

# **ST. LUKE'S INN OF COURT**

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

**By**

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

## INTRODUCTION<sup>1</sup>

Now the seeds of the resistance to King George III's tyranny during the American Revolutionary War (1775-1781) were planted during the early seventh-century's English Civil War (1642-1651).<sup>2</sup> Indeed, those seeds, which were deeply rooted in the "law of Christ,"<sup>3</sup> led naturally to liberty and freedom-- first in England during the seventeenth-century, and then in colonial British North America (but *particularly in colonial Puritan New England*)<sup>4</sup> during the eighteenth-century.<sup>5</sup> The Puritan theologians of England and colonial New England searched the Scriptures and found theological standards and justifications for resisting ungodly and tyrannical magistrates and kings.<sup>6</sup> Protestant Reformers Luther and Calvin had taught that Christians must peacefully submit to tyrannical rulers; however, Christian magistrates, judges, members of legislative assemblies, lawyers, etc., had a constitutional duty to utilize their legal and constitutional oaths of office to uphold law and liberty, and to resist tyranny.<sup>7</sup> The influential, erudite Puritan theologian Richard Baxter reached the same theological conclusion<sup>8</sup>; and the Massachusetts Bay divine Rev. John Cotton preached sermons justifying the actions of Oliver Cromwell and other Parliamentarians that contributed to the events leading up to the execution of King Charles I in 1649.

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<sup>1</sup> This paper pays tribute to men and women in the uniformed armed services of the United States (especially the First Armored Division ("Old Ironsides"), United States Army), and it is particularly dedicated to the memory of my father's second-youngest brother and my uncle **Captain Charley J. Ford** (1944-1969), U.S. Army Special Forces ("Green Beret"). See attached article "HONORING A HERO: Captain Ford marker dedicated at Veterans Park" [https://www.tiftongazette.com/news/ga\\_fl\\_news/captain-ford-marker-dedicated-at-veterans-park/article\\_906b7aa8-3e7b-5fff-ba42-a84107cf442b.html](https://www.tiftongazette.com/news/ga_fl_news/captain-ford-marker-dedicated-at-veterans-park/article_906b7aa8-3e7b-5fff-ba42-a84107cf442b.html)

<sup>2</sup> See, below, **Appendix A**, "Rev. Richard Baxter's Direction to British Subjects Concerning Their Duty to Their Rulers"; **Appendix B**, "The Magdeburg Confession and the Right of Resistance"; **Appendix C**, "Political Philosophy of John Calvin."

<sup>3</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).

<sup>4</sup> See, e.g., Algernon Sidney Crapsey, *Religion and Politics* (New York, NY.: Thomas Whittaker Pub, 1901), 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 the 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.")

<sup>5</sup> See, e.g., *W.E.B. Du Bois, The World and Africa: An Inquiry into the part which Africa has played in World History* (New York, N.Y.: International Publishers, 2015), p. 62 ("The next **event that opposed the slave trade and slavery was the American Revolution**. Not only did the colonists achieve their independence through the help of slaves and the promise of their freedom, and with the co-operation in money and men from Haiti, but they represented actual working classes rather than exploiters of labor.")

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

Thus, the English Civil War was, fundamentally, a great test to apply a “Higher Law”—i.e., the law of reason, the law of nature, the law of Christ<sup>9</sup>, and the law of God—as the superior constitutional law in England. In England, that “Higher Law” had been woven into England’s Common Law, as reflected in *Magna Carta* (1215) and the Petition of Right (1628); and ultimately, Calvinist and Puritan theology developed the political theory that would justify allowing Parliament (as well as other lower-level magistrates) to curtail, through legal and constitutional means, the ungodly, tyrannical actions of the British monarchy and its arbitrary reliance upon the constitutional doctrine of “divine right of kings.”

The outbreak of war between Parliament and king led many Puritans to revive the arguments of Calvin, Goodman, and others. In supporting the revolt in the homeland New Englanders implicitly endorsed the right of revolution. In *The Keys to the Kingdom of Heaven* (London, 1644), John Cotton made the endorsement explicit. Discussing the persecution of the Church by an unjust magistrate, Cotton argued that the role of the faithful in their individual or churchly capacities was “patient suffering their unjust persecutions without hostile or rebellious resistance.” “But” he continued “if some of the same persons be also... trusted by the civil state, with the preservation and protection of the laws and liberties, peace and safety of the same state, and shall meet together in a public civil assembly (whether in council or camp) they may there provide by civil power (according the whole laws and liberties of the country)... (that neither the church or the state might suffer any loss). Such a justification was closer to Calvin’s views than to Goodman’s in insisting on resistance by legally constituted groups, but it could be effectively used in defense of Parliament’s position in the early 1640s. It could also be used—and was used by Cotton in his 1651 Thanksgiving Day Sermon—to justify the army’s purge of the Long Parliament later in the decade.<sup>10</sup>

The Christian faith thus lay at the heart of the political events of seventeenth-century England, because its theologians relied upon the Sacred

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<sup>9</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).

<sup>10</sup> Francis J. Bremer, “In Defense of Regicide: John Cotton on the Execution of Charles I” *The William and Mary Quarterly*, Vol. 37, No. 1 (Jan., 1980), pp. 103-124.

Scriptures to define the “fundamental moral law” of England’s unwritten constitution. Puritan theologians believed that the Stuart kings’ doctrine of “divine right of kings” threatened to eviscerate that unwritten constitution. More specifically, Puritan theologians and Parliamentarians alleged that King Charles I had manipulated and controlled the Church of England in order to usurp power and authority that had been vested only in God and the people. (Moreover, *the New England Puritans, such as John Cotton of the Massachusetts Bay Colony, had argued that the Sacred Scriptures vested persons with civil authority (e.g., Members of Parliament) with the power to rebel against oppressive kings and magistrates*).<sup>11</sup> This constitutional problem had originated with Edward Coke’s challenges to King James I, and it only intensified when King Charles I ascended the throne of England. The result of this history was the English Civil War (1642-1651); the Glorious Revolution of 1688; and, several decades later, the American Declaration of Independence (1776); and the United States Constitution (1787).

This English Civil War was not only an extension of the Protestant Reformation and the struggle against divine right of monarchy, episcopacy, and tyranny, but it was also, fundamentally, a struggle for the human right to “life, liberty, and the pursuit of happiness” — as reflected in the American Declaration of Independence (1776) — and a struggle to determine who should have the constitutional authority to decide whether a King of England’s royal prerogative and actions breached England’s “fundamental moral law,” which was derived from “the law of Christ.”<sup>12</sup> See, e.g., Thomas Hobbes’ *Leviathan*<sup>13</sup>; see, also, Table 1, below:

**Table 1. Thomas Woods, *Institutes of the Laws of England* (1720)**

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

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

<sup>11</sup> Ibid.

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

<sup>13</sup> Edwin A. Burt, *The English Philosophers From Bacon to Mill* (New York, NY: The Modern Library, 1967), p. 160 (“The **first and fundamental law of nature**; which is, to seek peace and follow it. The **second, the sum of the right of nature**; which is, by all means we can, to defend ourselves.” Hobbes does not hesitate in stating that these two natural laws are reflected in the *Golden Rule*, as he put it: “[t]his is that law of the Gospel: whatsoever you require that others should do to you, that do ye to them.”)

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

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

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

#### *Rules concerning Law*

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

Common Law is common Right.

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

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

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

Thus, at the heart of the English Civil War was the impact of the Stuart doctrine of “divine right of kings” upon England’s “fundamental moral law,” which had evolved as “the law of Christ”<sup>14</sup> within western jurisprudence, largely through the influence of Roman Catholicism and, in England, since the Magna Carta of 1215. Within England’s constitutional framework, as clearly set forth in the legal philosophy of St. Thomas Aquinas, there was a system or hierarchy of law (i.e., Eternal Law--→Divine Law --→Natural Law--→Human Law) which defined “fundamental law” (i.e., the “law of Christ”) as the idea of “higher law” of England; and, thus, within the constitutional system of England, the canons of the Sacred Scriptures (i.e., Divine Law) and natural law were paramount. In England, this system remained firmly established easily up through the year 1700. See, e.g., Table 1, “Thomas Woods, *Institutes of the Laws of England* (1720),” above.

The “law of Nature” was therefore at the heart of the socioeconomic, political, legal, and constitutional struggle which led to the English Civil War. This problem of the English Civil War was thus deeply rooted in law and religion; it involved the power of interpretation: what was the proper balance of power between the Monarchy, the Church of England, and “the divine right of kings”? Fundamentally, the critical question was, “What has God ordained in law and

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<sup>14</sup> Ibid.

government?” The answers were to be found in “nature” and “reason,” as well as in the Bible. As a consequence, this period of English history was pregnant with revolutionary, political, theological, and constitutional thinking: there were ideas involving the complete separation of church and state; freedom of religion; universal suffrage and democracy; and the redistribution of land so as to achieve complete economic equality. This revolutionary thinking simultaneously influenced both Europe and British North America.

