

PRACTICAL PROBLEMS IN LAW AND MINISTRY:

Puritanism and the Presbyterian Enlightenment

or

The Religion of Nature

As the Foundation of the United States Constitution ©

A Postdoctoral Study in Reformed Theology

By

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A Dissertation

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Postdoctoral Fellowship

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Academic Fellowship



Academic Fellowship

Be it known to all who pass-by that

Roderick Ford

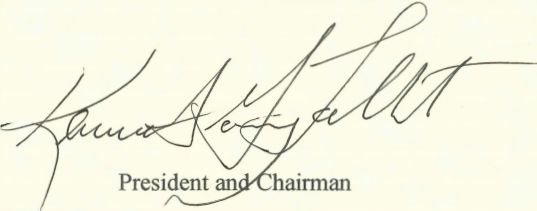
has been awarded a Presidential Scholarship towards a

Postdoctoral Fellowship

in the field of

Reformed Theological Interpretation

Given this day February 28th, Two Thousand and Twenty.



Kenneth A. S. Lee
President and Chairman

Doctor of Religion Dissertation Signature Page

This Postdoctoral Dissertation, written under the Direction of the President of Whitefield Theological Seminary and the undersigned student's Academic Adviser, has been presented to, and accepted by, the Faculty of the said seminary. The content and research methodology presented in this work represent the work of the student alone.

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Date

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Date

Dedication

This postdoctoral study is dedicated to the life and legacy of Dr. Kenneth Gary Talbot (1958 - 2022) and to the Christ Presbyterian Church (Lakeland, Florida) where he served as the Senior Pastor for many years. In 2020, Dr. Talbot graciously admitted me into the fellowship of Calvinist scholars at Whitefield Theological Seminary and introduced me to the great contributions which the 18th-century Methodist and revivalist Rev. George Whitefield (1714 - 1770) made to the Great Evangelical Awakening in colonial British North America and in England.

Dr. Talbot challenged me, a black man, to take a new, honest, and unbiased review of, inter alia, the man, George Whitefield. This was, at the first, a difficult task, because I was aware that Whitefield had owned African slaves. I prayed for the Holy Spirit's guidance in carrying out this task, and I re-reviewed Rev. Whitefield's Puritan conceptualization of slave-holding from his own understanding that the type of slavery which is patterned after the Old Testament (i.e., "Mosaic"), was benign, served a legitimate ameliorative social purpose, and was designed to advance the Gospel. Rev. Whitefield's desire to ameliorate the spiritual condition of the African slaves was exemplified in his ministry to them; in his excoriation of the Southern slave masters' harsh and inhumane treatment of their slaves; in his helping to lay the foundation of the Black Church and the new style of "Negro preaching" in colonial British North America; and, after his death, in Phyllis Wheatley's solemn commemoration of his life in her poem, "An Elegiac Poem, On the Death of that Celebrated Divine, and Eminent Servant of Jesus Christ, the Late Reverend, and Pious George Whitefield." For divine and eternal reasons, the great Frederick Douglass saw fit to forgive his own Maryland slave masters, and I suppose that those same divine and eternal reasons will vindicate the slave-holding motives of Rev. Whitefield.

Significantly, Rev. Whitefield was a part of a distinguished group of Methodist, Congregationalist, Anglican, Quaker, Presbyterian, and Baptist theologians and pastors who helped to shape the brand of evangelical and neo-orthodox Calvinistic Christianity which became the constitutional foundation of the American Declaration of Independence (1776) and the United States Constitution (1787). This postdoctoral dissertation is designed in part to vindicate that Augustinian legacy.

Acknowledgment

This postdoctoral study was begun during calendar year 2015 as an independent research project that is documented in the undersigned's *The Apostolate Papers*.¹ Subsequently, because of the project's concentration on Puritanism and the historical development of Anglo-American constitutional law, it was approved for formal postdoctoral study at Whitefield Theological Seminary, and since then I have endeavored to fulfill my promise to earn the advanced academic award: Doctor of Religion.

The monograph is designed primarily for Christian law students, lawyers, and judges in the United States, because, upon receiving the sacraments of Baptism and the Lord's Supper, together with their taking of the Oaths of Attorneys and the Oaths Judges in their respective jurisdictions, they enter into the "Covenant of Grace" in a very unique way that mandates their fidelity to the constitutional *foundations* of this nation, as well as uphold truth, justice, and equity. Moreover, upon taking these Oaths of Attorneys or Judges, they become the very civil magistrates whom the Apostle Paul called "God's minister."

For this reason, this monograph is designed to answer three basic questions. First, what role did the Christian religion have in the formulation of United States constitutional law and jurisprudence? Second, are the American Declaration of Independence (1776) and the United States Constitution (1787) authentic Christian constitutional documents? And third, to what extent does the Christian religion continue to influence the general law and jurisprudence of the United States?

Unfortunately, in the United States today, neither the American legal profession nor the American clergy have envisioned American churches playing a comparable role to that of the Church of England's very active roles within the House of Lords or within the field of law and public policy—whether in the legislatures, chancery law, or otherwise.² This is because, throughout American history, powerful American commercial interests have utilized the "separation of church and state" doctrine to corrode, over time, not only the Puritan foundations of the United States Constitution, but also the moral and ethical standards which have under-gird Anglo-American constitutional law and jurisprudence.³

In history, for instance, this corrosion of ethical standards, which have often led to the corrosive effects of commercial greed, avarice, and materialism, has not fundamentally changed since the heyday of British mercantilism during the 1770s or the American Gilded

1 See Roderick Andrew Lee Ford, *The Apostolate Papers*, **Appendix A**.

2 See, e.g., "U.K. Parliament," <https://www.parliament.uk/site-information/glossary/bishops/> ("Bishops. As senior members of the Church of England, which is the established church, some bishops are entitled to sit in the House of Lords. The Archbishop of Canterbury, the Archbishop of York, the Bishops of London, Durham and Winchester and 21 other bishops in order of seniority together form the Lords Spiritual.")

3 See, below, Volume Six, "Capitalism and the Collapse of Neo-Orthodoxy," citing, inter alia, R.H. Tawney, *Religion and the Rise of Capitalism* (New York, N.Y.: Mentor Books, 1954); Max Weber, *The Protestant Work Ethic and the Spirit of Capitalism* (New York, N.Y.: Vigeo Press, 2017); John Kenneth Galbraith, *The Economics of Innocent Fraud: Truth for Our Time* (Boston, MA: Houghton Mifflin Co., 2004); and John Kenneth Galbraith, *The Affluent Society and Other Writings* (New York, N.Y.: The Library of America, 2010).

Age during the late 1800s.⁴ Under these conditions, powerful temptations and challenges to the Christian faithful are axiomatic. Therefore, it behooves the Christian churches in the United States to insist upon, and to maintain, orthodox Christian doctrines and very high moral standards for both church and state.

Finally, I desire to express my obligation to the Whitefield College and Theological Seminary's Board of Trustees for the Presidential Postdoctoral Fellowship which has enabled me to test the general theological principles of "Oxford Methodism." Also, I must thank Dr. Kenneth Gary Talbot, of the Whitefield Theological Seminary, at whose suggestion I completed this postdoctoral research in partial fulfillment for the degree of Doctor of Religion.

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October 21, 2023

4 Ibid.

ABSTRACT

“Puritanism and the Presbyterian Enlightenment: Or the Religion of Nature as the Foundation of the United States Constitution”©

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This monograph focuses the churches of Jesus Christ not upon the “Covenant of Grace” but rather upon the “Covenant of Nature.” The “Covenant of Grace” addresses the correct methods and procedures for dispensing the word and the sacraments within the churches, for perfecting of saints through preaching and teaching, and for the regeneration of non-believers. Historically, there have been varied and conflicting interpretations as to the requirements of the “Covenant of Grace.” While these issues are related to much of the subject matter of this monograph, they are not discussed at great length in this study. Instead, this postdoctoral study addresses the “Covenant of Nature,” or what some theologians have called the “Covenant of Life” or the “Covenant of Works.” The Westminster Confession of Faith, Larger Catechism # 20 helps us to define this “Covenant of Nature,” where it states:

Q. 20. What was **God’s providence** relating to the humans he created?

A. God providentially put Adam and Eve in paradise and assigned them the job of taking care of it. He gave them permission to eat everything that grew,⁵ **put them in authority over all the creatures**,⁶ and **established marriage** as a help for Adam.⁷ God allowed them to have fellowship with him,⁸ instituted the Sabbath,⁹ and made **a covenant of life** with them on the condition of their **personal, perfect, and perpetual obedience**.¹⁰ The **tree of life** was a sign guaranteeing this

5 Westminster Confession of Faith, Larger Catechism #20, citing Genesis 2:8,15-16. See, also, Westminster Confession of Faith of 1647, Chapter 19, “Of the Law of God.”

6 Ibid., citing Genesis 1:28.

7 Ibid., citing Genesis 2:18.

8 Ibid., citing Genesis 1:26-29, 3:8.

9 Ibid., citing Genesis 2:3.

10 Ibid., citing Galatians 3:12, Romans 10:5; compare with Gen. 2:16-17 with Romans 5:12-14,10:5, Luke10:25-28, and with the covenants made with Noah and Abraham. See, also, Westminster Confession of Faith of 1647, Chapter 19, “Of the Law of God.”

covenant.¹¹ Finally, God told them not to eat from the **tree of knowledge of good and evil** or **they would die**.¹²

Although the “Law of Moses” is not coterminous with the “Covenant of Nature,” that ancient code was certainly designed to implement that divine Covenant, as follows:

The Mosaic Life-Death Grid (Deuteronomy 30)

Virtue	Life
Vice	Death

Similarly, the Westminster divines conceptualized this “Covenant of Nature” as being a unilateral mandate whereby mankind *must obey* the will of God in order to live, to choose Life, to avoid death, etc. The Westminster divines also conceptualized this “Covenant of Nature” as being inclusive of the dominion covenants given to both Adam and Noah,¹³ and of the special covenant given to Abraham and his seed,¹⁴ and as constituting the general law of nature, which is the Golden Rule, the law of Christ, and the law of love.¹⁵ Therefore, the “Covenant of Nature,” which is certainly a Puritan idea, conceptualizes all civil governments, constitutional laws, and statutory or customary laws, as being created and designed to establish and implement “equity, judgment, and justice”¹⁶— that is to say, true or divine justice. The postdoctoral study holds that the churches of Jesus Christ must have a social justice mission, because “man has legally alienated himself from God because he is a violator of his law (the first covenant) so that he cannot meet the demands of God’s justice.”¹⁷ Under these conditions, Christian law students, lawyers, and judges, together with all legislators, government administrators, and any person who administers secular civil and criminal justice, have an essential duty under the “Covenant of

11 Ibid., citing Genesis 2:9.

12 Ibid., citing Genesis 2:17.

13 Ibid., citing Galatians 3:12, Romans 10:5; compare with Gen. 2:16-17 with Romans 5:12-14,10:5, Luke10:25-28, and with the covenants made with Noah and Abraham.

14 Ibid.

15 Ibid., especially citing Luke 10: 25-28, which states:

And, behold, a certain lawyer stood up, and tempted him, saying, Master, what shall I do to inherit eternal life?

He said unto him, What is written in the law? how readest thou?

And he answering said, Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy strength, and with all thy mind; and thy neighbour as thyself.

And he said unto him, Thou hast answered right: this do, and thou shalt live.

16 Genesis 18: 18-19; Proverbs 1:1-3.

17 Kenneth Talbot, *Confirming Our Faith: A Reformed Covenantal Theology of the Sacraments* (Lakeland, FL.: Whitefield Media Publishing, 2009), p. 12.

