

**“The LEGAL TRADITION *of* CHRISTIANITY and  
the 21<sup>st</sup>-Century African and African American Church:  
A Tribute to the Life and Legacy of John Calvin (1509 – 1564)”**



By

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# Exhibit A

**Reformed Anglican Church**  
**(Proposed Presbyterian Model for the Local Church)**

<b>Province</b>
<b>Anglican Archbishop (Province)</b>
<b>Diocese</b>
<b>Anglican Bishop (Diocesan)</b>
<b>Local Parish Church</b>
<b>Anglican Priest (Pastor; Rector) with a <i>Collegiate Panel of Ordained Lay Elders</i><sup>1</sup></b>
<b>Elder</b> - Doctor of Church (Old Testament) <b>Elder</b> - Doctor of Church (New Testament) <b>Elder</b> - Ordained Lay Minister (e.g., Lawyer) <b>Elder</b> - Ordained Lay Minister (e.g., Businessman) <b>Elder</b> - Ordained Lay Minister (e.g., Farmer/ Fisherman) <b>Elder</b> - Ordained Lay Minister (e.g., Merchant) <b>Elder</b> - Ordained Lay Minister (e.g., Physician)
————— <b>Associate Pastor (s)</b>
————— <b>Deacon (s)</b>

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<sup>1</sup> Ordained Elders may be “international.” For example, an Ordained Elder in the United States may be assigned to help a Reformed Anglican church in Rwanda, Uganda, or Madagascar.

## Introduction

The Westminster Theological Seminary has described John Calvin as “the most influential theologian of the church since Augustine and Thomas Aquinas. He may also be the most influential thinker in the modern West in terms of the impact of his ideas on civilization.”<sup>2</sup> However, I am not a Calvinist.<sup>3</sup> Nevertheless, as an Augustinian theologian and an African American constitutional lawyer, I am drawn to the life, legacy, and Reformed theology of the great French theologian and lawyer John Calvin (1509 – 1564). Like Calvin, I share a great admiration for Augustine of Hippo, whom I had begun studying in earnest more than two decades before I encountered Calvin’s *Institutes of the Christian Religion*. I have since learned that Calvin considered himself to be an Augustinian theologian. Prior to my encounters with Calvin’s theology, I had associated Martin Luther (1483- 1546), who was also a former Augustinian monk and a great admirer of Augustine of Hippo, with being the intellectual leader of the Protestant Reformation. Calvin and Luther did not agree on every aspect of theology; and, as I have adopted most, but not all, of Calvin’s doctrine on predestination, it is clear that even

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<sup>2</sup> Westminster Theological Seminary, <https://faculty.wts.edu/posts/calvin-the-apologist/> (Scott Oliphint and William Edgar, “Calvin the Apologist” (October 23, 2017)).

<sup>3</sup> I have a great respect for Calvin, Calvinism, and Calvinists, but, I am unable to call myself a “Calvinist” out of respect for their authentic “Reformed Doctrine,” which is otherwise known as T.U.L.I.P. (Total Depravity, Unconditional Election, Limited Atonement, Irresistible Grace, and Perseverance of the Saints). I do, however, embrace an Augustinian soteriological viewpoint which is, arguably, closely akin to Calvinism. As an “Augustinian,” I recognize that I may be considered a neo-orthodox Calvinist or a quasi-Calvinist or a “New Methodist” (in the theological tradition of the 17<sup>th</sup>-century Puritan-Presbyterian Richard Baxter (1615-1691)). See, e.g., “Augustinian Calvinism,” [https://en.wikipedia.org/wiki/Augustinian\\_Calvinism](https://en.wikipedia.org/wiki/Augustinian_Calvinism) (explaining the correlations between Augustinian and Calvinist theology. See, also, Kenneth Talbot and Gary Crampton, *Calvinism, Hyper-Calvinism, and Arminianism* (Lakeland, FL.: Whitefield Media Publishing, 1990), p. 114 (“Calvinists avow that the chief theologian of the first century church was the apostle Paul. We believe that this book has fully documented the fact that apostolic doctrine was that of reformed theology. The second and third century church did not produce a systematic theology treatise, per se, but the writings of the Patristic period reveal strong leanings toward Calvinism. The doctrines of these early years were further developed during the time of Saint Augustine (A.D. 354-430), one of the greatest theological and philosophical minds that God has ever so seen fit to give to His church. Augustine was so strongly Calvinistic, that John Calvin referred to himself as an Augustinian theologian. Augustine’s theology was dominant in the church for a millennium.” I have provided what I believe to be the Augustinian soteriological viewpoint, which was extracted from *The City of God*, at Footnote # 137.

Augustinian theologians do not agree on every doctrine and principle. But this disagreement, so long as it is embraced as a healthy dialectic, is not at all bad or unhealthy for the Christian church which must pray without ceasing and seek after God's immeasurable wisdom and truth. Nevertheless, I later learned that Calvin's influence upon the Protestant Reformation eclipsed Luther's, and that the Calvinists would go on to have a profound influence upon the English and Scottish Protestant Reformations which helped to lay the foundations for the American Declaration of Independence (1776) and the U.S. Constitutions (1787). It is precisely for this reason that I now entrust the legacy of John Calvin to Christian lawyers and judges on the African continent.

In the city-state of Geneva, John Calvin essentially rewrote and restructured the fundamental constitutions of the Holy Roman Empire and of the Roman Catholic Church. Calvin's civil polity was based upon a republican structure of civil government, with elected legislatures and chief magistrates or mayors. His church or ecclesiastical polity was based upon a Presbyterian structure, with a council of elders and a consistory (i.e., church court) that included laymen as ecclesiastical rulers. Although Calvin himself had never been ordained to any priesthood (and thus did not receive the laying on of hands from a bishop, priest, or anyone else who was invested with "apostolic succession" rights), he nevertheless fulfilled the role of pastor in the Church of Geneva. With these steps, Calvin and his Calvinist supporters broke the power of the Holy Roman Empire and, eventually, of the system of monarchy and the papacy that had dominated Europe for many centuries.

Calvinism insisted that the common man was both "king and priest"<sup>4</sup> and that the doctrine of the "priesthood of all believers" rendered every Christian a presbyter in his or her own right, with absolute authority to read and interpret the Sacred Scriptures for themselves. Thus, Calvinism, together with Lutheranism which preceded it, broke the power of Roman Catholic episcopal structure, which concentrated the right to read and interpret the Sacred Scriptures into the hands of a magisterium that was headed by the Pope. Calvinism led to the education and literacy of the common man, whom Christ has

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<sup>4</sup> Revelation 1:6.

made both a “king and priest,”<sup>5</sup> and who needed to be able to read and interpret the Sacred Scriptures for himself. Calvinism led naturally to the movement for the political franchise of all churchmen or church members who were in good standing. And, most importantly, Calvinism subordinated the civil polity and its rulers to the Almighty God, and held generally that no human law or human authority could violate the laws of God, which Calvin himself deduced was the moral law contained in the Decalogue, which was also known as “general equity.”

Under Calvinism, congregational and presbyterian forms of church government reflected the doctrine of the “priesthood of all believers” and were fully acceptable to God. The imperial bishops and archbishops of the Roman Catholic, Anglican, and Orthodox churches were anathema to Calvin’s interpretation of the New Testament Church. The emperors, kings and princes of Europe were permissible but unnecessary in Calvinist civil polity. Under Calvinism, the rule of law, constitutional constraint of government authority, and the acknowledge of divine Providence (i.e., God’s sovereignty) were fundamental ingredients for a blessed human civilization. And, for the most part, the Puritans of colonial New England embraced this Calvinist model and helped to lay the foundations for constitutional democracy in the West. In North America, the Calvinists founded Harvard, Yale, and Princeton in order to train Puritan ministers, both Congregational and Presbyterian. And although the Church of England had a powerful presence in North America, its representative churches and pastors were deeply influenced, and ultimately persuaded, by their Calvinist neighbors. Most of the signers of the Declaration of Independence and the United States Constitution were Anglicans who had adopted the worldview of the Presbyterian Enlightenment thinkers (i.e., Scottish Common Sense Realism) at Princeton— and, especially, such Anglicans included George Washington, James Madison, Thomas Jefferson, Alexander Hamilton,

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<sup>5</sup> Ibid.

etc.<sup>6</sup> It is for this reason that many Presbyterians hold that the United States Constitution is a Calvinist political document, and with good reason.<sup>7</sup>

When we now analyze the name “Calvinism” more closely, we find that it is heavily Hebrew or Jewish in its essential character.<sup>8</sup> The Calvinists of Geneva tried to

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<sup>6</sup> Princeton University was then known as the College of New Jersey, which located in Princeton.

<sup>7</sup> See, e.g., “The Ancient Hebrew Polity,” *The Presbyterian Quarterly* 12.2 (April 1898): 153-169.

<sup>8</sup> “The Ancient Hebrew Polity,” *The Presbyterian Quarterly*, supra, comparing the United States Constitution to the constitution of ancient Israel, stating:

“We do not here speak of the People’s acceptance of this Constitution, which will be better exhibited in another connexion; but press the simple fact that Israel was from the beginning under a Constitutional government, in which the relations and duties of all parties under its protection were accurately defined.

Such an instrument becomes not only a regulative code, but also a charter of rights. After centuries of conflict to obtain it, modern sagacity has discovered no greater safeguard of political and civil freedom....

It would be pleasant just here, to show the parallelism between the Hebrew Commonwealth and our own: which is so striking that in reciting the history of the one, we seem to be drawing the picture of the other.

The twelve Tribes of Israel almost re-appear in the States of this Republic; and the weakness in the government from tribal independence was reproduced with us, compelling as in their case a closer Federal union. All this must, however, be pretermitted to make room for the statement that, in the changes of time, so much has the danger shifted from disintegration to centralism, as to lodge the only hope of preserving our American system in the autonomy of the States, and in the maintenance of their right to local self-government. Can a stronger encomium be pronounced upon that feature of the Hebrew Constitution, which so early established a bulwark against Imperialism ? ...

God, though unseen, was the acknowledged King. Whatever the outward form of the government—whether democratic, as till the close of Samuel’s regency—or Monarchical, as under the kings—or Oligarchic, as after the Captivity—through all it was Theocratic. Did ever a nation possess such a bond of union before? Did ever Majesty like this sit upon an earthly throne? Can we conceive extremes brought together, between which all friction shall be so completely removed? How could such a King encroach upon the liberty of the subject? How could the subject find occasion to be jealous of the prerogatives of such a Monarch? This is not all.

The Hebrew religion was thus bound up in the Hebrew nationality. The two were so welded into one by the pressure of fifteen centuries and under the discipline of an extraordinary providence, that eighteen centuries of dispersion have not separated the embrace. So thoroughly was the Theocratic principle



developed a city-state based on their interpretation of ancient Israel's civil polity.<sup>9</sup> Likewise, the Puritans of colonial New England tried to develop a civil polity on the basis of their interpretation of ancient Israel's civil polity.<sup>10</sup> Hence, the Puritan's fundamental

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wrought into the texture of Hebrew thought that, without a country and without a government, their religion alone makes them a nation still. The Hebrew State is gone; but the nationality which should have perished with it, survives unbroken in the Hebrew Church. When was such a crystal as this ever produced in the historic outworking of any other political Constitution?" ...

The Hebrew government rested upon the consent of the people, formally and constitutionally expressed. This is recognized in modern times as the corner-stone of civil liberty, which claims for the subject not only the right to determine the character and form of the government, but also a voice in shaping the legislation.

The American Revolution, for example, which dissolved the bands of British allegiance, turned upon the principle that taxation without the right of representation was only the exaction of tribute. We find the same principle further back as the pivot upon which English history turns—from the wresting of Magna Charta by the Barons from the feeble John, to the issue of the long struggle between privilege and prerogative in the expulsion of the treacherous Stuarts from the throne. If then this vital principle shall be found incorporated in the Hebrew polity, it will justify the assertion that it was designed by the Supreme Lawgiver to confront the old despotisms, as the working model of a free government.

There is room for but a few specifications, and these in the briefest synopsis: (a) The Constitution itself given by Jehovah was submitted, in all its details, to the ratification of the people; and He, by public acclamation, was accepted as their Sovereign. When Joshua represented the difficulties of this service, the response was, "Nay, but we will serve the Lord: and Joshua said unto the people, ye are witnesses unto yourselves that ye have chosen you the Lord to serve Him : and they said, we are witnesses." (b) We find some of the Judges, as Jephtha, chosen by the people (Judges 11:5, 10, 11); although this extraordinary office especially reflected the Theocratic principle. (c) The great change wrought in the administration of government by the institution of hereditary Monarchy, was effected by the demand of the people, and against the remonstrances of Samuel: "Nevertheless the people refused to obey the voice of Samuel; and they said, Nay, but we will have a king over us." (1 Sam. 8:19.) (d) Both Saul and David, after being designated by God and anointed by Samuel, did not assume the functions of royalty until they were confirmed by the popular choice. (1 Sam. 11:14, 15. 2 Sam. 2:4.) (e) David was seven years king over Judah alone, before his authority was recognised by the other Tribes; who were nevertheless absolved from the charge of rebellion.")

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

approach to the Old Testament was to treat it as the “fundamental law” (i.e., the written constitution) of colonial New England.<sup>11</sup> Hence, the Sacred Scriptures were deemed to be constitutional law in colonial New England—the foundation of its “social contract” or its “civil compact”; and these constitutional ideals were expressly codified within the founding documents of New England, such as the Mayflower Compact (1620), the Fundamental Orders of Government (Connecticut)(1639), Massachusetts Body of Liberties (1641), etc.<sup>12</sup> Hence, many reflective and authoritative historians, constitutional scholars, and theologians have reached the conclusion that the United States was founded upon Puritan or Calvinist ideology and principles.<sup>13</sup>

Now when I pause and reflect upon the influences of the Christian religion upon the continent of sub-Saharan Africa and the African American community in the United States, I cannot avoid contemplating this influence of Calvinism upon the development of Western civilization since the 17<sup>th</sup> century; that is to say, Calvinism’s tearing apart of political and religious (i.e., episcopal) hierarchies; Calvinism’s exposures of Catholic superstitions; its impositions of political and ecclesiastical democracies under the doctrine of a priesthood of all believers; Calvinism’s congregational and presbyterian forms of church polity; and Calvinism’s tending towards religious freedom within a civil

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<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> See, generally, *The Works of John Witherspoon*, Vol 8 (Edinburgh, Scotland: Ogles, Duncan & Cochran, 1815); Reinhold Niebuhr, “Happiness, Prosperity and Virtue,” *Major Works on Religion and Politics* (New York, N.Y.: The Library of America, 2015), pp. 496-510; David Yount, “How Quaker Values Infused the Constitution,” *How the Quakers Invented America* (Lanham, MD: Rowan & Littlefield Pub., Inc., 2007), pp. 14-17; William Goodell, *The Democracy of Christianity* (New York, N.Y.: Cady and Burgess, 1852), p. 484 (“[T]he people of Great Britain are indebted to the Puritans. What is wanting, both in England and America, to the completeness and the security of human freedom, is an undeviating fidelity to those principles of Christian democracy which the Puritans in some measure restored.”); and Algernon Sidney Crapsey, *Religion and Politics* (New York, N.Y.: Thomas Whittaker, 1905), p. 244 (“It was the belief of the Puritan that was the motive power of the American Revolution. It was the stern conviction of the Puritan that not King George, but God, was the rightful sovereign in America, not Parliament of England, but the people of the united Colonies, were the sole keepers of the purse and the only source of political power; and it was this conviction of the Puritan that sustained the people of the country through the long years of the Revolutionary War.”)

polity that is subordinate to an Almighty God. I cannot help but to wonder whether African and African American ecclesiastical tendencies toward hierarchical ecclesiastical pyramids, with patriarchs, archbishops, bishops, etc., are an alluring appeal to Romish magisterial hierarchy which has a tendency to denunciate the Christian liberties of African and African American peoples.

Many African and African American Protestant church traditions have already embraced Calvin's brand of Church regimen and discipline. This is especially true amongst the African American Pentecostal, Apostolic, Baptist, and many non-denominational church traditions. These church traditions have considered Calvinist-like church discipline to be the surest method of overthrowing the shackles of sin and dismantling the crippling evils of colonization and slavery.<sup>14</sup> Contrary to how the liberals in American politics often portray the African American community, most Black churches and Black people, in general, tend to be very conservative. And that conservatism is deeply-rooted customary or traditional Anglo-American and Christian values.<sup>15</sup> Through those conservative, Christian values, the Black church in the United States has been on the vanguard for reversing and uprooting the damaging effects of

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<sup>14</sup> Here, I think that it is important for Africans and African Americans to consider the orthodox, hierarchical structures of many of their churches, and especially those churches that have an "episcopal" form of church government, and ascertain whether the "episcopal" form of church government is indeed appropriate, or whether further changes should be put in place in order to achieve the blessings of ecclesiastical liberty, prosperity, equality, and church growth on the basis of the "priesthood of all believers." The "episcopal" form of church government ought to cause the hierarchical churches on the African continent and within the African American community within the United States, to consider the life, legacy and contributions which John Calvin to the "Presbyterian" and "Reformed" church movements.

<sup>15</sup> See, e.g., Chansé Jamal Travis, "The Political Power Of The Black Church" (2015). Electronic Theses and Dissertations. 788. <https://egrove.olemiss.edu/etd/78>, stating:

The peculiarity of the black church is it is an institution that sends mixed messages. Black churches advocate on behalf of the Democratic Party but **advance conservative messages all year round**. This causes blacks to be politically cross pressured. As such, what are individuals to do? ...

Being the most religiously committed group in America (Pew Research, 2009), **African Americans are predominately theologically conservative**. The church sees the Bible as the authoritative word of God. As a result, the black church is traditionally socially conservative in nature.

chattel slavery upon the Black family structure and upon Black people in general. Its ethos held that the Christian religion was the key to overcoming and dismantling racism, discrimination, and the effects of slavery.<sup>16</sup> Similarly, African theologians and philosophers have reached the same conclusion about the positive effects of Calvinism upon the African peoples and the African continent. Dr. Eric Washington, for instance, in his article on the African writer and abolitionist Olaudah Equiano (1745-1797), has described Calvinism as being inherently anti-slavery.<sup>17</sup> And Dr. Julius Gathogo<sup>18</sup> of the ACK Bishop Hannington Institute of Mambasa, Kenya, has also given Calvinism a similar description, along with very high appraisal, where he writes:

The article sets out to demonstrate that even though John Calvin, the great reformer of the 16<sup>th</sup> century CE, was grossly misinterpreted by neo-Calvinists, especially with regard to the African context, he nevertheless deserves our attention as we mark 500 years since his birth (1509-2009). In other words, postcolonial Africa has to learn from his reforms in the socio-religious and educational sectors, among other. In the era of reconstruction, can his reforms be seen as reconstructive? Were the proponents and pioneers of an African renaissance like Marcus Garvey and WEB Du Bois driven by Calvinism when they advocated ‘Africa for the Africans’? Was Calvinism misinterpreted in the Afrikaners’ sense of divine destiny in

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<sup>16</sup> See, e.g., Carter G. Woodson, *The History of the Negro Church* (Washington, D.C.: The Associated Publishers, 1921), p. 282 (“The [Negro] church serves as a moral force, a power acting as a restraint upon the bad and stimulating the good to further moral achievement. Among the Negroes its valuable service is readily apparent....”); W.E.B. Du Bois, “The Souls of Black Folk,” *Writings* (New York, N.Y.: The Library of America, 1986), p. 496 (“[T]he [Negro] Church often stands as a real conserver of morals, a strengthener of family life, and the final authority on what is Good and Right”); and James H. Cone and Gayraud S. Wilmore, *Black Theology: A Documentary History*, Vol. One: 1966- 1979 (Maryknoll, N.Y.: Orbis Books, 2003), p. 218 (“[T]he Black Church of the nineteenth century... thought of itself as God’s judgment upon racism... converted thousands, stabilized the Black family... founded schools and colleges.... And provided the social, cultural, economic, and political base of the entire African American community in the United States.”)

