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“A History of the Anglican Church—Part XLII: 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 fifty-eight essay in this series: “A History of the Anglican Church—Part LVII.”

INTRODUCTION¹

The great island nation of 17th-century England— an heir to the mighty Roman Empire—symbolized Augustine of Hippo’s proverbial “city of God” weighted down by the “city of man.” England wished with all its heart to exemplify the perfect Christian commonwealth; but it nevertheless remained perpetually agonized by, and tied to, lusts of the flesh; and the sin of pride and empire perpetually disrupted its Christian constitution. But through it all, England’s Christian constitution has withstood all the tests of time.²

In the grand scheme of Anglo-American constitutional law, there is at its foundation Roman Catholicism and Anglicanism on one end of the spectrum; and Puritanism (Calvinism), Presbyterianism, and the Independent sects on the other. These two broad views of the Christian faith have supported, and produced the constitutional blueprints for Anglo-American constitutional law—the monarchial form of government on the one hand, and the republican form on the other. Christian theology and Christian theologians, together with Christian constitutional lawyers, have thus remained at the centre of England’s constitutional law— in other words, the *Holy Bible* (i.e., the “law of Christ”³) has itself remained at the centre of England’s constitutional law. To be sure, national, economic, and political interests became very important factors in crafting English constitutional law and policy, but the *Holy Bible* – through its representative institution the Church of England—has remained fundamentally at the heart of the English constitution.⁴

¹ This paper is dedicated to the memory of the Bishop of London **Dr. Beilby Porteus** (1731-1809). “Beilby Porteus was one of the most significant, albeit under-rated church figures of the 18th century. His sermons continued to be read by many, and his legacy as a foremost abolitionist was such that his name was almost as well known in the early 19th century as those of Wilberforce and Thomas Clarkson His legacy lives on, though, in the fact that the campaign which he helped to set in motion eventually led to the transformation of the Church of England into an international movement with mission and social justice at its heart, *appointing African, Indian and Afro-Caribbean bishops and archbishops and others from many diverse ethnic groups as its leaders.*” This paper is also dedicated to **Dr. Michael Joseph Brown**, President of Payne Theological Seminary (Wilberforce, Ohio) and to the future development of African Methodism. .

² See, generally, Benjamin Disraeli, *Vindication of the English Constitution in a Letter to a Noble and Learned Lord* (London, England: Saunders and Otley (1835)(republished by the Leopold Classics Library),

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

⁴ Indeed, Loraine Boetner has attributed the founding of the United States Constitution to that same expression of Puritanism and Calvinism which had infiltrated the Church of England during the 17th and 18th centuries. See, generally, Kenneth C. Talbot and Gary Crampton, *Calvinism, Hyper-Calvinism and Arminianism* (Lakeland, FL.: Whitefield Media Publishing, 1990).

Indeed, in the English Constitution, the Church of England has remained the cornerstone, as its bishops have continuously remained as peers in the House of Lords—hence, representing the union of church and state. This “union of Church and State,” wrote Benjamin Disraeli,⁵ has “consecrated the commonwealth of England.”⁶ Thus defending the presence of the Anglican bishops in the House of Lords, Disraeli wrote:

To me it seems that a Bishop of Durham, or of Winchester, affords, from his position, the probable materials of as efficient a member of the Upper House as any Earl or Marquis who bears those names. But when I recall to my recollection the virulent antipathy of the anti-constitutional writers of the present day, against what they style the Hereditary Peerage, and the unqualified legislators, whom they pretend must be the inevitable consequences of its institution, I confess that I am somewhat astonished that their first and fiercest attack should be made on that portion of the House of Lords whose office is not hereditary, who in general spring from the humbler classes of the community and who, from the nature of their qualification to sit in that august assembly must necessarily be men distinguished for their learning, their talents, and their virtues. Of the many popular elements of the House of Lords, I have always considered that the bench of Bishops was the most democratic....⁷

The Church is part of our Constitution, and its character has changed in unison with that Constitution; the clergy in this country, thanks to the Reformation whose good fruits we have long enjoyed, both political and spiritual, are national.... The Bishops who, under James the First, maintained the High Commission Court, under James the Second were the first champions of our liberties; the Establishment which, under Laud, persecuted to obtain Conformity, is now certainly our surest, perhaps our only guarantee of Toleration.

The English Constitution, while it has secured that toleration, absolute and illimitable, has also consecrated the State; it has proved that religious government and religious liberty are not incompatible.⁸

⁵ Benjamin Disraeli (1804 – 1881) was Prime Minister of Great Britain in 1868 and from 1874-1880).

⁶ Benjamin Disraeli, *Vindication of the English Constitution in a Letter to a Noble and Learned Lord* (London, England: Saunders and Otley (1835)(republished by the Leopold Classics Library), pp. 135-136

⁷ Ibid.

⁸ Ibid., p. 137.