Nature” to teach, to advocate (or preach), and to establish true justice within the secular civil polity— otherwise, the chaotic deterioration of local communities, nation states, and civilized humanity will become inevitable.¹⁸

This postdoctoral study demonstrates that this same “Covenant of Nature” is, in fact, the Puritan and Presbyterian foundation of the constitutional system of the United States. For instance, the American Declaration of Independence (1776) references a particular deity at least three times within its text. First, it mentions “the Laws of Nature and of Nature’s God.” Second, it mentions “the Supreme Judge of the World.” And, third, it mentions the “protection of divine Providence.” Accordingly, this postdoctoral study is a Christian apology of the Declaration of Independence being an orthodox Christian constitutional document. The nature of this defense is fundamentally “Pauline,” “Augustinian,” and “Reformed.” (Indeed, for it is Augustine of Hippo who wrote in *The City of God* that there is “the order of nature,” “which the Creator’s law has made subservient; and thus they tend in the divine providence to that end which is embraced in the general scheme of the government of the universe,” and “that God alone is the Author of all natures.”¹⁹ Augustine wrote that “the one God”²⁰ and “the supreme God,”²¹ even “his eternal power and Godhead”²² — which are described in the writings of the Apostle Paul— were made readily manifest to the Gentiles and to the pagans who were not Hebrews and who did not have the Law of Moses.) Augustine’s influence is readily observable in the writings of English jurists and theologians, who embraced *The City of God’s* “bifurcated” conception of the one true God-- the God of the Hebrews and the God of Gentiles (e.g., Plato and the pagans). This is readily manifest, for example, in the writings of Sir William Blackstone, who explained the very nature and essence of English law and jurisprudence in his *Commentaries on the Laws of England* (1765).²³ Blackstone’s description of the law of nature is nearly a carbon copy of Augustine of Hippo’s description of nature and natural law in *The City of God*, to wit:

18 This is what the author means by “Oxford Methodism.”

19 St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), pp. 384, 409.

20 Ibid., p. 255.

21 Ibid., p. 254.

22 Romans 1:20.

23 See William Blackstone, “Of the Nature of Laws in General,” *Commentaries on The Laws of England* (New York, N.Y.: W.E. Dean Pub., 1840), pp. 25-28, stating:

Law, in its most general and comprehensive sense, signifies a rule of action; and is applied indiscriminately to all kinds of action, whether animate or inanimate, rational or irrational. Thus we say, the laws of motion, of gravitation, of optics, or mechanics, as well as the laws of nature and of nations. And it is that rule of action which is prescribed by some superior, and which the inferior is bound to obey.

Thus, when the Supreme Being formed the universe, and created matter out of nothing, he impressed certain principles upon that matter, from which it can never depart, and without which it would cease to be. When he put that matter into motion, he established certain laws of motion, to which all moveable bodies must conform. And, to descend from the greatest operations to the smallest, when a workman forms a clock, or other piece of mechanism, he establishes, at his own pleasure, certain arbitrary laws for its direction,-- as that the hand shall

God alone is the Author of all natures....²⁴ All natures, then, inasmuch as they are, and have therefore a rank and species of their own, and a kind of internal harmony, are certainly good. And when they are in the places assigned to them by the order of their nature, they preserve such being as they have received. And those things which have not received everlasting being, are altered for better or for worse, so as to suit the wants and motions of those things to which the Creator's law has made them subservient; and thus they tend in the divine providence to that end which is embraced in the general scheme of the government of the universe.²⁵

Through Blackstone's the influence,²⁶ together with the influence of the Calvinistic Puritans of colonial New England, the Augustinian conception of "nature" and the

describe a given space in a given time, to which law as long as the work conforms, so long it continues in perfection, and answers the end of its formation....

The whole progress of plants, from the seed to the root, and from thence to the seed again; the method of animal nutrition, digestion, secretion, and all other branches of vital economy; are not left to chance, or the will of the creature itself, but are performed in a wondrous involuntary manner, and guided by unerring rules laid down by the great Creator.

This, then is the general signification of law, a rule of action dictated by some superior being.... Man, considered as a creature, must necessarily be subject to the laws of his Creator, for he is entirely a dependent being.... This will of his Maker is called the law of nature. For as God, when he created matter, and endued it with a principle of mobility, established certain rules for the perpetual direction of that motion, so, when he created man, and endued him with freewill to conduct himself in all parts of life, he laid down certain immutable laws of human nature, whereby that freewill is in some degree regulated and restrained, and gave him also he faculty of reason to discover the purport of those laws.

Considering the Creator only as a being of infinite power, he was able unquestionably to have prescribed whatever laws he pleased to his creature, man, however unjust or severe. But, as he it also a being of infinite wisdom, he has laid down only such laws as were founded in those relations of justice that existed in the nature of things antecedent to any positive precept. These are the eternal immutable laws of good and evil, to which the Creator himself, in all his dispensations, conforms; and which he has enabled human reason to discover, so far as they are necessary for the conduct of human actions. Such, among others, are these principles: that we should live honestly (2), should hurt nobody, and should render to every one his due; to which three general precepts Justinian (a) has reduced the whole doctrine of law....

The law of nature, being coeval with mankind, and dictated by God himself, is of course superior to obligation to any other. It is binding over all the globe, in all countries, and at all times: no human laws are of any validity, if contrary to this (3); and such of them as are valid derive all their force, and all their authority, mediately or immediately, from this original.

But, in order to apply this to the particular exigencies of each individual, it is still necessary to have recourse to reason, whose office it is to discover, as was before observed, what the law of nature directs in every circumstance of life.

24 St. Augustine, *The City of God*, supra, p. 409.

25 Ibid., p. 384.

26 See, e.g., "William Blackstone," https://en.wikipedia.org/wiki/William_Blackstone, stating:

The *Commentaries* had a particular influence in the United States; James Iredell, an original Associate Justice of the Supreme Court of the United States wrote that the *Commentaries* were 'Books admirably calculated for a young Student, and indeed may instruct the most learned ... Pleasure and Instruction go hand in hand.' When the *Commentaries* were first printed in North America, 1,400 copies were ordered for

“law of nature” became the foundation of constitutional law in the American colonies and the new United States of America. Hence, this post-doctoral study demonstrates that the Declaration of Independence (1776), the United States Constitution (1787), and the very foundations of Anglo-American jurisprudence constitute the Reformed theology, political theory, and constitutional law which the Puritans and Presbyterians brought to colonial British North America.

This knowledge presents particular challenges to the Bar and Bench of the United States. First, if the Christian religion is the foundation of American constitutional law and jurisprudence, as this study purports, then why are the sacred texts of the Christian faith (e.g., the Pentateuch, the Decalogue, the Holy Bible, etc.) not treated as an accurate record of the “fundamental law” of the nation. This study attempts to resolve this problem by analyzing the fundamental essence of the Christian religion and by demonstrating how the latitudinarian Anglicans and the neo-orthodox Calvinists resolved this conundrum in holding that “Christianity is republication of natural religion.”²⁷ American Founding Father Thomas Jefferson tacitly acknowledged that this principle of natural religion reflected his own personal beliefs in his “Letter to John Adams of April 11, 1823”²⁸ and that it reflected the general sentiments of the times. “Our Revolution commenced on more favorable ground,” wrote Jefferson. “We appealed to those of *nature*, and found them *engraved on our*

Philadelphia alone. Academics have also noted the early reliance of the Supreme Court on the *Commentaries*, probably due to a lack of US legal tradition at that time. The US academic Robert Ferguson notes that ‘**all our formative documents – the Declaration of Independence, the Constitution, the Federalist Papers and the seminal decisions of the Supreme Court under John Marshall – were drafted by attorneys steeped in Sir William Blackstone's *Commentaries on the Laws of England*.** So much was this the case that **the *Commentaries* rank second only to the Bible** as a literary and intellectual influence on the history of American institutions.’ Even towards the end of the twentieth century, the *Commentaries* were cited in Supreme Court decisions between 10 and 12 times a year. Within United States academia and practise, as well as within the judiciary, the *Commentaries* had a substantial impact; with the scarcity of law books on the frontier, they were ‘both the only law school and the only law library most American lawyers used to practise law in America for nearly a century after they were published.’ Blackstone had drawn up a plan for a dedicated School of Law, and submitted it to the University of Oxford; when the idea was rejected he included it in the *Commentaries*. It is from this plan that the modern system of American law schools comes. Subscribers to the first edition of Blackstone, and later readers who were profoundly influenced by it, include James Iredell, John Marshall, James Wilson, John Jay, John Adams, James Kent and Abraham Lincoln.

27 See, generally, the writings of the Latitudinarian Anglican and Bishop Joseph Butler (1692 -1752). https://en.wikipedia.org/wiki/Joseph_Butler. See, e.g., Joseph Butler, *The Analogy of Religion, Natural and Revealed to the Constitution and Course of Nature*, supra, pp. 152, 155, 158 (“the Author of Nature”); p. 159 (“...the Author of Nature, which is the foundation of Religion”); p. 162 (“... there is one God, the Creator and moral Governor of the world”); p. 187 (“Christianity is a republication of natural Religion”); p. 188 (“The Law of Moses then, and the Gospel of Christ, are authoritative publications of the religion of nature....”); p. 192 (“Christianity being a promulgation of the law of nature....”); p. 243 (“These passages of Scriptures ... comprehend and express the chief parts of Christ’s office, as Mediator between God and men.... First, He was, by way of eminence, the Prophet: that Prophet that should come into the world, to declare the divine will. He published anew the law of nature.... He confirmed the truth of this moral system of nature....”). See generally the writings of the Latitudinarian Anglican and Chancery Lawyer Matthew Tindal (1657 - 1733), https://en.wikipedia.org/wiki/Matthew_Tindal. See, e.g., Matthew Tindal, *Christianity as Old as the Creation, or the Gospel a Republication of the Religion of Nature* (Newburgh, England: David Deniston Pub., 1730) [Republished by Forgotten Books in 2012], pp. 52, 56, 61, 64, 72-74 (stating that Christianity is a republication of natural religion).

28 See, Thomas Jefferson, *Writings* (New York, N.Y.: The Library of America, 1984), pp. 1466- 1469.

hearts.”²⁹ But Jefferson also led the movement to remove the text of the Sacred Scriptures from the status of law in the United States, as his “Letter to Major John Cartwright of June 5, 1824” amply attests.³⁰ But what Jefferson and other American jurists and lawyers permitted to remain within secular American constitutional law and jurisprudence (i.e., the law of nature and general equity), the Calvinists and the Anglicans rightfully claimed to be “Christian.” This postdoctoral study embraces the viewpoint that the “law of nature” and “general equity” represent the “Covenant of Nature” and the “law of Christ” (Matthew 7:12) and, therefore, are manifestations of the *Logos* of God: (i.e., reason or Christ).³¹

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- 29 Ibid., p. 1491. (Emphasis added in Italics). Here, Jefferson’s words clearly echo and reflect the general Christian natural law doctrine, as, for example, stated in the *Catechism of the Catholic Church*, to wit:

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.

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 the 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. 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.

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 to 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.

- 30 Ibid., pp. 1490 -1496.

- 31 See, **Appendix C**, “Jesus Christ, the Logos of God, and the Foundation of Anglo-American Civil Law and Secular Jurisprudence.” Indeed, Christ is the *Logos* (i.e., “reason”) of God. John 1:1-3 (“In the beginning was the Word, and the Word was with God, and the Word was God. The same was in the beginning with God. All things were made by him; and without him was not any thing made that was made.”) See, e.g., Bertrand Russell, *A History of Western Philosophy* (New York, NY: Touchstone, 2007), p. 309 (“For Christians, the Messiah was the historical Jesus, who was also identified with the Logos of Greek philosophy....”); and p. 289 (“It was this intellectual element in Plato’s religion that led Christians—notably the author of Saint John’s Gospel—to identify Christ with the Logos. Logos should be translated ‘reason’ in this connection.”). In juridical terms, this means that Christ (i.e., Logos or “reason”) is the manifestation of general equity, and vice versa. See, e.g., Goldwin Smith, *A Constitutional and Legal History of England* (New York, N.Y.: Dorset Press, 1990), pp. 208-209:

What is equity? In its beginnings in England it was the extraordinary justice administered by the

Nevertheless, the churches of Jesus Christ in the United States face a crisis, given that Christ is the sovereign ruler over all earthly powers, and that he reigns through his church. The Lord's Prayer says, "Thy kingdom come. Thy will be done in earth, as it is in heaven" (Matthew 6:10). In *The City of God*, Augustine of Hippo says Christ reigns, even now, through his mystical body, the church. The Puritans took all of this very seriously and established Church-States in colonial New England, out from which came the constitutional foundation of the United States of America. This postdoctoral study thus demonstrates the nexus between Puritanism and the political ideology of the American founding fathers.³² "As in the Revolutionary, so in the Civil War, it was the New England Puritan that gave the spiritual enthusiasm and moral purpose to the struggle."³³ And, in a nutshell, this postdoctoral study concurs with those late 19th- and early 20th-century Jewish lawyers who sought to identify with American values and found in the Puritans of colonial New England a model of Mosaic constitutional law.³⁴ Through their interpretations of American constitutional law and jurisprudence, these reformed Jews became "the last Puritans,"³⁵ and as such, they

king's Chancellor to enlarge, supplant, or override the common law system where that system had become too narrow and rigid in its scope.... The basic idea of equity was, and remains, the application of a moral governing principle to a body of circumstances in order to reach a judgment that was in accord with Christian conscience and Roman natural law, a settlement that showed the common denominations of humanity, justice, and mercy.... [As Christ had come not to destroy the law but to fulfill it, so too] 'Equity had come not to destroy the law but to fulfill it.'

