if a man is the head of the home, then how can his wife be his priest in the church?** This question goes to the heart of the conflict between Church and State in the West, because in the market economy, where women as told to compete with men in almost every endeavor of service and employment, the ideas that a man is the natural head of the woman is per se illegal in secular world. And so, quite naturally, the question which Pope Shenouda presents merges into the following secular question as well: **how can a man be the head of the home, when his wife is his head on the job, in the government, in the community, or throughout society as a whole?** But, of course, this begs the question: **why must the man be the head of the home and of the family? Why can't a woman be the head of the home?** And when this series of questions present themselves, the Christian doctrine is placed in a defensive posture: the ordination of women in the church, the status of women in the home and at work, and even homosexuality and same-sex marriage suddenly appear to challenge and to overthrow the orthodox Christian worldview. On the one hand, the Christian faithful are told to have faith in the text of the Bible—as they rightly should do. But the most powerful argument that Christians can make today is one that is grounded in biology, sociology, and economics—i.e., natural law (i.e., the orthodox Christian world view on gender, marriage, and sexuality is

substantiated by natural and sociological sciences and the laws of economic growth and development). Conversely, social dislocation and moral decadence have been the fruits of anti-Christianity, secularism, and materialism.⁹⁰

Today, at the close of the second decade of the twenty-first century, secularism and materialism continue to challenge and even to eject this orthodox Christian view of gender roles, fatherhood, and priesthood. Western Europe appears to be the primary source and promoter of this new secular worldview, while the South and the East—Latin America, Asia, Russia and Africa—appear to remain the repositories of this traditional, authentic Christian thought. To be sure, in the West, there are Conservative Christians and the Roman Catholics, who also hold to the traditional orthodox Christian worldview. And in the United States, this dichotomy is a major factor that defines and separates its two major political parties, the Democrats and the Republicans.⁹¹

But for African Americans, **the question of orthodox Christianity** is more than simply a hypothetical question involving esoteric ideals of Christian theory. Instead, in the United States, the question of orthodox Christianity is closely tied to the political and social status of African American men and boys within the society and the home, with so much at stake stemming in large measure to the downfall of the black family in the United States over the past four decades. The **orthodox**

⁹⁰ Importantly, I should note here that—in terms of establishing firm, strong African American fathers within the home and African American community — both the American Democrats and Republicans have been lacking in both substance and symbolism. Tragically, the Supreme Court’s interpretation of the Establishment Clause and the Equal Protection Clause may naturally lead to this result. “The present separation of the religious from the civil and political life of the nation,” writes Rev. Algernon Crapsey (Anglican), “is cause for grave apprehension for the future of the American people.” I agree. All government officials may feel disempowered from taking proactive measures, rooted in conscience and inspired by tradition, that specifically ameliorate the plight of African American husbands and fathers. Again, this is a natural consequence of the complete separation of Church and State in the United States. For this reason, the historic African American church, together with their non-black allies, has to lead vociferously on the African American question of the plight of the African American family. The tug-of-war between the Christian faith and American capitalism and materialism has converged upon the secular American government, defining the political struggles of our own time:

CHURCH <-----> STATE <-----> AMERICAN CAPITALISM

And American capitalism, together with its market values, has infiltrated not simply the secular State, but it has come to dominate even the American Church—especially the mainline Protestant Churches, promoting same-sex marriage, feminism, materialism, and nihilism—to the point where the authentic message of the Gospel on the ordination of women, traditional gender roles, same-sex marriage, and the like, have become significantly curtailed, if not altogether rescinded. Here, the African American church has a mission and an opportunity to lead by example.

⁹¹ Ibid.

Christian conception of gender roles and marriage is, in my opinion, an obvious and major piece to **the solution of racial inequities** in the United States, but without the aid of American capitalism and the secular state, the implementation of orthodox Christian ideas amongst the underprivileged working classes could be well-nigh impossible. **It is however my opinion that, in the United States, the orthodox Christian viewpoint on gender roles, fathers, and the priesthood—requiring the solemnity of conjugal subordination of women to their husbands, and of their husbands to Christ — is controversial *precisely because it is closely connected to the political and social status of African American men in both the home and in society.***

“Therefore, let the strong and the mighty laugh at us, but let us who are poor and needy confess to you.”

-- St. Augustine of Hippo

ADDENDUM

Puritanism and the Suppression of Female Clergy: “The Institution of the Holy Women”

Introduction: Several years ago, when I published *Jesus Master of Law: A Juridical Science of Christianity* (2015), I came across several scholarly writings on ancient Egypt’s influence upon the Old Testament. One such book included E.W. Hengstenberg’s and R.D.C. Robbins’ *Egypt and the Books of Moses, or The Books of Moses Illustrated by the Monuments of Egypt* (1843), which set forth dozens of theories, historical facts, ancient texts, and biblical texts. Included also was a section on the “institution” of ancient Israel’s “holy women,” which served as a basis for their special roles and limitations within the ancient Hebrew tabernacle or temple. Below I have included an extract from this masterful text.

“THE INSTITUTION OF THE HOLY WOMEN¹

“An Egyptian reference is undeniable in the Israelitish institution of the holy women. The first and principal passage upon it is in Ex. 38:8—‘ And he made the laver of brass, and its foot of brass, of the mirror of the female servants how served at the gate of the tabernacle of the congregation.’ That the institution did not probably end with the Mosaic period, but rather continued through the whole period of the kings, we see from 1 Samuel 2:22, where the great crimes of the sons of Eli, it is mentioned that they defiled the women which served at the gate of the tabernacle....