Thus, the English Constitution's slow evolution into a beacon of civil and religious liberty reached a critical period during the reigns of King Charles II (1660- 1685) and his younger brother, King James II (1685-1688). In many ways, the same issues which caused the English Civil War (1642-1651) and to the Puritan Protectorate of Oliver Cromwell (1653-1658),⁹ led to the restoration of Charles II to the throne of England.

Under Oliver Cromwell (1653-1658), the English commoners who had won the English Civil War were deeply divided and split as to how to run a new democratic or republican government. Only the forceful personality of Cromwell held England together. He divided the country into twelve military districts, which each district being ruled by a major general. He dissolved the House of Lords, removed its bishops and temporal peers, and appointed commoners to sit in "the other House" (i.e., the House of Lords). Cromwell was himself—as was George Washington during the next century-- offered the crown; but Cromwell refused it. Meanwhile, austere Puritan measures were imposed upon all of England:

The Major-Generals, through stern control of the justices of the peace, enforced their arbitrary will and the Protector's moral 'blue laws.' Military police and censors poked and pried everywhere. Cockfighting, horse racing, bear baiting, drunkenness, and swearing were prohibited. Stage players were banned in the interests of morals and the public good. 'Profaneness and ungodliness' were discouraged....

On the one hand the principles of religious toleration were slightly extended; on the other, those who profaned the Sabbath, frequented taverns, were cursers, drunkards, atheists, or revilers of religion were forbidden to vote or hold office. The purpose of the Humble Petition and Advice was to end military rule, to avert the 'blood and confusion' that might follow Cromwell's death, and to make a constitution similar to the old royal one.¹⁰

Moreover, the Anglicans, the Presbyterians, and the Independents did not get along and they still could not agree on an acceptable "constitution" for the new English republic. Towards the end of Cromwell's life, it became certain that

⁹ Ibid.

¹⁰ Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner's Sons, 1957), pp. 346-347.

England had known no constitution without monarchy, and that it was having a difficult time with adjusting to republican government. “In such a turmoil the propertied classes at last shelved their quarrels. Royalists, businessmen, and landed Parliamentarians stood together against the army, the challenge of the sects, and the leveling radicalism of the lower classes.”¹¹ As the historian Goldwin Smith recounts the story, the innate desire to return to tradition and to the past reoccurred throughout all of England:

In March the restored Long Parliament dissolved itself; an election was held; the new ‘Convention’ Parliament at once ended the danger of another civil war by declaring that ‘according to the ancient and fundamental laws of this kingdom the government is, and ought to be, by Kings, Lords, and Commons.’ This, at least, was something upon which most Englishmen now agreed. There were a few scattered revolts, the last flickers of the once flaming Independents; but they soon guttered out.... The stern reign of republican virtue was ending.¹²

Hence, a Cavalier Parliament returned and with it an invitation to restore Charles II to the throne of England and the Anglican bishops to the House of Lords. The chief “sin” of these measures was that Charles II had not learned the lessons of James I, his grandfather, or of Charles I, his father— Charles II brought “divine right” and Catholicism back to the throne of England and he again aimed to crush any and all religious dissent! His brother, James II, who inherited his father’s policy, would last on the throne for only three years—from 1685 to 1688—after which time England had had enough of “divine right,” the threat of Roman Catholicism, and unlimited monarchical prerogative. For to King Charles II, who ruled England from 1660 to 1685; to his brother the Duke of York (the future King James II); and to the British merchants of London (i.e., plantation capitalism), we owe the rise of the transatlantic slave trade. The Stuart royalists who tried to suppress the human rights of Englishmen at home also sought to suppress the human rights of poor Africans abroad. Indeed, W.E.B. Du Bois tells us that:

In 1660 the upheaval of Civil War in England was at an end, and England was ready to embark on the slave trade for the benefit of her sugar and tobacco colonies. The British increased the import of slaves

¹¹ Ibid., p. 349.

¹² Ibid., p. 349.

to America, raised sugar, indigo, and cotton, and began to bring these goods to England for processing. They then exported some of these processed foods to America to buy more slaves. Trade began to change from a gambler's search for treasure to investment for permanent income; and this income consisted of goods for sale which were in practice found more valuable than treasure for hoarding. To protect this arrangement slaves and more slaves must be had....¹³

For a long time the fiction of the slave trade as a method of conversion to Christianity had ceased to salve the conscience of honest-thinking men. Slavery and the slave trade were pouring such treasures into England, building her cities, railways, and manufactures, and making her so powerful a country that the defense of the system was fierce. England became mistress to the seas. The empire sang 'Hail Britannia, Britannia rules the Waves.'¹⁴