<sup>17</sup> See Eric Washington, “Calvinism: Inherently Anti-Slavery?”  
<http://thefrontporch.org/2015/04/calvinism-inherently-anti-slavery/>

<sup>18</sup> Julius Gathogo is a Post-Doctoral Research Fellow at the School of Religion and Theology, University of Kwa Zulu-Natal, Pietermaritzburg, South Africa.

apartheid South Africa? To this end, the article will build on the hypothesis that our quest for an authentic and holistic liberation and reconstruction of postcolonial Africa will require us to revisit the gallant efforts of John Calvin's reforms, as his was an applied and pragmatic theology that is relevant in our African context today. Reading John Calvin in the African context thus calls us to re-examine society in general and address areas that beg for reforms. In turn, this will invite us to act with decorum and with a sense of urgency.<sup>19</sup>

Therefore, it is likely that both African and African American churches will need to defend the Christian religion against both racist forces and global liberal secularism which seek to undermine the positive social, cultural, and political development of Black peoples all around the world.

To that end, I am also quite concerned about the ability of African and African American churches to discharge their obligations under the Great Commission and to project a positive image, both internally and externally, while staying true to the Sacred Scriptures. One major problem area that I see are ecclesiastical abuses that uniquely stem episcopal church governance on the African continent and in the African American community. This abusive episcopal church governance does not reflect the Christian liberties on the "priesthood of all believers" which are contained within the New Testament or the best interests of the African and African American peoples. Therefore, I am especially concerned about all ecclesiastical structures which concentrate popish ecclesiastical authority into the hands of imperious bishops, which suck the spiritual and financial life blood out of humanity. In summation, I am quite concerned that the state of the Christian religion on the African continent, and in many African American churches, represent the same forms of religious despotisms which Martin Luther and John Calvin preached against nearly 500 years ago!

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<sup>19</sup> Julius Gathogo, "Reading John Calvin in the African context: any relevance for the social reconstruction of Africa?" ACK Bishop Hannington Institute (2009).

Given the moral, political, and economic state that the African continent and the African American community are in, and given the unique position and ability of African and African American Christian churches to mobilize charity, education, information, social services, and financial support to the needy, I thus commend to those institutions the life and legacy of lawyer John Calvin— a great Christian theologian who was trained as a humanist lawyer but never formally ordained to the priesthood. I am not saying that Calvin’s qualifications are an ideal model for the qualifications of modern-day clergy; but, rather, I am saying that the African and African American churches should ignore, deprecate, or turn away experienced lawyers and retired judges for service in the churches as elders, deacons, ministers of the word and sacraments, chancellors, church administrators, etc. This is where I believe that Calvin’s presbyterian model of church leadership— i.e., a *presbyterian board of ordained elders*— can be of significant benefit to Anglican or episcopal churches on the African continent and within African American communities, because Christian lawyers, who serve as ordained elders within those churches, can have a tremendous impact. To that end, I believe, the churches of Africa, and within African American communities, must assess their ability to fund its mission through donations, offerings, tithes, and the like, together with the ability of their members to give sufficient funds to the church in order to meet its essential mission.

The churches of Africa, and the churches within the African American community, should also seriously reconsider the important roles that lawyers can play within the church *as pastors and as doctors of the law*.<sup>20</sup> For instance, John Calvin was *a lawyer and an evangelical pastor*, who was able to understand the intricate and subtle nexus between the Mosaic ceremonial (liturgical), judicial, and moral laws, and the pressing demands for civil justice and order within the secular civil society. As a lawyer, Calvin was able to distinguish which of the sacred laws of God (i.e., moral laws) were *still fully functional and fully operative* within the secular civil polity. He understood which of those sacred laws (e.g., ceremonial laws) needed to be separated from the civil polity and confined to the church or other religious bodies. As a lawyer, Calvin understood why the

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<sup>20</sup> In both England and the United States, for instance, the law degrees were designated as the LL.B. or the LL.M. or LL.D.- with the “double L” nomenclature representing both “civil law and canon law.”

secular civil polity was fundamentally a “divine” political function that had been ordained by God and that all public officials, who take an oath to establish civil justice, are God’s ministers.<sup>21</sup> As a lawyer, Calvin understood that the “House of Abraham” would teach the nations “to do justice and judgment,”<sup>22</sup> and that the fundamental objective of the secular civil polity is to establish that same “justice and judgment,” thus elevating the duties of lawyers and judges to a most sublime estate within the body politic and the church. As a lawyer, Calvin understood that the pastors of churches retained ecclesiastical authority that was not to be shared with, or exercised by, the civil magistrate. And with this profound knowledge of both law and Sacred Scripture, Calvin was able to develop a sophisticated church-state civil polity that truly became the foundation of western political democracy.

Similarly, I strongly suggest that church leaders on the continent of Africa, and within African American communities through the United States, reconsider the role and function of lawyers and judges within both ancient Hebrew civil polity and in the Western tradition. For instance, in the Book of Exodus, even before there was a Levitical priesthood, we find that, through *necessity*, Moses established the Elders of ancient Israel as judges of the Children of Israel. “And Moses chose able men out of all Israel, and made them heads over the people, rulers of thousands, rulers of hundreds, rulers of fifties, and

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<sup>21</sup> Romans 13:1-6. See, also, Martin Luther, *Temporal Authority: To What Extent it should be Obeyed* (1523) (“Here you inquire further, whether constables, hangmen, jurists, lawyers, and others of similar function can also be Christians and in a state of salvation. Answer: **If the governing authority and its sword are a divine service, as was proved above, then everything that is essential for the authority's bearing of the sword must also be divine service.** There must be those who arrest, prosecute, execute, and destroy the wicked, and who protect, acquit, defend, and save the good. Therefore, when they perform their duties, not with the intention of seeking their own ends but only of helping the law and the governing authority function to coerce the wicked, there is no peril in that; they may use their office like anybody else would use his trade, as a means of livelihood. For, as has been said, love of neighbor is not concerned about its own; it considers not how great or humble, but how profitable and needful the works are for neighbor or community.”) See, also, Algernon Sidney Crapsey, *Religion and Politics* (New York, N.Y.: Thomas Whitaker, 1905), pp. 248-249 (“To speak of the separation of church and state is to speak of the separation of soul and body. If the state is without a church it is without warrant in the conscience of man; if the church is without a state it is without power in the life of the world. The church without the state is a disembodied spirit; the state without the church is a putrefying corpse....”)

<sup>22</sup> Genesis 18: 18-19.

rulers of tens. And they judged the people at all seasons: the hard causes they brought unto Moses, but every small matter they judged themselves.”<sup>23</sup> The Hebrew people and, subsequently, the Jewish lawyer, understood their essential mandate “to do justice and judgment.”<sup>24</sup> John Calvin, in his commentary on Genesis 18:19, reached the same conclusion, and he encouraged Christians to serve God by pursuing occupations that will enable them “to justice and judgment,” stating:

Now since God spoke that way, He is saying that Abraham’s children, whom he will teach, will do *justice* and *judgment*. With those two words, Scripture comprises what concerns the second table of the Law. Moses says they will do justice and judgment. That shows us what the way of God is and how we will show we are obeying Him. For those two words...involve uprightness and equity so that we may be kind, give ourselves to charity, help one another, protect everyone’s right and not defraud, abstain from doing wrong and violence to one another, and even help those who need our help.

Now, it is certain that in God’s Law there is nothing but justice and judgment. In the first table, we see how we are to worship God, how we are to revere His name, and how we are to practice calling upon Him and

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<sup>23</sup> Exodus 18: 25-26.

<sup>24</sup> Genesis 18:19; The ancient Jewish lawyers who are mentioned in the New Testament were adjuncts to the ancient Jewish synagogues and organization of rabbis such as the Pharisees. Since there was no separation of “church and state,” the Jewish lawyers were experts in all areas of law, both secular and sacred, since the Law of Moses encompassed all areas of Jewish life. This is readily seen in Harvard law professor Alan M. Dershowitz’s *Abraham: The World’s First (But Certainly Not Last) Jewish Lawyer* (New York, N.Y.: Schocken Books, 2015), p. 28 (“God the Divine Teacher for His student and messenger Abraham in order to prepare him to ‘**instruct**’ his **progeny to do justice**.” And, see, *Ibid*, pp. 122-123, stating “Our Torah commands us to pursue justice (**‘Justice, justice shall thou pursue’**) and not stand idly by the blood of our neighbor. Our Talmud is the first religious compendium to preserve a record of legal arguments—with dissenting and concurring opinions. We fought against persecution, discrimination, and victimization for millennia. Our rabbis have served as advocates, judges, and lawmakers, resolving disputes among quarrelling Jews for centuries.”



trusting in Him so that we will devote ourselves this way to His service and dedicate ourselves to it. All of that is properly called justice and judgment.

Now as I said, that commonly involves our neighbors and the rule of living right with men in uprightness and equity; but that is an ordinary way of speaking in Scripture, and the prophets are filled with it (*cf.* Isa 1:27; 5:16; 28:17). When they deal with God’s Law, they sometimes depart from the first table and speak of uprightness and equity. They cry out against fraud, violence, robbery, and such like. Those things, in brief, mention a part while signifying the whole. In this way, although there is here only a type and a portion of God’s way, God, in general, nonetheless wanted to declare that Abraham would teach his family to govern itself in all equity and uprightness so that no one would rise up against his neighbor, that no one would commit fraud or do any wrong. That is what we have to remember.<sup>25</sup>

In fact, the words “justice and judgment” in the Hebrew means “tzedek and mishpat”; and in the Jewish tradition, a lawyer is therefore called a “mishpatan.”<sup>26</sup>

In the ancient Jewish ecclesiastical tradition, the “mishpatan,” which was fully a part of the Jewish system of elders and rabbis within the synagogue, as well the New Testament church (see, e.g., Titus 3:13, referencing “Zenas the lawyer”). And, indeed, it would not be otherwise, that the New Testament church would reject the services of so important of a role as reading and interpreting the law, both secular and sacred. For, indeed, the Christian “synagogues” largely retained the same pastoral offices, eldership offices, moderators of the synagogue, doctors of law, etc., as when they had formerly been “Jewish.” I believe that this is how Calvin devised his ecclesiastical plan for Presbyterianism. For Calvin, the role of the pastor, which included the duty to preach the Gospel and to administer the sacraments, simply could not allow sufficient time for that same pastor to also fulfill the role of the

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<sup>25</sup> John Calvin, *Sermons on Genesis*, Vol. 1, The Banner of Truth Trust  
<https://www.monergism.com/father%E2%80%99s-main-responsibility-genesis-1819>

<sup>26</sup> “Mishpat is today the modern Hebrew word for law. A mishpatan is a lawyer.”  
<https://www.thejcc.com/judaism/jewish-words/mishpat-1.8055>

scholar-theologian, or of the doctor of the law, or of the doctor of the church, which the ancient Jewish or Christian synagogues had. Therefore, Calvin and others included the ecclesiastical office of the “doctor of the church” within the *Ecclesiastical Ordinances* of 1541, in order to supplement the teaching role of the pastor.

Similarly, I commend this ecclesiastical office to the churches in African and the African American community. Both the African and African American churches need, but sorely lack, the “mishpatan,” or the “doctor of the law” within the church. And the result is that, while there are great African and African American theologians scattered throughout the great seminaries and universities of the world, the local churches on the African continent and within African American communities lack the benefit and blessing of the juridical interpretation of the Sacred Scriptures or the pioneering Christian services which only lawyers might bring to the local church. I surmise, too, that the local church which does not have the benefit of the “mishpatan,” also lacks the ability to maximize its full prophetic potential. The lack of the “mishpatan” within our midst is a deficiency that is a matter of the struggle between life and death in both Africa and North America. Because, to use the United States as an example, the vital role of the Black church has necessitated that they meet the unique and dire needs of the Black community.

The biblical mandate to “pursue justice,” which the Jewish community knows is the true meaning of Torah,<sup>27</sup> and which the Calvinists have likewise embraced as being the correct meaning of the law of Christ,<sup>28</sup> is broad-based and all inclusive of every aspect of the

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<sup>27</sup> See, e.g., Jewish and Harvard law professor Alan M. Dershowitz’s *Abraham: The World’s First (But Certainly Not Last) Jewish Lawyer* (New York, N.Y.: Schocken Books, 2015), p. 28 (“God the Divine Teacher for His student and messenger Abraham in order to prepare him to ‘**instruct**’ his progeny to do justice.” And, see, *Ibid*, pp. 122-123, stating “Our Torah commands us to pursue justice (**‘Justice, justice shall thou pursue’**) and not stand idly by the blood of our neighbor. Our Talmud is the first religious compendium to preserve a record of legal arguments—with dissenting and concurring opinions. We fought against persecution, discrimination, and victimization for millennia. Our rabbis have served as advocates, judges, and lawmakers, resolving disputes among quarrelling Jews for centuries.”

<sup>28</sup> 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).

Churches' mission.<sup>29</sup> But that fundamental mandate has been seriously impaired in churches on the African continent and within African American communities, because they have not developed a battery of ordained Christian lawyers who are under "holy orders" in service for the local church to address the pressing needs of both the local church membership and the local communities in which they serve.<sup>30</sup>

Since the "legal tradition" of Christianity has been taken away from the Black Church of the United States, through circumstances beyond its control, it is the objective of this paper to provide a pathway for both the African or African American legal community, and the African or African American church community, to move forward.

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<sup>29</sup> See, generally, Robert F. Cochran, Jr. and Zachary R. Calo, *Agape, Justice, and Law* (Cambridge, England, Cambridge Univ. Press, 2017).

<sup>30</sup> *Ibid.*

## Chapter One

### “Does Africa have a Right to Define its own Distinct Version of Christianity?”

First, I should preface all future discussion by pointing out that Africa, the Christians of Africa, and all of Africa’s churches have a God-given right to interpret and to define its own distinct version of Christianity— and not be burdened down by artificially-imposed prescriptions from the West or any other people. Therefore, I have not presented this pamphlet to Africa’s churches in order to imperiously suggest that they must follow Calvinism or any other form or brand of Christianity that is not suitable for the needs of African Christians. On the contrary, I have simply made recommendations, the chief recommendation being that the African and African American churches ought to embrace implementing a quasi-presbyterian system—i.e., a *presbyterian board of ordained ruling elders for the local churches*. This system would not only democratize and enrich those churches, but it would also create or strengthen the spirit of Christian brotherhood amongst all men.

As an African American Christian, who was baptized in the African Methodist Episcopal Church and raised in both Black Baptist and Black Methodist churches in the rural South (U.S.A.), I come from a unique Christian tradition—the “Black Church” tradition<sup>31</sup>—which widely claims a unique foundation, a unique missionary objective, and a unique “Black theology” that is separate and apart from the White churches in North America.<sup>32</sup> This unique African American church tradition does not claim to hold

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<sup>31</sup> In this position paper, the definition of the word “Black church” has been borrowed from the following text: C. Eric Lincoln and Lawrence H. Mamiya, *The Black Church in the African American Experience* (Durham, N.C.: Duke University Press, 1990), p. 1 (“We use the term ‘the Black Church’ as do other scholars and much of the general public as a kind of sociological and theological shorthand reference to the pluralism of black Christian churches in the United States.”) See, also, James H. Cone and Gayraud S. Wilmore, *Black Theology: A Documentary History*, Vol. One: 1966- 1979 (Maryknoll, N.Y.: Orbis Books, 2003), p. 217, citing Lincoln and Mamiya, *The Black Church in the African American Experience*, and adopting the same definition of “Black Church.”

<sup>32</sup> Carter G. Woodson, *The History of the Negro Church* (Washington, D.C.: The Associated Publishers, 1921), p. 282 (“The [Negro] church serves as a moral force, a power acting as a restraint upon the bad and stimulating the good to further moral achievement. Among the Negroes its valuable service is readily apparent....”); W.E.B. Du Bois, “The Souls of Black Folk,” *Writings* (New York, N.Y.: The Library of America, 1986), p. 496 (“[T]he

any different fundamental beliefs than do their sister White church denominations, but they do insist that due to the unique historical, economic, and social conditions of the African American population, that the ecclesiology and mission of the “Black Church” must be modified somewhat in order to suit the unique needs of African American Christians.

But this “dual” church arrangement in the United States, based largely upon race, has not been an ideal one. Nor does this arrangement accurately reflect God’s attributes, love, mind, will, and eternal destiny for the human race. It has been a delicate balancing act, whereby the “Fatherhood of God and the Brotherhood of mankind” has been sought. But, at the same time, we know that the Christian religion is inherently universal or catholic; and that there is room within that religion for every nation, race, ethnicity, and culture. Nevertheless, within post-colonial Africa, the same challenges racial or ethnic prejudice and chauvinism towards African churches have emerged.<sup>33</sup> And it is likely that these African churches, like the Black Church of the United States, will need to chart its own course to meet the needs of the African peoples.<sup>34</sup> But this embracing of African culture, norms, and traditions, in order to build an African church structure that suits the need of African Christians, ought to be embraced as a positive and natural growth of the worldwide body of Jesus Christ, through a Pentecostal outpouring of one Holy Ghost, that leads us into all truth.

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[Negro] Church often stands as a real conservator of morals, a strengthener of family life, and the final authority on what is Good and Right.”); and James H. Cone and Gayraud S. Wilmore, *Black Theology: A Documentary History*, Vol. One: 1966- 1979 (Maryknoll, N.Y.: Orbis Books, 2003), p. 218 (“[T]he Black Church of the nineteenth century... thought of itself as God’s judgment upon racism... converted thousands, stabilized the Black family... founded schools and colleges.... And provided the social, cultural, economic, and political base of the entire African American community in the United States.”)

<sup>33</sup> See, generally, Lamin Sanneh, *Whose Religion is Religion is Christianity? The Gospel Beyond the West* (Cambridge, U.K.: William B. Eerdmans Publishing, Co., 2003).

<sup>34</sup> Ibid.

To that end, let us first acknowledge that the Christian religion is the religion of the *Logos*.<sup>35</sup> Let us always acknowledge that Christ is the *Logos* of God.<sup>36</sup> Therefore, we may see Christ, as the *Logos* of God, throughout the handywork of nature. For as the Psalmist says:

The heavens declare the glory of God; and the firmament sheweth his handywork.

Day unto day uttereth speech, and night unto night sheweth knowledge.

There is no speech nor language, where their voice is not heard.

Their line is gone out through all the earth, and their words to the end of the world. In them hath he set a tabernacle for the sun,

Which is as a bridegroom coming out of his chamber, and rejoiceth as a strong man to run a race.

His going forth is from the end of the heaven, and his circuit unto the ends of it: and there is nothing hid from the heat thereof.

The law of the LORD is perfect, converting the soul: the testimony of the LORD is sure, making wise the simple.

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<sup>35</sup> See, e.g., Bertrand Russell, *A History of Western Philosophy* (New York, NY: Touchstone, 2007), p. 309 (“For Christians, the Messiah was the historical Jesus, who was also identified with the Logos of Greek philosophy...”); and p. 289 (“It was this intellectual element in Plato’s religion that led Christians—notably the author of Saint John’s Gospel—to identify Christ with the Logos. Logos should be translated ‘reason’ in this connection.”).

<sup>36</sup> See, e.g., John 1: 1-3 and Romans 1: 19-20; 10: 17-18; See, also, John 17:17 (“Sanctify them through thy truth: **thy word is truth.**”) See, also, St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 645 (“For by consulting the Gospel we learn that Christ is Truth.”); Saint Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 48 (“Your law is the truth and you are truth.”)