The most important English political theorist of the civil-war era, Sir Thomas Hobbes (1588-1679), would write his landmark work *Leviathan* (1651), during this period.<sup>15</sup> Hobbes made it clear that the whole entire struggle during the English Civil War (1642-1651) revolved around the implementation of “natural law” and “the Laws of Nature” within secular law and government,-- a theory later reflected in the *American Declaration of Independence* (1776). In *Leviathan*, Hobbes concluded:

1. Natural law is the law of peace<sup>16</sup>, science<sup>17</sup>, and reason<sup>18</sup> ;
2. Natural law is the law of God<sup>19</sup> ;
3. There should be no contradiction between natural law and the secular laws of nations.<sup>20</sup>

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<sup>15</sup> Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), p. 378. For a more detailed review of Hobbes’ thesis, see “Thomas Hobbes as Constitutional Theorist,” Apostolate Paper # 6 (wherein Hobbes enunciated the proposition that secular constitutional laws must be based upon fifteen Laws of Nature).

<sup>16</sup> Hobbes’ *Leviathan* is political science or an attempt to explain the foundations of natural justice, or peace. He opens this treatise stating, “Nature, the art whereby God hath made and governs the world, is by the art of man, as in many other things, so in this also imitated, that it can make an artificial animal.” Edwin A. Burt, *The English Philosophers From Bacon to Mill* (New York, NY: The Modern Library, 1967), p. 129.

<sup>17</sup> “[S]cience is the knowledge of consequences, and dependence of one fact upon another: by which, out of that we can presently do, we know how to do something else when we will, out of that we can presently do, we know how to do something else when we will, or the like another time; because when we see how anything comes about, upon what causes, and by what manner; when the like causes come into our power, we see how to make it produce the like effects.” Edwin A. Burt, *The English Philosophers From Bacon to Mill* (New York, NY: The Modern Library, 1967), p. 146.

<sup>18</sup> “[N]atural, wherein [God] governeth as many of mankind as acknowledge his providence, by the natural dictates of right reason....” Edwin A. Burt, *The English Philosophers From Bacon to Mill* (New York, NY: The Modern Library, 1967), p. 213

<sup>19</sup> “The laws of God therefore are none but the laws of nature....” “[W]hat are the Divine laws, or dictates of natural reason; which laws concern either the natural duties of one man to another, or the honor naturally due to our Divine Sovereign. The first are the same laws of nature, of which I have spoken already in the fourteenth and fifteenth chapters of this treatise; namely, equity, justice, mercy, humility, and the rest of the moral virtues.” Edwin A. Burt, *The English Philosophers From Bacon to Mill* (New York, NY: The Modern Library, 1967), pp. 214, 222, 225

<sup>20</sup> “And because he is a sovereign, he requireth obedience to all his own, that is, to all the civil laws; in which also are contained all the laws of nature....” “There can therefore be no contradiction between the laws of God, and the laws of a Christian commonwealth.” “And when the civil sovereign is an infidel, every one of his own subjects that

We may thus deduce from the writings of Hobbes and other Englishmen during this period, that the chief struggle of the mid-seventeenth century was fundamentally one of the application of the Bible's Christian principles (i.e., England's "fundamental moral law" or the "law of Christ"<sup>21</sup>) to England's constitutional governmental form. For, indeed, the Bible, which constituted England's "Divine Law," was none other than "the law of Christ," which was also the "laws of Nature," upon which the secular government was to be firmly established. Even within Puritan England, the legal philosophy of St. Thomas Aquinas (i.e., Eternal Law--→Divine Law --→Natural Law--→Human Law) was still paramount. Indeed, Sir Thomas Hobbes' philosophical conclusions reached in the *Leviathan* reflected the same paramount respect for divine and natural law. The American *Declaration of Independence* (1776) would later reflect the same principles. And I would be remiss, here, if I did not state, unambiguously, that the "law of Christ"—which was popularly called the "fundamental law"—lay at the foundation of seventeenth-century English constitutional law. The Christian faith, which defined this fundamental law that not even the "divine right of kings" could abrogate, thus constituted England's highest law.

The essay which follows is a summation of the history of the military phase of the English Civil War. Although the ideals and ideas which led to, and resulted from the English Civil War, are of paramount importance, the military history which follow sheds light on the fact that the military campaign against King Charles I's royal army was executed by Christian zealots such as Oliver Cromwell and his might Ironsides cavalry unit. By most accounts of this period, Cromwell's Puritan fanaticism, together with the discipline and unprecedented successful battlefield campaigns of his Ironsides and New Model Army, constitute one of the greatest legends in all of military history.

## SUMMARY

The English Civil War (1642-1651) was the result of the English Parliament's reaction to King Charles I's doctrine of "divine right of kings." King Charles I sought to impose his arbitrary upon England without Parliament's approval. When Parliament refused to give the king all that he desired and

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resisteth him, sinneth against the laws of God (for such are the laws of nature)...” Edwin A. Burt, *The English Philosophers From Bacon to Mill* (New York, NY: The Modern Library, 1967), pp. 225-226

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

requested, the king dissolved Parliament and engaged in personal rule for some eleven years. During this period, Charles I engaged in various revenue-raising schemes, including the imposition of illegal taxes, forced loans, chartering monopolies, and maritime assessments, which threatened England's merchants, nobility, and middle classes. In religious affairs, Charles I promoted William Laud to the position of Archbishop of Canterbury. Archbishop Laud and others persuaded Charles I that a war against Scotland was necessary in order to impose religious uniformity there. Scotland resisted and declared war against England, defeating Charles's royal forces in 1640. Without money and nowhere to secure a loan, Charles I summoned the Long Parliament (1640-1660). The resulting conflict between Charles I and the new Long Parliament led to civil war. Although Parliament won the war and executed the king, the issues which led to the English Civil War would not be resolved until the Glorious Revolution of 1688.

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## **Part XXXVI. Anglican Church: “The English Civil War, 1642-1651”**

### **A. The Church of England (1640-1643)**

The Church of England, led by Archbishop William Laud, paid a heavy price for England’s defeat in the Bishop’s War (1639-1640). Parliament was then ready to hold the Church accountable for the war: for religion and politics had so merged themselves together that King Charles I and the Church of England were virtually indistinguishable from one another. Both the King and the Church had foolishly led the nation into an ecclesiastical war to impose Anglican-style episcopacy upon Scotland, and had lost.

### **B. Treaty of Ripon: End of the Bishop’s War, 1641**

At the conclusion of the last battle of the Bishop’s War, Scotland negotiated terms of peace that were humiliating. “Charles signed the Treaty of Ripon. The Scots insisted upon staying in England, at the charge of the English government, until a final agreement was ratified by Parliament. Thus Charles had to summon a new Parliament ‘to buy the Scots out of England.’ They were costing £850 a day.”<sup>22</sup> Unable to borrow money from English merchants, the kings of Spain or France, the Pope, the banks of Europe, or anywhere else, Charles I was forced to recall Parliament, and Parliament returned with a vengeance.

### **C. Arrests and Executions of Sir Thomas Wentworth (Lord Strafford) and Archbishop William Laud, 1640-1645**

Two of Charles I’s chief officials were arrested. The first, Sir. Thomas Wentworth (Lord Strafford), was arrested in 1640. Wentworth had been a governor-general in Ireland, and had returned to England at Charles I’s request in order to command the royal forces in the Bishop’s War. Charles I had promised Lord Stafford that he would not abandon him. But when Parliament charged Lord Stafford with treason (i.e., that he had attempted “to subvert the fundamental laws and government of England and Ireland, and instead thereof to introduce an arbitrary and tyrannical government against law”), King Charles I abandoned him. “Bitterly Strafford exclaimed: ‘Put not your trust in princes!’”<sup>23</sup> On May 12, 1641, Lord Strafford was beheaded. The second of King Charles’ chief officials,

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<sup>22</sup> Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), p. 321.

<sup>23</sup> *Ibid.*

Archbishop William Laud, awaited trial in the Tower of London for four years, until finally he was executed on January 10, 1645.

#### **D. The “Root and Branch” Bill, 1641**

Meanwhile, as Archbishop Laud sat in prison and awaited execution, Parliament rushed through a “Root and Branch” bill that was designed to wipe out the “episcopalian” form of ecclesiastical government in England. The bill was hotly debated between the radical and conservative Puritans in Parliament. The radical element included men such as Oliver Cromwell and John Hampden, whereas the conservative element included men such as Lord Falkland and Edward Hyde (Earl of Clarendon). The conservatives simply wished to wipe out “the Laudian innovations” but not necessarily episcopacy altogether; whereas the radicals wished to completely abolish the rule of bishops within the national church. The “root and branch” bill would not be implemented until several years after it was first introduced in Parliament—this did not occur until after Oliver Cromwell became Lord Protector in 1653, when Puritanism essentially decimated episcopacy and dismantled the Anglican Church.