King Charles II and his Royal African Company committed the sinful deeds of transatlantic slavery and slave trade, under cover, outside of the plain view of English commoners, and the Church of England's senior leadership's acquiescence to these unscrupulous arrangements was tacit.¹⁵ The evils of the 17th century transatlantic slave trade finally led to 18th century British materialism and economic rationalism (i.e., the 18th-century Age of Reason), which challenged the orthodox doctrines of the Church of England.¹⁶ Would the Church of England become an "imperial" church or would it remain true to its fundamental Protestant Reformation principles? (NOTE: this question, to a great extent, contributed to the rise of Methodism and evangelical Anglican movements during the 18th century).¹⁷ In truth, the orthodox position of the Christian faith remained anti-slavery, but Anglican bishops and pastors—lured, pressured and compelled by powerful secular forces—split from within,— anti-slavery clergy and pro-slavery clergy co-existing together underneath the umbrella of the Church of England. And so, King Charles II and his brother James Duke of York committed the original sin of slavery; and that original sin corrupted the Church of England!

¹³ W.E.B. Du Bois, *The World and Africa* (New York, N.Y.: International Publishers, 2015), pp. 52-53.

¹⁴ *Ibid.*, p. 64.

¹⁵ See Appendices A, B and C, below.

¹⁶ Goldwin Smith, *A History of England*, pp. 450-455.

¹⁷ "Charitable and missionary societies multiplied: the Society for the Promotion of Christian Knowledge; the Society for the Reformation of Manners; the Society for the Propagation of the Gospel in Foreign Parts. The tendency to good works grew strong again. It was remarked, too, that more was heard from Anglican pulpits about Charles the Martyr (Charles I) than about Jesus Christ." Goldwin Smith, *A History of England*, p. 418.

It would take another 180 years before England could finally abate the sin of slavery and the slave trade. But meanwhile, white Englishmen were also fighting against the enslavement of the English common man. The ideals which nourished the American Revolution—the “law of Christ”¹⁸—at least in their inception, crossed racial lines. As W.E.B. Du Bois reminds us:

There was the *religious paradox*: the contradiction between the *Golden Rule* and the use of force to keep human beings in their appointed places....¹⁹

The next event that opposed the slave trade and slavery was the American Revolution. Not only did the colonists achieve their independence through the help of slaves and the promise of their freedom, and with the co-operation in money and men from Haiti, but they represented actual working classes rather than exploiters of labor. Finally, the French Revolution burst forth as a war against privilege based on birth and demanded freedom, especially economic freedom to trade and to enter industry without coercion. The result was that the slave trade met distinct opposition based on humanitarian grounds....²⁰

All of this struggle for liberty and sacrifice of blood and treasure was set in motion by the unscrupulous reign of King Charles II and his brother James the Duke of York (James II). From between 1660 and 1685, both Charles II and James II fought for royal prerogative, royal privilege, divine rights, and slavery.

When James II’s dictatorial royal prerogative measures threatened the human rights of white Englishmen, all of England rose up in opposition against this tyranny. The result: the Glorious Revolution of 1688 (which brought the Calvinist Protestants William III and Mary II to the throne of England) and led to the English Bill of Rights of 1689. In so far as African slavery and the slave trade were concerned, the Glorious Revolution made no difference: the *Calvinists* William and Mary simply took control over the transatlantic African slave trade from the *Catholic* Stuarts— in other words, the *religious belief of the monarch* simply made no difference to the poor, enslaved Africans. Nor did the

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

¹⁹ W.E.B. Du Bois, *The World and Africa*, p. 17.

²⁰ *Ibid.*, p 62.

empowerment of Parliament make a difference. For after James II abandoned the English throne and the Glorious Revolution of 1688, Parliament simply ended the monopoly on the iniquitous African slave trade—a monopoly that was once held in the singular hands of the Royal African Company—and opened up the slave trade to other British merchants who also desired to cash in on evil profits.

This paper provides a brief historical sketch of the reigns of British monarchs Charles II and James II (1660- 1688) leading up to the Glorious Revolution of 1688.

SUMMARY

The forces which led to the Glorious Revolution of 1688 and the English Bill of Rights of 1689 included competing theories of the Christian religion: Roman Catholicism, Anglicanism, Presbyterianism, Puritanism, Calvinism, and other independent sects. At the centre of all of this was the English monarch who felt that a strong hierarchal and orthodox church best served the crown. The leadership of the Pope within Roman Catholicism, however, made the British aristocracy in Scotland, Wales, and England very uneasy with an openly Catholic monarch. The implication was that Rome and the Pope, together with the popish countries of Spain and France, threatened the identity and the sovereignty of England. The High-Church Anglicans shared enough sympathies and similarities with the Roman Catholics that allowed them to tolerate a Catholic monarch, so long as he or she abided by the laws of Parliament and supported the Church of England. This King Charles II (1660-1685) found very difficult to do, but somehow managed to keep his throne. But James II (1685-1688) was not able to play by these rules, and consequently he rapidly lost the support of the nation, and was forced to abdicate the throne in 1688. Hence, the famous Glorious Revolution of 1688 swept across the English Channel with Calvinists William and Mary who ascended to the English throne during that year. The famous English Bill of Rights followed in 1689, together with the Whig ideals of “social contract” and “limited monarchy”—for it is here when the seeds of the written constitutions of the American colonial democracies began to take shape.