The statutes of the LORD are right, rejoicing the heart: the commandment of the LORD is pure, enlightening the eyes.<sup>37</sup>

So that the Christian faith has already been made known without the coming of the formalized Gospels in written form, as affirmed by the Apostle Paul, who, reaffirming the text of Psalm 19, has observed in his *Epistle to the Romans* that:

[F]aith cometh by hearing, and hearing by the word of God.

But I say, Have they not heard? Yes verily, their sound went into all the earth, and their words unto the ends of the world.<sup>38</sup>

Because that which may be known of God is manifest in them; for God hath shewed it unto them.

For the invisible things of him from the creation of the world are clearly seen, being understood by the things that are made, even his eternal power and Godhead; so that they are without excuse....<sup>39</sup>

Augustine of Hippo, when explaining and describing the wisdom and philosophy of the Platonists, agreed with the Apostle Paul's theological conclusions regarding the "invisible things... being understood by the things that are made,"<sup>40</sup> where Augustine writes in *The City of God* that:

[The Platonists] saw that body and mind might be more or less beautiful in form, and that, if they wanted form, they could have no existence, they saw that there is some existence in which is the first form, unchangeable, and therefore not admitting of degrees of comparison, and in that they most

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<sup>37</sup> Psalm 19: 1-8.

<sup>38</sup> Romans 10: 17-18.

<sup>39</sup> Romans 1:19-20.

<sup>40</sup> Ibid.

rightly believed was the first principle of things, which was not made, and by which all things were made. Therefore that which is known of God He manifested to [the Platonists] when His invisible things were seen by them, being understood by those things which have been made; also His eternal power and Godhead by whom all visible and temporal things have been created.<sup>41</sup>

Therefore, as *Logos*, Christ is incorporeal spirit, reason, and truth,<sup>42</sup> meaning that his presence is everywhere— and the *Logos* of God (i.e., Christ) is not only omnipresent, but it is also accessible to everyone’s conscience, regardless of whether they be pagans, atheists, polytheists, humanists, Platonists, etc. And for this reason, we find the spirit of Christ (i.e., agape or the Golden Rule) present within most cultures and world religions, to wit:

### **The Golden Rule in World Religions**

“Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. This is the first and great commandment. And the second is like unto it, *Thou shalt love thy neighbor as thyself*. On these two commandments hang all the law and the prophets.”

– **Jesus of Nazareth (Second Temple Period)(*Matthew 22:37-40*)**

“Now this is the command: Do to the doer to cause that he do.”

– **Ancient Egyptian (Middle Kingdom)**

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<sup>41</sup> Ibid., p. 251 (paraphrasing Romans 1: 19-20).

<sup>42</sup> John 17:17 (“Sanctify them through thy truth: **thy word is truth**.”) See, also, `St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 645 (“For by consulting the Gospel we learn that Christ is Truth.”); Saint Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 48 (“Your law is the truth and you are truth.”)



“[T]hou shalt not hate thy brother in thine heart.... [T]hou shalt love thy neighbor as thyself....”

– **Old Testament, *Leviticus 19:17-18***

“Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets.”

– **New Testament, *Matthew 7:12***

“Do not do to others what you would not like yourself. Then there will be no resentment against you, either in the family or in the state.”

– **Confucianism, *Analects 12:2***.

“Hurt not others in ways that you yourself would find hurtful.”

– **Buddhism, *Udana-Varga 5, 1***

“This is the sum of duty; do naught onto others what you would not have them do unto you.”

– **Hinduism, *Mahabharata 5, 1517***

“No one of you is a believer until he desires for his brother that which he desires for himself.”

– **Islam, *Sunnah***

“What is hateful to you, do not do to your fellowman. This is the entire Law; all the rest is commentary.”

– **Judaism, *Talmud, “Shabbat” 3id***

“Regard your neighbor’s gain as your gain, and your neighbor’s loss as your own loss.”

– **Taoism, *Tai Shang Kan Yin P’ien***

“That nature alone is good which refrains from doing to another whatsoever is not good for itself.”

– **Zoroastrianism, Dadisten-I-dinik, 94, 5**

“One going to take a pointed stick to pinch a baby bird should first try it on himself to feel how it hurts.”

– **African Traditional (Nigeria)**

“Respect for all life is the foundation.” “All things are our relatives; what we do to everything, we do to ourselves. All is really One.” “Do not wrong or hate your neighbor. For it is not he who you wrong, but yourself.”

– **Native American**

“One who you think should be hit is none else but you. One who you think should be governed is none else but you. One who you think should be tortured is none else but you. One who you think should be enslaved is none else but you. One who you think should be killed is none else but you. One who you think should be killed is none else but you. A sage is ingenuous and leads his life after comprehending the parity of the killed and the killer. Therefore, neither does he cause violence to others nor does he make others do so.

– **Janism**

I believe that Professor Lamin Sanneh,<sup>43</sup> in his book *Whose Religion is Christianity?* drives home this very same theological argument, pointing out how the Pygmies of the Congo had mystically attained a “primitive” knowledge of God, even without having heard the Gospels, writing:

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<sup>43</sup> Dr. Lamin Sanneh (1942 – 2019), was a native of Gambia, was D. Willis James Professor of Missions and World Christianity and Professor of History at Yale Divinity School. <https://divinity.yale.edu/faculty-and-research/yds-faculty/lamin-sanneh>

Nothing in their culture or in their limited and deprived physical circumstances prepares us for the incisive insight of these words:

In the beginning was God,  
Today is God,  
Tomorrow will be God.  
Who can make an image of God?  
He has no body.  
He is a word that comes out of your mouth.  
That word! It is no more,  
It is past, and still it lives!  
So is God.<sup>44</sup>

Furthermore, Professor Sanneh goes on to write:

Europeans can gain a lot of insight from that theological transposition....

[T]he West can learn from the fact that the gospel entered transformation when in the nineteenth and twentieth centuries it encountered the religions and societies of Africa....

I just don't see how Europeans can continue—and I devoutly hope they do continue—to study and teach Christianity without paying heed to examples of Christianity's successful cross-border expansion in postcolonial societies. Christianity is a world religion of recent vintage with energy to renew the church as it reels exhausted from its pact with secularism.<sup>45</sup>

Therefore, I do not write to impose “western Christian theological belief systems” upon the Reformed Anglican churches, or any other church, of Africa, or upon any other African or African American church. Nor do I assume that the West or Western

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<sup>44</sup> Lamin Sanneh, *Whose Religion is Religion is Christianity? The Gospel Beyond the West* (Cambridge, U.K.: William B. Eerdmans Publishing, Co., 2003), pp. 52-53.

<sup>45</sup> *Ibid.*, p. 58.

philosophers and theologians have all the answers to Africa's problems or unique challenges and circumstances. Therefore, this pamphlet is not a form of ecclesiastical *neo-imperialism*. But, quite the contrary, this pamphlet is clearly designed to help transmit innovative and fresh ideas and ideals to African and African American church leaders— despite the fact that some or all of those ideals may have originated within a European context or been refined by European philosophers and theologians— i.e., fresh ideas and ideals that I believe will greatly improve both the African and African American churches as they proceed to uplift their communities in Africa and around the world in the twenty-first century. And so, this is the Spirit in which I now present the ideas and ideals of the great Reformed theologian and lawyer John Calvin (1509 – 1564).

## Chapter Two

### “Calvin’s Influence Upon Anglo-American Constitutional Law”

The African church<sup>46</sup> and the African American legal community in the United States might also note and highlight the important fact that John Calvin, as both a Reformed theologian and constitutional lawyer, has had a profound impact upon Anglo-American Protestantism and constitutional law. The Church of England commemorates John Calvin on its liturgical calendar as a “saint” and a leader of the Protestant Reformation. Indeed, Calvin maintained throughout his career close ties to the English and Scottish Protestants, including Thomas Cranmer, Archbishop of Canterbury and author of the *Book of Common Prayer*; the Duke of Somerset, who served as the regent to Edward VI; John Knox, the leader of the Scottish Protestants; and Queen Elizabeth I’s court. (The Calvinist John Knox had even served as an Anglican chaplain in the Church of England before he fled the Marian persecutions.) Two of Calvin’s books were dedicated to Edward VI, and one was dedicated to Elizabeth I. Calvin’s *Institutes of the Christian Religion* was enthusiastically translated into English in 1561 by a lawyer named Thomas Norton of London. Norton’s translation influenced the English Puritans during the next hundred years. The Church of England’s Article 17 of its Thirty-Nine Articles of Religion also reflects a strong historic relationship to John Calvin and Calvinism. And the British monarchy has long retained its official membership status within the Calvinistic Church of Scotland.

Calvin took great interest in the revolutionary events taking place within the Church of England, during the reigns of Kings Henry VIII (1491-1547); Edward VI (1537-1553); Queens Mary I (1516-1558); and Elizabeth I (1533- 1603). In England, the

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<sup>46</sup> In this position paper, the definition of the word “Black church” has been borrowed from the following text: C. Eric Lincoln and Lawrence H. Mamiya, *The Black Church in the African American Experience* (Durham, N.C.: Duke University Press, 1990), p. 1 (“We use the term ‘the Black Church’ as do other scholars and much of the general public as a kind of sociological and theological shorthand reference to the pluralism of black Christian churches in the United States.”) See, also, James H. Cone and Gayraud S. Wilmore, *Black Theology: A Documentary History*, Vol. One: 1966- 1979 (Maryknoll, N.Y.: Orbis Books, 2003), p. 217, citing Lincoln and Mamiya, *The Black Church in the African American Experience*, and adopting the same definition of “Black Church.”

leader of the Reformation was Archbishop Thomas Cranmer (1489-1556) who pioneered several reforms from within the Church of England, including liturgical changes and the publication of his *Book of Common Prayer*. Bishop Cranmer had wanted to summon Protestant leaders to a conference in order to unify the Reformation movement. Calvin wrote Bishop Cranmer and expressed his interest in such a project. After Henry VIII's death in 1547, the Duke of Somerset served as the first "Protector" in England during the reign of Edward VI. Calvin wrote letters to the Duke of Somerset, some of which "contained a complete scheme for reforming the English church," to wit:

The first letter was, indeed, a little treatise running to some five thousand words. Its chief recommendations were: that provision should be made for the preaching of the gospel, that abuses should be eradicated and some form of discipline should be established. He wrote Somerset other letters on specific points of church organization and also dedicated to him his I Timothy. As we have already seen, to the young king he dedicated both his Isaiah and the Catholic Epistles; but Edward was never to have a chance to put into effect the advice he received, for he died in 1553, to be succeeded by his sister Mary.<sup>47</sup>

When the Catholic Queen Mary I ascended to the throne of England, Protestant hopes and fortunes there were reversed. Archbishop Cranmer was executed, and hundreds of English Protestants fled to Geneva, Switzerland, where Calvin gave them refuge. "Calvin sheltered Marian exiles (those who fled the reign of Catholic Mary Tudor in England) in Geneva starting in 1555. Under the city's protection, they were able to form their own reformed church under John Knox and William Whittingham and eventually carried Calvin's ideas on doctrine and polity back to England and Scotland."<sup>48</sup> For it was essentially through these English Protestant refugees in Geneva that Calvin's influence upon the Church of England became immense.

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<sup>47</sup> T.H.L. Parker, *John Calvin: A Biography*, supra, p. 175.

<sup>48</sup> "John Calvin," [https://en.wikipedia.org/wiki/John\\_Calvin](https://en.wikipedia.org/wiki/John_Calvin).

The influence wielded by Calvin in England for the next forty years was enormous, but it was by means of his numerous works, especially the *Institutio* (translated in 1561) but also the translations of his commentaries and sermons. Moreover, he never exercised a direct influence through, so to say, the official channels, even though leading statesmen and churchmen, including some archbishops, were strong Calvinists. In the controversies between the church of England and the Puritans and Separatists, the position of Calvin is far from clear. A close study might well show that it was the champions of the established church who claimed his support and that their opponents relied rather on Bullinger and Beza. His influence in Scotland, immense as it was, was nevertheless still not direct but mediated through his personal relationship with Knox in Geneva and through his writings. After Knox had returned to Scotland in 1559, he organized reform according to the pattern of Geneva, with local adjustments but he very rarely sought Calvin's advice. His liturgy was close to Calvin's and the Scottish 1560 Confession of Faith might be regarded as a restatement of Calvin's theology....<sup>49</sup>

John Knox, in fact, learned the Presbyterian form of church polity from John Calvin. Calvin supported Knox's efforts in Scotland and England. Calvin even lent his opinion and criticism of the 1552 Book of Common Prayer as "unsuitable." This was, of course, during the reign of Edward VI. When Mary Tudor ascended the throne of England in 1553, the English Reformation came to an abrupt halt. But Calvin's ideals endured. His influence would greatly influence the seventeenth-century English Puritans and several other English dissenters such as the Baptists. The spirit of Puritanism endured inside of the Church of England and gave rise to the Methodist movement of the 18<sup>th</sup> century.<sup>50</sup>

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<sup>49</sup> T.H.L. Parker, *John Calvin: A Biography*, supra, pp. 177-178.

<sup>50</sup> Indeed, Methodism grew out of the Puritan movement. See, e.g., C. Eric Lincoln and Lawrence H. Mamiya, *The Black Church in the African American Experience* (Durham, N.C.: Duke University Press, 1990), p. 78 ("Methodism was originally a part of the Puritan movement within the Anglican Church...") and Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner's Sons, 1957), p. 455 (Methodism "united with the great thrusts of Puritanism to produce the important 'Nonconformist conscience.'"). Rev. John Wesley himself

The spirit of Calvinism also endured inside of the Church of Scotland and gave rise to Scottish Common Sense Realism and the Presbyterian Enlightenment at the College of New Jersey (i.e., Princeton) during the same period. And all of these forces eventually united to form the essential thrust of the American Revolution in 1776.<sup>51</sup>

I ask, therefore, that the African and the African American legal community—especially those lawyers and judges who are born-again Christians and who seek to serve the Black church and the communities they serve—to acknowledge this important fact about the Reformed theologian and lawyer Calvin’s contributions to the constitutional foundations of the United States.

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believed that the true spirit of holiness (i.e., Puritanism) had died out with the Restoration of Charles II in 1660, and that, “[i]n fact, Wesley could claim with some justification that he was simply preaching the ‘old religion’ of the Church of England, which for most people (clergy included) had disappeared in the dust of the Restoration [of King Charles II and the High-Church Anglicans in 1660].” [Richard P. Heitzenrater, *Wesley and the People Called Methodists* (Nashville, TN: Abingdon Press, 2013), p. 141].

<sup>51</sup> See, generally, *The Works of John Witherspoon*, Vol 8 (Edinburgh, Scotland: Ogles, Duncan & Cochran, 1815); Reinhold Niebuhr, “Happiness, Prosperity and Virtue,” *Major Works on Religion and Politics* (New York, N.Y.: The Library of America, 2015), pp. 496-510; David Yount, “How Quaker Values Infused the Constitution,” *How the Quakers Invented America* (Lanham, MD: Rowan & Littlefield Pub., Inc., 2007), pp. 14-17; William Goodell, *The Democracy of Christianity* (New York, N.Y.: Cady and Burgess, 1852), p. 484 (“[T]he people of Great Britain are indebted to the Puritans. What is wanting, both in England and America, to the completeness and the security of human freedom, is an undeviating fidelity to those principles of Christian democracy which the Puritans in some measure restored.”); and Algernon Sidney Crapsey, *Religion and Politics* (New York, N.Y.: Thomas Whittaker, 1905), p. 244 (“It was the belief of the Puritan that was the motive power of the American Revolution. It was the stern conviction of the Puritan that not King George, but God, was the rightful sovereign in America, not Parliament of England, but the people of the united Colonies, were the sole keepers of the purse and the only source of political power; and it was this conviction of the Puritan that sustained the people of the country through the long years of the Revolutionary War.”)



## Chapter Three

### “Calvin was an Outlaw and a Nonordained Evangelical Christian”

The Black church and the African American legal community should also note that Calvin never received formal ordination from the Roman Catholic Church, during a time when that ordination was the only valid ecclesiastical ordination in western world. This meant that Calvin, relying upon no higher human authority than his own calling from God, simply studied the Sacred Scriptures, reached his own theological conclusions, and followed his call into the Christian ministry. When, at age 27, Calvin published his own theological conclusions in his *Institutes of the Christian Religion* in 1536, he attained widespread popularity amongst a group of outlaw reformers. This was the extent of Calvin’s call to preach and ordination!

And so, let us not deprecate the potency of Calvin’s God-given talent and his high-quality legal education in France. Though widely considered one of the most influential theologians of the past half millennium, John Calvin, who was trained as a humanist lawyer, was *never ordained* to the Roman Catholic priesthood. As a life-long member of the Roman Catholic Church, Calvin originally planned to attend seminary and train for the priesthood; but his father diverted him from this path and instead directed him towards a career in civil law. “He had no intention of being a pastor or of undertaking public office.”<sup>52</sup> For it was soon after he completed his training in civil law when Calvin was converted to the Protestant faith and left the Roman Catholic Church. At that time, he soon faced the hard question as to what to do with his life:

He is in his early twenties. He is trained in civil law. He has not long since begun to move away from the Roman Church. What is he going to do with his life? What can he do but follow the career to which he has been trained? This had formerly been seen as civil law in some ecclesiastical context. But that door has been shut by his conversion. He has, then, to pursue civil law

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<sup>52</sup> T.H.L. Parker, *John Calvin: A Biography* (Louisville, K.Y.: Westminster John Knox Press, 2006), p. 73.

in some capacity outside the church. Broadly speaking, the alternatives are to practice or to teach.<sup>53</sup>

Instead, Calvin soon fell under suspicion of being a dangerous rebel by French Roman Catholic authorities and was thereafter on the run as a fugitive from papal authorities.<sup>54</sup> Calvin then took up his pen and began to write in defense of the Protestant faith, first he published his “Letter to the King on the Clergy” and the first edition of his *Institutes of the Christian Religion* in 1536.<sup>55</sup>

The Latin word ‘*institutio*,’ translated in the title as ‘institutes,’ may also be translated ‘*instructio*,’ as it was in titles of German translations of the work, and was commonly used in the **titles of legal works** as well as other summary works covering a large body of knowledge.<sup>56</sup>

And so, we find Calvin early and largely using his legal training to help define and defend the new Protestant Christian faith. Indeed, in his “Letter to the King on the Clergy,” Calvin wrote:

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<sup>53</sup> Ibid., p. 45.

<sup>54</sup> Ibid., p. 47-52.

<sup>55</sup> The hallmark of John Calvin’s life and work is his life-long theological writing and preaching, as reflected in his monumental book *Institutes of the Christian Religion*. The *Institutes* was written, re-written, published, and republished over the span of twenty-five years, from 1536 to 1561. The final publication of the *Institutes* thus reflected Calvin’s entire life’s work in the field of theology and practical church administration. Therefore, in order to truly understand the *Institutes*, it will be helpful to have a quick survey of the life and times of John Calvin.

<sup>56</sup> “Institutes of the Christian Religion,” Wikipedia (online encyclopedia)  
[https://en.wikipedia.org/wiki/Institutes\\_of\\_the\\_Christian\\_Religion](https://en.wikipedia.org/wiki/Institutes_of_the_Christian_Religion)

**Preface to Calvin's Institutes of the Christian Religion**  
*Letter to King Francis I of France*

To his most Christian Majesty, the most mighty and illustrious Monarch, Francis, King of the French, his Sovereign; John Calvin prays Peace and Salvation in Christ.