#### **E. The “Grand Remonstrance,” 1641**

The radical “Root and Branch” bill eventually gave way to a more moderate bill known as “The Grand Remonstrance.” In 1651, Parliament drafted the “Grand Remonstrance,” which recited 201 offensive acts of King Charles I and his servants. “It asked him to curtail the powers of the bishops and end ‘oppression in religion.’”<sup>24</sup> The bill passed the House of Commons by just only eleven votes, due in large measure to strong sentiment among the English in favor of church tradition, Anglicanism, and episcopacy.

#### **F. The Solemn League and Covenant, 1644**

After the war broke out between the King and Parliament, the Long Parliament (1640-1660) moved to enter into an armistice with Scotland and, by doing so, it created the “Solemn League and Covenant,” whereby the Long Parliament established “a Presbyterian church in England and [gave] the Scots a subsidy in return for the promise that 20,000 men would be sent from Scotland to fight against Charles. As a result, a join executive Committee of Both Kingdoms

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<sup>24</sup> Ibid., p. 324.

was established to prosecute the war.”<sup>25</sup> Hence, at least for a short period of time, the Church of England became Presbyterian.

## **II. The English Civil War (1642- 1651)**

### **A. Irish Rebellion of 1641**

Upon news of King Charles I’s humiliating defeat to the Scots, following the Bishops’ War (1639-1640), the angry reconvening of the Long Parliament occurred, and the arrests of Sir. Thomas Wentworth and Archbishop William Laud immediately ensued. Hence, the Irish sensed that the English crown was vulnerable and they seized upon what seemed to be an opportunity to fight for their own independence from England and Ireland did rebel. The English were in disarray—Parliament was angry at King Charles I, who was now financially ruined and unable even to put down the Irish rebellion.

### **B. Militia Bill of 1642**

The new Long Parliament (1640-1660), which was now led by the Puritans, authorized the Militia Bill of 1642 in order to raise revenue to support a standing army to put down the Irish rebellion. But there was political stalemate and paralysis between Parliament and Charles I. In order to ratify this proposal of raising revenue to fund a standing army, Parliament needed assurances that King Charles could not take command of that army, because Parliament feared that he would turn that very same army against both Parliament and the liberties of the English people. Parliament therefore insisted that it retain the power to appoint all militia commanders for the new standing army. As to be expected, King Charles I opposed the new Militia Bill and refused to sign it into law. Parliament responded to the king’s veto, by making the new Militia Bill an “ordinance.” King Charles then responded by declaring this new ordinance to be illegal, and he ordered Englishmen to disobey it. Everywhere, Englishmen were forced to choose between King and Parliament. Hence, for all practical purposes, the King and Parliament were at war!

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<sup>25</sup> Ibid., p. 329.

### C. Parliament vs. the King

Thus unable to put down the Irish rebellion, Charles I and Parliament were at a stalemate, with the Militia Bill of 1642 pending. The new Long Parliament had no choice but to defend itself against a very real threat that King Charles would take control of the army and turn it against Parliament and suppress ancient English liberties. Englishmen everywhere were now forced to choose between King and Parliament. On the one hand, there was Parliament's ordinance (i.e., the new Militia Bill); on the other hand, there was Charles I's executive command that all Englishmen disobey that ordinance. "Of the house of commons 300 supported Parliament; 175 sided with Charles I. Of the house of lords 30 were for Parliament, 80 for the king. On both sides many entered upon the war with reluctance and sadness, for they were fighting no foreign foe, but Englishmen."<sup>26</sup> In 1642, a war between King and Parliament was inevitable.

### D. Royal Army ("Cavaliers") vs. Parliamentary Forces ("Roundheads")

At the beginning of the English Civil War in 1642, the king's royal army was clearly and without question the far superior military force. The royal army had the most experienced officers and its infantry and cavalry had received the benefit of superior military training. But Parliament's army, with the exception of the London militia, was a loosely-organized patchwork in progress during the first year of the war, 1642-1643. Hence, the tide of the war at the end of 1643 clearly favored King Charles and the Royalists forces.

<b>King Charles I</b> (1642-1649)	<b>Parliament</b> (1642-1649)
<b>Royal Army</b> ("Cavaliers"): "Many of the Royalists were gentlemen of birth, used to the sword. Their great strength lay in their cavalry	<b>Parliamentary Forces</b> ("Roundheads"): "The Parliamentarians, on the other hand, had few troops of horse; their power was at first in the

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<sup>26</sup> Ibid., p. 326.

power; hence the whole group were called Cavaliers.” <sup>27</sup>	London militia, in the foot-soldiers recruited in the counties.” <sup>28</sup>
<p><b><u>Source of Revenue and Support:</u></b> “Behind Charles I were ranged wide areas of the north and west. From them came support from the feudal lords; from the Anglican Church and the Catholics; the country squires who loved the land and the church and were proudly untouched by the whirling commercialism of the urban fleshpots; the peasantry, strong to give a rouse for King Charles. Many a country family melted down its plate for him. The colleges of Oxford did, and some at Cambridge.”<sup>29</sup></p>	<p><b><u>Source of Revenue and Support:</u></b> “Behind Parliament stood London, containing 500,000 people, a tenth of the population of England, filled with resources of trade and wealth. Out of the south and east came men to support Parliament. They came from the progressive Midlands and East Anglia; from Puritan, middle class towns like Birmingham, Colchester, and Manchester; from trading seaports like Hull and Portsmouth. Parliament thus had strong economic resources.... The Royalists supporters had much land. On the other hand, the Parliament men had much money, easily available to finance a war.”<sup>30</sup></p>

There was one standout among the Parliamentary forces, and that was General Oliver Cromwell. A farmer by birth and vocation, Cromwell was not of royal blood, or even of near royal blood, but he had hailed from a respectable family and represented the new middle class.<sup>31</sup> Deeply religious, and prone to discipline and hard work, Cromwell sought to sponsor a fighting unit—a cavalry force that was nicknamed the Old Ironsides—that would set a new standard in military warfare. Cromwell sought men who loved the Lord, since he felt they made the most disciplined fighters. It was reported that Cromwell had once said, **“[t]o withstand the superior training of the king’s forces, we must enlist godly men.”** Cromwell’s Ironsides, which never lost a single battle throughout the whole war, later became the standard for Parliament’s New Model Army after 1645, and for Britain’s national standing army (i.e., the British red coats) during the next century.

<sup>27</sup> Ibid., p. 327.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid., p. 325.

<sup>30</sup> Ibid.

<sup>31</sup> “Cromwell was born into the middle gentry to a family descended from the sister of Henry VIII’s minister Thomas Cromwell. Little is known of the first 40 years of his life, as only four of his personal letters survive along with a summary of a speech that he delivered in 1628. He became an Independent Puritan after undergoing a religious conversion in the 1630s, taking a generally tolerant view towards many Protestant sects of his period. He was an intensely religious man, a self-styled Puritan Moses, and he fervently believed that God was guiding his victories.”  
[en.wikipedia.org/wiki/Oliver\\_Cromwell](http://en.wikipedia.org/wiki/Oliver_Cromwell)

### **E. Battle at Edgehill Essex of 1642**

Charles I had three armies in the field at the beginning of the war in 1642, and their immediate objective was to take the city of London in order to crush the London militiamen, which was a Puritan force. At Edgehill Essex, the royal Army's cavalry routed the Puritan Roundheads, but after the Parliamentary infantry closed its ranks, it recovered ground and the battle was indecisive.<sup>32</sup>

### **F. Battle at Lincolnshire of 1643**

In its ongoing effort to take London, the second royal army, commanded by Lord Newcastle, was checked at Lincolnshire by the northeastern Puritan armies organized by Oliver Cromwell. Hence, this battle at Lincolnshire was also indecisive, but the royal forces were prevented from reaching their objective, the city of London.

### **G. Battle at Newbury of 1643**

Similarly, the third royal army had tried to proceed into London through the town of Gloucester, a Puritan strong hold, but Lord Essex's Puritan forces met the Royal army at Newbury and successfully defended Gloucester. "Thus, at the end of 1643, the royalists had not taken London; they had not seized any of the fortified cities held by the Parliamentarians. Nevertheless, they had widely extended their occupations of territory; they had won several victories. The outlook for the parliamentary cause seemed black if the relentless royalist pressure continued in 1644."<sup>33</sup> At the end of 1643, the royalist army had a clear military advantage, but the overall war was at a stalemate.

### **H. Reorganization of the Roundhead Army in 1644 and The New Model Army of 1645**

By the beginning of 1644, many Puritan leaders had begun to sense that some of the Parliamentary generals were royalist sympathizers or half-heartedly prosecuting the war. Otherwise, the Puritans believed that they had the resources to decisively win the war, and they were correct. The Puritans wanted only military commanders who wished to achieve an unconditional military surrender of King

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<sup>32</sup> Smith, *A History of England*, p. 328.

<sup>33</sup> *Ibid.*

Charles I. Rather than insult individual commanders, Parliament simply revoked all military commission and only recalled the commanders who they wished to command Parliament's forces.