32 See, e.g., William Goodell, *The Democracy of Christianity* (New York, N.Y.: Cady & Burgess, 1852), p. 484, stating:

[T]he democracy of Christianity is signally illustrated in the history of the Puritans, and in the effects of their labors, in America.... [T]he people of Great Britain are indebted to the Puritans. What is wanting, both in England and America, to the completeness and the security of human freedom, is an undeviating fidelity to those principles of Christian democracy which the Puritans in some measure restored.

And, in the same text, on pp. 376-377, Rev. Goodell writes:

These Puritan and Common Law expositions of Paul, in Romans XIII, are among the most revolutionary maxims we have in modern times, and, as a matter of historical fact, they have wrought two tremendous revolutions already, one in England and one in America, whether they are to be regarded as sound expositions or otherwise. An echo of these expositions we have in our Declaration of Independence. Bracton, in his exposition of Romans XIII, had said:

'He is called a king for ruling righteously, and not because he reigns. Wherefore he is a king when he governs with justice, but a tyrant when he oppresses the people committed to his charge.'

In nearly the same language our Declaration of Independence abjures the authority of the British monarch:

'A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.'

These words of Jefferson seem but a paraphrase or application of Bracton's, and Bracton's are but his own inference from his own exposition of Paul.

33 Algernon Sidney Crapsey, *Religion and Politics* (New York, N.Y.: Thomas Whittaker Pub., 1905), p. 246.

34 Jerold S. Auerbach, *Rabbis and Lawyers: The Journey from Torah to Constitution* (New Orleans, LA: Quid Pro Books, 2010).

35 *Ibid.*, p. 15 ("So American Jews became the last Puritans; the last Americans, that is, to take seriously the claim that the United States truly was the fulfillment of divine promise to Israel.")

helped to preserve a portion of the Christian heritage and foundation of the United States Constitution. “Ever since the late nineteenth century, the identification of Judaism with Americanism has depended upon the Hebrew Bible as the source of their compatibility.”³⁶ And so, as biblical hermeneutics go, this postdoctoral study does not disagree with those 20th-century Jewish lawyers and rabbis who found a parallel and compatibility between the Holy Bible and the United States Constitution.³⁷ Thus, this postdoctoral study calls upon Christian lawyers and judges of the United States to follow suit.

36 Ibid., p. 16.

37 See, e.g., Algernon Sidney Crapsey, “The American Church-State,” *Religion and Religion* (New York, N.Y.: Thomas Whittaker, 1905), pp. 297- 326 (“When the Constitutional Convention of 1787 sent forth the Constitution which it devised for the government of the nation it did so in these words: ‘We, the people of the United States, in order to form a more perfect union, **establish justice**, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our children, do ordain and establish this Constitution for the United States of America.’ Now can any man write a more perfect description of the Kingdom of god on earth or in heaven than is to be found in these words? A government resting upon such principles as these is not a godless policy; it is a holy religion.... A religion having as its basis the principles of individual liberty and obedience to righteous law is really the religion of the golden rule.”)

Introduction

This postdoctoral study is an effort to explain why the Declaration of Independence (1776) and the United States Constitution (1787) were extracted from Calvinist theology and political theory, which were themselves built upon Augustinian foundations. Designed as a jurisprudence supplement for American law students and as a continuing legal education review for lawyers and judges in the United States, this postdoctoral study unapologetically re-establishes the Christian religion as the source of Anglo-American constitutional law and jurisprudence. To be sure, the 16th- and 17th- century Protestant Reformation in Germany, France, and Geneva were assaults upon the Roman Catholic Church, which held “two swords—spiritual and civil” and had claimed supreme and ultimate spiritual and political authority upon earth. The Protestant Reformers, in essence, disenthralled that spiritual and political authority from the grip of the papacy and placed them back into the hands of a Sovereign and Omnipotent God. The political, legal, and constitutional implications of that action reduced all secular and ecclesiastical governors to the sovereign will of God, which, in turn, constituted a “fundamental law” for the civil polity. For many centuries, and especially after the Protestant Reformation, the Holy Bible constituted a written fundamental law for both Church and State.

The Protestant Reformers— particularly Martin Luther (1483 - 1546)³⁸ and John Calvin (1509 - 1564)³⁹— were not without an authoritative foundation within the Roman Catholic Church itself— St. Augustine of Hippo (354 -430 A.D.) and his voluminous writings. In Augustine’s *magnum opus*, titled *The City of God* (427 A.D.), the entire universe is the exemplification of the Christian religion but without the name “Christian” being necessarily affixed to it. For Augustine, there were pre-Christians, such as the biblical figure named Job, who were a part of a “spiritual Israel.” The real church, in Augustine’s view, is not the Roman

38 Eric Metaxas, *Martin Luther: The Man Who Rediscovered God and Changed the World* (New York, N.Y.: Viking Press, 2017), p. 51 (“[Martin Luther’s] copies of Augustine’s *Trinity* and *City of God* are also annotated. In one of them, Luther wrote, ‘I find it more than astonishing that our scholars can so brazenly claim that Aristotle does not contradict Catholic truth.’ So here we have manuscript proof that it was the great Augustine— who was as foundational and revered a church thinker as any who ever lived—who first helped Luther begin to see things that would lead him to challenge the church of his own day. And one of these things was the idea that human truth had limits and that by itself it could never reach heaven.”) For these and other reasons, including his influence upon Luther, St. Augustine of Hippo may very be considered to be a founding father of the Protestant Reformation.

39 Bertrand Russell, *A History of Western Philosophy* (New York, N.Y.: Touchstone, 2007), p. 523 (“Luther and Calvin reverted to Saint Augustine, retaining, however, only that part of his teaching which deals with the relation of the soul to God, not the part which is concerned with the Church. Their theology was such as to diminish the power of the Church. They abolished purgatory, from which the souls of the dead could be delivered by masses. They rejected the doctrine of Indulgences, upon which a large part of the papal revenue depended. By the doctrine of predestination, the fate of the soul after death was made wholly independent of the actions of priests. These innovations, while they helped in the struggle with the Pope, prevented the Protestant Churches from becoming as powerful in Protestant countries as the Catholic Church was in Catholic countries.”) And, regarding Augustine’s influence upon Calvin, see, also, “Philosophical and theological influences in John Calvin’s thought: reviewing some research results,” B.J. van der Walt School of Philosophy Potchefstroom Campus North-West University (“Especially Augustine Particularly the influence of the church father Augustine on Calvin was great. Smits (1957-1958) points out meticulously the extent to which Calvin borrowed from Augustine. The total number of references to Augustine in Calvin’s *Institutes* (1559 edition) as identified by Smits runs to 1,175. For all Calvin’s works this number comes to 4,119 (cf. also Mooi, 1965).”)

Catholic Church or any particular church denomination, but rather it is the “glorious city of God” upon earth- an *invisible kingdom* that is headed by Christ. Augustine calls it “the pilgrim city of King Christ.”⁴⁰ According to Augustine, the universal human condition is that, although the visible Church may be segregated and separated from the State, in reality the Church (i.e., the saints) is omnipresent, because “[i]n truth, these two cities are entangled together in this world, and intermixed until the last judgment effect their separation.”⁴¹

“This race,” wrote Augustine, “we have distributed into two parts, the one consisting of those who live according to man, the other of those who live according to God.”⁴² Significantly, throughout the entire encyclopedic dissertation that is *The City of God*, Augustine never defines the “city of God” as a particular church denomination or visible church denomination. Instead, Augustine sees within the “city of God” the Jewish nation,⁴³ which was called out and ordained by God, as recorded in the Sacred Scriptures, but he also sees within the “city of God” a much larger congregation which he called the “Church of the Gentiles,”⁴⁴ which encompasses a broad range of righteous men and women from every nation on earth.⁴⁵

In *The City of God*, Augustine accredits the pagan philosophers who “in many points agree with ourselves, as regarding the immortality of the soul, and that the true God created the world, and by His providence rules all He has created.”⁴⁶ He cited the ancient Roman philosopher Aulus Persius Flaccus (34 - 62 AD),⁴⁷ who, as a pagan and Stoic poet, wrote “[b]e taught, ye abandoned creatures, and ascertain the causes of things; what we are, and for what end we are born; what is the law of our success in life, and by what art we may turn the goal without making shipwreck; what limit we should put to our wealth, what we may lawfully desire, and what uses filthy lucre serves; how much we should bestow upon our country and our family; learn, in short, what God meant thee to be, and what place He has ordered you to fill.”⁴⁸ In tacit

40 St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 38

41 Ibid.

42 St. Augustine, *The City of God*, supra, p. 478. And see, also, *ibid.*, p. 441 (“And thus it has come to pass, that though there are very many and great nations all over the earth, whose rites and customs, speech, arms, and dress, are distinguished by marked differences, yet there are no more than two kinds of human society, which we may justly call two cities, according to the language of our Scriptures. The one consists of those who wish to live after the flesh, the other of those who wish to live after the spirit; and when they severally achieve what they wish, they live in peace, each after their kind.”)

43 *Ibid.*, p.525 (the “Hebrews... The people of Israel among whom was the city of God, mysteriously prefigured in all the people, and truly present in the saints.”)

44 *Ibid.*, p. 654.

45 *Ibid.*, p. 696. (The city of God “calls citizens out of all nations, and gathers together a society of pilgrims of all languages, not scrupling about diversities in the manners, laws, and institutions whereby earthly peace is secured and maintained, but recognizing that, however various these are, they all tend to one and the same end of earthly peace.”)

46 *Ibid.*, p. 39.

47 “Persius,” Wikipedia (online encyclopedia): [Persius - Wikipedia](#) (“The chief interest of Persius's work lies in its relation to Roman satire in its interpretation of Roman Stoicism, and in its use of the Latin tongue.”)

48 St. Augustine, *The City of God*, supra, p. 45.

agreement with this comment, albeit from a pagan Stoic poet, Augustine of Hippo wrote that “[l]et them name to us the places where such instructions were wont to be communicated... as we can point to our *churches built for this purpose* in every land where the Christian religion is received.”⁴⁹

Augustine especially acknowledges and accredits the Greek philosophers, Plato, and the Platonists. “[T]he true and highest good, according to Plato, is God,” Augustine wrote, “and therefore he would call him a philosopher who loves God; for philosophy is directed to the obtaining of the blessed life, and he who loves God is blessed in the enjoyment of God.”⁵⁰ But Augustine does not limit his acknowledgment to the Greeks only; but he only addressed the Greeks because they were “exalted above the rest in fame and glory”⁵¹ and because Greek philosophy “come nearest to the Christian faith.”⁵² Nevertheless, Augustine acknowledges that there have been “wise men and philosophers among all nations who are discovered to have seen and taught [‘concerning the supreme God, that He is both the maker of all created things, the light by which things are known, and the good in reference to which things are to be done’] be they Atlantics, Libyans, Egyptians, Indians, Persians, Chaldeans, Scythians, Gauls, Spaniards, or of other nations.”⁵³ Moreover, Augustine explicitly links Pauline theology to this conclusion, where he writes: “‘Beware that no one deceive you through philosophy and vain deceit, according to the elements of the world.’ Then, that he may not suppose that all philosophers are such as do this, he hears the same apostle say concerning certain of them, ‘Because that which is known of God is manifest among them, for God has manifested it to them. For His invisible things from the creation of the world are clearly seen, being understood by the things which are made, also His eternal power and Godhead.’”⁵⁴

Augustine therefore sees in all nations of the world— even in the ancient world before the time of Christ— a “Church of the Gentiles,” whereby God was made manifest to all peoples of the earth, and with such manifestation having been made *without* any influence from the ancient Hebrews or the Law of Moses. For example, Augustine cites the Assyrian city of Nineveh, to which the Prophet Jonah was sent to preach repentance, as an example of a non-Hebrew people who were members of the “Church of the Gentiles”;⁵⁵ and he cites the person of Job, who is the central figure in the Book of Job, as an example of a non-Hebrew person who was one of the “the true Israelites, the citizens of the country that is above.”⁵⁶ Significantly, what this theology

49 Ibid.

50 Ibid., p. 253.

51 Ibid., p. 250.

52 Ibid., p. 253.

53 Ibid., p.254.

54 Ibid. [citing in Note 8, p. 254, Romans 1: 19-20.]

55 Ibid, p. 654 (“Wherefore, if that city is rightly held as prophetically representing the Church of the Gentiles... Which Nineveh represented....”).