Part XLII. Anglican Church: “The Last of the Stuarts (1660-1688)—Part I”

A. King Charles II (1660- 1685)

The reign of Charles II was historic and, in retrospect, represented a turning point in England’s history. England returned the Stuart family to the throne of England, but it was, to a great extent, engaged in a search for its constitutional soul. On the one hand, England acknowledged that the institution of the monarchy was a vital part of its constitution, but on the other hand it struggled to find the proper limitations on that monarchy and upon government in general—it wanted a limited monarchy governed by a “fundamental law.” But it had no clear reason to believe that Charles II would do anything any differently than James I or Charles I, before him. Through sheer nostalgia and fear of Puritan self-government under a republican form, England returned Stuart ineptitude to the throne of England.

Charles II landed at Dover, England on May 25, 1660; and soon thereafter he dug up the bodies of the leading Roundheads—Cromwell, Ireton, and Bradshaw—and desecrated their bodies!²¹ Ten living persons who had taken part in the execution of Charles I were themselves executed!²² The bishops were returned to the House of Lords. And then a “long body of legislation” ensued:

- Crown and church lands were restored. This hit the Independents and the Presbyterians hard.
- The army was paid and disbanded.
- The abolishment of feudal tenures.
- The establishment of a post office.
- The retroactive investiture of Charles II’s reign was set at 1649, not 1660.
- All Parliamentary acts between 1649 and 1660 were invalidated.
- King Charles could not collect taxes without consent of Parliament.
- In 1660, the Royal African Company was chartered and monopolized the African slave trade. “It shipped more African slaves to the Americas than any other institution in the history of the Atlantic slave trade.”²³
- Licensing Act of 1662 prohibited printers from publishing “treasonous” or “blasphemous” materials.
- Municipal Corporation Act of 1661 (“Clarendon Code”) made it

²¹ Ibid., p. 350.

²² Ibid.

²³ See Appendix A.

unlawful to resist the king. A person must be a member of the Church of England in order to hold office and take communion at least once per year.

- Act of Uniformity of 1662 (“Clarendon Code”) mandated that the Anglican Book of Common Prayer be used in all church services of public worship. This ended religious toleration in England. “Nearly two thousand rectors and vicars, a fifth of the whole body of the clergy, were forced to resign from their parishes as Nonconformists.”²⁴
- Quaker Act of 1662 (“Quaker Act”)(“Clarendon Code”) imprisoned more than 5,000 Quakers. “The Nonconformist John Bunyan spent twelve years in Bedford Gaol. Here he wrote his *Grace Abounding, his Holy City*, and a large part of *The Pilgrim’s Progress*, one of the finest products of Puritanism.”²⁵
- Conventicle Act of 1664 (“Clarendon Code”) “made punishable by fine, transportation, or imprisonment all those who attended meetings or ‘conveticles’ or more than five persons, other than the members of any one household, for ‘any exercise of religion in other manner than is allowed by the liturgy or practice of the Church of England.’”²⁶
- Five Mile Act of 1665 (“Clarendon Code”) required an clergymen who had been driven out of the Church of England, and any other Independents, to swear under oath to not resist the king or to preach any doctrine other than what was pre-approved in the Book of Common Prayer. Those clergymen who refused to take the oath were forbidden of going within 5 miles of any church where they had formerly preached or served as a pastor.

The High-Church Anglicans now anxiously used this “Clarendon Code” to crush the Puritans. “Until the revolution of 1688 the chapters of persecution of dissenters in England are filled with violent and bitter passages.... Even among those who conformed to the Established Church the marks of Puritanism remained. The home study of the Bible, the habit of family prayers, the uncomfortable sober Sundays—these were essentially gifts of the Puritans to the Anglican Church.”²⁷

The Puritan gentry largely resisted and persevered. Their ranks included merchants, shopkeepers, apprentices, and workmen of all levels. They sought religious freedom, and their voices and causes were soon taken up by the now

²⁴ Goldwin Smith, *A History of England*, p. 353.

²⁵ *Ibid.*

²⁶ *Ibid.*, p. 354.

²⁷ *Ibid.*, pp. 354-355.

emerging Whig party. In 1679, as Charles II moved to crush his Whig opponents, England almost fell into a second civil war.²⁸

Internationally, under King Charles II and the support of the Catholic Louis XIV of France, England waged war against Protestant Holland, through which it secured the American colonies of New York, New Jersey, and Delaware in 1667. In 1660, Charles II also the Royal African Company. “It shipped more African slaves to the Americas than any other institution in the history of the Atlantic slave trade.”²⁹ By 1680, Charles II seemed to be victorious both at home and abroad.