Sire, - When I first engaged in this work, nothing was farther from my thoughts than to write what should afterwards be presented to your Majesty. My intention was only to furnish a kind of rudiments, by which those who feel some interest in religion might be trained to true godliness. And I toiled at the task chiefly for the sake of my countrymen the French, multitudes of whom I perceived to be hungering and thirsting after Christ, while very few seemed to have been duly imbued with even a slender knowledge of him. That this was the object which I had in view is apparent from the work itself, which is written in a simple and elementary form adapted for instruction.

But when I perceived that the fury of certain bad men had risen to such a height in your realm, that there was no place in it for sound doctrine, I thought it might be of service if I were in the same work both to give instruction to my countrymen, and also lay before your Majesty a Confession, from which you may learn what the doctrine is that so inflames the rage of those madmen who are this day, with fire and sword, troubling your kingdom. For I fear not to declare, that what I have here given may be regarded as a summary of the very doctrine which, they vociferate, ought to be punished with confiscation, exile, imprisonment, and flames, as well as exterminated by land and sea.

I am aware, indeed, how, in order to render our cause as hateful to your Majesty as possible, they have filled your ears and mind with atrocious insinuations; but you will be pleased, of your clemency, to reflect, that neither in word nor deed could there be any innocence, were it sufficient merely to accuse. When any one, with the view of exciting prejudice, observes that this doctrine, of which I am endeavouring to give your Majesty an account, has been condemned by the suffrages of all the estates, and was long ago stabbed again and again by partial sentences of courts of law, he undoubtedly says nothing more than that it has sometimes been violently oppressed by the power and faction of adversaries, and sometimes fraudulently and insidiously overwhelmed by lies, cavils, and calumny. While a cause is unheard, it is violence to pass sanguinary sentences against it; it is fraud to charge it, contrary to its deserts, with sedition and mischief....<sup>57</sup>

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<sup>57</sup> *Medieval Sourcebook: Calvin: Letter to the King [on the Clergy]* <https://sourcebooks.fordham.edu/source/calvin-onclergy.asp>

The *Institutes of the Christian Religion* was thus formally offered to Francis I, King of France “as a confession of faith by the author, Jean Calvin of Noyon.”<sup>58</sup> “The *Institutio* was addressed to men suffering under the pastoral cruelty of the medieval church.”<sup>59</sup> Hence, we may describe Calvin as acting in the role of a constitutional lawyer, a function that naturally encompassed the entire gamut of church and state.<sup>60</sup> Historian T.H.L. Parker describes Calvin as “[t]he lawyer-theologian.”<sup>61</sup> “The first edition of the *Institutio* [i.e., the *Institutes of the Christian Religion*] had served its purpose. The whole edition was sold out within the year. Either a reprint or a new edition was demanded.”<sup>62</sup> This publication success is what catapulted John Calvin into the Christian ministry—he was a powerful legal and theological writer who had a genius for summarizing, synthesizing, and explaining the Sacred Scriptures. In 1535, while traveling to Strasbourg, “the fiery Guillaume Farel persuaded Calvin... to stay and help with the reformation of the city of Geneva. Calvin became a “reader in theology,” and eventually a preacher and pastor, **although never ordained**,<sup>63</sup> as far as we know.”<sup>64</sup>

Here, we construe the words “never ordained” to mean that Calvin had not been ordained as a deacon or a priest in the Roman Catholic Church or any church that could

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<sup>58</sup> T.H.L. Parker, *John Calvin: A Biography* (Louisville, K.Y.: Westminster John Knox Press, 2006), p. 53.

<sup>59</sup> *Ibid.*, p. 56.

<sup>60</sup> In Calvin’s day, the word “Institutes” was a synonym for “law” and “jurisprudence.”

<sup>61</sup> T.H.L. Parker, *John Calvin: A Biography*, *supra*, p. 80.

<sup>62</sup> *Ibid.*, p. 97.

<sup>63</sup> Here, we must conclude that “ordination” means the “laying on of hands” of a bishop who has been consecrated in a church that claims legitimate apostolic succession. In this sense, Calvin broke away completely from the formal tie to the Roman Catholic Church. Unlike Martin Luther or John Wesley, who were both ordained priests from churches that had apostolic succession through the Roman Catholic Church, John Calvin was unable to make the same claim. This means that, for all practical purposes, Calvin was a lay teacher and reader before he was elected as “pastor” for the Church of Geneva, a former Roman Catholic church.

<sup>64</sup> Westminster Theological Seminary, <https://faculty.wts.edu/posts/calvin-the-apologist/> (Scott Oliphint and William Edgar, “Calvin the Apologist” (October 23, 2017)).

legitimately claim “apostolic succession.” During his lifetime, there would have been only three or four such churches in Europe, including the Eastern Orthodox Church, the Lutheran Church, and the Church of England. In Asia and Africa, there was the Coptic Churches of Egypt and Ethiopia, which traced their apostolic succession to St. Mark, who was likely ordained or consecrated by St. Peter, etc.

Calvin’s revolutionary interpretation of Scriptures allowed him, however, to theologically loosen the chains of “apostolic succession” in order to open up the Christian ministry to lay persons (i.e. to a “priesthood of all believers”) otherwise called to preach, to teach, and to govern the church body. In this sense, the doctrine that all Christians, including laymen, were “kings and priests,”<sup>65</sup> became the foundation of the Lutheran and Reformed doctrines (i.e., the Protestant Reformation).

And so, in an orthodox sense, Calvin had never been “ordained.” However, in an Evangelical sense—i.e., the Reformed Protestant interpretation of the Sacred Scriptures—Calvin, as a layman, could be legitimately elected as pastor by the majority vote of his congregation or by a special delegation of presbyters. Again, I do not hesitate to point out that, as a lawyer, Calvin was no ordinary layman; and that legal education, bears close affinity to theological education. This truism, I think, both the African and African American churches must come to acknowledge as the basis for the ordination of Christian lawyers to Christian ministry.

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<sup>65</sup> Revelation 1:6.

## Chapter Four

### “Western Law and Legal Education is Fundamentally Christian”

The Black church and the African American community should also notate and highlight the plain fact that legal education in the west, since the days of Emperor Justinian, has been fundamentally a subpart of the moral theology of the Roman Catholic Church. Each African church, and African nation— especially those which have been influenced by the English, French and other European legal systems— will need to evaluate this question. In the United States, this history and heritage are very much diluted; but in Great Britain, they are still very obviously clear and present within legal education. Stated differently, the “law” as it is fundamentally conceived in the West is simply a restatement of vital Christian principles that touch upon a variety of legal subjects. For this reason, Calvin’s Christian legal education suitably prepared him for the Protestant Christian ministry later in his career. Hence, it is fully appropriate that we analyze the substance of Calvin’s legal education.

In 1521, at age 12, Calvin went to Paris where he studied logic and Latin at the College de Montaigu of the University of Paris.<sup>66</sup> Other subjects which he might of studied are unknown. In 1525 or 1526, at age 16 or 17, Calvin’s father ended his studies in preparation for the priesthood. Calvin later recalled that his father changed his plans for him. Instead of studying for the priesthood at the University of Paris, Calvin was moved to Orleans and study at the University of Orleans for a career in civil law. Historian T.H.L. Parker notes that Calvin’s legal education was pivotal to he later development as renowned Christian theologian, stating:

Since this training in law was of great importance in Calvin’s development, it will not be out of place to speak of it rather fully. The *Corpus Iuris Civilis* was undertaken in the reign of Justinian, between the years 529 and 534. It consisted in a thorough arrangement, modernization, and promulgation of previous Roman law and legal writings, and consisted of three works—in

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<sup>66</sup> Ibid., p. 26.

order of publication the Codex, the Digesta, and the *Institutiones*. The Codex or Code may be regarded as the heart of the Corpus inasmuch as it was the authoritative statement of Roman law. The Digesta, also known as the Pandecta, was a massive compilation under subjects of the more important statements of earlier Roman jurists, an historical commentary on the Codex without following its ordering. *The Institutiones* formed the elementary (but still authoritative) textbook for law-students. To these three must be added the *Novellae*, laws dealing with problems brought to light in the compiling of the Digesta or enacted subsequently to the publication of the Corpus.... As early as the first half of the preceding century certain humanists had gone straight to the Corpus, by-passing the medieval accretions. One effect of their method had been to remove the relevance source-book for they read it partly as a linguistic study, partly for the light it could throw on the history and social customs of ancient Rome. Thus, by the time Calvin was reading law, not only were there two opposing methods in law, but the modern school, through Valla, Politien, and Bude, had built up an imposing body of textual, linguistic, and historical studies of the 'bible' of the civil law. We can see what Calvin was working at during these years. The *Institutiones* starts out from a definition of the basic terms, *iustitia*, *iurisprudentia*, *ius natural*, *ius civile* and *ius gentium*, and *lex*. Each of these terms has not only a legal but also a moral or ethical and even a theological significance. *Iustitia*, for example, 'is the constant and perpetual will that renders to every man his right.' Jurisprudence 'is the knowledge of things divine and human, the science of the just and the unjust.' Fundamentally, therefore, the jurist was concerned with a man's relationship with his fellows, and that, not only in a practical way, but also in regard to the forces making for unity or discord in society.

Moreover, that it was civil law should not mislead us into thinking that it was therefore secular, non-religious law. Even before the empire became

Christian the connection between religion and law had been intimate. The *ius civile* was, of course, the codification of law in a Christian state.<sup>67</sup>

Indeed the vast majority of the *ius civile* is concerned with practical matters, contracts, torts, dispute resolution, property rights, etc. but these subjects were automatically connected to spiritual mandates that were contained within the Sacred Scriptures and the canon laws of the Roman Catholic Church.<sup>68</sup> This ancient Roman legal system was thoroughly Catholic and Christian. Importantly, ideas of Greco-Roman equity and natural law were major components of the *Corpus Juris Civilis*, and Calvin relied heavily upon these legal concepts in his landmark *Institutes of the Christian Religion*. Calvin's legal education taught him to place the Christian faith within the context of civil or secular law and jurisprudence, as well as the constitution of the civil polity of the Roman empire. Within Calvin's legal education, there was no doctrine of "separation of church and state," as all institutions, whether civil or sacred, were a part of the same constitutional system and governed by the same laws. See, e.g., Table 1, "Corpus Juris Civilis (exerts)."

**Table 1. *Corpus Juris Civilis* (exerts)**

<p><b>BOOK I OF THE INSTITUTES, 535 A.D.</b></p> <p>Book I. Of Persons</p> <p>I. Justice and Law.</p> <p>JUSTICE is the constant and perpetual wish to render every one his due.</p> <p>1. Jurisprudence is the knowledge of things divine and human; the science of the just and the unjust.</p> <p>2. Having explained these general terms, we think we shall commence our exposition of the law of the Roman people most advantageously, if we pursue at first a plain and easy path, and then proceed to explain particular details with the utmost care and exactness.</p>
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<sup>67</sup> T.H.L. Parker, *John Calvin: A Biography* (Louisville, K.Y.: Westminster John Knox Press, 2006), p. 31-33.

<sup>68</sup> *Ibid.*, p. 33.



For, if at the outset we overload the mind of the student, while yet new to the subject and unable to bear much, with a multitude and variety of topics, one of two things will happen---we shall either cause him wholly to abandon his studies, or, after great toil, and often after great distrust to himself (the most frequent stumbling block in the way of youth), we shall at last conduct him to the point, to which, if he had been led by an easier road, he might, without great labor, and without any distrust of his own powers, have been sooner conducted.

3. The maxims of law are these: to live honestly, to hurt no one, to give every one his due.

4. The study of law is divided into two branches; that of public and that of private law. Public law regards the government of the Roman empire; private law, the interest of the individuals. We are now to treat of the latter, which is composed of three elements, and consists of precepts belonging to the natural law, to the law of nations, and to the civil law.

## II. Natural, Common, and Civil Law.

The law of nature is that law which nature teaches to all animals. For this law does not belong exclusively to the human race, but belongs to all animals, whether of the earth, the air, or the water. Hence comes the union of the male and female, which we term matrimony; hence the procreation and bringing up of children. We see, indeed, that all the other animals besides men are considered as having knowledge of this law.

1. Civil law is thus distinguished from the law of nations. Every community governed by laws and customs uses partly its own law, partly laws common to all mankind. The law which a people makes for its own government belongs exclusively to that state and is called the civil law, as being the law of the particular state. But the law which natural reason appoints for all mankind obtains equally among all nations, because all nations make use of it. The people of Rome, then, are governed partly by their own laws, and partly by the laws which are common to all mankind. We will take notice of this distinction as occasion may arise.

2. Civil law takes its name from the state which it governs, as, for instance, from Athens; for it would be very proper to speak of the laws of Solon or Draco as the civil law of Athens. And thus the law which the Roman people make use of is called the civil law of the Romans, or that of the Quirites; for the Romans are called Quirites from Quirinum. But whenever we speak of civil law, without adding the name of any state, we mean our own law; just as the Greeks, when "the poet" is spoken of without any name being expressed, mean the great Homer, and we Romans mean Virgil. The law of the nations is common to all mankind, for nations have established certain laws, as occasion and the necessities of human life required. Wars arose, and in their train followed captivity and

then slavery, which is contrary to the law of nature; for by that law all men are originally born free. Further, by the law of nations almost all contracts were at first introduced, as, for instance, buying and selling, letting and hiring, partnership, deposits, loans returnable in kind, and very many others.

3. Our law is written and unwritten, just as among the Greeks some of their laws were written and others were not written. The written part consists of *leges* (*lex*), *plebiscita*, *senatusconsulta*, *constitutiones* of emperors, *edicta* of magistrates, and *responsa* of jurists [i.e., jurists].

4. A *lex* is that which was enacted by the Roman people on its being proposed by a senatorian magistrate, as a consul. A *plebiscitum* is that which was enacted by the plebs on its being proposed by a plebeian magistrate, as a tribune. The plebs differ from the people as a species from its genus, for all the citizens, including patricians and senators, are comprehended in the *populi* (people); but the plebs only included citizens [who were] not patricians or senators. *Plebiscita*, after the Hortensian law had been passed, began to have the same force as *leges*.

The *Corpus Juris Civilis* (A.D. 529) provide us with insight into Calvin's legal training.<sup>69</sup> Here we also find clear evidence of an advanced Roman legal system which clearly

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<sup>69</sup> Ibid., pp. 32-33 ("We see what Calvin was working at during these years. The *Institutiones* starts out from a definition of the basic terms, *iustitia*, *iurisprudentia*, *ius naturale*, *ius civile* and *ius gentium*, and *lex*. Each of these terms has not only a legal but also a moral or ethical and even a theological significance. *Iustitia*, for example, 'is the constant and perpetual will that renders to every man his right.' Jurisprudence 'is the knowledge of things divine and human, the science of the just and the unjust.' Fundamentally, therefore, the jurist was concerned with a man's relationship with his fellows, and that, not only in a practical way, but also in regard to the forces making for unity or discord in society. Moreover, that it was civil law should not mislead us into thinking that it was therefore secular, non-religious law. Even before the empire became Christian the connection between religion and law had been intimate. The *ius civile* was, of course, the codification of law in a Christian state. Nor did the medieval view of society lend itself to a clear distinction between the secular and the religious. Hence civil law was studied on earth but very definitely under heaven. We may further note that the *ius civile* had a reference both to natural and also, to a limited extent, to revealed theology. Not only did the early part of the Codex deal with church law in Rome, with chapters on buildings, bishops, baptism, heretics, images, and the like, but the first chapter even provided a statement of the Nicaeno-Constantinopolitan doctrine of the Trinity. The student would therefore be expected to gain a knowledge of early church doctrine and in particular of Christology, as well as some acquaintance with the early history of doctrine. It would seem then that Calvin's first theological studies took place not at Paris but at Orleans.")

reflected the Christian faith, and the Calvin's legal training was, in essence, Christian jurisprudence that was designed essentially for Medieval lawyers in Europe and England. Indeed, under the Emperor Justinian, Christianity was the official religion of the empire and, for this reason, became the foundation of the secular law in the West.<sup>70</sup>

The Westminster Theology Seminary has described John Calvin as “the most influential theologian of the church since Augustine and Thomas Aquinas. He may also be the most influential thinker in the modern West in terms of the impact of his ideas on civilization.”<sup>71</sup> And all of this was achieved through legal training, with some training in the liberal arts (i.e., languages, philosophy, rhetoric, and Christian theology). Clearly, Calvin's career as a theologian, pastor, lawyer, and politician demonstrates the versatility of the legal training and law degree— but especially in the field of Christian service as elder, minister, and pastor.

Here, it is important to clarify Calvin's earned academic degrees and legal credentials, because even though he is credited as being one of the world's most influential theologians, he has little or no formal training in theology. Unlike Luther and Wesley, for instance, Calvin had not attended seminary or been formally ordained as a priest. Instead, Calvin received a humanistic education at a Catholic university with the ultimate aim of training for a career as a lawyer- whether as a law teacher or practicing advocate.

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<sup>70</sup> As previously mentioned, Calvin borrowed heavily from the Roman legal tradition, and his fundamental legal philosophy was no different than of St. Thomas Aquinas', to wit: eternal law-→divine law-→natural law-→human (civil) law. In other words, Calvin continued to embrace the Catholic Church's theory of moral law, natural law, divine law, and human or civil law. See, e.g., Norman Doe, *Christianity and Natural Law* (Cambridge, U.K.: Cambridge University Press, 2017), pp. 121-139.

<sup>71</sup> Westminster Theological Seminary, <https://faculty.wts.edu/posts/calvin-the-apologist/> (Scott Oliphint and William Edgar, “Calvin the Apologist” (October 23, 2017)).

Licentiate-in-Arts (1525)	University of Paris
Master of Arts (1526 or 27)	University of Paris
Bachelor of Laws (1529)	University of Orleans
No academic award granted; Calvin attends lectures in law, theology, and Greek; attends lectures of the renowned Italian humanist jurist Andreas Alciati, (1529-1531); becomes converted to Protestantism.	University of Bourges
Licentiate-in-Laws (1531)	University of Orleans
Doctorate offered/ <sup>72</sup> either refused or not conferred, perhaps due in large measure to Calvin’s Protestant beliefs <sup>73</sup>	University of Orleans

At the University of Orleans, Calvin was listed on the faculty as a “lecturer” and a “licentiate-in-laws,” which means that he would have been regarded as one of the

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<sup>72</sup> T.H.L. Parker, *John Calvin: A Biography* (Louisville, K.Y.: Westminster John Knox Press, 2006), p. 34 (“The licentiate’s course lasted for three years and marked the end of the student’s career; for the doctorate was, strictly speaking, not a degree depending on conditions of time and study but a title conferred soon after the licentiate.”) Under normal circumstances, in medieval universities in France, “[t]he doctorate was conferred on licencies without further examination and soon after the licentiate.” *Ibid.*, p. 197. But it is not clear, based upon historical records, if Calvin was ever awarded the doctorate, although he served in university roles that would have required the doctorate.

<sup>73</sup> “Beza 1 and Calladon report that [Calvin] was more than once offered a doctorate for nothing (which fits in with the Orleans system) but that he refused.” *John Calvin: A Biography*, p. 34. See, also, T.H.L. Parker, *John Calvin: A Biography* (Louisville, K.Y.: Westminster John Knox Press, 2006), pp. 192-198 (discussing Calvin’s early years, time period while earning his various academic credentials)

“docteurs ordinaires.”<sup>74</sup> In 1531, Calvin published his first book, a commentary on Seneca's *De Clementia*,<sup>75</sup> which historian T.H.L. Parker opined was in preparation for either an appointment as a law professor or award of the “doctorate” at a university.<sup>76</sup>

And in 1531, Calvin was also awarded his licentiate-in-laws.<sup>77</sup> Customarily, a holder of the licentiate-in-laws was subsequently awarded the doctorate without further qualifying studies,<sup>78</sup> but this may have been denied or Calvin may have refused accepting the doctorate from the University of Orleans as a result of the politics revolving around the Protestant Reformation in 1534. Calvin appears to have become a serious student of theology as well as law while at the University of Orleans and the University of Bourges (circa 1526- 1531). He reports to have experienced an unexpected, sudden conversion to the Protestant faith during this period, and “was now reading, it was thought, [Martin Luther’s] *Babylonian Captivity* and two sermons of Luther’s on the eucharist translated from German into Latin and published in 1524 and 1527.”<sup>79</sup> It is also believed that Calvin read Desiderius Erasmus’ Greek New Testament as well.<sup>80</sup> “These studies he faithfully undertook at schools in Orleans and Bourges until 1531.”<sup>81</sup>

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<sup>74</sup> Ibid., p. 33.