56 Ibid., p. 658.

implies is that *God alone* does the choosing, the calling, the redeeming, and the sanctification, and that these things may be accomplished, as *God alone desires*, outside the boundaries of what some persons may call “orthodox religion” or “visible churches” and the like.

Like the Puritan-Quakers who emerged many centuries after him, Augustine’s soteriology is also very broad and expansive, for he speaks of the ultimate life’s goal of “the peace of immortality,” which is not “sacramental” in a Roman Catholic or Orthodox sense, nor even “evangelical” in a Protestant sense, but rather it is “natural” and “universal,” in terms of the laws of Nature and natural religion, to wit:

God, then, the most wise Creator and most just Ordainer of all natures, who placed the human race upon earth as its greatest ornament, imparted to men some good things adapted to this life, to wit, temporal peace, such as we can enjoy in this life from health and safety and human fellowship, and all things needful for the preservation and recovery of this peace, such as the objects which are accommodated to our outward senses, light, night, the air, and waters are suitable for us, and everything the body requires to sustain, shelter, heal, or beautify it: and all under this most equitable condition, that every man who made a good use of these advantages suited to the peace of his mortal condition, should receive ampler and better blessings, namely, *the peace of immortality*, accompanied by glory and honour in an endless life made fit for the enjoyment of God and of one another in God; but that he who used the present blessings badly should both lose them and should not receive the others.⁵⁷

Here, Augustine describes no other religious requirement for the attainment of “the peace of immortality” than to make “a good use of these advantages suited to the peace of his mortal condition.”⁵⁸ The “God” which Augustine describes here is the “unknown God” throughout human history before he was revealed to the ancient Hebrews, but who was somehow manifest to the Gentiles. Both St. Augustine and the Apostle Paul spoke about this “unknown God” who was manifest among the pagan Gentiles. In book four of *The City of God*, Augustine writes, “[c]oncerning the one God only to be worshiped, who, although His name is unknown, is yet to be the giver of felicity.... I thoroughly affirm the statement that they believed felicity to be given by a certain God whom they knew not: let Him therefore be sought after, let Him be worshiped, and it is enough.... This God is *not* he whom they call Jupiter [i.e., Zeus].”⁵⁹ Similarly, the Apostle Paul referenced this same “unknown God” in the Book of Acts, in the following Scriptural passage:

16 Now while Paul waited for them at Athens, his spirit was stirred in him, when he saw the city wholly given to idolatry.

17 Therefore disputed he in the synagogue with the Jews, and with the devout persons, and in the market daily with them that met with him.

57 Ibid., p. 691.

58 Ibid.

59 Ibid., p. 132.

18 Then certain philosophers of the Epicureans, and of the Stoicks, encountered him. And some said, What will this babbler say? other some, He seemeth to be a setter forth of strange gods: because he preached unto them Jesus, and the resurrection.

19 And they took him, and brought him unto Areopagus, saying, May we know what this new doctrine, whereof thou speakest, is?

20 For thou bringest certain strange things to our ears: we would know therefore what these things mean.

21 (For all the Athenians and strangers which were there spent their time in nothing else, but either to tell, or to hear some new thing.)

22 Then Paul stood in the midst of Mars' hill, and said, Ye men of Athens, I perceive that in all things ye are too superstitious.

23 For as I passed by, and beheld your devotions, I found an altar with this inscription, **To The Unknown God**. Whom therefore ye ignorantly worship, him declare I unto you.

24 God that made the world and all things therein, seeing that he is Lord of heaven and earth, dwelleth not in temples made with hands;

25 Neither is worshipped with men's hands, as though he needed any thing, seeing he giveth to all life, and breath, and all things;

26 And hath made of one blood all nations of men for to dwell on all the face of the earth, and hath determined the times before appointed, and the bounds of their habitation;

27 That they should seek the Lord, if haply they might feel after him, and find him, though he be not far from every one of us:

28 For in him we live, and move, and have our being; as certain also of your own poets have said, For we are also his offspring.

29 Forasmuch then as we are the offspring of God, we ought not to think that the Godhead is like unto gold, or silver, or stone, graven by art and man's device.

30 And the times of this ignorance God winked at; but now commandeth all men every where to repent:

31 Because he hath appointed a day, in the which he will judge the world in righteousness by that man whom he hath ordained; whereof he hath given assurance unto all men, in that he hath raised him from the dead.

Augustine's *The City of God*, unlike the Apostle Paul's writings, goes much further in describing the various attributes given to this "unknown God" by the Greek philosophers, and affirming that He is the same trinitarian God of the Christian religion. For example, Augustine acknowledged and agreed with the Stoics's conception of "fate," "since [the Stoics] attribute the so-called order and connection of causes to the will and power of God most high, who is most rightly and most truly believed to know all things before they come to pass, and to leave nothing

unordained; from whom are all powers, although the wills of all are not from Him.”⁶⁰ To demonstrate this view of the Stoics, Augustine provides two poetic verses, to wit:

Homer —

“Such are the minds of men, as is the light
Which Father Jove himself doth pour
Illustrious o’er the fruitful earth.”⁶¹

Annaeus Seneca —

“Father supreme, Thou ruler of the lofty heavens,
Lead me where’er it is Thy pleasure; I will give
A prompt obedience, making no delay,
Lo! Here I am. Promptly I come to do Thy sovereign will;
If Thy command shall thwart my inclination, I will still
Follow Thee groaning, and the work assigned,
With all the suffering of a mind repugnant,
Will perform, being evil; which, had I been good,
I should have undertaken and performed, though hard,
With virtuous cheerfulness.
The Fates do lead the man that follows willing;
But the man that is unwilling, him they drag.”⁶²

Augustine’s tendency to find a common spirit and common ground in the works of righteous pagans did not diminish his orthodox Christian tenets. Augustine held without hesitancy that Jesus Christ was the only way to salvation. But to understand Augustine fully, one must accept the fact that Augustine plainly accepts God’s ownership, control over, and love for the unrighteous pagans. Augustine does not rule out the possibility that Christ is dealing with such persons in ways unimaginable to persons who are accustomed to orthodox Christianity. In Augustine’s final analysis, there is “truth” and “truth is Christ.” “When, then, a man lives according to the truth, he lives not according to himself, but according to God; for He was God who said, ‘I am the truth.’”⁶³

In addition to Christ being the “truth,” Augustine also acknowledges a “universal way to salvation.” “This way, therefore,” wrote Augustine, “is not the property of one, *but of all nations*. The law and the word of the Lord did not remain in Zion and Jerusalem, but issued thence to be universally diffused.... Thus it is written, and thus it behooved Christ to suffer, and to rise from the dead the third day: and that repentance and remission of sins should be preached in His name among all nations, beginning at Jerusalem.’ This is the universal way of

60 Ibid., p. 151.

61 Ibid., p. 152.

62 Ibid., p. 151.

63 Ibid., p. 445; see, also, John 17:17 (“Sanctify them through thy truth: **thy word is truth.**”) See, also, St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 645 (“For by consulting the Gospel we learn that **Christ is Truth.**”); Saint Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 48 (“Your **law is the truth** and you are truth.”).

the soul's deliverance...."⁶⁴ This universal way is marked by "the promised Holy Spirit. It was given as the chief and most necessary sign of His coming on those who had believed, that every one of the them spoke in *the tongues of all nations*; thus signifying that the unity of the catholic Church would embrace *all nations*, and would in like manner speak in *all tongues*."⁶⁵ And, although a discourse on free will and soteriology is beyond the scope of this postdoctoral study, a brief analysis of Augustine's soteriology is necessary to understand his influence upon Martin Luther, John Calvin, and, thereby, the entire Protestant Reformation; and, ultimately, Augustin's influence upon the political and theological impetus for the neo-orthodox Calvinism which led to the Declaration of Independence and what became the First Amendment, U.S. Constitution. It is possible that the differing interpretations of Augustine's theology led to further divisions amongst the Protestants, and these divisions revolved around the controversy within Calvinism over the doctrine of predestination and Arminian "free will."

These issues are addressed in Book V, Sec. 9, of *The City of God*: there, Augustine concludes that "one who is not prescient of all future things is not God";⁶⁶ that God is "the bestower of all powers, **not of all wills**; for **wicked wills are not from Him**, being contrary to nature, which is from Him";⁶⁷ and that "the freedom of our will is excluded by that order of causes, which...the Stoics call *Fate*," meaning that **there is no human will superior to God's will**. Augustine argued that "free will" is not opposed to the idea of God's "foreknowledge of future events." He criticized Cicero's logic, which is similar to the logic of many Calvinists who believe that there is no "free will" and who hold to the "doctrine of double predestination," which runs as follows: "if there is a certain order of causes according to which everything happens which does happen, then by fate, says he, all things happen which do happen. But if this be so, then is there nothing in our own power, and there is no such thing as freedom of will."⁶⁸ Similar to John Wesley's (1703- 1791) central argument in his tract "Predestination Calmly Considered," Augustine of Hippo held that both "freedom of will" and "predestination" may be held simultaneously, stating, "[b]ut the religious mind chooses both, confesses both, and maintains both by the faith of piety.... [I]t does not follow that, though there is for God a certain order of all causes, there must therefore be nothing depending on the free exercise of our own will, for our wills themselves are included in that order of causes which is certain to God, and embraced by His foreknowledge, for human wills are also causes of human actions; and He who foreknew all the causes of things would certainly among those causes not have been ignorant of our wills."⁶⁹ For this reason, Wesley argued in his tract "Predestination Calmly Considered," that 2 Peter 3:9 states, "The Lord is longsuffering toward us, **not willing that any should perish**, but that **all should come to repentance**." This is the same

64 Ibid., pp. 342-343.

65 Ibid., p.660.

66 Ibid., p. 156.

67 Ibid., p. 155.

68 Ibid., p.153.

69 Ibid., pp. 153-156.

theological conclusion of Augustine's, to wit: God is "the bestower of all powers, **not of all wills**; for **wicked wills are not from Him**, being contrary to nature, which is from Him."⁷⁰

Hence, by Augustine's theological definition, God did not create or foreordain specific individuals to eternal damnation, because He did not create or foreordain their "wicked wills." "For in *each individual*," Augustine explained, "there is first of all that which is reprobate, that from which we must begin, but in which we **need not necessarily remain....**"⁷¹ And to this, the following statement of Wesley's compliments that of Augustine's: "the eternal decree...is expressed in those words: 'He that believeth shall be saved; he that believeth not shall be damned.' And this decree, without doubt, God will not change, and man cannot resist."⁷²

And Rev. Wesley was not alone; even before Wesley there was the influential Puritan-Presbyterian Richard Baxter (1615 - 1691) who reached the same conclusions. In colonial New England, this debate continued, until by the early 1700s, more Puritans in England and colonial New England were more "liberal," less "orthodox Calvinistic," and "Arminian-leaning," than their 17th-century fore-parents. During the 1700s, when Harvard became more "Arminian-leaning" and less orthodox, Yale was founded in 1701 to counterbalance Harvard; and when Yale became more "Arminian-leaning" and less orthodox, Princeton was founded in 1746, to counterbalance Yale, etc. This postdoctoral study concludes that New England was not, in fact becoming less Calvinistic, but rather its Calvinism was naturally evolving to a state of "Augustinian" maturity (i.e., neo-orthodox Calvinism or the Scottish Presbyterian-version of Calvinism which became predominant during the period of the American Revolution).