But domestically Charles II also ran into difficulties with the High-Church Anglicans; Charles II was himself a Catholic, and he sought the loosening of restrictions on the practice of Catholicism and Catholic civil rights. Charles’ younger brother James (who would become King James II) was also Catholic, and Charles wished to pave the way for his succession to the throne. But hysteria over an imagined “Catholic conspiracy” throughout England ensured. A man named Thomas Oates, a Baptist preacher, gave sworn testimony that the Jesuits were planning to murder Charles II and to place his brother, the Catholic James II, on the throne of England. As a result of this rumor, 2000 Catholics lost their lives. Five Catholic Peers were imprisoned. Every Catholic was ordered to leave London. And Parliament passed a second “Test Act” which excluded Roman Catholics from holding public office—an act which was not repealed until 1829.

All of this history is quite curious when one consider the fact that Charles II was himself a Roman Catholic. He maintained the allegiance of the High-Church Anglicans, but meanwhile those same Anglicans were disenfranchising other Roman Catholics and had even moved to pass an “Exclusion Act” which was aimed an preventing James II from ascending to the throne of England. Then, suddenly, in February 1685, Charles II became ill and died. Father Huddleston, a priest who was said to have saved his life after the battle of Worcester, administered the Roman Catholic last rites to the dying king.

²⁸ “Through all the excitement [King] Charles [II] appeared indolently cool. Asserting that Shaftesbury had conspired to assassinate him and to raise a rebellion in support of Monmouth, Charles tried to obtain a conviction in the courts. Shaftesbury was acquitted. Fearing for his life, he fled to Holland. A few month later this founder of the Whig party died in exile. Leading Whigs he left behind him were tried for their share in the Rye House and insurrection plots. Lord Russell and Algernon Sidney were condemned by packed juries and died by the headman’s axe. Lord Essex cut his throat in the Tower. Monmouth fled terror-stricken over the sea. Because its leaders had been unscrupulous and violent the Whig party was broken for a time. The revenge of the king was complete.” *Ibid.*, pp. 362-363.

²⁹ See Appendix A.

B. King James II (1685-1688)

King James II succeeded his older brother Charles II to the throne of England in 1685. It seems as though James II's heart was in the right position, in that he wished for more religious toleration. But he somehow misjudged history and the times in which he lived. For this reason, "James II now proceeded swiftly along the road to his own ruin. Determined to impose Catholicism upon an alienated people, he defied the law and appointed Roman Catholics to the privy council. He established an arbitrary court of ecclesiastical commission similar to the earlier court of high commission; this body suspended anti-Catholic bishops."³⁰

In a word, James II was amazingly reckless in his support for the Roman Catholic faith:

- He revoked the Test Act, and allowed Roman Catholics to hold all sorts of civil offices;
- Catholic and Jesuit chapels were re-opened in London and Savoy;
- Cambridge and Oxford were compelled to grant degrees to Roman Catholics;
- In 1687, the king issued the "Declaration of Indulgence," which suspended restrictions (i.e., the "Clarendon Codes") against the Independents, Dissenters, and Roman Catholics.
- On April 27, 1688, the king issued a second "Declaration of Indulgence," which he required to be read in all of the churches of England.

But James II incorrectly assumed, in his fight for the rights of Roman Catholics, that he was also fighting for the religious freedom of all Englishmen—including the Puritans and the Independents. But in all of this, James II miscalculated England's national disapproval of Roman Catholicism, together with England's concerns about rivalry Catholic nations such as Spain and France. And so, the English Puritans and Independents were not about to sacrifice the national interest in support of Catholic liberation. When the second "Declaration of Indulgence" was issued, the Archbishop of Canterbury and several other Anglican bishops petitioned the king, declaring the "Declaration of Indulgence" to be illegal. All of the bishops, including Archbishop Sancroft, were committed to the Tower of London, and brought before the King's Bench. Historian Goldwin Smith recounts the events of history as follows:

³⁰ Ibid., p. 365.

The king, declaring the petition [of the bishops] to be a ‘standard of rebellion,’ sent the petitioners to the Tower, prosecuted them for seditious libel. Amid fierce public demonstrations the bishops appeared on June 29 at the bar of the court of king’s bench. The fury of the people overawed the judges and the jury. The judges were divided. To the jury Justice Powell declared: ‘I can see no difference, nor know of one in law, between the king’s power to dispense with laws ecclesiastical and his power to dispense with any other laws whatsoever. If this be once allowed of, there will need no Parliament; all the legislature will be in the king—which is a thing worth considering, and I leave the issue to God and your conscience.’ On July 30, 1688, the jury found that bishops not guilty. A roar of approval rolled over England. Bonfires were lit in the streets of London. Swiftly the news spread along the country crossroads into the remotest hamlets.