<sup>75</sup> Ibid., p. 27.

<sup>76</sup> Ibid., pp. 45-47.

<sup>77</sup> A modern-day “LLL” program is taught at the University of Ottawa. <https://catalogue.uottawa.ca/en/undergrad/licentiate-law-lll/#programrequirementstext> (“The Licentiate in Law program is recognized by the Barreau du Québec and the Chambre des notaires du Québec. It covers private and public law, both domestic and international, combining theory and practice. Not only does it look at the current state of law, but it analyzes the historical, social, economic and political origins of law.”)

<sup>78</sup> T.H.L. Parker, *John Calvin: A Biography* (Louisville, K.Y.: Westminster John Knox Press, 2006), p. 197 (“The doctorate was conferred on licencies without further examination and soon after the licentiate.”)

<sup>79</sup> Ibid., p. 41.

<sup>80</sup> W. Robert Godfrey, *John Calvin: Pilgrim and Pastor*, supra, p. 27.

<sup>81</sup> Ibid., p. 26.

Calvin's new studies not only provided him with **legal knowledge that was useful to him later in life, they also sharpened his thinking.** Furthermore, these studies enabled him to broaden his acquaintance with scholars of his day and led to his growing admiration of Renaissance learning. Bourges was a center of a new approach to studying the law. Here the Renaissance pursuit of ancient sources of western thought and of eloquent communication had affected the study of law. The new approach to learning clearly captivated Calvin.

The Renaissance was becoming an influential presence in France in the early sixteenth century. It attracted young men particularly for several reasons. In learning it gave them a sense of superiority to their elders. Aesthetically the writings of the ancient Romans and Greeks were much finer and more beautiful than the writings of the medieval.

The Renaissance learning not only made men the masters of three languages (Latin, Greek, and Hebrew) but also taught them to write in an eloquent manner that became fashionable in many civic circles. This fashion meant that young men with a Renaissance education could often find desirable positions as secretaries to rich and influential people. The finest of those educated in the new learning often became editors and commentators on some of the great writings of antiquity. The most celebrated of these scholars in northern Europe was **Desiderius Erasmus** who provided critical editions of such church fathers as Jerome and Augustine. Calvin, like many young men, sought to emulate the scholarly achievements of Erasmus.<sup>82</sup>

From Calvin, as lawyer, we have inherited three major gifts: (a) a Reformed biblical hermeneutics; (b) a democratic church structure called "Presbyterianism"; and (c)

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<sup>82</sup> Ibid, pp. 26-27.

modern constitutional law that is based upon “divine covenant,” “general equity,” and the “brotherhood and equality of mankind.”

In terms of Calvin’s biblical hermeneutics, he was able to utilize his humanist learning in law and Hebrew, Greek, and Latin to give the scriptures their direct, plain, and historical meaning. This method of Reformed hermeneutics differed from many of the allegorical methods that has be utilized by many Roman Catholics. The Calvinists did not reject all allegory, but they did criticize those theologians who tended to over-allegorize the Sacred Scriptures, thus given them interpretations that were never intended by the original authors.

Hence, Calvin’s medieval legal education was well-suited for the Christian ministry, even without formal ordination by an episcopal governing body and without additional training in divinity, theology, philosophy, and the like; since, presumably, the “law” itself is really an aggregate compilation of all those subjects in disguise, and meant to meet the demands of practical affairs. This the African or African American church and the African or African American legal community should acknowledge, or, at least, give serious consideration and reflection. Talented African or African American lawyers and judges, who are born-again Christian believers, who are avid readers of the Sacred Scriptures, and who love Christ, may already be well-suitably prepared to be deacons, pastors, bishops, chancellors, etc., as was a young 27-year old John Calvin, who received his Evangelical calling and was immediately thrust into high-level service in the pastoral or administrative ministries at Geneva.

## Chapter Five

### “Democratic Structure and Presbyterian Church Polity”

Calvinism was heavily influenced by the ancient Hebrew polity. Indeed, the very nature of the Jewish Synagogue was that it would formulate a microcosm of the Jewish state and temple that had come under siege by Greco-Roman powers. The Rabbis, Pharisees, Scribes, and Lawyers who governed the Jewish Synagogue were the Elders and Rulers— not Levites and Priests— of ancient Judea. Where the Reformed churches beat the Anglican churches in influencing American democracy is in the organization of the local church’s leadership. The Reformed churches were not only more democratic, but they were more numerous and richer, because of their dynamic local church leadership.

Anglican Church (Local Church)	Reformed Church (Local Church)
Priest (Pastor; Rector)	<i>Collegiate Panel of Ordained Elders</i>  Elder- Pastor or Minister of Word and Sacrament Elder- Doctor of Church (Old Testament) Elder- Doctor of Church (New Testament) Elder- Ordained Lay Minister (Lawyer) Elder- Ordained Lay Minister (Business) Elder- Ordained Lay Minister (Farmer) Elder- Ordained Lay Minister (Merchant) Elder- Ordained Lay Minister, etc.
Associate Priests	Associate Pastor
Deacons	Deacons

Thus, Calvinism undeniably brought democracy and a republican church structure (i.e., Presbyterianism) to the Roman Catholic Church, which changed Western civilization and



civil polity for the better.<sup>83</sup> In my view, those churches on the African continent and within the African American community inside of the United States, which have embraced the “episcopal” form of church government, which are administered unilaterally and authoritatively by patriarchs, senior bishops or archbishops, bishops, presiding elders (i.e., junior bishops), and the like, may have missed the essential blessings of Spirit of the “priesthood of all believers” which is clearly reflected in the New Testament church, to wit: the governance of the local church by a *collegiate panel of elders*. It is thus my hope that African churches will not lose sight of the fact that they must be the “light of the world” and set the right example to the African secular political systems. These African churches must set that example of uplifting the idea of the dignity and brotherhood of the common African man and woman. This is how political democracy and stable government will come to Africa—when the African church sets the right example. To that end, I commend the life and legacy of the great Protestant Reformer John Calvin as a stern warning against the abuses of hierarchical, episcopal churches.

During the fifteenth and sixteenth centuries, after many abuses within the Roman Catholic Church were readily apparent, the Protestant reformers searched the Sacred Scriptures of answers to those church abuses, many of which were systematic and structural:

Among the early church fathers, it was noted that **the offices of elder and bishop were identical**, and were not differentiated until later, and that **plurality of elders was the norm for church government**.

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<sup>83</sup> See, e.g., William Goodell, *The Democracy of Christianity* (New York, N.Y.: Cady and Burgess, 1852), p. 484 (“[T]he people of Great Britain are indebted to the Puritans. What is wanting, both in England and America, to the completeness and the security of human freedom, is an undeviating fidelity to those principles of Christian democracy which the Puritans in some measure restored.”); and Algernon Sidney Crapsey, *Religion and Politics* (New York, N.Y.: Thomas Whittaker, 1905), p. 244 (“It was the belief of the Puritan that was the motive power of the American Revolution. It was the stern conviction of the Puritan that not King George, but God, was the rightful sovereign in America, not Parliament of England, but the people of the united Colonies, were the sole keepers of the purse and the only source of political power; and it was this conviction of the Puritan that sustained the people of the country through the long years of the Revolutionary War.”)

St. Jerome (347–420) ‘In Epistle Titus,’ vol. iv, said, ‘Elder is identical with bishop; and before the urging of the devil gave rise to factionalism in religion, so much that it was being said among the people, ‘I am of Paul, I of Apollos, I of Cephas’, the churches were governed by a joint council of elders. After it was... decreed throughout the world that one chosen from among the presbyters should be placed over the others.’

This observation was also made by Chrysostom (349–407) in ‘Homilia i, in Phil. i, 1’ and Theodoret (393–457) in ‘Interpret ad. Phil. Iii,’ 445.

Aerius of Sebaste also attacked the episcopal polity in the 4th century.

Presbyterianism was first described in detail by **Martin Bucer** of Strasbourg, who believed that the early Christian church implemented presbyterian polity.

**The first modern implementation was by the Geneva church under the leadership of John Calvin in 1541.**<sup>84</sup>

Thus, in terms of the democratic structure of the church,<sup>85</sup> Calvin helped the Geneva Church restructure its Roman Catholic ecclesiastical polity and to replace it with what later became known as the Presbyterian church polity. On November 20, 1541, this legislature of Geneva passed into law the *Ecclesiastical Ordinances*. Calvin based this ecclesiastical polity upon the New Testament church as he understood it. Calvin’s position was “that ‘the church could not hold together unless a settled government were

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<sup>84</sup> “Presbyterian Polity,” Wikipedia (online encyclopedia): [https://en.wikipedia.org/wiki/Presbyterian\\_polity](https://en.wikipedia.org/wiki/Presbyterian_polity).

<sup>85</sup> T.H.L. Parker, *John Calvin: A Biography* (Louisville, K.Y.: Westminster John Knox Press, 2006), pp. 109 – 110 (“The elders and the ministers form the *Consistoire*, the Consistory court, responsible for discipline. It will be seen that there was a *majority of laymen over the ministers*. The president was the elected syndic, who, moreover, carried his official baton of office until 1560. Nevertheless, the *Consistoire* was a church and not a civil court.... [T]he councils added an article to the effect that the ministers had no civil jurisdiction and that the *Conistoire* was not to usurp the authority of the *Seigneurie* [Sovereign].”)

agreed on, such as prescribed to us in the Word of God and was in use in the early church.’”<sup>86</sup> As a consequence, Calvin and others devised the following church offices:

- A. Elders- lay leaders, senior leaders. The local church should have about twelve elders;<sup>87</sup>
- B. Pastor(s)- this was an Elder who are responsible for the “ministry of the Word and the Sacraments” (i.e., baptism, the Lord’s Supper);<sup>88</sup>
- C. **Doctors of the Church**- these were Elders who shared in the “ministry of the Word.” Ideally, there should be two doctors in the local church; one for the Old Testament; and one for the New Testament;<sup>89</sup> and,

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<sup>86</sup> Ibid., p. 108.

<sup>87</sup> Ibid., p. 109 (“The elders, who are laymen, are responsible for the machinery of discipline. They are to be twelve in number, all chosen from the councils, two from Little Council, four from the Sixty, and six from the Two Hundred; some shall come from each quarter of the city. They are to be nominated by the Little Council in conference with the ministers and presented for acceptance to the Two Hundred. If in office they prove unsuitable, they may be changed at the end of the year; otherwise it is better if they continue longer and use the experience they have gained.”)

<sup>88</sup> Ibid., pp. 108-109 (“A pastor may also be qualified to teach; he will certainly be involved in the exercise of discipline and in the care of the afflicted. But his essential task is to preach the Word of God, to administer the sacraments, and to assist in the exercise of discipline. A pastor is instituted to his office by the election of the company of pastors and its confirmation by the council. It is the council which accepts him and gives him his certificate to execute his office. He swears an oath that he will faithfully serve God, that he will defend and be loyal to the Ecclesiastical Ordinances, that he will uphold the honor of the Seigneurie [i.e., Sovereign] and the city, and that he will obey the duly constituted laws of Geneva, with the proviso ‘so long as I be not at all hindered from rendering to God the service which in my vocation I own him.’ Pastors are to meet weekly for study of the Scriptures, and quarterly for mutual criticism of faults. For more serious faults (of which a representative list follows) the delinquent is to be examined by his colleagues and if found guilty reported to the council who, if the case is proved, shall depose him. In its passage through the councils this part of the Ordinances was revised to make it clear that ministers are subject to civil law and that ‘the final sentence of punishment is to be reserved to the Seigneurie [i.e., Sovereign].”)

<sup>89</sup> Ibid., p. 109 (“The task of the doctors of the church is to instruct believers in true doctrine and to expel errors. So far as theology proper goes, there are to be two professors, one to expound the Old and one the New Testament. But theology depends on the ancillary disciplines, ‘the languages and humanities.’ For the teaching of these a school-master and his assistants must be appointed in the boy’s school and the separate girls’ school.”)

D. Deacons- were in charge of the poor and the sick.<sup>90</sup>

<b>The Local Presbyterian or Reformed Church</b>	
<p><b>“Kirk”</b> (Local Church)</p>	<p><b>Local Church Board</b>  (“Session” or “Consistory”)</p>
	<p style="text-align: center;"><u><b>Body of Elected Elders</b></u></p> <ul style="list-style-type: none"> <li>• <b>Teaching Elder</b> (Pastor or Minister of Word and Sacrament)</li> <li>• <b>Ruling Elders</b> (Ruling Elders)</li> </ul>
	<p style="text-align: center;"><u><b>Democratic Administration of Local Church</b></u></p> <ul style="list-style-type: none"> <li>• Pastor is usually the “Moderator” of the Session or Consistory;</li> <li>• All Elders have an Equal Vote;</li> <li>• In some Local Churches, the Pastor only votes when or if there is a “tie vote” amongst the other Elders;</li> <li>• The “Clerk of the Session”<sup>91</sup> or Consistory acts as the official recorder but also plays other important roles.</li> </ul>

<sup>90</sup> Ibid., pp. 108-110 (“As for the fourth order, Calvin understood the New Testament diaconate purely in reference to the care of the poor and the needy. The Ordinances provide for two classes of deacons, an administrative and an executive. The former are to act as guardians and, so to say, charity commissioners, the latter actually dispensing relief to the poor and tending the sick in hospital”); see, also, “The Ecclesiastical Ordinances (1541)” <https://museeprotestant.org/en/notice/the-ecclesiastical-ordinances-1541/>.

<sup>91</sup> See, e.g., “Session,” Wikipedia (online encyclopedia): [https://en.wikipedia.org/wiki/Session\\_\(Presbyterianism\)](https://en.wikipedia.org/wiki/Session_(Presbyterianism)).

“Presbyterian polity was developed as a rejection of governance by hierarchies of single bishops (episcopal polity).”<sup>92</sup> “‘Bishop’ (Koine Greek ‘episcopos’) and ‘elder’ (Koine Greek ‘presbyteros’) are (in this view) synonymous terms. Episcopos means literally overseer and describes the function of the elder, rather than the maturity of the officer. A bishop holds the highest office of the church (there is no Patriarch, Prelate or Pope over bishops).”<sup>93</sup> “This is a practical manifestation of the Protestant doctrine of the *priesthood of all believers* and as all elders are ordained, some to rule and others to teach, the Moderator of the Kirk Session sits as a chairman of the elders *primus inter pares*.”<sup>94</sup>

Within the Presbyterian system, the local churches belong to a regional body called the “presbytery” or “classis.” Each local church sends one teaching minister (i.e., pastor) and one ruling elder to represent it in the “presbytery” or “classis.” The “presbytery” or “classis” will also include other senior clergy, such as college professors and retired pastors or theologians. The “presbytery or classis” is led by a “moderator,” who functions like a presiding “bishop” but without holding that title. “The moderator is addressed as “moderator” during meetings, but their position has no bearing outside of the presbytery meeting and affords him/her no special place in other courts, although typically the moderator (especially if a member of the clergy) will conduct worship and oversee ordinations and installations of ministers as a “liturgical” bishop, and other ordinances which are seen as acts of the presbytery.”<sup>95</sup> Very large “presbyteries” may be divided into

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(“The person who takes minutes for the Session and maintains all of the church's ledgers of membership, births, baptisms, deaths, and elders is known as the **Clerk of Session**. However, the role takes on a special significance well beyond its stated duties. In leadership and influence across the congregation, the Session Clerk is a partner with the Minister and often speaks for the Congregation and Elders in offering words of guidance and encouragement to the Minister as well as being the key to marshalling resources and support to implement the Minister's projects.”)

<sup>92</sup> “Presbyterian Polity,” Wikipedia (online encyclopedia): [https://en.wikipedia.org/wiki/Presbyterian\\_polity](https://en.wikipedia.org/wiki/Presbyterian_polity).

<sup>93</sup> Ibid.

<sup>94</sup> “Session,” Wikipedia (online encyclopedia): [https://en.wikipedia.org/wiki/Session\\_\(Presbyterianism\)](https://en.wikipedia.org/wiki/Session_(Presbyterianism)).

<sup>95</sup> “Presbyterian Polity,” Wikipedia (online encyclopedia): [https://en.wikipedia.org/wiki/Presbyterian\\_polity](https://en.wikipedia.org/wiki/Presbyterian_polity).

“synods.” Otherwise, the “General Assembly” is next level and highest court within Presbyterianism.<sup>96</sup>

The influence of Calvinism in England is both interesting and complex. From the very beginning of the English Reformation, Calvinism exerted great influence. Several Anglican bishops considered themselves to be Calvinists. One or two Archbishops of Canterbury likewise claimed to be Calvinists. The Church of England adopted a mild form of Calvinistic Predestination in Article 17 of the Thirty-Nine Articles of Religion. Nevertheless, the Presbyterian structure of Calvinism never infiltrated the Church of England. During the English Civil War (1642 – 1651), and shortly thereafter, the English Puritans dismantled the episcopal church structure. But in Charles II restored the old Anglican order in 1660. Soon thereafter, the High-Church Anglican episcopacy recommenced its clerical abuses. The result of this history led to the rise of the Methodist movement, which was led by Rev. John Wesley (Arminian), Rev. Charles Wesley (Arminian), and Rev. George Whitefield (Calvinist).

<b>EPISCOPAL ABUSES WITHIN THE CHURCH OF ENGLAND</b> (1714 – 1800)	
<b>UPPER CONVOCATION</b> (Whigs; Latitudinarian Anglicans)	<b>LOWER CONVOCATION</b> (Tories; High Church Anglicans)
<b>Bishops and Archbishops</b>	<b>Priests</b>
“Whig governments [gave] bishoprics and deaneries to Whigs without regard for learning or piety.” <sup>97</sup>	

<sup>96</sup> Ibid. (“The general assembly (or general synod) is the highest court of presbyterian polity. Each presbytery selects a number of its members to be commissioners to the general assembly. The general assembly is chaired by its own moderator, who is usually elected to a single term. He or she is addressed as moderator during meetings, but like the other moderators, their position has no bearing outside of the assembly meeting and affords him/her no special place in other courts. He or she presides over meetings of the assembly, and may be called on in a representative function for the remainder of the year.”)

<sup>97</sup> Goldwin Smith, A History of England (1957), p. 451.