On February 17, 1645, a New Model Army was created by the "Committee of Both Kingdoms" (England and Scotland). "The tone of the New Model Army was set by Cromwell's Ironsides, and it was now Cromwell's main task, as Lieutenant-General, to train all the cavalry regiments 'armed only with swords and pistols, taught to reserve their fire until they came to close quarters with the enemy, their heavy horses charging 'at petty round trot.'... They wore red coats.... The New Model Army became a formidable and efficient military machine, the first national standing army."<sup>34</sup> Cromwell's Ironsides cavalry unit had gone undefeated during the entire war, and after he became Lieutenant-General of the New Model Army, the religious fervor and discipline of the Ironsides carried over into this new army. Cromwell's army adopted the "red coats," regular training, discipline, regular pay in order to avert desertions, and became the first standing national army in England. Hence, the British "red coats" were created by Parliament during the English Civil War in 1645. Significantly, as history records, they took on the spirit of Oliver Cromwell and his Old Ironsides cavalry unit.<sup>35</sup> Cromwell was a deeply-religious, staunch Puritan who wanted only godly men to serve in his forces. It has been reported that Cromwell once said, "**[w]e can only resist the superior training of the King's soldiers, by enlisting godly men.**" Indeed, Cromwell treated each battle as a divine mandate from God and he considered himself to be God's instrument. If thus we take Cromwell's attitude as the chief barometer of public opinion, the English Civil War was a war of religion.

## I. Battle of Naseby of 1645

The New Model Army was organized in February of 1645 and its first opportunity to engage Charles I's Royal Army came in June, 1645. "The religious fervor of the New Model Army united with its training and discipline to wreak havoc on the Royalists. At Naseby the army of Charles was routed. 'I could not but smile out to God in praises, in assurance of victory,' wrote Cromwell later. 'God

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<sup>34</sup> Ibid., p. 331.

<sup>35</sup> The name "**Old Ironsides**" became the nickname of the American First Armored Division. "The **1st Armored Division**, nicknamed "Old Ironsides," is a combined arms division of the United States Army. The division is part of III Corps and operates out of Fort Bliss in El Paso, Texas. It was the first armored division of the United States' Army to see battle in World War II. Since World War II, the division has been involved in the Korean War, Cuban Missile Crisis, Persian Gulf War, Iraq, and several other operations. The division has also received numerous awards and recognition." [https://en.wikipedia.org/wiki/1st\\_Armored\\_Division\\_\(United\\_States\)](https://en.wikipedia.org/wiki/1st_Armored_Division_(United_States))

did it and it is wonderful in my eyes.’ The Lord was mightily visiting His people. The war was becoming a holy war, a crusade against the forces of darkness.”<sup>36</sup>

### **J. Peace Negotiations 1645-1648**

After the Battle of Naseby, the first phase of the English Civil War came to an end, but King Charles I’s spirit was as a “snake in the grass!” Everyone knew that the king could not be trusted! Many considered him to be “fork-tongued” and untrustworthy, with no intention ever of keeping his word during settlement negotiations. The fundamental problem was that King Charles I believed in the doctrine of the “divine right of kings” and, as such, that he could not be sued for treason or held accountable by his own subjects. King Charles had also reneged on previous promises made to Parliament, but Oliver Cromwell persuaded Parliament and the Puritans to make last settlement offer to King Charles I, which would allow him to retain the English throne as a constitutional monarchy.

### **K. Second Civil War: Battle of Preston of 1648**

Inexplicably, as late as 1648, the Scots were willing to cut a side deal with the untrustworthy King Charles I! Apparently, King Charles felt that he could improve his position, by negotiating a far better deal with Scotland. This deal would double-cross Cromwell and the Puritans, because it would establish Presbyterianism in England for three years, if the Scottish would assist King Charles with regaining the English throne, holding power, and overthrowing the Puritans. The Scottish army agreed to these terms, and it soon invaded England in 1648. In response to the Scottish invasion, Cromwell and the New Model Army patched up their differences and remobilized again. Early in 1648, the New Model Army moved decisively to put down the Scottish rebellion in what became known as the Second English Civil War. It lasted only a few months. “On August, 1648, the Scottish cavalry were routed at Preston in Lancashire and their infantry captured.”<sup>37</sup> This Scottish defeat occurred at the Battle of Preston. King Charles I had thus rejected Cromwell’s offer, double-crossed Parliament by negotiating a side deal with the Scots, and lost. This huge risk would cost him his life.

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<sup>36</sup> Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), p. 331.

<sup>37</sup> *Ibid.*, p. 338.

## **L. Execution of King Charles I, 1649**

The Scottish rebellion and King Charles I's untrustworthy demeanor throughout the settlement talks left Oliver Cromwell and the Puritans with few options. In January, 1649, Charles I was brought to trial for treason. "Legally, however, Charles could not be tried for treason. He was still the king, and treason against himself the king could not commit. The court was illegal. Charles told them so."<sup>38</sup> King Charles I said: "No earthly power can justly call me, who am your king, in question as a delinquent... How can any free-born subject of England call life or anything he possesseth his own, if power without right daily make new and abrogate the old fundamental laws of the land? ... What hope of settlement is there so long as power reigns without rule or law, changing the whole frame of that government under which this kingdom hath flourished for many hundred years?"<sup>39</sup> Given this set of circumstances, there could be no compromise with Parliament, and so "[t]o put the king to death seemed the expedient thing to do. It was, in the words that Cromwell is supposed to have uttered, 'cruel necessity.'"<sup>40</sup>

## **M. Third Civil War: Battles of Drogheda and Wexford, Ireland (1649) and Battle of Dunbar, Scotland (1650); Battle of Worcester, Scotland (1651).**

Having settled the struggle between King Charles I and Parliament in 1649, Oliver Cromwell and the New Model Army were now free to put down the Irish rebellion and to completely subdue any remaining Scottish insurrection. The Irish were defeated at the battles at Drogheda and Wexford in 1649, and the Scottish were subdued in the battles of Dunbar and Worcester in 1650. Cromwell's army wrecked havoc in both Ireland and Scotland, having sustained not a single defeat on the battlefield. Irish culture was decimated, as two-thirds of Ireland's estates exchanged hands as were given to English Puritans and Ironsides commanders. Cromwell's victories were so thoroughly impressive that England regained international stature not seen since the days of Queen Elizabeth I. "Europe was impressed... Holland suddenly offered England an alliance. Spain accorded the Commonwealth formal diplomatic recognition."<sup>41</sup>

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<sup>38</sup> Ibid., p. 339.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid., p. 342.

## CONCLUSION

The essay summarized the history of political events leading up to the English Civil War (1642-1651) as well as the military phase of that war. Although the political and theological ideals which led to, and resulted from this civil war, are of paramount importance, the military history of that war sheds light on the fact that dedicated Christian soldiers, led by Lieutenant-General Oliver Cromwell, successfully prosecuted that war. By most accounts of this period, General Cromwell's Puritan fanaticism, together with the discipline and unprecedented successful battlefield campaigns of his Ironsides and New Model Army, constitute one of the greatest legends in all of military history. The men who fought for the Parliamentarians were deeply religious and poignantly aware of the problems of socioeconomic and political inequality in England. In the person of Oliver Cromwell, these men were led by supremely-talented military genius. It was reported that Cromwell had once said, "[w]e can only resist the superior training of the King's soldiers, by enlisting godly men." Cromwell's Ironsides cavalry unit went undefeated during the entire war, and after he became supreme commander of the New Model Army, the religious fervor and discipline of the Ironsides carried over into this new army. Cromwell's New Model Army adopted the "red coats," regular training, discipline, regular pay in order to avert desertions; and it became the first standing national army in England. The military victories of Cromwell's New Model Army were so thoroughly impressive that England regained international stature not seen since the days of Queen Elizabeth I.

THE END

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## APPENDIX A. “Sir Thomas Hobbes’ Fifteen Laws of Nature” By Roderick O. Ford, Litt.D.

England’s most important political theorist during the period of the English Civil War (1642-1651) was Sir Thomas Hobbes (1588-1679), who published his landmark work *Leviathan* in 1651.<sup>42</sup> Hobbes made it clear that the whole entire struggle of the English Civil War (1642-1651) revolved around the implementation of “natural law” and “the Laws of Nature” within secular law and government. To support this theory, Hobbes set forth the following fifteen laws of nature (which are deeply rooted in the “law of Christ”<sup>43</sup>) that he believed to be the foundation of civil government:

“The **first and fundamental law of nature**; which is, to seek peace and follow it. The **second, the sum of the right of nature**; which is, by all means we can, to defend ourselves.”<sup>44</sup> Hobbes does not hesitate in stating that these two natural laws are reflected in the *Golden Rule*, as he put it: “[t]his is that law of the Gospel: whatsoever you require that others should do to you, that do ye to them.”<sup>45</sup>

Hobbes’ **third law of nature** was “that men perform their covenants made; without which, covenants are in vain, and but empty words; and the right of all men to all things remaining, we are still in the condition of war.”<sup>46</sup>

Hobbes’ **fourth law of nature** is gratitude towards gifts or the bestowing of grace; for this promotes voluntary good will, trust, and benevolence among citizens within the community.<sup>47</sup>

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<sup>42</sup> Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), p. 378. For a more detailed review of Hobbes’ thesis, see “Thomas Hobbes as Constitutional Theorist,” Apostolate Paper # 6 (wherein Hobbes enunciated the proposition that secular constitutional laws must be based upon fifteen Laws of Nature).