Meanwhile, on July 1, the queen, the Italian Mary of Modena, gave birth to a son. The heir to the throne was now a Catholic. Across the English Channel the march of Catholicism was evident to all Englishmen. ‘Heresy is no more,’ declared the great Bishop Bossuet of France. The prospect of Catholic rule in England induced the chief Whig and Tory leaders to act without delay. They had long been in communication with William of Orange and Mary. On July 30, the day of the bishop’s acquittal, seven prominent Whigs and Tories dispatched a formal invitation to William to come with an army to England to aid in the restoration of English liberties. The Tory doctrine of nonresistance was laid on the shelf. King James stood alone in his realm.³¹

After the events of June 30, 1688, the abdication of James II was most certain; and he fled to France to receive refuge at the court of Louis XIV. “That he might leave anarchy behind him he burned the writs for the new Parliament, wrote an order for the disbandment of the army, threw the great seal of England into the Thames. He never saw England again.”³² James II’s departure also ended the constitutional doctrine of “divine right of kings” by hereditary principle.³³ The Tories, by accepting this abdication and the ascension of William and Mary to the throne, had essentially relinquished the doctrine of hereditary rights to the monarchy. The

³¹ Ibid., pp. 366-367.

³² Ibid., p. 367.

³³ Ibid., p. 368.

Whig principle of “contract rights” would thereafter prevail in English constitutional law—the English or British monarchy was to be a limited constitutional monarchy. The few Tory dissenters would cling to the old doctrine of divine or hereditary right became known as Jacobites—those who continued to support the Stuart line of succession through James III.

CONCLUSION

In 1688, England summoned Calvinists King William III and Queen Mary II to the throne of England, because Puritan-Calvinist theology on Christian polity and government afforded the new British commercial empire the best opportunity to function as a modern nation-state, with sufficient separation of powers between Parliament and Monarchy, and with Parliament having been guaranteed the superior position. The older Medieval and Anglican ideals of “divine right of kings” lay on its deathbed 1688, but the doctrine was later revived by Lord Bolingbroke in his landmark work, *A Patriot King*, during the early 1700s. The English constitution, which emerged in 1688, and later supplemented by the English Bill of Rights of 1689, had upon it a Protestant Calvinistic imprint— a limited monarchy supplemented with republican forms of Parliamentary government. This new English constitution would continue to influence the American colonists during the next century.

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APPENDIX A

King Charles II, the Stuart Family, and the Transatlantic Slave Trade

“The Royal African Company”

(Wikipedia Online Article)

“The Royal African Company (RAC) was an English mercantile (trading) company set up in 1660 by the royal Stuart family and City of London merchants to trade along the west coast of Africa. It was led by the Duke of York, who was the brother of Charles II and later took the throne as James II. It shipped more African slaves to the Americas than any other institution in the history of the Atlantic slave trade.

“It was established after Charles II gained the English throne in the Restoration of 1660. While its original purpose was to exploit the gold fields up the Gambia River, which were identified by Prince Rupert during the Interregnum, it soon developed and led a brutal and sustained slave trade. It also extracted other commodities, mainly from the Gold Coast. After becoming insolvent in 1708, it survived in a state of much reduced activity until 1752 when its assets were transferred to the new African Company of Merchants, which lasted until 1821....

“Originally known as the Company of Royal Adventurers Trading into Africa, by its charter issued in 1660 it was granted a monopoly over English trade along the west coast of Africa, with the principal objective being the search for gold. In 1663 a new charter was obtained which also mentioned the trade in slaves. This was the third English African Company, but it made a fresh start in the slave trade and there was only one factory of importance for it to take over from the East India Company, which had leased it as a calling-place on the sea-route round the Cape. This was Cormantin, a few miles east of the Dutch station of Casa Corso or Cape Coast Castle. The 1663 charter prohibits others to trade in "redwood, elephants' teeth, negroes, slaves, hides, wax, guinea grains, or other commodities of those countries". In 1663, as a prelude to the Dutch war, Captain Holmes's expedition captured or destroyed all the Dutch settlements on the coast, and in 1664 Fort James was founded on an island about twenty miles up the Gambia river, as a new centre for English trade and power. This, however, was only the beginning of a series of captures and recaptures. In the same year de Ruyter won

back all the Dutch forts except Cape Coast Castle and also took Cormantin. The treaty of Breda confirmed Cape Coast Castle to the English.

“Forts served as staging and trading stations, and the Company was responsible for seizing any English ships that attempted to operate in violation of its monopoly (known as interlopers). In the "prize court", the King received half of the proceeds and the Company half from the seizure of these interlopers.

“The Company fell heavily into debt in 1667, during the Second Anglo-Dutch War. For several years after that, the Company maintained some desultory trade, including licensing single-trip private traders, but its biggest effort was the creation in 1668 of the Gambia Adventurers. This new company was separately subscribed and granted a ten-year licence for African trade north of the Bight of Benin with effect from 1 January 1669. At the end of 1678, the licence to the Gambia Adventurers expired and its Gambian trade was merged into the Company.