On the other hand, the old orthodox Calvinistic ecclesiology— which was also deeply-rooted in Augustinian theology— remained immensely popular and exercised great influence in England and colonial British North America during the period of the American Revolution and afterwards. Significantly, in *The City of God*, Augustine does not acknowledge the same sort of priesthood that is controlled by the ordination ceremonies that are wrought by the human hands of bishops within earth-bound ecclesiastical institutions. Instead, Augustine sees that the sources of priestly ordination are not really wrought by human hands at all, but rather by divine grace. The plain evidence of this, according to Augustine, is the fact that many unholy men become priests and bishops, and many nonordained commoners become holy men and holy women. "For we see that priests and Levites are now chosen, not from a certain family and blood, as was originally the rule in the priesthood according to the order of Aaron, but as befits the new testament, under which Christ is the High Priest after the order of Melchizedek, in *consideration of the merit which is bestowed upon each man by divine grace*. And these priests are not to be judged by their *mere title*, which is often borne by unworthy men, but by that *holiness* which is not common to good men and bad."⁷³

70 Ibid., p. 155.

71 Ibid., p. 479.

72 John Wesley, "Predestination Calmly Considered" [citation omitted].

73 Ibid., p. 746.

Furthermore, not only does Augustine conclude that the true priesthood comes by divine grace alone, but he also insists that there is a “priesthood of all believers.” To this point, Augustine writes, “I desire to be a member, no matter what, or how small, of Thy priesthood,” wrote Augustine, “By the priesthood he here means *the people itself*, of which He is the Priest who is the Mediator between God and men, the man Christ Jesus. This people the Apostle Peter calls ‘a holy people, a royal priesthood.’”⁷⁴ Significantly, Augustine repeats this perspective of the true Christian priesthood in his general description of what he called the real or the true bishopric or episcopacy. In *The City of God*, Augustine defines the office of a bishop as any form or type of position in which a person exercises authority over others— in which case, he has the duty to exercise moral and ethical leadership, which is the essence of the duties and functions of a bishop. “If is to this the apostle refers when he says, ‘He that desireth the episcopate desireth a good work.’ He wished to show that *the episcopate is the title of a work*, not of an honour,” Augustine explained. “It is a Greek word, and signifies that he who governs superintends or takes care of those whom he governs.... So that he who loves to govern rather than to do good is no bishop.”⁷⁵

But even if we interpret Augustine’s words to not apply to secular offices, but rather to only apply to ecclesiastical offices, we must still acknowledge that the Calvinists’ conception of the usage of the word “bishop” to mean “a work” and not a “title of honor,” is completely justified in Augustinian theology. In Calvinism, a “bishop” is the description of a noble “work,” and not the title of an “office.” Hence, the Calvinists— the Congregationalists, the Baptists, the Presbyterians, and many others— completely removed the title of “bishop” from their ecclesiastical positions, primarily because of Augustine’s theological conception of that word, but also because the papacy and the bishops of the Roman Catholic and Anglican Churches had become imperial and abusive. This Augustinian-Calvinist *interpretation* of the word “bishop,” together with historical *experience* with ecclesiastical abuses, are the primary reasons why the Puritans of colonial New England did not wish for the Church of England to send any bishops to North America; and, in fact, no Anglican bishops were dispatched to North America (i.e., to Canada) until after the American Revolutionary War in 1783. Therefore, this postdoctoral study holds that, in terms of church polity, the Calvinists’ congregational and presbyterian models were far more democratic and biblically-based than the hierarchical church models which most Methodist churches inherited from the Anglican and Roman Catholic churches.

Finally, the Augustinian political and constitutional theory, as recounted in *The City of God*, was a decisive influence upon the Protestant Reformers. In Book XIX, Section 13 of that work, Augustine sets forth a complete system of *natural religion* and *natural law*— a theological position that was eventually laid out in the plain text of the American Declaration of Independence. *This theological analogy* leaves no doubt that Augustine would have endorsed the 18th-century latitudinarian Anglican and neo-orthodox Calvinist-Presbyterian positions that “Christianity is a republication of natural religion,”⁷⁶ because Augustine himself wrote:

74 Ibid., p. 582.

75 Ibid., p. 698.

76 See, generally, the writings of the Latitudinarian Anglican and Bishop Joseph Butler (1692 -1752). https://en.wikipedia.org/wiki/Joseph_Butler. See, e.g., Joseph Butler, *The Analogy of Religion, Natural and Revealed to the Constitution and Course of Nature*, supra, pp. 152, 155, 158 (“the Author of Nature”); p. 159

13. Of the universal peace which the law of nature preserves through all disturbances, and by which every one reaches his desert in a way regulated by the just Judge

The peace of the body then consists in the duly proportional arrangement of its parts. The peace of the irrational soul is the harmonious repose of the appetites, and that of the rational soul the harmony of knowledge and action. The peace of body and soul is the well-ordered and harmonious life and health of the living creature. Peace between man and God is the well-ordered obedience of faith to eternal law. Peace between man and man is well-ordered concord. Domestic peace is the well-ordered concord between those of the family who rule and those who obey. Civil peace is a similar concord among the citizens. The peace of the celestial city is the perfectly ordered and harmonious enjoyment of God, and of one another in God. The peace of all things is the tranquillity of order. Order is the distribution which allots things equal and unequal, each to its own place. And hence, though the miserable, in so far as they are such, do certainly not enjoy peace, but are severed from that tranquillity of order in which there is no disturbance, nevertheless, inasmuch as they are deservedly and justly miserable, they are by their very misery connected with order. They are not, indeed, conjoined with the blessed, but they are disjoined from them by the law of order. And though they are disquieted, their circumstances are notwithstanding adjusted to them, and consequently they have some tranquillity of order, and therefore some peace. But they are wretched because, although not wholly miserable, they are not in that place where any mixture of misery is impossible. They would, however, be more wretched if they had not that peace which arises from being in harmony with the natural order of things. When they suffer, their peace is in so far disturbed; but their peace continues in so far as they do not suffer, and in so far as their nature continues to exist. As, then, there may be life without pain, while their

(“...the Author of Nature, which is the foundation of Religion”); p. 162 (“... there is one God, the Creator and moral Governor of the world”); p. 187 (“Christianity is a republication of natural Religion”); p. 188 (“The Law of Moses then, and the Gospel of Christ, are authoritative publications of the religion of nature....”); p. 192 (“Christianity being a promulgation of the law of nature....”); p. 243 (“These passages of Scriptures ... comprehend and express the chief parts of Christ’s office, as Mediator between God and men.... First, He was, by way of eminence, the Prophet: that Prophet that should come into the world, to declare the divine will. He published anew the law of nature.... He confirmed the truth of this moral system of nature....”).

See generally the writings of the Latitudinarian Anglican and Chancery Lawyer Matthew Tindal (1657 - 1733), https://en.wikipedia.org/wiki/Matthew_Tindal. See, e.g., Matthew Tindal, *Christianity as Old as the Creation, or the Gospel a Republication of the Religion of Nature* (Newburgh, England: David Deniston Pub., 1730) [Republished by Forgotten Books in 2012], pp. 52, 56, 61, 64, 72-74 (stating that Christianity is a republication of natural religion).

The “Anglican-Scottish” Settlement is exemplified by the Church of England’s Bishop Joseph Butler’s significant influence on Rev. John Witherspoon (Scottish Presbyterian). For instance, Dr. Witherspoon published the following work, *The Works of Joseph Butler* (https://www.goodreads.com/en/book/show/724374.The_Works_of_Joseph_Butler).

See, also, Wolfe, Stephen Michael Wolfe, "John Witherspoon and Reformed Orthodoxy: Reason, Revelation, and the American Founding" (2016). LSU Master's Theses. 1807, https://digitalcommons.lsu.edu/gradschool_theses/1807 (“Jack Scott, “Introduction,” in [John Witherspoon’s] *Lectures on Moral Philosophy* (Lectures), 27-28. He notes, however, that ‘**Witherspoon’s ethical philosophy owes more to [Joseph] Butler [1692-1752] than to any other thinker, 37-38.**”).

cannot be pain without some kind of life, so there may be peace without war, but there cannot be war without some kind of peace, because war supposes the existence of some natures to wage it, and these natures cannot exist without peace of one kind or other.

And therefore there is a nature in which evil does not or even cannot exist; but there cannot be a nature in which there is no good. Hence not even the nature of the devil himself is evil, in so far as it is nature, but it was made evil by being perverted. Thus he did not abide in the truth, but could not escape the judgment of the Truth; he did not abide in the tranquillity of order, but did not therefore escape the power of the Ordainer....

God, then, the most wise Creator and most just Ordainer of all natures, who placed the human race upon earth as its greatest ornament, imparted to men some good things adapted to this life, to wit, temporal peace, such as we can enjoy in this life from health and safety and human fellowship, and all things needful for the preservation and recovery of this peace, such as the objects which are accommodated to our outward senses, light, night, the air, and waters are suitable for us, and everything the body requires to sustain, shelter, heal, or beautify it: and all under this most equitable condition, that every man who made a good use of these advantages suited to the peace of his mortal condition, should receive ampler and better blessings, namely, the peace of immortality, accompanied by glory and honour in an endless life made fit for the enjoyment of God and of one another in God; but that he who used the present blessings badly should both lose them and should not receive the others.⁷⁷

This law of nature (i.e., natural religion, and (or) religion of nature) which Augustine here describes is clearly tied to the soteriological concept of Christian justification and ultimate salvation in Christ (i.e., immortality and eternal life), thereby making the Christian religion a restatement or a republication of this law of nature.

Moreover, Augustine's theological scheme ties all earthly kingdoms to the divine Providence of a Sovereign God, who is the "Ordainer of all natures,"⁷⁸ to wit:

Therefore that God, the author and giver of felicity, because He alone is the true God, Himself gives earthly kingdoms both to good and bad. Neither does He do this rashly, and, as it were, fortuitously— because He is God, not fortune— but according to the order of things and times, which is hidden from us, but thoroughly known to Himself; which same order of times, however, He does not serve as subject to it, but Himself rules as lord and appoints as governor.... And therefore earthly kingdoms are given by Him both to the good and the bad....⁷⁹

In a word, human kingdoms are established by divine providence....⁸⁰

77 St. Augustine, *The City of God*, supra, pp. 690 - 691.

78 Ibid., p 691.

79 Ibid., p. 140.

80 Ibid., pp. 142-143.

God can never be believed to have left the kingdoms of men, their dominations and servitudes, outside the laws of His providence.⁸¹

In addition, from this theological perspective on divine Providence, Augustine deduced that the ancient Romans, as had all other earthly rulers, had received their republic and empire from the one true God. “He, therefore, who is the one true God,” wrote Augustine, “who never leaves the human race without just judgment and help, gave a kingdom to the Romans....”⁸² Augustine explains further that these earthly dominions must rule in accord with the law of nature, which is “justice.” Augustine considered “God Himself” to be “the fountain of all justice.”⁸³ “[A] republic cannot be administered without justice,”⁸⁴ wrote Augustine in *The City of God*. “Justice being taken away, then, what are kingdoms but great robberies? For what are robberies themselves, but little kingdoms?”⁸⁵ Therefore, lawyers and judges must mete out justice, or else civil society, which encompasses both Church and State, will succumb to anarchy. “[W]ill a wise judge take his seat on the bench or no?” Augustine asked rhetorically in *The City of God*. “Beyond question he will. For human society, which he thinks it a wickedness to abandon, constrains him and compels him to this duty.”⁸⁶

The remaining portions of Augustine’s *The City of God* goes on to explain that, having thus received their republic and empire, the ancient Romans eventually lost both, not because they did not practice the Jewish or the Christian religion, but because the ancient Romans had become “licentious” and failed “to do justice and judgment,” (Genesis 18: 18-19).⁸⁷ This is a recurring theme throughout world history, as well as the Holy Bible. To that end, this postdoctoral study describes the First Great Awakening (1730 - 1750) and the American Revolution (1775 - 1783) as reactions to both the *decline in morals* and the *proliferation of injustice* in the 18th Century British Empire. To this, I now turn to the writings of Thomas Jefferson (1743 - 1826) -- not because he was an eminent Christian theologian like Augustine, Luther, or Calvin — but because Jefferson, who was an influential Virginia constitutional lawyer, authored the American Declaration of Independence (1776), which was adopted as an official constitutional document for the American colonies.

81 Ibid., p. 158.

82 Ibid., p. 174 - 175.

83 Ibid., p. 27.

84 Ibid., p. 699.

85 Ibid., p. 112.

86 Ibid., p. 682. This passage echoes the Protestant Christian conception of the civil magistrate as “God’s minister” (Romans 13:6).