<sup>43</sup> The Law of Christ is to “love ye one another” (John 15:12); to do justice and judgment (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).”

<sup>44</sup> Edwin A. Burt, *The English Philosophers From Bacon to Mill* (New York, NY: The Modern Library, 1967), p. 160.

<sup>45</sup> *Ibid.*, p. 164; see, also, the **Golden Rule** or the “law of Christ,” to wit: The Law of Christ is to “love ye one another” (John 15:12); to do justice and judgment (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).”

<sup>46</sup> *Ibid.*, p. 168.

<sup>47</sup> *Ibid.*, p. 168-169.

Hobbes' **fifth law of nature** is to accept diversity and to reasonably accommodate oneself to the larger society.<sup>48</sup>

Hobbes' **sixth law of nature** is that of forgiveness from those who desire it. "A man ought to pardon the offenses past of them that repenting, desire it." The reason for this is that to forgive those who genuinely desire it, is to promote peace and the cessation of hostilities within the civil society.<sup>49</sup>

Hobbes' **seventh law of nature** is provide punishment that is proportional to the offence, and not cruel, unusual, or excessive punishment-- —according to Hobbes, this fosters the cessation of warfare and promotes peace.<sup>50</sup>

Hobbes' **eighth law of nature** is that "no man by deed, word, countenance, or gesture, declare hatred or contempt of another."<sup>51</sup>

Hobbes' **ninth law of nature** is that "every man acknowledge another for his equal by nature." "The question who is the better man, has no place in the condition of mere nature; where, as has been shown before, all men are equal."<sup>52</sup>

"On this law," writes Hobbes, "dependeth another, [the **tenth law of nature**] that ... no man require to reserve to himself any right which he is not content should be reserved to everyone of the rest.... The observers of this law, are those we call modest, and the breakers arrogant men. The Greeks call the violation of this law... a desire of more than their share."<sup>53</sup>

Hobbes' **eleventh law of nature** is that judges and arbitrators "deal equally" between persons whom they must judge. Otherwise, "the controversies of men cannot be determined but by war." Importantly, Hobbes here highlights the Aristotelian doctrine of equity and ethics: "The observance of this law, from the equal distribution to each man, of that which in reason belongeth to him, is called equity, and, as I have said before, distributive justice; the violation, exception of persons...."<sup>54</sup>

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<sup>48</sup> Ibid., p. 169.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> Ibid., p. 170.

<sup>52</sup> Ibid.

<sup>53</sup> Ibid., p. 171.

<sup>54</sup> Ibid.

Hobbes' **twelfth law of nature** is that "such things as cannot be divided, be enjoyed in common, if it can be; and if the quantity of the thing permit, without stint; otherwise proportionally to the number of them that have right." "For equal distribution is of the law of nature, and other means of equal distribution cannot be imagined."<sup>55</sup>

Hobbes' **thirteenth law of nature** is that judges should be protected from reprisal and retaliation. They should be provided "safe conduct."<sup>56</sup>

Similarly, Hobbes' **fourteenth law of nature** is that "they that are at controversy, submit their right to the judgment of an arbitrator [or judge]." Again, this promotes peaceful resolutions of cases and controversies within a civil society.<sup>57</sup>

Finally, Hobbes' **fifteenth law of nature** opined that so far as the Commonwealth has committed to protecting the natural rights of its citizens, that is to say, "the laws of nature, as justice, equity, modesty, mercy, and, in sum, doing to others as we would be done to...",<sup>46</sup> that every citizen has a duty and obligation to defend the Commonwealth, "that every man is bound by nature, as much as in him lieth, to protect in war the authority, by which he is himself protected in time of peace."<sup>58</sup>

Hence, in *Leviathan*, Hobbes reached a very important conclusion that would significantly influence Anglo-American constitutional and political theory during the seventeenth and eighteenth centuries:

1. Natural law is the law of peace<sup>59</sup>, science<sup>60</sup>, and reason<sup>61</sup> ;

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<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid., p, 174.

<sup>59</sup> Hobbes' *Leviathan* is political science or an attempt to explain the foundations of natural justice, or peace. He opens this treatise stating, "Nature, the art whereby God hath made and governs the world, is by the art of man, as in many other things, so in this also imitated, that it can make an artificial animal." Edwin A. Burt, *The English Philosophers From Bacon to Mill* (New York, NY: The Modern Library, 1967), p. 129.

<sup>60</sup> "[S]cience is the knowledge of consequences, and dependence of one fact upon another: by which, out of that we can presently do, we know how to do something else when we will, out of that we can presently do, we know how to do something else when we will, or the like another time; because when we see how anything comes about, upon what causes, and by what manner; when the like causes come into our power, we see how to make it produce the like effects." Edwin A. Burt, *The English Philosophers From Bacon to Mill* (New York, NY: The Modern Library, 1967), p. 146.

<sup>61</sup> "[N]atural, wherein [God] governeth as many of mankind as acknowledge his providence, by the natural dictates of right reason...." Edwin A. Burt, *The English Philosophers From Bacon to Mill* (New York, NY: The Modern Library, 1967), p. 213

2. Natural law is the law of God<sup>62</sup> ;
3. There should be no contradiction between natural law and the secular laws of nations. <sup>63</sup>

We may thus deduce from the writings of Hobbes and other Englishmen during this period, that the chief struggle of the mid-seventeenth century was fundamentally one of the application of the Bible's Christian principles (i.e., England's "fundamental moral law" or the "law of Christ"<sup>64</sup>) to England's constitutional governmental form. For, indeed, the Bible, which constituted England's "Divine Law," was none other than "the law of Christ," which was also the "laws of Nature," upon which the secular government was to be firmly established. Even within Puritan England, the legal philosophy of St. Thomas Aquinas (i.e., Eternal Law--→Divine Law --→Natural Law--→Human Law) was still paramount. Indeed, Sir Thomas Hobbes' philosophical conclusions reached in the *Leviathan* reflected the same paramount respect for divine and natural law. The American *Declaration of Independence* (1776) would later reflect the same principles. And I would be remiss, here, if I did not state, unambiguously, that the "law of Christ"—which was popularly called the "fundamental law" — lay at the foundation of seventeenth-century English constitutional law. The Christian faith, which defined this fundamental law that not even the "divine right of kings" could abrogate, thus constituted England's highest law.

## THE END

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<sup>62</sup> "The laws of God therefore are none but the laws of nature...." "[W]hat are the Divine laws, or dictates of natural reason; which laws concern either the natural duties of one man to another, or the honor naturally due to our Divine Sovereign. The first are the same laws of nature, of which I have spoken already in the fourteenth and fifteenth chapters of this treatise; namely, equity, justice, mercy, humility, and the rest of the moral virtues." Edwin A. Burt, *The English Philosophers From Bacon to Mill* (New York, NY: The Modern Library, 1967), pp. 214, 222, 225

<sup>63</sup> "And because he is a sovereign, he requireth obedience to all his own, that is, to all the civil laws; in which also are contained all the laws of nature...." "There can therefore be no contradiction between the laws of God, and the laws of a Christian commonwealth." "And when the civil sovereign is an infidel, every one of his own subjects that resisteth him, sinneth against the laws of God (for such are the laws of nature)...." Edwin A. Burt, *The English Philosophers From Bacon to Mill* (New York, NY: The Modern Library, 1967), pp. 225-226

<sup>64</sup> The Law of Christ is to "love ye one another" (John 15:12); to do justice and judgment (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

**APPENDIX B: “Rev. Richard Baxter’s Directions to British Subjects  
Concerning Their Duty to Their Rulers”  
By Roderick O. Ford, Litt.D.**

The leading Protestant schoolman of the seventeenth century was the Rev. Richard Baxter (1615-1691). Rev. Baxter was a contemporary of Oliver Cromwell, who had invited Baxter to serve as chaplain to the Ironsides cavalry. Although Rev. Baxter initially refused to serve as chaplain to the Ironsides, he did sign up to serve as a regimental chaplain to the New Model Army.