“The African Company was ruined by its losses and surrendered its charter in 1672, to be followed by the still more ambitious Royal African Company of England. Its new charter was broader than the old one and included the right to set up forts and factories, maintain troops, and exercise martial law in West Africa, in pursuit of trade in gold, silver and African slaves. Until 1687 the Company was very prosperous. It set up six forts on the Gold Coast, and another post at Ouidah, farther east on the Slave Coast, which became its principal centre for trade. Cape Coast Castle was strengthened and rose to be second in importance only to the Dutch factory at Elmina. Anglo-Dutch rivalry was, however, henceforward unimportant in the region and the Dutch were not strong enough to take aggressive measures here in the Third Anglo-Dutch War.

Slave trade

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

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

Later activities and insolvency

“From 1694 to 1700, the Company was a major participant in the Komenda Wars in the port city Komenda in the Eguafu Kingdom in modern-day Ghana. The Company allied with a merchant prince named John Cabess and various neighbouring African kingdoms to depose the king of Eguafu and establish a permanent fort and factory in Komenda. The English took two French forts and lost them again, after which the French destroyed Fort James. The place appears to have been soon regained and in the War of Spanish Succession to have been twice retaken by the French. In the treaty of Utrecht it remained English. The French wars caused considerable losses to the Company.

“In 1689, the Company acknowledged that it had lost its monopoly with the end of royal power in the Glorious Revolution, and it ceased issuing letters of marque. Edward Colston transferred a large segment of his original shareholding to William III at the beginning of 1689, securing the new regime's favour. To maintain the Company and its infrastructure and end its monopoly, parliament passed the Trade with Africa Act 1697 (9 Will. 3 c. 26). Among other provisions, the Act opened the African trade to all English merchants who paid a ten per cent levy to the Company on all goods exported from Africa.

“The Company was unable to withstand competition on the terms imposed by the Act and in 1708 became insolvent, surviving until 1750 in a state of much reduced activity.

“The Company continued purchasing and transporting slaves until 1731, when it abandoned slaving in favour of ivory and gold dust.

“From 1668 to 1722, the Royal African Company provided gold to the English Mint. Coins made with such gold are designed with an elephant below the bust of the king and/or queen. This gold also gave the coinage its name, the guinea.”

THE END

APPENDIX B

“Church Apologises for Benefiting from Slave Trade”

The Guardian (February 10, 2006)³⁴

“The Church of England last night said sorry for the role it played in the 18th century in benefiting from slave labour in the Caribbean.

“The church's general synod in London began its deliberations yesterday by commemorating its role behind the abolition of slavery in 1807, pledging members to continue campaigning against modern slavery. But the debate was transformed at the request of the Archbishop of Canterbury, with an apology being issued for the church's complicity in sustaining - and profiting hugely - from the trade.

“Although the motion was passed unanimously, the synod stopped short of endorsing a specific call for financial or other reparations.

“When parliament voted compensation in 1833 - to former slave owners rather than the slaves themselves - the church received £8,823 8s 9d, about £500,000 in today's money, for the loss of slave labour on its Codrington plantation in Barbados. The contemporary Bishop of Exeter and his business associates received even more, nearly £13,000.

“Rowan Williams, the archbishop, told the synod that the church ought to acknowledge its corporate and ancestral guilt: “The Body of Christ is not just a body that exists at any one time; it exists across history and we therefore share the shame and the sinfulness of our predecessors, and part of what we can do, with them and for them in the Body of Christ, is prayerful acknowledgment of the failure that is part of us, not just of some distant “them.”

“To speak here of repentance and apology is not words alone; it is part of our witness to the Gospel, to a world that needs to hear that the past must be faced and healed and cannot be ignored ... by doing so we are actually discharging our responsibility to preach good news, not simply to look backwards in awkwardness and embarrassment, but to speak of the freedom we are given to face ourselves, including the unacceptable regions of ... our history.’

“The church's admission follows similar apologies by the late Pope John Paul II for the historic transgressions of the Roman Catholic church, its anti-semitism and the Inquisition.

“Speakers in the synod debate acknowledged that the church had played its part in justifying slavery during the long campaign by William Wilberforce and others such as the former slave ship captain turned minister John Newton, composer of the hymn

³⁴ <https://www.theguardian.com/uk/2006/feb/09/religion.world>

Amazing Grace, to secure its abolition. Wilberforce brought bills before parliament for 20 successive years until legislation to abolish the trade was passed.

“The Rt Rev Tom Butler, Bishop of Southwark, told the synod: "The profits from the slave trade were part of the bedrock of our country's industrial development. No one who was involved in running the business, financing it or benefiting from its products can say they had clean hands.