87 Ibid., pp.60-73.

Religion and religious rights were two of Jefferson’s major concerns prior to, during, and following the period of the American Revolution. During this period, all of the colonies or states had established churches with varying degrees of allowance for religious tolerance.

“Established Churches in 13 Original American Colonies”⁸⁸

Colony	Protestant Denomination	Established Church- Years Of Operation	Duration of Support for Established Church
Virginia	Anglican/ Church of England	1606 - 1830	244 years
Massachusetts	Puritan/ Congregational Church	1629 - 1833	204 years
New Hampshire	Puritan/ Congregational Church	1639 - 1877	238 years
Rhode Island	Puritan/ Congregational Church/Baptist Church/Non-Denominational/Protestant Christian Faith	1643 - 1842	199 years
Connecticut	Puritan/ Congregational Church	1639 - 1818	179 years
Delaware	Non-Denominational/Protestant Christian Faith	1637 - 1792	155 years
Maryland	Anglican/ Church of England	1632 - 1833	204 years
New York	Anglican/ Church of England	1614 - 1846	225 years
Georgia	Anglican/ Church of England	1663 - 1798	135 years
North Carolina	Anglican/ Church of England	1663 - 1875	212 years
South Carolina	Anglican/ Church of England	1663 - 1868	205 years
Pennsylvania	Non-Denominational/Protestant Christian Faith (Religious freedom for	1681 - 1790	109 years

88 See “Religion in the Original 13 Colonies,” *Britannica* (Online): <https://undergod.procon.org/religion-in-the-original-13-colonies/>

	monotheistic religions)		
New Jersey	Non-Denominational/ Protestant Christian Faith	1702 - 1844	142 years

Thomas Jefferson was a latitudinarian Anglican who championed the religious rights of the Dissenters— e.g., the Quakers, Baptists, Presbyterians, and the like— and religious freedom and freedom of conscience. And while the natural tendency of the secular academies in the United States has been to present Jefferson’s ideas as forms of Deism, or as irreligious atheism, this postdoctoral study casts him as an Augustinian political theorists, particularly when measured by Augustine’s *Confessions* and *The City of God*, and also by the writings of Augustine’s greatest disciples such as John Calvin and the neo-orthodox Calvinists such as John Locke. Although Jefferson expressly rejected Calvinism,⁸⁹ he expressly embraced most of the moderate or neo-orthodox Calvinism of his 18th-century compatriots. The tendency in the 18th-century was to associate Jesus Christ with being the “law of reason,” who was also manifest outside of the boundaries of the four corners of the Sacred Scriptures.⁹⁰ As Augustine has written in his *Confessions*, “[i]n your *eternal reason* where nothing begins or ceases... this is your *word*, which is also ‘the beginning,’ because it also speaks to us. Thus, in the gospel, he spoke through the flesh.... In this beginning, God, you have made heaven and earth—through **your word, your son, your power, your wisdom, your truth: all wondrously speaking and wondrously creating**”⁹¹ and “[t]hus it is said in the plural, ‘after our likeness,’ and then in the singular, ‘after the image of God.’ Man is thus transformed into the knowledge of God, according to the image of him who created him. And now, having been made spiritual, he judges all things—that is, all things that are appropriate to be judged... Now this phrase, ‘he judges all things,’ means that man has dominion over the fish of the sea, and over the fowl of the air, and over all cattle and wild beasts, and over the earth, and over every creeping thing that creeps on the earth. And he does this by

89 See, e.g., Thomas Jefferson’s “Letter to John Adams” (Monticello, April 11, 1823): *Writings* (New York, N.Y.: The Library of America, 1984), pp. 1466 - 1469. (Jefferson explicitly rejected Calvinism and the “5.points” of Calvinism, stating, “The being described in his 5. Points is not the God whom you and I acknolege [sic] and adore, the Creator and benevolent governor of the world; but a daemon of malignant spirit.” Jefferson liked Aristotle and St. Thomas Aquinas; he believed there was more evidence of a real God who was a Creator than proof of an atheistic conception of evolution. “so irresistible are these evidences of an intelligent and powerful Agent that, of the infinite numbers of men who have existed thro’ all time, they have believed, in the proportion of a million at least to Unit, in the hypothesse of an eternal pre-existent Universe. Surely this unanimous sentiment renders this more probable than that of the few in the other hypothesis. Some early Christians indeed have believed in the coeternal pre-existence of both the Creator and the world, without changing their relation of cause and effect. That this was the opinion of St. Thomas, we are informed by Cardinal Toletto....” Also, Jefferson opted for an interpretation of Jesus as the divine *Logos* of God, who was coterminous with “reason” and no different than the exemplification of natural law and natural religion, as expressed by Christian deists such as Dr. Matthew Tindal, who authored *Christianity as Old as the Creation* (1730).)

90 See **Appendix D**, “Jesus Christ, the Logos of God, and the Foundation of Anglo-American Civil Law and Secular Jurisprudence.”

91 St. Augustine, *Confessions*, supra p. 190.

the power of reason in his mind..."⁹² This version of orthodox and catholic Christian theology is also echoed in Psalm 19: 1-5 and in the Apostle Paul's recognition of Psalm 19 in Romans 10: 5-9 and 17-18. By this Scriptural language, the case for the "law of Nature," being coterminous with "reason," "Logos," and "Christ,"⁹³ was being refined and clarified by the neo-orthodox Calvinists and the latitudinarian Anglicans during the late 17th and early 18th-centuries, particularly in Great Britain and particularly amongst the English political philosophers, lawyers, and judges. This Augustinian, neo-orthodox Anglican, and Calvinist theology and legal theory was what was mostly appealing to Thomas Jefferson, and he acknowledged that the American Founding Fathers had *not* sought to create an "originality of principle or sentiment," but rather to express the "harmonizing sentiments of the day... in the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, &c.." ⁹⁴

In 1689, for instance, John Locke (1632 - 1704) wrote in his *Two Treatises of Civil Government* that "[t]he state of nature has a **law of nature** to govern it, which obliges everyone; and **reason**, which is that law, teaches all mankind who will but consult it, that, being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions."⁹⁵ This

92 St. Augustine, *Confessions*, supra, pp. 248-249. The Puritans also embraced this Augustinian conception of "**reason**." See, e.g., Ernest F. Kevan, *The Grace of Law: A Study in Puritan Theology* (Grand Rapids, MI: Soli Deo Gloria Pub., 2018), pp. 52-54 (citing John Flavel, *Personal Reformation*, 1691, pp. 1, 1; cf. Anthony Burgess, *Vindiciae Legis*, p. 73), stating that the Puritan "John Flavel opens his treatise on The Reasonableness of Personal Reformation with an exposition of the close relation between the rational and the moral.

Reason exalts Man above all Earthly Beings.... Hereby he becomes not only capable of Moral Government by Humane Laws,... but also of Spiritual Government by Divine Laws... which no other Species of Creatures... have a subjective capacity for. **Right Reason** by the Law of Nature (as an home-born Judge) arbitrates and determines all things within its proper Province; ... All Actions... are weighed at this Beam and Standard: None are exempted but matters of supernatural Revelation; and yet even these are not wholly and in every respect exempt from **Right Reason**. For though there be some Mysteries in Religion above the sphere and flight of **Reason**, yet nothing can be found in Religion that unreasonable. And though these Mysteries be not of natural investigation, but of supernatural Revelation; yet **Reason** is convinced, nothing can be more reasonable, than that it takes its place at the feet of Faith.

"In John Flavel's judgment, the link between reason and morality was so strong that he could praise those 'heathen' men 'who yet by their single unassisted Reason arrived to an eminency in Moral Vertues' and could daringly describe the sanctification of the believer as an act of God which but 'snuff and trims the Lamp of Reason. These extracts, from John Preston and others at the beginning of the period and from John Flavel at its end, are sufficient to exemplify the Puritan conviction about the close relation between the Law of God and man's rational nature."

93 See, e.g., John 1:1-3. See, e.g., Bertrand Russell, *A History of Western Philosophy* (New York, NY: Touchstone, 2007), p. 309 ("For Christians, the Messiah was the historical Jesus, who was also identified with the Logos of Greek philosophy...."); and p. 289 ("It was this intellectual element in Plato's religion that led Christians—notably the author of Saint John's Gospel—to identify Christ with the Logos. Logos should be translated 'reason' in this connection."). See, also, "Aquinas on Law," <https://people.wku.edu/jan.garrett/302/aquinlaw.htm> (where Saint Thomas Aquinas describes law as "'a certain rule and measure of acts whereby man is induced to act or is restrained from acting.'" (q90, a1) Because the rule and measure of human actions is reason, law has an essential relation to reason; in the first place to divine reason; in the second place to human reason, when it acts correctly, i.e., in accordance with the purpose or final cause implanted in it by God.")

94 Thomas Jefferson's "Letter to Henry Lee" (Monticello, May 8, 1825): *Writings* (New York, N.Y.: The Library of America, 1984), p. 1501.

95 Edwin A. Burt, *The English Philosophers from Bacon to Mill* (New York, NY: The Modern Library, 1967), p. 405.

law, according to Locke, was established at the foundation of Creation. Locke says that the “law that was to govern Adam was the same that was to govern all posterity, the law of reason.”⁹⁶

In 1730, for instance, Dr. Matthew Tindal (1657 - 1733), an Anglican ecclesiastical lawyer, wrote in his masterpiece *Christianity as Old as the Creation* that, “[a]ll divines, I think, now agree in owning, that there is a **law of reason**, antecedent to any external revelation, that God cannot dispense, either with his creatures or himself, for not observing; and that no external revelation can be true, that in the least circumstance, or minutest point, is inconsistent with it. If so, how can we affirm any one thing in revelation to be true, until we perceive, by that understanding, which God hath us to discern the truth of things; whether it agrees with this immutable law, or not?”⁹⁷

In 1736, the Church of England’s Bishop William Warburton, who was himself a former lawyer, a Whig, and latitudinarian Anglican, described his “Three Articles of Natural Religion” as: “1. First, the civil government must acknowledge the being of God; 2. Second, the civil government must acknowledge the Providence of God over human affairs; and, 3. Third, the civil government must acknowledge the ‘natural essential difference between moral good and evil.’”⁹⁸

And in 1765, for instance, Sir William Blackstone (1723 - 1780) described the constitutional essence of the English common law in his *Commentaries on the Laws of England*, where he stated:

Law, in its most general and comprehensive sense, signifies a rule of action; and is applied indiscriminately to all kinds of action, whether animate or inanimate, rational or irrational. Thus we say, the laws of motion, of gravitation, of optics, or mechanics, as well as the laws of nature and of nations. And it is that rule of action which is prescribed by some superior, and which the inferior is bound to obey.

Thus, when the Supreme Being formed the universe, and created matter out of nothing, he impressed certain principles upon that matter, from which it can never depart, and without which it would cease to be. When he put that matter into motion, he established certain laws of motion, to which all moveable bodies must conform. And, to descend from the greatest operations to the smallest, when a workman forms a clock, or other piece of mechanism, he establishes, at his own pleasure, certain arbitrary laws for its direction,-- as that the hand shall describe a given space in a given time, to which law as long as the work conforms, so long it continues in perfection, and answers the end of its formation....

The whole progress of plants, from the seed to the root, and from thence to the seed again; the method of animal nutrition, digestion, secretion, and all other branches of vital economy; are not left to chance, or the will of the creature itself,

96 Ibid., p. 424.

97 Matthew Tindal, *Christianity as Old as Creation* (1730)(reprinted: London, England: Forgotten Books, 2012), p. 163.

98 William Warburton, *An Alliance of Church and State* (1736) [citation omitted; published work is available in the public domain].

but are performed in a wondrous involuntary manner, and guided by unerring rules laid down by the great Creator.

This, then is the general signification of law, a rule of action dictated by some superior being.... Man, considered as a creature, must necessarily be subject to the laws of his Creator, for he is entirely a dependent being.... This will of his Maker is called the law of nature. For as God, when he created matter, and endued it with a principle of mobility, established certain rules for the perpetual direction of that motion, so, when he created man, and endued him with freewill to conduct himself in all parts of life, he laid down certain immutable laws of human nature, whereby that freewill is in some degree regulated and restrained, and gave him also the faculty of reason to discover the purport of those laws.