Rev. Baxter was indeed a Puritan, but his soteriology was closer to that of John Wesley (1703-1791) than that of John Calvin (1509-1564). Be that as it may, I believe that for the objective of assessing the general attitude of seventeenth-century Protestant theology on the relationship of Christians to their civil magistrate and the secular government, Rev. Baxter’s following summation may be taken as representative of the Puritan theology:

Obey inferior magistrates according to the authority derived to them from the supreme, but never against the supreme, from whom it is derived. The same reasons which oblige you to obey the personal commands of the king, do bind you also to obey the lowest constable, or the officer; for they are necessary instruments of the sovereign power, and if you obey not them, the obedience of the sovereign signifieth almost nothing. **But no man is bound to obey them beyond the measure of their authority; much less against those that give them their authority....**

**No human power is at all to be obeyed against God: for they have no power, but what they receive from God; and all that is from him, is for him.** He giveth no power against himself; he is the first efficient, the chief dirigent, and ultimate final cause of all. It is no act of authority, but resistance of his authority, which contradicteth his law, and is against him. **All human laws are subservient to his laws, and not co-ordinate, much less superior. Therefore they are ipso facto null, or have no obligation, which are against him:** yet is not the office itself null, when it is in some things thus abused; nor the magistrate’s power null, as to other things. **No man must commit the least sin against God, to please the greatest prince on earth, or to avoid the greatest suffering.** ‘Fear not them that can kill the body,

and after that have no more that they can do; but fear him, who is able to destroy both body and soul in hell: yea, I say unto you, fear him,' Luke, xii. 4. 'Whether we ought to obey God rather than men, judge ye,' Acts v. 29. 'Not fearing the wrath of the king: for he endured, as seeing him that is invisible.—Others were tortured, not accepting deliverance,' & c. Heb. Xi 27, 35. 'Be it known unto thee, O king, that we will not serve thy gods, nor worship the golden image,' &c. Dan. Iii. 18. ...<sup>65</sup>

Hereupon I conclude as followeth:

1. It is **no sin to break a law which is no law**, as being against God, or not authorized by him, (as of a usurper, & c) See R. Hooker, Conclus. Lib. Viii.
2. It is no law so far as it is no signification of the true will of the ruler, whatever the words be: therefore so far it is no sin to break it.
3. The will of the ruler is to be judged of, not only by the words, but by the ends of government, and by the rules of humanity....<sup>66</sup>

Here we find in Richard Baxter's thought the essential formula for "Higher Law" which was at the heart of the fundamental Protestant doctrine, which both Lutheran and Calvinist theologians embraced. This formula of "Higher Law" was a plain copy of Thomas Aquinas' legal theory (i.e., Eternal Law--→ Divine Law --→ Natural Law--→ Human Law). The Protestant idea of "Higher Law" was that no civil magistrate—not even the emperor, king, or the pope— had the authority to rescind or contravene "Higher Law," which was the law of reason, nature, and God.<sup>67</sup>

## THE END

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<sup>65</sup> Richard Baxter, *A Christian Directory, Or A Sum of Practical Theology, And Cases of Conscience* (Part 4 Christian Politics), pp. 37, 52.

<sup>66</sup> Ibid.

<sup>67</sup> During the twentieth century, the chief proponent of this idea of "Higher Law" was Dr. Martin Luther King, Jr., as expressed in his "Letter from the Birmingham City Jail."

## APPENDIX C: “The Magdeburg Confession and the Right of Resistance” by Roderick O. Ford, Litt.D.

The influence of Martin Luther on the Protestant Reformation continued to influence Protestant movements in England and Central Europe a century after his death. When Luther preached against the Roman and imperial establishments, the threat of violence and violent resistance was imminently present, and Luther had to address the theology and political question of when violent self-defense against a higher-grade magistrate was permissible under the Sacred Scriptures. Luther’s theological conclusions evolved, but later in life he developed some theological parameters for the right of resistance and violent self-defense against tyrannical rulers. The Lutheran view of civil disobedience was set forth in the Magdeburg Confession of 1550:

The *Magdeburg Confession* (officially, the *Confession, Instruction, and Admonition of the pastors and preachers of the Christian congregations of Magdeburg*) was a Lutheran statement of faith. It was written by nine pastors of the city of Magdeburg in 1550 in response to the Augsburg Interim and the imposition of Roman Catholicism. **The Confession explains why the leaders of the city refused to obey the imperial law, and were prepared to resist its implementation with force if necessary.** The Magdeburg Confession calls for resistance to political tyranny, and argues that the "subordinate powers" in a state, faced with the situation where the "supreme power" is working to destroy true religion, may go further than non-cooperation with the supreme power and assist the faithful to resist. Carter Lindberg calls it "**the first Protestant religious justification of the right of defense against unjust higher authorities.**" John Witte notes that Theodore Beza saw the Magdeburg Confession as an example of how to respond to political abuse of tyranny, and that it was a "**major distillation of the most advanced Lutheran resistance theories of the day, which the Calvinist tradition absorbed.**"

Hence, the English Calvinists (i.e., the Puritans) and the Scottish Presbyterians were, by the time of the Bishop’s War (1639-40) and the English Civil Wars of 1642-1651 were developing theological and political ideas regarding tyranny and civil disobedience to higher level magistrates, including popes, emperors, and kings, were bequeathed to the American colonies during the seventeenth- and

eighteenth centuries and which became the foundation of American revolutionary thought during the eighteenth century. The fundamental Protestant doctrine, which both Lutheran and Calvinist theologians embraced, was the natural law formula for “Higher Law.” This “Higher Law” formula was a plain copy of Thomas Aquinas’ legal theory (i.e., Eternal Law--→ Divine Law --→ Natural Law--→ Human Law). Under the new Protestant design for “Higher Law,” no civil magistrate—not even the emperor, king, or the pope— had the authority to rescind or contravene “Higher Law,” which was the law of reason, nature, and God. During the twentieth century, the chief proponent of this idea of “Higher Law” was Dr. Martin Luther King, Jr., as expressed in his “Letter from the Birmingham City Jail”; and, to a lesser degree, by Methodist lawyer Nelson Mandela, who refused to abandon the *option to use violence* in self-defense in his struggle to vindicate what he believed to be the “Higher Law” regarding the human rights of black South Africans. Similarly, the idea of *the use of violence*, in self-defense of “Higher Law,” which we may also call “fundamental law” and the “Law of Nature,” was also clearly set forth in the American *Declaration of Independence* (1776).

**THE END**

## APPENDIX D: “Political Philosophy of John Calvin” By Roderick O. Ford, Litt.D.

This essay takes for granted that the seventeenth-century Puritans of England and colonial New England were influenced by the political views of John Calvin and Calvinists theologians, political theorists and lawyers. It also assumes that the Puritan motives, ideas, and ideals of the English Civil War (1642-1651) were inherently Calvinistic in nature. Most significantly, I argue here that Calvin’s ideals on “Christian polity,” together with Martin Luther’s conceptualization of the natural rights of subjects to resist tyrannical civil magistrates and governors, became the primary theoretical and theological basis for the Glorious Revolution of 1688 and the American Declaration of Independence (1776).

In sum, John Calvin believed in absolute submission to civil magistrates, but Calvin made one important exception: those Christians who held public office—whether as a member of the legislature, the bar, the bench, or other government office—which contains the express duty to hold the civil magistrate accountable, must carry out their lawful authority to resist an ungodly, evil civil magistrate.<sup>68</sup> Hence, members of Parliament should resist tyrannical monarchs, because, as Calvin wrote, such government officials are “**constitutional defenders of the people’s freedom.**”<sup>69</sup>

In Book IV, chapter twenty of John Calvin’s *Institutes of the Christian Religion*,<sup>70</sup> Calvin set out to describe the “laws by which Christian polity is to be governed”<sup>71</sup> and to answer the question, “**What are the laws by which Christian polity is to be regulated?**”<sup>72</sup>

In Calvin’s ideal Christian commonwealth, “the law of Moses” must be taken into account. To do that, one must divine 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

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<sup>68</sup> John Calvin, *The Institutes of the Christian Religion* (United States of America: Pantieos Press, 2017), pp. 539-540.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid. p. 534.

<sup>72</sup> Ibid, p. 529.

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>73</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, binding on all nations.<sup>74</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]<sup>75</sup>, 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 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

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<sup>73</sup> Ibid, p. 534.

<sup>74</sup> Ibid.

<sup>75</sup> Here, St. Augustine uses the “Sodomites” as an example of a crime against nature, stating the God “has not made men so that they should ever abuse one another in that way.” St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 36.

as among the authorities in human society, the greater authority is obeyed before the lesser, so also must god be above all.<sup>76</sup>

Calvin adopts this same “natural law” legal framework as set forth 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.<sup>77</sup>

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 very hour, that the Ten Commandments represent a “universal law,” a “natural law,” and a “moral law” for all mankind and for all nations.

According to the *Catechism of the Catholic Church* (Second Edition):

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<sup>76</sup> St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 36.

<sup>77</sup> John Witte, Jr. and Frank S. Alexander, *Christianity and Law: An Introduction* (Cambridge, UK: Cambridge Univ. Press, 2008), p. 23.

## I. The Natural Moral Law

1954 Man participates in the wisdom and goodness of the Creator who gives him mastery over his acts and the ability to govern himself with a view to the true and the good. The natural law expresses the original moral sense which enables man to discern by reason the good and the evil, the truth and the lie:

The natural law is written and engraved in the soul of each and every man, because it is human reason ordaining him to do good and forbidding him to sin.... But this command of human reason would not have the force of law if it were not the voice and interpreter of a higher reason to which our spirit and our freedom must be submitted. [Leo XIII, *Libertas praestantissimum*, 597.]