<p>“Many ecclesiastic preferments went to highest bidders, especially to the younger sons of nobles; such men were usually neither godly nor intelligent.”<sup>98</sup></p> <p>“Pluralism and sinecurism prevailed everywhere.”<sup>99</sup></p> <p>“Amidst public corruption and dim ideals venal primates and prelates arrogantly lived like princes; hard-drinking, fox hunting and pluralist parsons usurped the name of clerics.”<sup>100</sup></p> <p>“The cumulative effect of the expulsion of the Puritan and Nonjuring clergy, the suppression of convocation, and the political rise of the church as a reservoir of patronage was an unprecedented degree of spiritual decadence.”<sup>101</sup></p> <p>“There were, of course, many stalwart, virile, and hard-working Christians in the Anglican Church; but their voices were unheeded in the streets.”<sup>102</sup></p>	<p>“The poorer positions were opened to individuals who were incapable of making better livings elsewhere.”<sup>103</sup></p> <p>“[M]any of the humbler clergy were pious and capable.”<sup>104</sup></p> <p>There were, of course, many stalwart, virile, and hard-working Christians in the Anglican Church; but their voices were unheeded in the streets.”<sup>105</sup></p> <p>The 18th -century Methodist Movement was led by priest were members of the Lower House of Convocation. For example, the Rev. John Wesley (1703 – 1791), Rev. Charles Wesley (1707 – 1788), and <b>Calvinist-leaning Rev. George Whitefield (1714 – 1770)</b> were amongst this group of hard-working Anglican clergymen who were members of the Lower Convocation</p>
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<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

<sup>104</sup> Ibid.

<sup>105</sup> Ibid.

I would be remiss here if I did not point out that the founding of the “Arminian-leaning” Methodist Episcopal Church in 1784, in the new United States of America, was founded upon this same principle, when the Rev. John Wesley, who was himself an ordained priest in the Church of England, consecrated his lieutenant Rev. Dr. Thomas Coke as the “superintendent” for the new denomination in North America.

John Wesley, the founder of the Methodist tradition, believed that the offices of bishop and presbyter constituted one order, citing an ancient opinion from the Church of Alexandria; Jerome, a Church Father, wrote: ‘For even at Alexandria from the time of Mark the Evangelist until the episcopates of Heraclas and Dionysius the presbyters always named as bishop one of their own number chosen by themselves and set in a more exalted position, just as an army elects a general, or as deacons appoint one of themselves whom they know to be diligent and call him archdeacon. For what function, excepting ordination, belongs to a bishop that does not also belong to a presbyter?’ (Letter CXLVI). John Wesley thus argued that for two centuries the succession of bishops in the Church of Alexandria, which was founded by Mark the Evangelist, was preserved through ordination by presbyters alone and was considered valid by that ancient Church.<sup>106</sup>

Citing this authority from the ancient Alexandrian habitude, Rev. Wesley, together with one other ordained Anglican priest and two elders, ordained Thomas Coke and Francis Asbury to the position of superintendents (i.e., *episcopos*) of the Methodist Church in British North America. Both Coke and Asbury assumed the title of “bishop,” and this American church adopted the name “Methodist Episcopal Church.”

It should be noted here that the Lutheran and Calvinist doctrines of the “priesthood of all believers” were also central to Wesley’s position on the ordination of Thomas Coke and Francis Asbury to the position of superintendent (i.e., “bishop”) in the

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<sup>106</sup> “Wesleyan Theology,” Wikipedia (online encyclopedia): [https://en.wikipedia.org/wiki/Wesleyan\\_theology](https://en.wikipedia.org/wiki/Wesleyan_theology).



Methodist church.<sup>107</sup> Under the doctrine of the priesthood of all believers, both “presbyters” and “bishops” are either appointed or elected by the congregation, which was the “priesthood of all believers,” as defined as follows: “[b]ut ye are a chosen generation, a royal priesthood, an holy nation, a peculiar people; that ye should shew forth the praises of him who hath called you out of darkness into his marvelous light....”(1 Peter 2:9); and “[y]e also, as lively stones, are built up a spiritual house, an holy priesthood, to offer up spiritual sacrifices, acceptable to God by Jesus Christ.” (1 Peter 2:5). This doctrine led the Methodists to also reach a different theological conclusion on the doctrine of Apostolic succession. The Roman Catholic, Anglican and other Orthodox churches tended to stress the unbroken chain of the laying on of hands and passing on through consecration and ordination the Apostolic succession through the college of bishops (i.e., through episcopacy); but the Methodists stressed “fidelity to apostolic doctrine,” rather than the unbroken chain of laying on of hands from the first Apostles of Christ down to the current ecclesiastical leaders of a particular church.

In other words, the Methodist clergy cared little for having a direct linkage to the first Apostles of Christ through person-to-person laying on of hands, ordination, and consecration.<sup>108</sup> But rather the Methodists emphasized spiritual holiness through following the authentic doctrine of the Gospels. Hence, the Methodists emphasized

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<sup>107</sup> Rev. John Wesley objected to the usage of the title “bishop,” when Francis Asbury and Thomas Coke adopted it. Although I can not find Wesley’s precise reasons of his objections in any historical records, it would appear that Wesley’s theological conclusions were the same as St. Jerome’s, Martin Baucer’s, and John Calvin’s on the development of ecclesiastical authoritarianism and abuses that were associated with “bishop” within the Roman Catholic, Eastern Orthodox, and Anglican churches. We are not told why Bishops Coke and Asbury opted to use the title “bishop.”

<sup>108</sup> “In addition to the aforementioned arguments, in 1937 the annual Conference of the British Methodist Church located the ‘true continuity’ with the Church of past ages in “the continuity of Christian experience, the fellowship in the gift of the one Spirit; in the continuity in the allegiance to one Lord, the continued proclamation of the message; the continued acceptance of the mission;...’ [through a long chain which goes back to] “the first disciples in the company of the Lord Himself ... This is our doctrine of apostolic succession’ [which neither depends on, nor is secured by,] ‘an official succession of ministers, whether bishops or presbyters, from apostolic times, but rather by fidelity to apostolic truth.” [https://en.wikipedia.org/wiki/Wesleyan\\_theology](https://en.wikipedia.org/wiki/Wesleyan_theology)

orthopraxy (i.e., “right practice”) and orthodoxy (i.e., “right belief”), and these they retained largely from the Church Fathers and the Early Church.

It is for this reason that I have embraced Calvin’s ecclesiastical church polity. Not just Calvin, but many other great church theologians and historical, including St. Jerome and Rev. John Wesley, are in full agreement. But since the Methodist system was so closely affiliated with the Church of England, it is unlikely that Rev. Wesley could remain within that church and advocate for a more egalitarian church structure within the Methodist Episcopal Church.

Therefore, as a Methodist myself, I have decided to do that on Rev. Wesley’s behalf, and advocate for a “Reformed Methodist Theology,” which fully embraces the doctrine on the priesthood of all believers, and dispenses with the title of “bishop” as it is currently used in the African and African American churches that have this episcopal system; and, instead, adopt the more collegial, authentic, and democratic system of Christian brotherhood that is called Presbyterianism. Within the Reformed Anglican Church, however, where there is a strong affinity to episcopal titles and the episcopal structure, I strongly suggest (1) maintaining the traditional titles of (a) bishop; (b) archbishop; and (3) patriarch; but that at the local church level, a more egalitarian or presbyterian model be utilized—i.e., a **presbyterian board of elders** be elected to serve alongside with the Anglican priests. This presbyterian board of elders should be “ordained” as elders, and given the authority to democratically govern the affairs of local church.

On the African continent, the problem of undemocratically elected or installed “strong men,” and autocratic bishops and archbishops, together with massive poverty, underdevelopment, and corruption, have resulted largely from a lack of training, education, and religious practices that promote a genuine brotherhood, human dignity, and equality among all African men and African women.

Within the African American church community, the nature of the ordained Christian ministry is much too autocratic and concentrated into the hands of those “who claim to have been called to preach,” but who often lack the education, skills, and practical experience which a *board of ordained local elders* would bring to the local

church. As consequence, many African American churches suffer from a sharp drop-off in male church membership, as a result of the dearth of male empowerment which a *board of ordained local elders* would bring into the churches. Those same churches also suffer from a dearth of multidisciplinary talent which a board of ordained local elders would bring to the local ministry—i.e., lawyers, university professors, economists, physicians, etc. The sad result has been that in local African American churches, the name “pastor” or “elder” or “minister” simply means this: *a preacher of the Gospel*, who is also expected to unilaterally govern the local congregation with input and advice from local nonordained stewards or trustees. A system of *presbyterian board of local elders*, however, utilizing the ecclesiastical system that was first implemented by John Calvin and others at Geneva in 1541, would not only cure this crisis but it would result in blessings too many to enumerate, including the rise of a collegial Christian brotherhood amongst common African American Christians.

And finally, I note that Calvin’s “Doctor of the Church” was a separate and distinct ecclesiastical office that is separate and distinct from that of pastor (teaching elder) or elder (i.e. ruling elder), must not continue to go unrecognized within the local churches of Jesus Christ. For too long, the local churches have suffered from the lack of true wisdom and knowledge that come from the highest quality of scholarship. It is my hope, too, that the local churches will take a second look at the “juris doctor” or “doctor of law” degrees as the foundation for such a position, because for too long the justice systems of the world have fallen beyond the purview and interests of the children of the House of Abraham, who are so designated precisely because they shall do “justice and judgment.” For all of the important and essential work of the Christian ministry, including even the work of interpreting and applying the very text of the Old and New Testament Laws (i.e., the Word), depend largely upon an advanced knowledge of secular law and jurisprudence.

## Chapter Six

### “Doctors of the Law of Moses in the Early Jewish Church”

This brings me to the topic of the ordination and consecration of secular lawyers and judges as “ruling elders” for churches on the African continent and African American churches within the United States. I do not agree with those lawyers and scholars who believe that the “secular law degree” does not encompass religion and, specifically, the Christian religion, because the cornerstone of the Law of Moses was, and still is, “to do justice and judgment.”<sup>109</sup> I do not agree with those Christian pastors, elders and bishops who strangely separate the mandates of secular law and jurisprudence from this Christian mandate “to do justice and judgment.”<sup>110</sup> In fact, I believe that the failure of the African American and African churches to embrace this solemn obligation, through the world and work of Christian lawyers, is spiritually reckless and sacrilegious.

When the 16<sup>th</sup>-century Reformers in Geneva, who were led by a young humanist lawyer named John Calvin, adopted the *Ecclesiastical Ordinances* of 1541, and designated the four-fold ministerial positions of (a) deacon, (b) pastor, (c) elder, and (d) doctor of the church, it is likely that the position of “doctor of the church” was a carbon copy of old

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<sup>109</sup> Genesis 18:19; The ancient Jewish lawyers who are mentioned in the New Testament were adjuncts to the ancient Jewish synagogues and organization of rabbis such as the Pharisees. Since there was no separation of “church and state,” the Jewish lawyers were experts in all areas of law, both secular and sacred, since the Law of Moses encompassed all areas of Jewish life. This is readily seen in Harvard law professor Alan M. Dershowitz’s *Abraham: The World’s First (But Certainly Not Last) Jewish Lawyer* (New York, N.Y.: Schocken Books, 2015), p. 28 (“God the Divine Teacher for His student and messenger Abraham in order to prepare him to ‘**instruct**’ his **progeny to do justice.**” And, see, *Ibid*, pp. 122-123, stating “Our Torah commands us to pursue justice (**‘Justice, justice shall thou pursue**’) and not stand idly by the blood of our neighbor. Our Talmud is the first religious compendium to preserve a record of legal arguments—with dissenting and concurring opinions. We fought against persecution, discrimination, and victimization for millennia. Our rabbis have served as advocates, judges, and lawmakers, resolving disputes among quarrelling Jews for centuries.”

<sup>110</sup> *Ibid*.

position of “doctor of law” which Gamaliel,<sup>111</sup> and Zenas the lawyer,<sup>112</sup> and other Jews had held in the ancient Jewish synagogue<sup>113</sup> and similar offices that are cited often in the New Testament.<sup>114</sup>

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<sup>111</sup> “Gamaliel,” <https://en.wikipedia.org/wiki/Gamaliel> (Acts 3:34 , “Then stood there up one in the council, Gamaliel, a doctor of the law....”)

<sup>112</sup> “Zenas the Lawyer,” [https://en.wikipedia.org/wiki/Zenas\\_the\\_Lawyer](https://en.wikipedia.org/wiki/Zenas_the_Lawyer) (Titus 3:13, “Bring Zenas the lawyer....”)

<sup>113</sup> The ancient Jewish lawyers who are mentioned in the New Testament were adjuncts to the ancient Jewish synagogues and organization of rabbis such as the Pharisees. Since there was no separation of “church and state,” the Jewish lawyers were experts in all areas of law, both secular and sacred, since the Law of Moses encompassed all areas of Jewish life. This is readily seen in Harvard law professor Alan M. Dershowitz’s *Abraham: The World’s First (But Certainly Not Last) Jewish Lawyer* (New York, N.Y.: Schocken Books, 2015), p. 28 (“God the Divine Teacher for His student and messenger Abraham in order to prepare him to ‘**instruct**’ his progeny to do justice.” And, see, *Ibid*, pp. 122-123, stating “Our Torah commands us to pursue justice (**Justice, justice shall thou pursue**) and not stand idly by the blood of our neighbor. Our Talmud is the first religious compendium to preserve a record of legal arguments—with dissenting and concurring opinions. We fought against persecution, discrimination, and victimization for millennia. Our rabbis have served as advocates, judges, and lawmakers, resolving disputes among quarrelling Jews for centuries.”)

<sup>114</sup> See, also, “**WHO ARE THE “LAWYERS” IN SCRIPTURE?”** by Shawn Brasseaux <https://forwhatsaiththescriptures.org/2018/11/07/lawyers-in-scripture/>

“In everyday speech, we use the term ‘lawyer’ to mean an attorney, one who represents another in a legal courtroom. The Bible, however, attaches another definition—a *religious* one. When you encounter the word ‘lawyer’ in Scripture, concentrate on the “law” root.

“The ‘law’ here is the Mosaic Law, the codified system of rules and regulations meant to govern Israel in JEHOVAH God’s ways as the nation lived in His land, the Promised Land. The suffix ‘-er’ means “one who practices.” A ‘lawyer,’ therefore, was an expert or scholar of the Mosaic Law.

#### LAWYERS

- Matthew 22:35: “Then one of them, which was a lawyer, asked him a question, tempting him, and saying,....”
- Luke 7:30: “But the Pharisees and lawyers rejected the counsel of God against themselves, being not baptized of him.”

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- Luke 10:25: “*And, behold, a certain **lawyer** stood up, and tempted him, saying, Master, what shall I do to inherit eternal life?*”
  - Luke 11:45: “*Then answered one of the **lawyers**, and said unto him, Master, thus saying thou reproachest us also.*”
  - Luke 11:46: “*And he said, Woe unto you also, ye **lawyers!** for ye lade men with burdens grievous to be borne, and ye yourselves touch not the burdens with one of your fingers.*”
  - Luke 11:52: “*Woe unto you, **lawyers!** for ye have taken away the key of knowledge: ye entered not in yourselves, and them that were entering in ye hindered.*”
  - Luke 14:3: “*And Jesus answering spake unto the **lawyers** and Pharisees, saying, Is it lawful to heal on the sabbath day?*”
  - Titus 3:13: “*Bring Zenas the **lawyer** and Apollos on their journey diligently, that nothing be wanting unto them.*”

A lawyer seems to be identical to a “scribe” (this latter appellation emphasizes the man’s ability to write/copy Scripture and other religious texts). The word is comparable to “doctor.” This is **not** a medical doctor (physician)—please note—but a doctor **of theology** (what we would call a “Th.D.”). He was a very learned man in Jewish religion and skilled in the interpretation and application of the Mosaic Law. While not an exact equivalent, it may help to understand him as a theologian (as we think of one).

## DOCTORS

- Luke 2:46: “*And it came to pass, that after three days they found him in the temple, sitting in the midst of the **doctors**, both hearing them, and asking them questions.*” (The Lord Jesus, a mere 12 years old, had an intense religious discourse with these much older men. He impressed them with His knowledge of the Hebrew Bible.)
- Luke 5:17: “*And it came to pass on a certain day, as he was teaching, that there were Pharisees and **doctors** of the law sitting by, which were come out of every town of Galilee, and Judaea, and Jerusalem: and the power of the Lord was present to heal them.*” (These “doctors of the law” aligned with the Pharisees, another class of Jewish religious leaders. While they had their disagreements, they all united in opposing, falsely accusing, and crucifying Jesus Christ. For example, see Matthew 26:3-5 and Mark 14:53.)
- Acts 5:34: “*Then stood there up one in the council, a Pharisee, named Gamaliel, a **doctor** of the law, had in reputation among all the people, and commanded to put the apostles forth a little space;....*” (According to Acts 22:3, Gamaliel was one of the rabbinical mentors of Saul of Tarsus)

Indeed, the distinguishing mark of the House of Abraham was that it would “do justice and judgment,”<sup>115</sup> and thus the chief mission of the churches of Jesus Christ was certainly to achieve that objective.<sup>116</sup> Initially, within the ecclesiastical courts of England and Europe, there were two categories of lawyers under holy orders (i.e., clergy lawyers)<sup>117</sup> :

Advocate (clergy)	Doctors of Civil or Canon Law (DCL or LLD)
Juris Consult, or Law Professor (clergy)	University or Canon Law Teachers or Professors (DCL or LLD)

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[later the Apostle Paul]. Many people respected Gamaliel for his expertise during Acts, and even orthodox Jews today hold his writings in high esteem.)

<sup>115</sup> See, e.g., Genesis 18: 18-19, stating:

Seeing that Abraham shall surely become a great and mighty nation, and all the nations of the earth shall be blessed in him?

For I know him, that he will command his children and his household after him, and they shall keep the way of the LORD, **to do justice and judgment**; that the LORD may bring upon Abraham that which he hath spoken of him.

<sup>116</sup> See, e.g., Martin Luther King, Jr., *Letter from the Birmingham City Jail* (1963), stating:

There was a time when the church was very powerful--in the time when the early Christians rejoiced at being deemed worthy to suffer for what they believed. In those days the church was not merely a thermometer that recorded the ideas and principles of popular opinion; it was a thermostat that transformed the mores of society. Whenever the early Christians entered a town, the people in power became disturbed and immediately sought to convict the Christians for being "disturbers of the peace" and "outside agitators." But the Christians pressed on, in the conviction that they were "a colony of heaven," called to obey God rather than man. Small in number, they were big in commitment. They were too God-intoxicated to be "astronomically intimidated." By their effort and example they brought an end to such ancient evils as infanticide and gladiatorial contests. Things are different now.... Is organized religion too inextricably bound to the status quo to save our nation and the world? Perhaps I must turn my faith to the inner spiritual church, the church within the church, as the true ekklesia and the hope of the world....

<sup>117</sup> Ibid.



The clergy, to be sure, was the most advanced and educated of the lawyers. During the thirteenth and fourteenth centuries, all the English judges were clergymen.<sup>118</sup> They were trained typically in France or at Oxford or Cambridge in the Roman civil law and canon law.<sup>119</sup> They typically held law degrees, which were the first university-level degrees granted: the Doctor of Civil or Canon Law.<sup>120</sup> “It will have been observed that in the earlier development of the [legal] profession in the modern world the practice of law was in the hands of the clergy. For a long time the clergy were the only educated element in society, and so had a monopoly of the things which called for learning. The judges and counsel were clergymen not only in the courts of the church, but in those of the state as well. But development of lawyers went along with the development of law. In the twelfth century, lay lawyers became prominent in the courts. In the thirteenth century, they became dominant.”<sup>121</sup>

But the legal profession in England and Europe was never fully dissevered from the organized church or the Christian faith until the early part of the twentieth century. In both England and the United States, for instance, the law degrees were designated as the LL.B. or the LL.M. or LL.D.- with the “double L” nomenclature representing both “civil law and canon law.” Although these designations are still utilized in the United States, the “double L” has most certainly lost its significance and meaning, as canon law, or the

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<sup>118</sup> See, e.g., Roscoe Pound, *Legal Profession in the Middle Ages*, 3 *Notre Dame Law Review* 229, 234 (1944).