Considering the Creator only as a being of infinite power, he was able unquestionably to have prescribed whatever laws he pleased to his creature, man, however unjust or severe. But, as he is also a being of infinite wisdom, he has laid down only such laws as were founded in those relations of justice that existed in the nature of things antecedent to any positive precept. These are the eternal immutable laws of good and evil, to which the Creator himself, in all his dispensations, conforms; and which he has enabled human reason to discover, so far as they are necessary for the conduct of human actions. Such, among others, are these principles: that we should live honestly (2), should hurt nobody, and should render to every one his due; to which three general precepts Justinian (a) has reduced the whole doctrine of law....

The law of nature, being coeval with mankind, and dictated by God himself, is of course superior to obligation to any other. It is binding over all the globe, in all countries, and at all times: no human laws are of any validity, if contrary to this (3); and such of them as are valid derive all their force, and all their authority, mediately or immediately, from this original.

But, in order to apply this to the particular exigencies of each individual, it is still necessary to have **recourse to reason**, whose office it is to discover, as was before observed, what the law of nature directs in every circumstance of life.⁹⁹

Similarly, in his “Notes on the State of Virginia,” in 1781, Jefferson defended “the basis of reason,” “reason and experiment,” “reason and persuasion,” “free inquiry,” and the “rights of conscience,” as the foundation for both ecclesiastical and civil authority.¹⁰⁰ He noted that his home state of Virginia had inherited the policies and prejudices of the Church of England and, as such, the established Anglican church in Virginia had enacted laws in 1659, 1662, and 1693 criminalizing the assemblies, religious expressions, and opinions of dissenting groups such as the Quakers.¹⁰¹ In October 1776, the Virginia Assembly finally repealed all of these oppressive laws, but the operation of the English common law, which punished “heresy” remained in operation at

99 William Blackstone, “Of the Nature of Laws in General,” *Commentaries on The Laws of England* (New York, N.Y.: W.E. Dean Pub., 1840), pp. 25-28.

100 Thomas Jefferson, *Writings* (New York, N.Y.: The Library of America, 1984), p.286.

101 *Ibid.*, p. 283.

the time of 1781— which Jefferson described, in general, as “religious slavery.”¹⁰² Jefferson argued: “Had not the Roman government permitted free enquiry, Christianity could never have been introduced. Had not free enquiry been indulged, at the era of the [R]eformation, the corruptions of Christianity could not have been purged away.”¹⁰³ Ultimately, drawing from natural law theory, Jefferson concluded that “our rulers can have authority over such natural rights only as we have submitted to them. The rights of conscience we never submitted, we could not submit. We are answerable for them to our God.”¹⁰⁴ Here we see plainly in Jefferson’s writings, not a change in the religious or Christian foundation of civil government, *but rather a change in ecclesiology only*, thus removing the structure of ecclesiastical government from one of the branches of civil government (as in the Church of England), and prohibiting religious establishments from enforcing religious beliefs upon private persons through the arm of the civil authority.

Therefore, this postdoctoral study concludes that Thomas Jefferson and his contemporaries who signed the Declaration of Independence in 1776 were not Deists or athiests, but rather they were the heirs to that version of Augustinian orthodoxy¹⁰⁵ and latitudinarian Anglican theology then in vogue during the late 17th- and early 18th- centuries amongst the latitudinarian Anglicans.¹⁰⁶ The latitudinarians did not supplant the Holy Bible, but they did subordinate it to the “law of reason” in a manner that remained disturbing to traditionalists and orthodox theologians like Jonathan Edwards (Reformed) and John Wesley (Methodist).

18th- century Orthodox Anglicans

18th -century Latitudinarian Anglicans

Dr. Richard Hooker’s *Of the Laws of Ecclesiastical Polity* (1594)

Dr. Matthew Tindal’s *Christianity as Old as Religion* (1730); Bishop Joseph Butler’s *The Analogy of Religion* (1736)

Eternal Law

Eternal Law

Divine Law

**Natural Law (“law of reason”;
Logos)**

**Natural Law (“law of reason”;
Logos)**

Divine Law

Human Law

Human Law

102 Ibid., p. 285.

103 Ibid.

104 Ibid.

105 See, also, St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 645 (“For by consulting the Gospel we learn that **Christ is Truth.**”); Saint Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 48 (“Your **law is the truth** and you are truth.”).

106 See, e.g., Matthew Tindal, *Christianity as Old as the Creation, or the Gospel a Republication of the Religion of Nature* (Newburgh, England: David Deniston Pub., 1730) [Republished by Forgotten Books in 2012], pp. 52, 56, 61, 64, 72-74 (stating that Christianity is a republication of natural religion).

To be sure, when the plain language of the Declaration of Independence (1776)¹⁰⁷ is read in context of 18th-century religious and political history, it may rightfully be understood as an “Augustinian-Calvinist” constitutional document that reflected a settlement between various Protestant sects, but primarily between the latitudinarian Anglicans (i.e., the Jeffersonians) and the Presbyterians (i.e., the neo-orthodox Calvinists).¹⁰⁸ When explicitly asked to explain his reasoning, and the general sentiments which he represented, behind the Declaration of Independence, Jefferson wrote:

But with respect to our rights, and the acts of the British government contravening those rights, there was but one opinion on this side of the water. All American whigs thought alike on these subjects. When forced, therefore, to resort to arms for redress, an appeal to the tribunal of the world was deemed proper for our justification. This was the object of the Declaration of Independence. Not to find out new principles, or new arguments, never before thought of, not merely to say things which had never before been said before; but to place before mankind the *common sense* of the subject, in terms so plain and firm as to command their assent, and to justify ourselves in the independent stand we are compelled to take. Neither aiming at originality of principle or sentiment, nor yet copied from any particular and previous writing, it was intended to be an expression of the American mind, and to give that expression the proper tone and spirit called for by the occasion. All its authority rests then on the harmonizing

107 THE AMERICAN DECLARATION OF INDEPENDENCE

The unanimous Declaration of the thirteen united States of America,

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which **the Laws of Nature and of Nature’s God** entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. – That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, – That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. ...

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to **the Supreme Judge of the world** for the rectitude of our intentions....

And for the support of this Declaration, with a firm reliance on the **protection of divine Providence**, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

108 See, e.g., Richard Niebuhr, “Theology and Political Thought in the Western World,” *Major Works on Religion and Politics* (New York, N.Y.: The Library of America, 2015), pp. 498-499. (“Despite the differences between the Calvinist and the Jeffersonian versions of the Christian faith, they arrived at remarkably similar conclusions, upon this as upon other issues of life. For Jefferson the favorable economic circumstances of the New Continent were the explicit purpose of the providential decree. It was from those circumstances that the virtues of the new community were to be derived. For the early Puritans the physical circumstances of life were not of basic importance. Prosperity was not, according to the Puritan creed, a primary proof or fruit of virtue.... But three elements in the situation of which two were derived from the creed and the third from the environment gradually changed the Puritan attitude toward expanding opportunities of American life.”)

sentiments of the day, whether expressed in conversation, in letters, printed essays, or in the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, & c...¹⁰⁹

Anyone familiar with the culture and history of 18th-century colonial British North America will readily recognize the reference to traditionalism, to “common sense,” and to “Aristotle, Cicero, Locke, Sidney, &c.,” who were all champions of the principles of free inquiry, science, and reason. The “Scottish-Common Sense Realism” and the “neo-orthodox Calvinism” of the period may be deemed implied here, as well as the Puritan-Whig-Calvinism¹¹⁰ of both John Locke (1632 - 1704)¹¹¹ and Algernon Sidney (1623 - 1683).¹¹² And, finally, one would be remiss if he did not acknowledge the influence of the itinerant evangelist Rev. George Whitefield (1714- 1770) in shaping the public mind. “During his ministry in England in the years immediately after the controversy of 1741 - 1744 [between himself and the Wesley brothers and other in Methodist leadership], he had devoted himself largely to his own movement. Now, however, having severed his particular ties with one branch of the Revival he was free to assist it in all its branches. In later pages we shall see him preaching under the auspices of Independents, Presbyterians, Baptists and sometimes Quakers, and above all helping Wesley, and this was the work he began to undertake from this time. In this activity Whitefield sought to preach especially the great underlying truths of the faith, ***the recognized essential elements of Christianity***, and he defined the basis of his collaboration, saying:

‘I truly love the glorious Emmanuel, and though I cannot depart from the principles which I believe are clearly revealed in the book of God, yet I can cheerfully associate

109 Thomas Jefferson, *Writings*, supra, p. 1501.

110 [Whig and Tory | Definition, Difference, History, & Facts | Britannica](#) (“Whig—whatever its origin in Scottish Gaelic—was a term applied to horse thieves and, later, to Scottish Presbyterians; it connoted nonconformity and rebellion and was applied to those who claimed the power of excluding the heir from the throne. Tory was an Irish term suggesting a papist outlaw and was applied to those who supported the hereditary right of James despite his Roman Catholic faith.”)

111 See, generally, Richard Boyd, “Calvinist Origins of Lockean Political Economy,” *History of Political Thought*, Vol. 23, No. 1 (Spring 2002), pp. 30-60.

112 See, generally, Michael P. Winship, “Algernon Sidney's Calvinist Republicanism,” *Journal of British Studies*, OCTOBER 2010, Vol. 49, No. 4 (OCTOBER 2010), pp. 753-773. See, also, “Algernon Sidney,” Wikipedia (online encyclopedia)(“Algernon Sidney or Sydney (15 January 1623 – 7 December 1683) was an English politician, republican political theorist and colonel. A member of the middle part of the Long Parliament and commissioner of the trial of King Charles I of England, he opposed the king's execution. Sidney was later charged with plotting against Charles II, in part based on his most famous work, *Discourses Concerning Government*, which was used by the prosecution as a witness at his trial. He was executed for treason. After his death, Sidney was revered as a ‘Whig patriot—hero and martyr.’ The works of Algernon Sidney, along with those of contemporary John Locke, are considered a cornerstone of western thought. *Discourses Concerning Government* cost Sidney his life. However, the ideas it put forth survived and ultimately culminated in the Glorious Revolution in England and the founding of the United States. Sidney directly opposed the theory of divine right of kings by suggesting ideas such as limited government, voluntary consent of the people and the right of citizens to alter or abolish a corrupt government. *Discourses Concerning Government* has been called “the textbook of the American revolution.”)

with those that differ from me, if I have reason to think they are united to our common Head.¹¹³

Hence, this postdoctoral concludes that the ecumenical and evangelical spirit of George Whitefield's ultimately became the predominant American Christian spirit.

Nevertheless, it is easy enough to say, "The United States Constitution and the Declaration of Independence are Christian documents," but it is much more difficult and cumbersome to actually demonstrate this truism. And, in fact, few lawyers and theologians have done so, and this widespread failure has loomed large throughout the secular universities, the schools of theology and divinity, and in the body politic as a whole. Wherefore, this postdoctoral study has taken up this great but worthy task, and with great reward to the author, set forth what I have called the "Augustinian-Calvinistic-Christian" foundations of American constitutional law and jurisprudence, in the following six Books:

VOLUME ONE: The Covenant of Nature

When God created the heavens and the earth, as recounted in the Book of Genesis, he created "nature" and "natural law," whereby the principles of the universe may be summoned and consulted. Here, we must read Psalm 19:1-4 and Romans 10: 18 together. Psalm 19: 1-4 states: "The heavens declare the glory of God; and the firmament sheweth his handywork. Day unto day uttereth speech, and night unto night sheweth knowledge. There is no speech nor language, where their voice is not heard. Their line is gone out through all the earth, and their words to the end of the world"; and Romans 10: 18 states, "But I say, Have they not heard? Yes verily, their sound went into all the earth, and their words unto the ends of the world." If we carefully examine the writings of the social contract theorists, such as Hobbes, Locke, and Rousseau, we find that they frequently grounded their legal, constitutional, and political theory upon "natural law" or the "law of Nature," as being the law of God and of Christ. To that end, they acknowledged the authority of the Anglican or Roman churches and wrote within the Augustinian-Thomist natural law traditions. For example, John Locke's writings frequently acknowledged and embraced the "judicious" Dr. Richard Hooker, an Anglican divine and Doctor of the Church of England.