1955 The ‘divine and natural’ law shows man the way to follow so as to practice the good and attain his end. The natural law states that first and essential precepts which govern the moral life. It hinges upon the desire for God and submission to him, who is the source and judge of all that is good, as well as upon the sense that the other is one’s equal. **Its principal precepts are expressed in the Decalogue. This law is called ‘natural,’ not in reference to the nature of irrational beings, but because reason which decrees it properly belongs to human nature:**

Where then are these rules written, if not in the book of that light we call the truth? In it is written every just law; from it the law passes into the heart of the man who does justice, not that it migrates into it, but that it places its imprint on it, like a seal on a ring that passes onto wax, without leaving the ring. [St. Augustine, *De Trin.* 14, 15, 21: PL 42, 1052].

The natural law is nothing other than the light of understanding placed in us by God; through it we know what we must do and what we must avoid. God has given this light or law at the creation. [St. Thomas Aquinas, *Dec. praec.*I.].

1956 The natural law, present in the heart of each man and established by reason, is universal in its precepts and its authority extends to all men. It expresses the dignity of the person and determines the basis for his fundamental rights and duties:

For there is a true law: right reason. It is in conformity with nature, is diffused among all men, and is immutable and eternal; its orders summon the duty; its prohibitions turn away from offense.... To replace it with a contrary law is a sacrilege; failure to apply even one of its provisions is forbidden; no one can abrogate it entirely. [Cicero, Rep. III, 22, 33.]

1957 Application of the natural law varies greatly; it can demand reflection that takes account of various conditions of life according to places, times, and circumstances. Nevertheless, in the diversity of cultures, the natural law remains as a rule that binds men among themselves and imposes on them, beyond the inevitable differences, common principles.

1958 The natural law is immutable and permanent throughout the variations of history; it subsists under the flux of ideas and customs and supports their progress. The rules that express it remain substantially valid. Even when it is rejected in its very principles, it cannot be destroyed or removed from the heart of man. It always rises again in the life of individuals and societies: 'Theft is surely punished by your law, O Lord, and by the law that is written in the human heart, the law that iniquity itself does not efface. "[St. Augustine, Conf. 2, 4, 9: PL 32, 678.]

1959 the natural law, the Creator's very good work, provides the solid foundation on which man can build the structure of moral rules to guide his choices. It also provides the indispensable moral foundation for building the human community. Finally, it provides the necessary basis for the civil law with which it is connected, whether by a reflection that draws conclusions from its principles, or by additions of a positive and juridical nature.

Again, Calvin's conceptualization of secular law was thoroughly rooted in the Roman Catholic tradition. Therefore, when Calvin divided the Law of Moses into three parts, that is to say, the moral law, the ceremonial law, and the judicial law, he did so with the express purpose of separating the moral law, which he identified as the Ten Commandments, from the remaining parts of the Mosaic Law. According to Calvin, the ceremonial law and the judicial law should be abrogated within the Christian Polity; but the Ten Commandments could not be abrogated because "the duties and precepts of charity can still remain perpetual."<sup>78</sup> In general, Calvin also defined "natural law" as "equity," and he used the two terms interchangeably, and identified them both with the Ten Commandments, as follows:

What I have said will become plain if we attend, as we ought, to two things connected with all laws, viz., the enactment of the law, and the equity on which the enactment is founded and rests. Equity, as it is natural, cannot but be the same in all, and therefore ought to be proposed by all laws, according to the nature of the thing enacted. As constitutions have some circumstances on which they partly depend, there is nothing to prevent their divers<sup>79</sup>ity, provided they all alike aim at equity as their end.

Now, as it is evident that the law of God which we call moral, is nothing else than the testimony of natural law, and of that conscience which God has engraven on the minds of men, the whole of this equity of which we now speak is prescribed in it. Hence it alone ought to be the aim, the rule, and the end of all laws. Wherever laws are formed after this rule, directed to this aim, and restricted to this end, there is no reason why they should be disapproved by us, however much they may differ from the Jewish law, or from each other, (Augst. De Civil. Dei, Lib. 19 c 17.)<sup>80</sup>

Calvin observed then if one conducted a comparative analysis of all of the laws in different nations, one would find a striking similarity in the objectives and goals of most of their laws. "[W]e see that amid this diversity," Calvin wrote "they all tend to the same end. For they all with one mouth declare against those crimes which are condemned by the eternal law at God, viz., murder, theft, adultery, and

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<sup>78</sup> Ibid, p. 534.

<sup>79</sup> Ibid, p. 535.

<sup>80</sup> Ibid, p. 535.

false witness; though they agree not in the mode of punishment.” It thus safe to conclude, that Calvin believed that the Christian polity or commonwealth must be founded upon natural law.

However, Calvin wrote to achieve the goals of the Protestant Reformation and to remove the Church and the Christian polity from Roman Catholicism. Therefore, Calvin wrote to his fellow Protestants in large measure to distinguish his ideal Christian polity from the Holy Roman Empire and other areas where the Roman Catholic Church was established as the official state religion. Within the Roman Catholic scheme, at least in theory, the state was subordinate to the Roman Catholic Church. Since the days of Pope Gregory VII (i.e., Hildebrand) (circa 1015-1085, A.D.), the Pope had claimed supremacy over all principalities and kingdoms within Christendom. Calvin observed that once the Roman Catholic clergy began to dominate worldly and secular politics, the Gospel became corrupted and slowly, over a period of several centuries, the Roman Catholic Church had actually ceased to function as a true Church. Therefore, within Calvin’s ideal Christian polity, the Christian Clergy must not hold church office and official state office at the same time; and, further, the Church must be separated out from, and remain independent of, the State. And, vice versa, the State should remain separated out from, and remain independent of, the Church.

Importantly, within Calvin’s understanding of the doctrine of “Separation of Church and State,” both the Church and the State were to function as independent vice-regents of God; and they both shared the responsibility of administering equity, which is the natural law or the Law of God. In order to understand how Calvin derived this constitutional system, it is necessary to understand his Christian theology. Again, Calvin argued that the Ten Commandments reflected the “moral natural law” and that it also paralleled the Law of Nations. He believed that the Ten Commandments were thus considered to be timeless and universal among all nations. For this reason, Calvin’s Christian theology purported that the Ten Commandments prove that there is “a twofold government in man”<sup>81</sup>: spiritual (Church) and temporal (State). “[T]he one which, placed in the soul or inward man, relates to eternal life [and]... the other, which pertains only to civil

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<sup>81</sup> Ibid, p. 528.

institutions and the external regulation of manners.”<sup>82</sup> The temporal law is to be enacted, adjudicated, and executed by the secular civil magistrate. The spiritual law is to be interpreted and administered by the Church. However, Calvin made it quite clear that both the temporal law and the spiritual law came from the same source: God. Hence, Calvin developed within his Christian theology a theory of the “Two Tables,” meaning that the first portion of the Ten Commandments are the foundation of the spiritual law; and the second portion is the foundation of the temporal law. See, Table 3, “Two Tables Theory of the Ten Commandments.”

**Table 3. Calvin’s “Two Tables Theory of the Ten Commandments”**

<p style="text-align: center;"><b><u>TEN COMMANDMENTS</u></b></p> <p style="text-align: center;">(Decalogue)</p>	<p style="text-align: center;"><b><u>NATURAL LAW</u></b></p> <p style="text-align: center;">(The Laws of Nature upon which the Secular Civil Government is founded)</p>
<p style="text-align: center;"><b><u>FIRST TABLE</u></b></p> <p>I am the Lord thy God, which have brought thee out of the land of Egypt, out of the house of bondage. Thou shalt have no other gods before me! Ex. 20:2-3.</p>	<p style="text-align: center;"><b><u>FIRST TABLE (Church)</u></b></p> <p>God’s Divine Providence governs the universe; it is superior to human law.</p> <p><b>Civil Rights/ Human Rights:</b> the Puritans and other Reformed Protestants deduced from this commandment that no civil government can compel an individual person to worship God in a particular way—thus freedom of conscience, assembly, religion are thus natural rights of all human beings.</p>
<p>Thou shalt not make unto thee any graven image, or any likeness of any thing that is in heaven above, or that is in the water under the earth. Thou shalt not bow down thyself to them, nor serve them: for I the LORD thy God am a jealous God, visiting the iniquity of the</p>	<p>Same as above</p>

<sup>82</sup> Ibid.