<sup>119</sup> *Ibid.*

<sup>120</sup> *Ibid.* See, also, “Law Degree,” [https://en.wikipedia.org/wiki/Law\\_degree](https://en.wikipedia.org/wiki/Law_degree)

The first academic degrees were law degrees, and the first law degrees were doctorates. The foundations of the first universities in Europe were the glossators of the 11th century, which were schools of law. The first European university, Bologna, was founded by four legal scholars in the 12th century. The first academic title of “doctor” applied to scholars of law. The degree and title were not applied to scholars of other disciplines until the 13th century.

<sup>121</sup> *Ibid.*



law of the church, is no longer considered an appropriate subject for learning and study amongst the secular American bar and bench. But what the present-day Evangelical or Protestant churches should recognize is that, until recently, this trend toward the complete secularization of the American legal profession had not come into existence.<sup>122</sup>

The Evangelical and Protestant churches, whose leadership was then likely unaware of the subtle but profound shift in the theoretical foundations of American jurisprudence, failed to grasp the true meaning of this early-20<sup>th</sup> century trend toward the complete secularization of the American legal profession. The secular law, or the American common law, no longer paralleled or reflected the fundamental teachings of the Sacred Scriptures. And American lawyers and judges ceased to be viewed as “secular ministers of God,” within the orthodox Christian worldview.<sup>123</sup>

In the world of the early Protestant Reformers such as Martin Luther (1483 – 1546) and John Calvin (1509 – 1564), the men who were trained in the law and held university degrees such as English “doctor of law” degree, or other academic credentials, such as the French “Licentiate-in-Laws” qualification,<sup>124</sup> were really clergymen, or adjuncts of the Roman Catholic Church or the Church of England, etc. They were “lawyers” in the truest sense of the present-day meaning of the word “lawyer,” but it was

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<sup>122</sup> See, e.g., “Juris Doctor,” [https://en.wikipedia.org/wiki/Juris\\_Doctor](https://en.wikipedia.org/wiki/Juris_Doctor)

The **Juris Doctor (J.D. or JD)**, also known as **Doctor of Jurisprudence (J.D., JD, D.Jur., or DJur)**, is a graduate-entry professional degree in law and one of several Doctor of Law degrees. The J.D. is the standard degree obtained to practice law in the United States... The degree was first awarded in the United States in the early 20th-century and was created as a modern version of the old European doctor of law degrees, such as the *Dottore in Giurisprudenza* in Italy, and the *Juris Utriusque Doctor* in Germany and central Europe.[16] The modern J.D. originates from the 19th-century Harvard movement for the scientific study of law, where it was first denominated an LL.B. In the late 20th century, the awarding of the LL.B. degree was phased out in favour of awarding the J.D.

<sup>123</sup> Romans 13: 4, 6.

<sup>124</sup> T.H.L. Parker, *John Calvin: A Biography* (Louisville, K.Y.: Westminster John Knox Press, 2006), p. 34 (“The licentiate’s course lasted for three years and marked the end of the student’s career; for the doctorate was, strictly speaking, not a degree depending on conditions of time and study but a title conferred soon after the licentiate.”)

also understood that they were also “Christian” or “ecclesiastical” lawyers as well. Their legal training certainly reflected the ideas and ideals of Catholic legal theory, as reflected in the writings of England’s Henry de Bracton (1210 – 1268) or of Italy’s Thomas Aquinas (1225 - 1274).

In the context of John Calvin’s new Reformed Church in Geneva, this “doctor of the church” position<sup>125</sup> would have been perfect for those persons who were “doctors of the law,” such as Thomas Coke,<sup>126</sup> who earned the Doctor of Civil Law degree from Oxford in 1775 and was consecrated as the first bishop of the Methodist Episcopal Church in the United States. For Calvin, the position of “doctor of the church,” which is today seldom, if ever, mentioned as an ecclesiastical office within the local presbytery or local church ministry, was to be filled by a Christian scholar and an expert in theology or law, and tasked with teaching the local congregation *alongside* the presiding pastor. It is likely that Calvin relied upon ancient Jewish practices within the synagogue, where it was not uncommon for the panel of Elders to include a “doctor of the law,” such as the Pharisee Gamaliel.

But I am interested in revitalizing the position of “doctor of the law” or “doctor of the church” for a different reason. As I have previously mentioned, the “House of Abraham” is known for its mission to do “judgment and justice,” and nowhere is that mission more vital than in churches that operate in the developing nations of Africa or in the oppressed black and brown communities in the United States. In churches within these areas, there is often the greatest need for the improvement of theological and Christian scholarship in local African and African American evangelical churches; there

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<sup>125</sup> Ibid., p. 109 (“The task of the doctors of the church is to instruct believers in true doctrine and to expel errors. So far as theology proper goes, there are to be two professors, one to expound the Old and one the New Testament. But theology depends on the ancillary disciplines, ‘the languages and humanities.’ For the teaching of these a school-master and his assistants must be appointed in the boy’s school and the separate girls’ school.”)

<sup>126</sup> “Thomas Coke,” Wikipedia (online encyclopedia): [https://en.wikipedia.org/wiki/Thomas\\_Coke\\_\(bishop\)](https://en.wikipedia.org/wiki/Thomas_Coke_(bishop)) (“Thomas Coke (9 September 1747 – 2 May 1814) was **the first Methodist bishop**.... Coke... read jurisprudence at Jesus College, Oxford, which has a strong Welsh tradition, graduating Bachelor of Arts, then Master of Arts in 1770, and **Doctor of Civil Law** in 1775.”)

is often the pressing need to tear down religious superstition or false doctrine within those churches; and, most significantly, there is often the pressing need the need to upbuild those churches' capacities to carry out and meet the social justice needs of the local communities. There are thus very significant and unique cultural, spiritual, and economic needs of churches that operate within these communities, which are absent from most churches (e.g., white-controlled churches) in North America and Europe.<sup>127</sup>

One major difference, obviously, is the role and position of the African American church in the United States,<sup>128</sup> together with the unique role of African American lawyers within the African American community.<sup>129</sup> Historically, in the United States, the

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<sup>127</sup> See, e.g., C. Erick Lincoln and Lawrence H. Mamiya, *The Black Church in the African American Experience* (Durham, N.C.: Duke University Press, 1990); James H. Cone and Gayraud S. Wilmore, *Black Theology: A Documentary History*, 2 Vols. (Maryknoll, N.Y.: Orbis Books, 2003); Ralph David Abernathy, *And the Walls Came Tumbling Down* (Chicago, IL: HarperCollins Pub., 1989).

<sup>128</sup> Carter G. Woodson, *The History of the Negro Church* (Washington, D.C.: The Associated Publishers, 1921), p. 282 ("The [Negro] church serves as a moral force, a power acting as a restraint upon the bad and stimulating the good to further moral achievement. Among the Negroes its valuable service is readily apparent..."); W.E.B. Du Bois, "The Souls of Black Folk," *Writings* (New York, N.Y.: The Library of America, 1986), p. 496 ("[T]he [Negro] Church often stands as a real conservator of morals, a strengthener of family life, and the final authority on what is Good and Right"); and James H. Cone and Gayraud S. Wilmore, *Black Theology: A Documentary History*, Vol. One: 1966- 1979 (Maryknoll, N.Y.: Orbis Books, 2003), p. 218 ("[T]he Black Church of the nineteenth century... thought of itself as God's judgment upon racism... converted thousands, stabilized the Black family... founded schools and colleges.... And provided the social, cultural, economic, and political base of the entire African American community in the United States.")

<sup>129</sup> See, e.g., J. Clay Smith, Jr., *Emancipation: The Making of the Black Lawyer, 1844-1944* (Philadelphia, P.A.: University of Pennsylvania Press, 1993), p. 5, stating:

Black lawyers were one of the last group of professionals to emerge as a class in the black community. They were given a 'high status' in the black community, but they occupied 'a less-favored position within the social structure' as a whole. Their presence and their small numbers were not viewed as a significant threat in the legal community because they were only marginally accepted by white lawyers and white clients. Black people often used black lawyers in almost hopeless criminal matters but turned to white lawyers in the more lucrative civil cases.

The black lawyers' status remained viable, but they faced direct competition from the black preacher in terms of prestige and effectiveness: the black lawyer worked in a public forum which he did not control, and over which he had little influence, but the black preacher came closer than any other black

American legal profession, which has benefitted from the status quo through protecting and benefitting from economic interests which have sought to exploit and suppress African American labor,<sup>130</sup> has contributed to this constitutional crisis regarding the collapse of the Black family and the suppression of African American fathers, men, and

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professional to serving as an advocate in the public arena. Black preachers had a built-in constituency; black lawyers had to build theirs. But the black preacher was also able to protect the black lawyer when he entered the public arena to plead the black cause, because the white power structure knew that the preachers could stir up the black community and influence their vote. The black lawyer thus often found sanctuary for his public persona in the privacy of the black church.

Black preachers consistently outnumbered the number of black lawyers in the South. In 1930 Alabama had 1,653 black preachers and 'four lawyers who cared to struggle against the caste system in the Alabama courts.' One million black people in Alabama looked to three or four lawyers to seek justice, but they were doubtful that such a small number of black lawyers could launch a successful attack against the racial policies of the white establishment. During and after the Reconstruction era, then, black people, anchored to the church, remained tied to black preachers rather than to black lawyer as the primary source of leadership in the community.

<sup>130</sup> See, e.g., Donald G. Nieman, ed. *African American Life in the Post-Emancipation South, 1861-1900*, Vol. 12 (New York: Garland Pub., 1994), p. 463, stating: "A worker under the best of circumstances usually lacked the resources to hire a lawyer and sue his employer, and a black worker faced the added problems of **racist** lawyers, judges, and juries and the danger that his complaints would lead to physical violence." And see, e.g., Gustavus Myers, *History of the Supreme Court of the United States* (Chicago, IL: Charles H. Kerr & Co., 1912), P. \_\_, supra, stating:

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

boys.<sup>131</sup> Historically, neither the White church or the predominantly White bar and bench have met the pressing needs of the Black community.<sup>132</sup>

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<sup>131</sup> See, e.g., Charles Hamilton Houston, "The Need for Negro Lawyers," *The Journal of Negro Education*, Vol. 4, No. 1 (Jan., 1935), pp. 49-52, stating:

The social justification for the Negro lawyer as such in the United States today is the service he can render the race as an interpreter and proponent of its rights and aspiration. There are enough white lawyers to care for the ordinary legal business of the country if that were all that was involved. **But experience has proved that the average white lawyer, especially in the South, cannot be relied upon to wage an uncompromising fight for equal rights for Negroes. He has too many conflicting interests, and usually himself profits as an individual by that very exploitation of the Negro** which, as a lawyer, he would be called upon to attack and destroy.

<sup>132</sup> See, e.g., Martin Luther King, Jr., *Letter from the Birmingham City Jail* (1963), stating:

In spite of my shattered dreams, I came to Birmingham with the hope that the white religious leadership of this community would see the justice of our cause and, with deep moral concern, would serve as the channel through which our just grievances could reach the power structure. I had hoped that each of you would understand. But again I have been disappointed.

I have heard numerous southern religious leaders admonish their worshipers to comply with a desegregation decision because it is the law, but I have longed to hear white ministers declare: "Follow this decree because integration is morally right and because the Negro is your brother." In the midst of blatant injustices inflicted upon the Negro, I have watched white churchmen stand on the sideline and mouth pious irrelevancies and sanctimonious trivialities. In the midst of a mighty struggle to rid our nation of racial and economic injustice, I have heard many ministers say: "Those are social issues, with which the gospel has no real concern." And I have watched many churches commit themselves to a completely other worldly religion which makes a strange, un-Biblical distinction between body and soul, between the sacred and the secular.

I have traveled the length and breadth of Alabama, Mississippi and all the other southern states. On sweltering summer days and crisp autumn mornings I have looked at the South's beautiful churches with their lofty spires pointing heavenward. I have beheld the impressive outlines of her massive religious education buildings. Over and over I have found myself asking: "What kind of people worship here? Who is their God? Where were their voices when the lips of Governor Barnett dripped with words of interposition and nullification? Where were they when Governor Wallace gave a clarion call for defiance and hatred? Where were their voices of support when bruised and weary Negro men and women decided to rise from the dark dungeons of complacency to the bright hills of creative protest?"

Yes, these questions are still in my mind. In deep disappointment I have wept over the laxity of the church. But be assured that my tears have been tears of love. There can be no deep disappointment where

African American lawyers are still very much an anomaly within the American legal profession. Their contributions within the larger American legal profession have been notable and noble, but their influence upon the Black community has been dwarfed and overshadowed by that of the Black church and the Black pastor. The influence of the Black church was, and still is, supreme within the Black community. But despite its influence, the central paradox of the Black churches' and Black pastors' leadership, however, is that while they fought valiantly for racial integration and human freedom during the 1950s and 60s, they were unable to withstand countervailing secular and economic forces that engulfed the Black community during the 1970s and beyond. And they have been unable to reconcile or to apply the fundamental principles contained within the Christian religion with the secular constitutional, criminal, and civil laws of the United States. (Here, Black lawyers and Black judges, together with Black masters or doctors of philosophy in various fields, must not only bolster the Black church, but they should also join and become one with the Black church in achieving this objective).

It is for this reason that I have revisited the writings of the humanist lawyer John Calvin, the *Ecclesiastical Ordinances* of 1541, which he helped draft; and the Ordinances' four-fold ministerial positions of (a) deacon, (b) pastor, (c) elder, and (d) **doctor of the church**, with the objective of creating a new and important position in the local Black church (both on the African continent and in the United States and beyond) primarily for qualified born-again Christian lawyers who possess a zeal for helping others (i.e., Luke 10: 25-37).

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there is not deep love. Yes, I love the church. How could I do otherwise? I am in the rather unique position of being the son, the grandson and the great grandson of preachers. Yes, I see the church as the body of Christ. But, oh! How we have blemished and scarred that body through social neglect and through fear of being nonconformists.

Is organized religion too inextricably bound to the status quo to save our nation and the world? Perhaps I must turn my faith to the inner spiritual church, the church within the church, as the true ekklesia and the hope of the world....

in developing nations, and throughout oppressed communities everywhere, it must naturally follow that any local church, or group of churches, that is serious about achieving that objective would certainly consider the ordination of trained and experienced lawyers (especially retired judges) for its ordained ministry. **To that end, highly qualified, born-again Christian lawyers, who possess a zeal for helping others, should be ordained within the ministerial ranks of local churches and assigned appropriate titles and roles, such as “doctor of law” or “doctor of the church.”**

Here, such lawyers should be designated as “ordained” associate pastors or as senior ecclesiastical chancellors; and they should be tasked with carrying out *all things necessary* to effectuate the Great Commission of Jesus Christ (Luke 10:25-37; Matthew 28:19-20; Genesis 18:18-19): social justice and poverty law; nonprofit law; economic development; fundraising in support of social service ministries; family law and Christian family counseling; criminal law and related prison ministry, etc. Given the current state of legal education in the United States, with its emphasis upon irreligion and secularism, the present-day Christian church should endeavor to train and ordain its own lawyers to serve the entire body of Christ.

Local Church A- Traditional Church	Local Church C- Traditional Church
Local Church B- Traditional Church	Local Church D- Led by and directed by “Doctors of the Church” (designed to carry out the Prophetic mission and function; develop nonprofit Community Services Center; fundraising and administrative support; and establish Social Justice Centers to meet local needs and redress injustices); etc., Luke 10: 25-37.

Along the same lines, I would propose converting 25% of all existing churches, particularly within multi-church denominations such as the African Methodist

Episcopal Church, into non-traditional parachurch organizations that are led by non-traditional pastors (e.g., doctors of the law (lawyers)) in order help churches better carry out the Great Commission (Matthew 28: 19-20) by meeting the pressing needs of local communities (Luke 10: 25-37).



## Chapter Seven

### “Democratic Structure of Civil Polity in Africa and the United States”

Churches on the African continent and African American churches within the United States should also take stock of the contributions which John Calvin and the Calvinists made to the development of democratic and republican civil government in the West—particularly the United States Constitution. So reconstituted along the lines which I have described in the previous section, I believe that the local churches of Africa and within the African American community will be better positioned to influence, and minister to, the body politic as a whole—to function as the bully pulpit, as the salt of the earth, and as the light of the world.

I believe that this is how the first-generation Protestant Reformers— e.g., Luther and Calvin— originally conceived of the essential function of new Protestant churches. This conception of the church was especially true of John Calvin and the Calvinists. Indeed, it was Calvin’s *Institutes of the Christian Religion*,<sup>133</sup> which eclipsed the writings of Luther in the minds of most Protestants who were looking for answers to such questions as the relationship between the Church and the State and the rights of individual citizens vis-à-vis the State, that permeated Protestant churches throughout Europe, England and colonial America.

Several Calvinists, who were contemporaries of John Calvin, went on to clarify constitutional democratic practice that helped to lay the foundation of the “social contract,” “bills of rights,” and “human rights.”<sup>134</sup> Their theological concepts grounded

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<sup>133</sup> In Calvin’s day, the word “Institutes” was a synonym for “law” and “jurisprudence.”

<sup>134</sup> “Later Calvinists also laid some of the foundations for Western theories of democracy and human rights. One technique, developed by Calvinist writers like Christopher Goodman (c. 1530-1603), Theodore Beza (1519-1605), and Johannes Althusius (1557-1638), was to ground rights in the duties of the Decalogue [i.e., Ten Commandments] and other biblical moral teachings. The First Table of the Decalogue prescribes duties of love that each person owes to God—to honor God and God’s name, to observe the Sabbath day and to worship, to avoid false gods and false swearing. The Second Table prescribes duties of love that each person owes to neighbors—to honor one’s parents and other authorities, not to kill, not to commit adultery, not to steal, not to bear false witness, not to covet. The reformers cast the person’s duties toward God as a set of rights that others could not obstruct—the right to religious exercise: the right to honor God and God’s name, the right to rest and

constitutional law in the Ten Commandments, and grounded civil rights upon divine obligations and commands that were also rooted in natural law.<sup>135</sup> Among this group of influential Calvinists was the Englishman and Puritan Christopher Goodman (1520-1603).<sup>136</sup> Goodman and others spread Calvinism far and wide throughout Scotland and England during the 16th century. Through the Puritans, Calvinism would have a powerful influence upon the development of Anglican constitutionalism. For this reason, Calvin's *Institutes of the Christian Religion* is a founding document of Anglo-American constitutional law, dealing with such questions as the separation of powers, the separation

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worship on one's Sabbath, the right to be free from false gods and false oath. They cast a person's duties toward a neighbor, in turn, as the neighbor's right to have that duty discharged. One person's duties not to kill, to commit adultery, to steal or to bear false witness thus gives rise to another person's rights to life, property, fidelity, and reputation." John Witte, Jr., *Christianity and Law* (Cambridge, U.K.: Cambridge Univ. P., 2008), p. 24.

<sup>135</sup> Ibid.