“The service before the door of the tabernacle of the congregation, is designated as the employment of these women. Xxxx signifies military service. Figuratively it stands, therefore for the militia sacra of the priests and Levites, Num. 4:23, 35, 43. 8:25. Their leader and standard-bearer is the God of Israel.

¹ E.W. Hengstenberg and R.D.C. Robbins, *Egypt and the Books of Moses, or The Books of Moses Illustrated by the Monuments of Egypt*, (London, England: Ex Libris, 1843), p.196-202.

“In addition to the sacred host composed of men, there appears in our passage a corresponding one consisting of women: and the manner in which it is spoken of, shows that it was a general, important and formally organized institution. The expression in the passage referred to, does not imply, that they had external service at the tabernacle—only by an inapposite reference to the German use of the word (*Dienen*), has this idea been found in it—and it must be altogether doubtful whether they were so employed. Neither the law nor history give any information of the service of the women at the tabernacle in this sense.

“That the ancient Jews did not understand that any such occupations were implied in our passage, that it on the contrary has reference to spiritual service, to offices which have direct reference to worship of God which the women were occupied with at the sanctuary, is shown by the paraphrase of the Alexandrian translators, who substitute for ‘service,’ ‘fasting,’ xx xxx xxx xxxxxxxx, xx xxxxxxxx, as well as by that of Onkelos, who, in remarkable agreement with these, translates the same word by ‘to pray.’ Aben-Ezra understands to pray and to hear to words of the law.’ But of special importance for understanding what this service was, is the third passage upon the institution of the holy women, which shows that it continued even to the time of Christ. It is found in Luke 2:37, where it is said of Anna: ‘who departed not from the temple, but served God with fastings and prayers night and day.’ The relation of this passage to Ex. 38:7 is the more distinct if we compare it with the translation of the Seventy and of Onkelos. If we take these into account, we shall also find a reference to the Jewish institution in 1 Tim. 5:5—‘Now she that is a widow indeed, and desolate, trusteth in God, and continueth in supplications and prayers night and day,’ a reference which implies that the service of the women was not performed with the hands but with the heart.

“The institution [of holy women] had a strictly ascetic character. This is evident from the fact—in connexion with Ex. 25:, where Moses is required to take from the Israelites free-will offerings for the construction of the sanctuary: ‘from every one whose heart moves him

shall ye take my offering,'* -- that the article which the holy women gave was their looking-glasses, their means of pleasing the world. This giving up of the use of the mirror is of the same nature as the leaving of the hair to grow in the case of the Nazarites, by which they gave a practical demonstration that they, for the time in which this was done, renounced the world, in which the cutting of the hair belongs to the proprieties of social life, so that they might serve God only. The new use to which Moses devoted the mirrors, also indicated that the offering of them had this significance. This gives, in addition to the negative, the positive reason. Not for the world, but for God, ought we to adorn ourselves, and seek to please him alone.*

“That women of rank devoted themselves to the Lord is evident indeed from the nature of the case,-- where such a way is once opened, it will be trodden by more in proportion of the higher than of the lower order of people—and it is also especially evident from the mention which is made of the mirror. Metal mirrors were, as even the fact that they were offered shows, an article of luxury, and they are represented as such also in the third chapter of Isaiah.

“That the institution has an Egyptian reference, is very probable without argument, not introduced by Moses by a law, but was found by him as an already-existing institution. It evidently arose of itself, from the Israelitish manner of life; and since this stood under manifest Egyptian influences, we should expect to find an analogous Egyptian institution, after which the Israelitish one was, in form, copied, whilst the spirit of both institutions must necessarily be as different as the service of the Holy One of Israel from the natural religion of the Egyptians.

“This expression is accordingly entirely realized. Among classical writers Herodotus first mentions the holy women among the Egyptians.... The characteristic peculiarities in which the Israelitish agrees with the Egyptian institution of the holy women are the following: 1. Among the Israelites as among the Egyptians, the holy

women with all the respect which they enjoy, still are not priestesses; among both the priesthood belongs only to the men. What Herodotus mentions in B.2 c. 35 as a distinguishing peculiarity of the Egyptians: ‘A woman never performs the office of a priest for a god or goddess,’ ¶ applies also accurately mutatis mutandis, to the Israelites.

“2. That the holy women among the Israelites had no external service in the tabernacle of testimony, that their service was rather a spiritual one, we have already seen. Just so is it among the Egyptians. That their holy women were not as Bahr supposes, servants of the priests, (Ihierodulen) is sufficiently proved by the quotations from Herodotus. He says, indeed, that they served the temple of Jupiter at Thebes. But that their service, just as in Ex. Xxxviii, is to be understood as spiritual service, the account shows, since these Egyptian women are supposed to have founded the oracles in Greece and Lybia....

“3. That also among the Israelites, noble women especially were devoted to the service of the temple was previously shown. Just so was it among the Egyptians....

“4. That the holy women among the Israelites were always unmarried, either young women or widows, has been shown in the Contributions.¶ Just so also is it with the holy women among the Egyptians. According to Herodotus the brides of Amon were excluded from all intercourse with men. According to Strabo the most beautiful and noble young women were devoted to Jupiter, and when they wished to marry, there was previously a great lamentation made for them as for one dead.”

THE END