‘We know that bishops in the House of Lords with biblical authority voted against the abolition of the slave trade. We know that the church owned sugar plantations on the Codrington estates.’

“A recent book, Bury the Chains, by the American author Adam Hochschild, clearly influenced the debate. It says the church's missionary organisation, the Society for the Propagation of the Gospel in Foreign Parts, branded its slaves on the chest with the word SOCIETY to show who they belonged to.”

THE END

APPENDIX C

“The Church and the Legacy of Slavery” Church of England (June 19, 2020)³⁵

The events of recent weeks have shone a spotlight on the history and legacy of the slave trade, prompting renewed reflection by many organisations in this country and across the world. The Church of England’s history in this regard is complex: marked both with pride in the role of William Wilberforce and others who led the long fight for the abolition of the slave trade and shame in the role of many other individuals, and the Church itself, in the trade in human beings.

“The bicentenary of the Act for the Abolition of the Slave Trade 1807 celebrated in 2007 provided unprecedented opportunities to acknowledge the Church’s complicity. In a debate in 2006, the General Synod of the Church of England voted to issue an apology for the church's role in sustaining the trade.

“The then Archbishop of Canterbury Rowan Williams, told the debate that the Church ought to acknowledge its corporate and ancestral guilt.

He said:

“ ‘The Body of Christ is not just a body that exists at any one time; it exists across history and we therefore share the shame and the sinfulness of our predecessors, and part of what we can do, with them and for them in the Body of Christ, is prayerful acknowledgment of the failure that is part of us, not just of some distant 'them'.

‘To speak here of repentance and apology is not words alone; it is part of our witness to the Gospel, to a world that needs to hear that the past must be faced and healed and cannot be ignored ... by doing so we are actually discharging our responsibility to preach good news, not simply to look backwards in awkwardness and embarrassment, but to speak of the freedom we are given to face ourselves, including the unacceptable regions of ... our history.’

“Speakers in the debate acknowledged that while the Church had played its part in justifying slavery, Anglicans including Wilberforce or John Newton, the

³⁵ <https://www.churchofengland.org/news-and-media/news-and-statements/church-and-legacy-slavery>

former slave ship captain turned minister and composer of the hymn Amazing Grace, were powerfully motivated by their Christian faith. Wilberforce brought bills before Parliament for 20 successive years until legislation to abolish the trade was passed.

“The Church is mindful that slavery still exists today in other forms. The Church alongside other organisations is actively working to educate and reduce instances of slavery. In May 2019 the National Church Institutions issued a Slavery and Human Trafficking Statement in accordance with the Modern Slavery Act 2015.

“This statement document considers both historic and current forms of slavery. The Church works closely with the Clewer Initiative with the aim of removing instances of human trafficking.

“Recent research has highlighted other links between the wider Church and the slave trade. An article in the Daily Telegraph on June 19, 2020 highlights how a number of individual clergy received payments under 1833 Abolition of Slavery Act compensating them for slaves which they or their families ‘owned’.

“A spokesperson for the Church of England said:

‘Slavery and exploitation have no place in society.

‘While we recognise the leading role clergy and active members of the Church of England played in securing the abolition of slavery, it is a source of shame that others within the Church actively perpetrated slavery and profited from it.

‘In 2006 the General Synod of the Church of England issued an apology, acknowledging the part the Church itself played in historic cases of slavery.

“We reiterate our commitments to support every effort by the Church and other agencies to oppose human trafficking and all other manifestations of slavery across the world.

‘The Church of England is actively committed to combatting slavery in all its forms today, particularly through the work of the Clewer Initiative which works with our 42 dioceses to help support victims of modern slavery and identify the signs of exploitation in their communities.’

“Recent events have also prompted debate about statues, monuments or other commemorations to those linked to the slave trade in public places in the UK, including some historic churches.

“The Church of England’s Director of Cathedrals and Church Buildings, Becky Clark, said:

‘The events of the past weeks in response to the tragic death of George Floyd have brought into focus the question of monuments to individuals who have participated in systemic and targeted discrimination or exploitation based on race.

‘It is not possible to provide a single position which could apply to all circumstances and which would satisfy all legitimate viewpoints, however we acknowledge the real and justified anger of those who believe monuments in churches and elsewhere should be reviewed.

‘We believe that dialogue within communities is the key to responding well to this and the local and national church should play a leading role by helping to facilitate the conversation. This cannot be dealt with purely as a discussion around historical monuments, and must encompass how we, as a broad and diverse society, value and represent people of all ethnicities and backgrounds.

‘We acknowledge that dialogue alone is not sufficient, and must have real outcomes. These may include the alteration or removal of monuments. However this must be done safely and legally, and we do not condone illegal acts.

‘Dialogue has to be open and honest. Churches and cathedrals are considering how they can address the issues raised by the Black Lives Matter movement and which demonstrations and direct action have brought into such sharp relief.’”