<p>fathers upon the children unto the third and fourth generation of them that hate me; and shewing mercy unto thousands of them that love me, and keep my commandments.</p> <p>Ex. 20:4-6</p>	
<p>Thou shalt not take the name of the LORD thy God in vain; for the LORD will not hold him guiltless that that taketh his name in vain.</p> <p>Ex. 20: 7</p>	<p>Same as above</p>
<p>Remember the Sabbath day, to keep it holy. Six days shalt thou labour, and do all thy work: but the seventh day is the Sabbath day of the LORD thy God: in it thou shalt not do any work, thou , nor thy son, nor thy daughter, thy manservant, nor thy maidservant, nor thy cattle, nor thy stranger that is within thy gates: for in six days the LORD made heaven and earth, the sea, and all that in them is, and rested the seventh day: wherefore the LORD blessed the Sabbath day, and hallowed it.</p>	<p>Same as above</p>
<p style="text-align: center;"><b><u>SECOND TABLE</u></b></p> <p>Honor thy father and thy mother: that thy days may be long upon the land which the LORD thy God giveth thee. Ex. 20:12</p>	<p><b><u>SECOND TABLE (State; Civil Magistrate)</u></b></p> <p>This is a fundamental “law of nature”; domestic government (i.e., the family) is the foundation of the body politic</p>
<p>Thou shalt not kill! Ex. 20:13</p>	<p>This is a fundamental “law of nature”; civil government must protect citizens against the crime of homicide, murder, and genocide.</p>
<p>Thou shalt not commit adultery! Ex. 20: 14</p>	<p>This is a fundamental “law of nature”; civil</p>

	government must protect the integrity of marriage and the family, since domestic government (i.e., the family) is the foundation of the body politic). Adultery should be proscribed and punished.
Thou shalt not steal! Ex. 20: 15	This is a fundamental “law of nature”; civil government must protect citizens against fraud, theft, conversion, embezzlement, and like crimes and offenses.
Thou shalt not bear false witness against thy neighbor! Ex. 20:16	This is a fundamental “law of nature”; civil government must protect the integrity of the justice system and protect citizens against injustices established through false swearing and false testimony.
Thou shalt not covet thy neighbor’s house, thou shalt not covet thy neighbor’s wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor any thing that is thy neighbor’s. Ex. 20: 17	This is a fundamental “law of nature”; civil government must protect the integrity of private property, marriage, the family, employment relations, master-servant relations, contractual relations, etc.

**Here, we clearly see that Calvin did not place the secular civil state outside of God’s Providence.** But, quite to the contrary, Calvin’s secular civil state must cooperate with and protect the Church and generally function as the vice-regent of God.<sup>83</sup> Calvin wrote that “magistrates should be faithful as God’s deputies,” and that the “magistracy is ordained by God.”<sup>84</sup> Within Calvin’s Christian polity, the Church should not endeavor to run the secular government or

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<sup>83</sup> Ibid, p. 530.

<sup>84</sup> Ibid.

hold the reigns of secular power. That secular power rightfully belongs to the civil magistrate. At the same time, the civil magistrate within a Christian polity must protect the Church. “For, seeing that Church has not, and ought not to wish to have,” wrote Calvin, “the power of compulsion, (I speak of civil coercion,) it is the part of pious kings and princes to maintain religion by laws, edicts, and sentences.”<sup>85</sup>

Furthermore, like St. Augustine, **Calvin argued that Christians maintained a duty to get involved in the secular civil government in order to ensure that equity and justice would be served.**<sup>86</sup> “What is this,” wrote Calvin, “but that the business was committed to them by Gods to serve him in their office, and (as Moses and Jehoshaphat said to the judges whom they were appointing over each of the cities of Judah) to exercise judgment, not for man, but for God? **To the same effect Wisdom affirms, by the mouth of Solomon, ‘By me kings reigns and princes degree Justice. By me princes rule, and nobles, even all the judges of the earth,’ (Prov. 8:15, 16).**”<sup>87</sup> He expressly argued against “the ‘Christian’ denial or rejection of magistracy.”<sup>88</sup> Calvin did not allow his dislike of Roman Catholic corruption to affect his judgment as to the fundamental goodness of the civil magistrate. He argued that the objective of the civil magistrate is indispensable, stating:

But we shall have a fitter opportunity of speaking of the use of civil government. All we wish to be understood at present is, **that it is perfect barbarism to think of exterminating it, its use among men being not less than that of bread and water, light and air, while its dignity is much more excellent.** Its object is not merely, like those things, to enable men to breathe, eat, drink, and be warmed, (though it certainly includes all these, while it enables them to live together;) this, I say, is not its only object, but it is that no idolatry, no blasphemy against the name of God, no calumnies against his truth, nor other offences to religion, break out and be disseminated among the people; that the public quiet be not disturbed, that every man’s

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<sup>85</sup> Ibid., p. 436.

<sup>86</sup> Ibid, p. 530.

<sup>87</sup> Ibid, pp. 529-530.

<sup>88</sup> Ibid.

property be kept secure, that men may carry on innocent commerce with each other, that honesty and modesty be cultivated; in short, that a public form of religion may exist among Christians, and humanity among men.<sup>89</sup>

Furthermore, since the civil magistrate's function is both fundamentally indispensable and ordained by God, **Calvin, like Martin Luther, believed that even bad or ungodly civil magistrates should be obeyed. Calvin believed that true Christian obedience to the civil magistrate was to replicate Christ's crucifixion on the cross; Christians must passively resist evil and be ready and willing to die for the truth.** "But since Peter, one of heaven's heralds, had published the edict, 'We ought to obey God rather than men,' (Acts 5: 29,)" **Calvin admonished Christians to obey God first**, while passively resisting the civil magistrate, on important questions of truth and conscience. **Calvin made one exception: those Christians who held public office—whether as a member of the legislature, the bar, the bench, or other government office—which contains the express duty to hold the civil magistrate accountable, must carry out their lawful authority to resist an ungodly, evil civil magistrate.**<sup>90</sup> Hence, **members of Parliament should resist tyrannical monarchs, because, as Calvin wrote, such government officials are "constitutional defenders of the people's freedom."**<sup>91</sup>

In addition, Calvin had much to say as to the operation of a court system within the Christian polity.<sup>92</sup> He addressed various concerns among Christians of his day that the Apostle Paul had forewarned Christians against taking their disputes to the civil magistrates of pagan Rome. Calvin may have rejected this reasoning in light of the different set of circumstances for which he was presenting his ideal Christian polity. For all of the reasons previously mentioned, Calvin gave Christians the express permission to utilize the secular civil courts in order to resolve disputes.<sup>93</sup> Calvin focused upon the "heart" of the civil litigants.<sup>94</sup> In other words, he disdained litigiousness; and he questioned the "motives" of Christians

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<sup>89</sup> Ibid, p. 529.

<sup>90</sup> Ibid, pp. 539-540.

<sup>91</sup> Ibid.

<sup>92</sup> Ibid, pp. 535-536.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

who resort to litigation.<sup>95</sup> According to Calvin, a Christian must not be “litigious” or engage in litigation through “hatred and revenge.”<sup>96</sup> Instead, the Christian must utilize the civil court system sparingly, and he or she can do so only with the limited objective of achieving justice and equity.<sup>97</sup> In sum, Calvin concluded this point by contending that “Paul condemns a litigious spirit, but not all litigation.”<sup>98</sup>

Finally, Calvin insisted that so long as “equity” is the beginning and end of the secular civil law and government, the actual form of the government, whether a monarchy, aristocracy, and democracy (i.e., “popular ascendancy”), was not very material or significant. “If you fix your eyes not on one state merely, but look around the world, or at least direct your view to regions widely separated from each other, you will perceive that divine Providence has not, without good cause, arranged that different countries should be governed by different forms of polity.”<sup>99</sup> Calvin observed that above-mentioned three forms of civil government had defects. **But he favored a mixed form of civil government that had elements of “aristocracy” and elements of “democracy” as its key element.** “When these three forms of government, of which philosophers treat,” Calvin wrote, “are considered in themselves, I, for my part, am far from denying that the form which greatly surpasses the others is aristocracy, either pure or modified by popular government, not indeed in itself, but because it vary rarely happens that kings so rule themselves as never to dissent from what is just and right, or are possessed of so much acuteness and prudence as always to see correctly. Owing therefore that vices or defects of men, it is safer and more tolerable when several bear rule, that they may thus mutually assist, instruct, and admonish each other, and should any one be disposed to go too far, the others are censors and masters to curb his excess. This has already been proved by experience, and confirmed also by the authority of the Lord himself, when he established an aristocracy bordering on popular government among the Israelites, keeping them under that as the best form, until he exhibited an image of the Messiah in David.”<sup>100</sup>

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<sup>95</sup> Ibid.

<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

<sup>98</sup> Ibid.

<sup>99</sup> Ibid, p. 531.

<sup>100</sup> Ibid., p. 531.

Thus, if Calvin was alive today, he would likely instruct us in the evolution of modern Western constitutional law and theory, as being an extraction out from the Old Testament's description of the theocracy in ancient Palestine. Here, too, we find in the Protestant theologian John Calvin's theory of Christian polity, more than two hundred years before the American Revolution of 1776, all of the fundamental and key ingredients from which the American constitutional doctrines of the "separation of powers," the "separation of church and state," "democratic republicanism," and "fundamental right of conscience," were extrapolated.

**THE END**