In biblical terminology, God invested Adam, Noah and their posterity with dominion upon earth, whereby they were to govern in accordance with certain moral and just principles. In general moral and political philosophy, this same dominion covenant has been described as a general "law of cause and effect" which punishes "vice" and rewards "virtue," under a general system of governance known as divine Providence. This is the same system which the Puritans called the "Covenant of Nature." When Augustine of Hippo referenced "nature" in his masterpiece, *The City of God*, he was referring this "Covenant of Nature." When the French and English political philosophers, such as Hobbes, Rousseau, Montesquieu, and Locke referenced "nature" and the "natural law," they were referring to this same "Covenant of Nature." When English jurist William Blackstone referenced the "laws of nature" in his masterpiece *Commentaries on the Laws of England* (1765), he was referencing this same "Covenant of

113 Arnold Dallimore, *George Whitefield: The Life and Times of the Great Evangelist of the 18th Century Revival*, p. 257.

Nature,” which represents the dominion covenant which God made between Adam, Noah, and all of their descendants in future generations. This same concept of nature (i.e., “the Laws of Nature and of Nature’s God”) was adopted and incorporated into the American Declaration of Independence (1776). Therefore, this postdoctoral study holds that “natural law,” “natural rights,” and “natural theology”— which all acknowledge a divine Creator as the First Cause of existence— are vital components of American constitutional law and jurisprudence.

VOLUME TWO: The Law of General Equity

John Calvin, as a trained civil lawyer and Reformed theologian, championed of general equity as the supreme law for civil polity, and the Calvinistic-Baptist Confession of Faith of 1644 and the Calvinistic Westminster Confession of Faith of 1647 explicitly adopted the same standard for equity as the supreme measure of all secular laws. Thus, equity and equity jurisprudence are the central links between law and religion, and both the Church and the State have an interest in the implementation of equity throughout the body politic. The central theme in the Pentateuch is equity. Genesis 18:18-19 states that all of the nations of the world would be blessed through the household of Abraham which shall do “justice and judgment,” and in the eighteenth chapter of Exodus, even before there was a Levitical priesthood, Moses established a system of federal judges to help govern and judge the Children of Israel. The central theme of “equity, justice, and judgment” is repeated throughout the wisdom literature of the Psalms and Proverbs, and the Hebrew prophets constantly reiterate the duty to do justice and judgment as being more pleasing to God than the implementation of Israel’s ceremonial or liturgical laws. In the New Testament, the “law of Christ” is described as equity; and, indeed, during the Middle Ages, was Christ Himself was conceptualized as the *Logos* of God was deemed to be the manifestation of equity. In *The City of God*, Augustine of Hippo never concedes that civil governments must be officially Christian, but rather he explicitly states that pagan governments, such as the ancient Roman republic, before it became an empire, had the capacity and the means to implement true justice, and that there could be no true republic where there is no justice. While the form of government— monarchy, aristocracy, democracy, or mixed forms— can help ensure that equity and justice are truly implemented, all forms of government may be corrupted (e.g., tyranny, oligarchy, anarchy, etc.). Hence, at the constitutional level, there must be “fundamental laws” (i.e., “Higher Law”) which no human governor can disregard or breach. The history of the kings of Israel exemplify this principle. Similarly, the history of the kings of England, particularly the histories of kings Charles I (i.e., the English Civil War, 1642 - 1651) and George III (i.e., the American Revolutionary War, 1775 - 1783). The Puritans and the Calvinists thus invented written constitutions in order to more clearly set forth the essential principles of civil government and fundamental law (i.e., covenant theology). This postdoctoral study addressed the history and development of the American Declaration of Independence (1776) and the United States Constitution (1787) from this context.

VOLUME THREE: General Christianity

The leading Protestant sects in colonial British North America, namely, the Congregationalists, the Presbyterians, the Anglicans, the Quakers, and the Baptists, opted to create a constitutional system whereby “General Christianity” was established as the official

religion of the new United States. The United States Supreme Court has firmly reiterated this principle in *Terrett v. Taylor*, 13 U.S. 43, 52, 9 Cranch 43 (1815)(referencing “the principles of natural justice, upon the fundamental laws of every free government”); *Vidal v. Girard’s Executors*, 2 How. 127 (1843)(the United States is “a Christian country”); *Holy Trinity v. United States*, 143 U.S. 457 (1892)(providing an extensive history of the influence of Christianity upon state and federal constitutional documents and traditions, and concluding that the United States is “a Christian nation”); and *United States v. Macintosh*, 283 U.S. 605, 625 (1931) (stating that [w]e are a Christian people (*Holy Trinity Church v. United States*, 143 U. S. 457, 143 U. S. 470-471), according to one another the equal right of religious freedom and acknowledging with reverence the duty of obedience to the will of God”). And the Supreme Court of Pennsylvania has enunciated the same principle in *Updegraph v. Commonwealth*, 11 Serg. & Rawl, 394 P. 1824 (explaining that general Christianity is a part of the common law of Pennsylvania). Volume Three explains, in more detail, precisely how and why “General Christianity” or “Primitive Christianity” became the official religion of the new United States, and demonstrates how the Declaration of Independence and the United States Constitution reflect the principles of “General Christianity.” This was the same “General Christianity” which exemplified the distinct evangelical Christian heritage which the Rev. George Whitefield (1714 - 1770)and other ministerial leaders in the First Great Awakening helped to establish.¹¹⁴

VOLUME FOUR: A Chosen People: The Kingdom of the Britons in Bible Prophecy

The often overlooked history of England is its mythical, biblical, and Christian foundations that were firmly established in the ancient Roman empire. English kings were firmly established as the ordained vicegerents of Jesus Christ, and their divine investiture could be traced to prophetic books such as the Book of Daniel, which describes images that purportedly include certain symbols which relate directly to the kingdom of England. This postdoctoral study neither affirms or denies these prophetic references, but merely points them out to suggest that the kingdom of England’s constitution was firmly rooted in the Holy Bible, and the Church of England was a sort of senior partner within the English system of monarchy and parliamentary government. In English Medieval thought, the English monarch was therefore “God’s annointed” and the Church of England was a biblical, legal, and constitutional institution within English society. And because the Church of England became brutally repressive of the English dissenters during the 16th-, 17th-, and 18th- centuries, the principles of Luther and Calvin (two disciples of Augustine of Hippo) became quite useful to the Puritans in both England and colonial New England. In either event, both the 17th-century Puritans and the Anglicans tended to be believe that they were God’s “Chosen People.” To a great extent, the American Revolution challenged all of these beliefs, not by overthrowing the central figure of Christ or the central position of the Christian religion, but by elevating both from being a national deity or religion into being a universal deity and a global religion, thus encompassing all Christian sects and all peoples regardless of their out form of religious expression. Natural law, natural religion, and Deism became popular modes of expressing these ideas, but ultimately the Protestants in the new United States settled for a system of “General Christianity.” This settlement was essentially an “Anglican-

¹¹⁴ Arnold Dallimore, *George Whitefield: The Life and Times of the Great Evangelist of the 18th Century Revival*, p. 257.

Scottish” settlement, one that had been forged on the American landscape as early as the Great Evangelical Awakening through the evangelical missionary work of clergymen such as the Rev. George Whitefield and many others.¹¹⁵

VOLUME FIVE: The Anglican-Scottish Settlement

Although there were dozens of Protestant sects in colonial British North America during the 18th century, the two foremost groups who influenced American politics were the Calvinists (i.e., the Congregationalists and the Presbyterians) and the latitudinarian Anglicans (i.e., the Jeffersonians, the Whigs, etc.). These two groups were overwhelmingly represented among the lawyers, legislative representatives, and judges. They were the founders of nearly all of the colleges and universities during this period, including Harvard, Yale, Princeton, Columbia, and the College of William and Mary. Amongst these schools, Princeton, which was led by the Rev. John Witherspoon and the Scottish Presbyterians during the period of the Revolution, was most influential. The graduates of these schools were all amongst the leaders of the American patriots. For it was these men who hammered out the theological and political blueprint for the new federal government of the United States of America. Both the Declaration of Independence (1776) and the United States Constitution (1787) are memorials of this theological and political blueprint. This postdoctoral study refers to this blueprint as the “Anglican-Scottish” settlement. As previously mentioned, this “Anglican-Scottish” settlement had been forged on the American landscape through the evangelical missionary work of clergymen such as the Rev. George Whitefield and many others.¹¹⁶

VOLUME SIX: Capitalism and the Collapse of Orthodoxy

Finally, the American system of Christianity embraced capitalism as an ordained way of Christian living. In making this assessment, this postdoctoral study tacitly adopts the historical analysis and the conclusions set forth in R. H. Tawney’s *Religion and the Rise of Capitalism* and Max Weber’s *The Protestant Work Ethic and the Spirit of Capitalism*. Both authors conclude that capitalistic organization and enterprise went much further in loosing ethical asceticism than Calvinism and Puritanism had originally authorized or approved. Here we find the fatal criticism of American Christianity dabbling in, and profiting from, African slavery and the transatlantic African slave trade— including such distinguished evangelists as Jonathan Edwards (1703 - 1758) and George Whitefield (1714 - 1770).¹¹⁷ Slavery, which grew out of the

115 See, generally, Arnold Dallimore, *George Whitefield: The Life and Times of the Great Evangelist of the 18th Century Revival*, Vols I & II, *supra*.

116 Ibid.

117 See, e.g., W.E.B. Du Bois, “The Souls of Black Folk,” *Writings* (New York, N.Y.: The Library of America, 1986), p. 440 (“Oglethorpe thought slavery against the law and gospel; but the circumstances which gave Georgia its first inhabitants were not calculated to furnish citizens over-nice in their ideas about rum and slaves. Despite the prohibitions of the trustees, these Georgians, like some of their descendants, proceeded to take the law into their own hands; and so pliant were the judges, and so flagrant the smuggling, and so earnest were the prayers of Whitefield, that by the middle of the eighteenth century all restrictions were swept away, and the slave-trade went merrily on for fifty years and more.”)

spirit of capitalism, became the original mistake of some evangelical American Christians. As this postdoctoral study is directed primarily to Christian lawyers and Christian judges, one example of capitalism's corrosive effect upon ethical asceticism is in the collapse of the implementation of equity jurisprudence in every area of the secular law. But the "collapse of orthodoxy" is not restricted here to orthodox Christianity, but rather it extends to the collapse of "reason," to the collapse of the "law of nature," to the collapse of "equity," and to the collapse of the very foundations of jurisprudence— including the wisdom of the pagan Greeks and Romans; the Catholic heritage of Augustine and Aquinas; the Anglican heritage of de Bracton, Salisbury, and Hooker; and the Puritan heritage of Calvin, Locke, Sidney, and the Scottish Presbyterians. And here, it is important to note that the operative word "collapse" only refers to our frail *human inability* to enforce ethical practice, ascetic behavior, and righteousness through the force of custom or law, but it does not relate to the sovereignty of divine Providence. In Augustinian and Calvinistic theological discourse— which this postdoctoral study firmly accepts and utilizes— wars, revolutions, and political convulsions— such as the American Revolution (1775 - 1783)— are simply divine Providence's re-ordering and re-adjustment of human and political affairs, in accord with true justice. The American Declaration of Independence (1776), which describes a "higher fundamental law" as the constitutional foundation of the United States— and describes this "higher fundamental law" as the "Law of Nature and of Nature's God," as a "Supreme Ruler of the world," and as "divine Providence"— invests American clergymen, lawyers, and judges with the constitutional and moral authority to prophetically admonish the civil polity and its magistrates to ensure that the administration of secular justice comports with the "higher fundamental law" of God.¹¹⁸

118 Arguably, the Quakers were the first to reach this theological and constitutional conclusion, which it gifted to the United States through the colonies of Pennsylvania and New Jersey. In his "Notes on the State of Virginia" (1781), Jefferson highly appraised both the Quakers and the Quaker political experiment in the colony of Pennsylvania. Thomas Jeffersons, *Writings* (New York, N.Y.: The Library of America, 1984), pp. 283 - 287. Puritan-Quaker, principle founder of Pennsylvania, and trustee of New Jersey, William Penn (1644 - 1718) "believed politics to be 'a part of religion itself, a thing sacred in its institution and its end.'" This basic Quaker philosophy and ideology was reflected in the teachings of Dr. Martin Luther King, Jr. (1929 - 1968), who had apparently been heavily influenced by an African American Quaker/ Baptist minister named Rev. Howard Thurman. See, generally, David Yount, *How the Quakers Invented America* (Lanham: Maryland: Rowman & Littlefield Pub., 2007), pp. 14, 129 ("Dr. King's spiritual mentor was Howard Thurman (1900 - 1981)").

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