<sup>136</sup> "Christopher Goodman BD (1520–1603) was an English reforming clergyman and writer. He was a Marian exile, who left England to escape persecution during the counter-reformation in the reign of Queen Mary I of England. He was the author of a work on limits to obedience to rulers, and a contributor to the Geneva Bible. He was a friend of John Knox, and on Mary's death went to Scotland, later returning to England where he failed to conform. He was probably born (1520) in Chester. When about eighteen he entered Brasenose College, Oxford, graduating as B.A. 4 Feb. 1541, and M.A. 13 June 1544. In 1547 he became a senior student at Christ Church, Oxford, and was proctor in 1549. He proceeded B.D. in 1551, and is said to have become Lady Margaret's Professor of Divinity about 1548. At Oxford Goodman made friends with Bartlet Green. Goodman left England in 1554, and on 23 November his name appears among the signatures to a letter from the exiles at Strasburg. He afterwards joined the schism among the reformers at Frankfurt, and withdrew with William Whittingham and other exiles to Geneva; they jointly wrote a letter to the Frankfort congregation to defend their departure. The congregation at Geneva chose John Knox and Goodman in September 1555 for their pastors, and the two formed a lifelong friendship. During his exile Goodman took part in Miles Coverdale's translation of the Bible, and helped Knox in the "book of common order". Both he and Knox wrote some acrimonious tracts. The most famous by Goodman was entitled *How superior Powers ought to be obeyed of their subjects, and wherein they may lawfully be by God's word disobeyed and resisted . . . Geneva, 1558*. The book, in favor of Wyatt's rebellion, bitterly attacked Mary I of England and the government of women in general, which afterwards drew down Elizabeth's displeasure upon the author. Knox's *First Blast of the Trumpet* was published in the same year, and the tracts were secretly circulated in England. Their violence was generally disapproved, even by their own party. Goodman also published while abroad a *Commentary upon Amos*, in which he likens Mary to Proserpine, queen of Hades. On Elizabeth's accession, he returned briefly and somewhat furtively to London.")

of Church and State, religious freedom, and the right of individual conscience and civil disobedience.<sup>137</sup>

In Calvin's ideal Christian commonwealth, "the law of Moses" must be taken into account. To do that, one must divide the Law of Moses into three parts: the *moral law*, the *ceremonial law*, and the *judicial law*. The moral law is represented in the Ten Commandments and is "contained under two heads, the one of which simply enjoins us to worship God with pure faith and piety, the other to embrace men with sincere affection" and is "the true and eternal rule of righteousness prescribed to the men of all nations and of all times, who would frame their life agreeably to the will of God."<sup>138</sup> Borrowing heavily from the Catholic and natural law traditions, Calvin concluded that there were universal moral laws that, howsoever they may be slightly and differently manifested in different cultures and societies, are binding upon all nations.<sup>139</sup> In *Confessions*, St. Augustine certainly sets for the same principle as does Calvin, where he writes:

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.... [A]nd, even if all nations should commit [offenses against nature], they would all be judged guilty of the same crime by the divine law.... 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.... Nevertheless, when god

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<sup>137</sup> In terms of the constitutional law of the new, burgeoning democratic structures of the West, of which Puritan colonial New England became an exemplification, Calvin helped to structure the modern-day constitutional nexus between church and state, or separation of formal religion from functions of the civil magistrate.

<sup>138</sup> John Calvin, *The Institutes of the Christian Religion*. Books I through IV (Unabridged). United States of America: Pantieos Press, 2017, p. 534.

<sup>139</sup> *Ibid.*, p. 534.

commands anything contrary to the customs or compacts of any nation, even though it were never done by them before, it is to be done; and if it has been interrupted, it is to be restored; and if it has never been established, it is to be established. For it is lawful for a king, in the state over which he reigns, to command that which neither he himself nor anyone before him had commanded. And if it cannot be held to be inimical to the public interest to obey him—and, in truth, it would be inimical if he were not obeyed, since obedience to princes is a general compact of human society—how much more, then, ought we unhesitatingly to obey god, the governor of all his creatures! For, just as among the authorities in human society, the greater authority is obeyed before the lesser, so also must god be above all.<sup>140</sup>

Calvin adopts this same “natural law” legal framework as set for in St. Augustine’s Confessions-- with God’s law as the supreme law of the secular or civil body politic-- for his ideal Christian polity.

Calvinists charted a course between the Erastianism of Lutherans (and Anglicans) that subordinated the church to the state, and the asceticism of early Anabaptists that withdrew the church from the state and society. Like Lutherans, Calvinists insisted that each local polity be an overtly Christian commonwealth that adhered to the general principles of natural law and that translated them into detailed new positive laws of religious worship, Sabbath observance, public morality, marriage and family, crime and tort, contract and business, charity and education. Like Anabaptists, Calvinists insisted on the basic separation of the offices and operations of church and state, leaving the church to govern its own doctrine and liturgy, polity and property, without interference from the state. But, unlike these other Protestants, Calvinists stressed that both church and state officials were to play complementary roles in the creation of the local Christian commonwealth and in the cultivation of the Christian citizen.

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<sup>140</sup> Saint Augustine, Confessions (New York, N.Y.: Barnes & Nobles Classic, 2007), p. 34.

Perhaps this is one of few components of the Roman Catholic faith (e.g., the legal philosophy of St. Thomas Aquinas) that Calvin thoroughly engrafted into his own theology and legal philosophy. St. Thomas' legal philosophy had organized a hierarchy of law (i.e., Eternal Law ----→ Divine Law ----→ Natural Law ----→ Human Law) which Calvin never disputed and altogether appears to have embraced. In fact, Calvin expressly held, as do Roman Catholics now contend at this vary hour, that the Ten Commandants represent a "universal law," a "natural law," and a "moral law" for all mankind and for all nations.

Therefore, the Protestant Reformation, whether we construe it from the perspective of Martin Luther, Archbishop Thomas Cranmer, or John Calvin, subordinated the secular civil polity to God, even though God's organized "church" operated separately and within a different sphere within the body politic. In the United States, the American Declaration of Independence clearly reflected this same Puritan or Calvinist logic, thereby subordinating King George III and his official acts to the God of the law of Nature. Thus, the organized Christian church and Christian lawyers must inevitably interact with, and confront, the secular civil polity and his chief magistrates, and chastise them if their actions violate the laws of Nature and, therefore, the laws of God. Precisely for this reason, the Chancellors, and Doctors of the Church (i.e., lawyers) within the Reformed Anglican Churches must have a key role as ambassadors within the bar and the bench, and before the legislatures and executive agencies of civil government

## Chapter Eight

### “Calvin’s Doctrine on Predestination Was Controversial”

Although I take great pride in Calvin as a fellow lawyer and Augustinian theologian, I do not here argue or make the case that African or African American churches should adopt every tenant of Calvin’s theological doctrine on Predestination. See, e.g., the historian T.H.L. Parker’s description of Calvin’s doctrine as follows:

Calvin’s doctrine of predestination first appeared in its developed form in the 1539 *Institutio*, although it had been present as a constant presupposition in the first edition. It was not original and J.B. Mozley can even say: ‘I see no substantial difference between the Augustinian and Thomist, and the Calvinist doctrines of predestination.... Those who suppose that St. Augustine differs from Calvin in his doctrine of predestination, do not really know the doctrine which St. Augustine held on the subject. Mozley is right in general; and Calvin himself supposed his doctrine to differ from Augustine’s not at all....

Hence Calvin’s definition of predestination runs:

We call predestination God’s eternal decree, by which he determined with himself what he willed to become of each man. For all are not created in equal condition; rather, eternal life is foreordained for some, eternal damnation for others. Therefore, as any man has been created to one or the other of these ends, we speak of him as predestined to life or death.<sup>141</sup>

As an Augustinian theologian, I do not doubt that Calvin’s theological conclusions contain both Scriptural support and validity as well as correlation within the writings of Augustine of Hippo himself, but my main concern with “Calvinism” as it has been portrayed is that it obscures the fundamental message of universal agape and charity. It has the tendency to be “judgmental”—am I one of the elect? Is his or her unfortunate set

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<sup>141</sup> T.H.L. Parker, *John Calvin: A Biography*, pp. 141-142.

of circumstances the result of God’s decree of eternal damnation? Hence, I agree with John Wesley that “Calvinism” as it is often portrayed—though Scripturally and technically valid—leads to an obscuring of the fundamental duty to love and to minister.

<b>“Calvinism and Arminianism”<sup>142</sup></b>	
<b>Orthodox Calvinist Theology—TULIP</b>	<b>Wesleyan-Arminian Theology—ACURA</b>
1. Total depravity	1. All are sinful (“Total depravity”)
2. Unconditional election	2. Conditional election
3. Limited atonement	3. Unlimited atonement
4. Irresistible grace	4. Resistible grace
5. Perseverance of the saints	5. Assurance of salvation

I have concluded that “Calvinism” and “Wesleyan-Arminianism” are really complimentary theological doctrines which use different words to describe the exact same spiritual phenomenon.

Instead of Calvin’s doctrine on Predestination, I would caution the African and African American churches to embrace Christ’s teachings in the “Parable of the Good Samaritan,” which is contained within Luke 10: 25-37. The Scriptures say that a lawyer, who wished to justify himself, asked Jesus, “and who is my neighbor?” Jesus’ answer (i.e., the “Parable of the Good Samaritan”) should be the ultimate guide for all churches of Jesus Christ—because the word “neighbor,” here, clearly references all of humanity and especially those persons who are in dire need of charity, agape, and humane service.

It is for this reason that I find Calvin’s doctrine of Predestination to be impractical, because there is within it a tendency to question whether *such persons who find themselves as the victims of unfortunate circumstances* have been deemed to be “reprobates” through God’s eternal decree, thus deprecating the meaning of “neighbor” and the duty of charity, agape, and humane service.<sup>143</sup> This has been the unfortunate the misreading of

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<sup>142</sup> Don Thoresen, *Calvin vs. Wesley: Bringing Belief in Line with Practice* (Nashville, TN: Abingdon Press, 2013), p. 139.

<sup>143</sup> For a critique of Calvin’s doctrine on Predestination, see, e.g., John Wesley, “Predestination Calmly Considered” [citation omitted] (“The doctrine of absolute predestination naturally leads to the chambers of

Calvinism, by those persons, with less strenuous minds, who reasoned that African slavery, the transatlantic slave trade, and African colonialism, were the results of Predestination and God's eternal decree which reduced the African race to universal servanthood and slavery, throughout history. For instance, the "Calvinism" of South Africa is said to have led to, and supported, the entire system of apartheid. For this

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death.") See, e.g., Richard P. Heitzenrater, *Wesley and the People Called Methodists* (Nashville, TN: Abingdon Press, 2013), pp. 18-19, to wit:

Puritans often added a typical Calvinist concern for promoting individual piety, which then became typical of many of the non-conformists. The theological grounding for the Puritan interest in morality was, of course, quite different from the common 'moralism' that simply emphasized the necessity of being a 'good person,' or the 'Arminianism' of the High-Church party that emphasized the necessity of holy living. Both would be charged with relying upon 'works-righteousness' for salvation (see Allison). The Calvinists were not promoting 'good works' as such, but rather wanted persons to recognize their 'elect' status and evidence it in their lives, as the human response to God's grace. The order (divine action, human response) was important, though not always kept straight in the popular mind—the Puritans at times seemed to be 'proving' (if not earning) their salvation by their good works. The Arminians were not claiming any meritorious value for 'good works' either, but were emphasizing the human opportunity to accept the empowerment of God's grace. The primacy of grace was central to their position, though the implication of divine/human cooperation (synergism) led many to criticize the Arminians for stressing human activity in salvation.

The controversies that developed over this issue toward the end of the seventeenth century led to some interesting name calling that is important to an understanding of the name 'Methodist.' As early as the 1670s, both in the Low Countries and in England, a few orthodox Calvinists began to write vigorously against the Arminians and their 'new method' of doing theology, especially relative to their views of justification and sanctification. Those designated as '**New Methodists**,' persons using this new (that is, wrong) method, included Moses Amyraldus, Peter Baro, **Richard Baxter**, and Daniel Williams. The Calvinist critics (such as Johannes Vlak, Theophilus Gale, and Tobias Crisp) saw the Arminian view of free will as laying too much emphasis upon the necessity of obedience to God's law even under the New Covenant, leading to 'neonomianism' (new legalism) and reliance upon works-righteousness for salvation. The Arminians, however, saw the Calvinist view of predestination and election as dispensing with the demands of obedience, leading to 'antinomianism' (antilegalism) and consequent moral laxity.... So the term 'New Methodist' (one who uses the new, wrong method) was a derogatory name applied to some of the Arminians.... The controversy died out at the turn of the eighteenth century but may have provided the terminology for a derogatory designation of Wesley's preaching at Oxford, which fitted the Arminian 'New Methodist' mold rather precisely.



reason, I would encourage the churches of Africa to avoid contentious debate and arguments on Predestination.

As for my part, as a life-long student of Augustine's *Confessions*, *The City of God*, and *On the Predestination of the Saints*, I have stumbled upon too many theological descriptions of salvation and soteriology which contradict Calvin's descriptions of predestination.<sup>144</sup> Similarly, I find the same contradictions of Calvin's doctrine in the writings of the Apostle Paul, who himself called predestination a "mystery"<sup>145</sup> and in the

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<sup>144</sup> See, e.g., *The City of God* (New York, N.Y.: The Modern Library, 1950), pp. 478-479.

This race we have distributed into two parts, the one consisting of those who live according to man, the other of those who live according to God. And these we also mystically call the two cities, or the two communities of men, of which the one is predestined to reign eternally with God, and the other to suffer eternal punishment with the devil. This, however, is their end, and of it we are to speak afterwards.... Of these two first parents of the human race, then, Cain was the first-born, and he belonged to the city of men; after him was born Abel, who belonged to the city of God. For as in the individual the truth of the apostle's statement is discerned, 'that is not first which is spiritual, but that which is natural, and afterward that which is spiritual,' [1 Corinthians 25:46.] whence it comes to pass that each man, being derived from a condemned stock, is first of all born of Adam evil and carnal, and becomes good and spiritual only afterwards, when he is grafted into Christ by regeneration: so was it in the human race as a whole. When these two cities began to run their course by a series of deaths and births, the citizen of this world was the first-born, and after him the stranger in this world, the citizen of the city of God, predestinated by grace, elected by grace, by grace a stranger below, and by grace a citizen above. By grace—for so far as regards himself he is sprung from the same mass, all of which is condemned in its origin; but God, like a potter (or this comparison is introduced by the apostle judiciously, and not without thought), of the same lump made one vessel to honour, another to dishonor. But first the vessel to dishonor was made, and after it another to honour. [Romans 9:21] For in each individual, as I have already said, **there is first of all that which is reprobate, that from which we must begin, but in which we need not necessarily remain; afterwards is that which is well-approved, to which we may abide.** Not, indeed, that every wicked man shall be good, but that no one will be good who was not first of all wicked; but the sooner any one becomes a good man, the more speedily does he receive this title, and abolish the old name in the new. Accordingly, it is recorded of Cain that he built a city, but Abel, being a sojourner, built none. For the city of the saints is above, although here below it begets citizens, in whom it sojourns till the time of its reign arrives, when it shall gather together all in the day of the resurrection; and then shall the promised kingdom be given to them, in which they shall reign with their Prince, the King of the ages, time without end.

<sup>145</sup> Romans 11: 25-32.

“parables” of Christ himself.<sup>146</sup> But, be that as it may, Calvinism is a solid Protestant theology, and it should not matter whether Christians embrace Calvin’s version of Predestination in whole or in part, so long as they live holy, virtuous, and righteous lives, and discharge their fundamental duty under the “royal law.”<sup>147</sup>

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<sup>146</sup> The Parables of Christ set forth the “mysteries of the kingdom of God” through historical, fictional or hypothetical stories which Jesus himself used to explain complex theological and spiritual ideas. The most noteworthy Parables include the following:

“Parable of the Wheat and the Tares” (Matt. 13: 24-30)

“Parable of the Unmerciful Servant” (Matt. 18: 23-35)

“Parable of the Rich Fool” (Luke 12: 15-21)

“Parable of the Wise and Foolish Builders” (Luke 6;46-49)

“Parable of the Watchful Steward” (Luke 12:35-40)

“Parable of the Faithful and Wise Servant” (Luke 12:42-48)

“Parable of the Unfruitful Fig Tree” (Luke 13: 6-9)

“Parable of the Sower of Seeds” (Matthew 13: 24-30)

“Parable of the Lost Sheep” (Matthew 18: 12-14)

“Parable of the Great Banquet” (Luke 14: 15-24)

“Parable of the Talents” (Luke 19: 12-27)

“Parable of the Wise and Wicked Servants” (Matthew 24: 45-51)

“Parable of the Ten Virgins” (Matthew 25: 1-13)

“Parable of the Wedding Banquet” (Matthew 22: 1-14)

<sup>147</sup> James 2:8 (“royal law”); Luke 10: 25-37.

## Conclusion

The Old Testament’s general mandate “to do justice and judgment” (Genesis 18:18-19) was never rescinded within the churches of Jesus Christ. In fact, as an American lawyer who is a Christian, I take it for granted that Genesis 18:18-19 should be incorporated into Christ’s Great Commission (Matthew 28:19-20). And I believe that most Christian lawyers, from the fourth century, A.D., up through the late nineteenth century, reached the same conclusion.<sup>148</sup> For, as we have seen, the Western Church and Emperor Justinian’s *Corpus Juris Civilis* (cir. 535 A.D.) never abandoned this fundamental mandate. This is why England’s equity jurisprudence has been described by the historian Goldwin Smith as being a manifestation of Jesus Christ himself— since *Christ had come to fulfill the law*,<sup>149</sup> so, too, “[e]quity had come not to destroy the law but to fulfill it.”<sup>150</sup>

Therefore, I shall end this discussion by again pointing out the pressing need for a new, upgraded, and modernized version of the old Medieval clergymen lawyers—the “doctor of the church” or “doctor of law”—for today’s churches on the African continent and within African American communities throughout North America. Nowhere else in the world is there the same pressing need for *high-quality Christian legal services that steers the church clear from superstition, that holds the civil government accountable to universal principles of natural law and natural rights, and that formulates, nourishes and sustains outreach ministries that are narrowly tailored to meet the needs of the poor and the oppressed*. On the African continent, there is the great promise of youthful hope, the great promise of constitutional democracy, international laws on human rights, and the great promise of the charity of the Christian religion. Nowhere else in the world is this same great promise to overcome the legacy of colonialism and

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<sup>148</sup> See, generally, John Witte, Jr., *Christianity and Law* (Cambridge, U.K.: Cambridge Univ. P., 2008).

<sup>149</sup> Matthew 5:17.

<sup>150</sup> Goldwin Smith, *A Constitutional and Legal History of England*, supra, p. 209; Roderick O. Ford, *Jesus Master of Law: A Juridical Science of Christianity and the Law of Equity* (Tampa, FL.: Xlibris Corp., 2015), pp. 423-444.

slavery and the stigma of skin color as potent and as filled with as much promise and possibility as on the African continent. Therefore, the fundamental mission and message of Christ must be translated into the law of love.<sup>151</sup> Indeed, “[j]ustice [is] the link between the sacred and the secular....”;<sup>152</sup> and “[p]olitics is religion because it has to do with major morals, with the relations of men to each other.... The one cry that goes up from man to God is for justice.”<sup>153</sup> Therefore, the role and function of trained legal minds are needed in the churches of Jesus Christ—especially in Africa and in African American communities in North America—now more than ever.

## THE END

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<sup>151</sup> The fundamental “Law of Christ,” to wit, is to “love ye one another” (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); to do justice, judgment, and equity (Proverbs 1:2-3); and “whatsoever ye would that men should do to you, do ye even so to them” (Matthew 7:12). See, also, Robert F. Cochran and Zachary R. Calo, *Agape, Justice and Law: How might Christian Love Shape Law?* (Cambridge, United Kingdom: Cambridge University Press, 2017). See, also, *The English Philosophers from Bacon to Mill* (New York, N.Y.: The Modern Library, 1994), [page number omitted] quoting John Stuart Mill’s essay on *Utilitarianism*, as stating: “[i]n the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as you would be done by and to love your neighbor as yourself, constitute the ideal perfection of utilitarian morality.”)

<sup>152</sup> Ruben Alvarado, *Calvin and the Whigs: A Study in Historical Theology*, supra, p. 19. See, also, James Madison, Federal Paper No. 51 (“Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit.”)

<sup>153</sup> Algernon Sidney Crapsey, *Religion and Politics*, (New York, N.Y.: Thomas Wittaker Pub., 1905), p. 304.

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