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ATTN: Dr. Kenneth Talbot, President

1605 E. Gary Road

Lakeland, Florida 33801

Re: Doctoral Dissertation of Roderick O. Ford

Dear Dr. Talbot:

In these troublesome times for the Christian Church in the United States of America, orthodox Christians in several of the more liberal church denominations are looking to realign themselves with churches that seem to offer inerrant Biblical Christianity, such as the Calvinistic Reformed Churches or the orthodox Catholic, Anglican, and Methodist Churches. But I think that the problem in America is with our conception of the doctrine of “Separation of Church and State” and with the influences of materialism, rationalism, and predatory capitalism—issues which contributed greatly to the First Great Awakening in colonial British North America.

The doctrine of the “Separation of Church and State” has greatly confused modern-day American Christians who live in the early twenty-first century: on the one hand, they are taught that we are one nation under God who rules the nation in accord with His divine providence, and, furthermore, that the United States was founded upon that principle. On the other hand, they look at cases from the U.S. Supreme Court, such as the case of *Roe v. Wade*, 410 U.S. 133 (1973)(abortion) and *Obergefell v. Hodges*, 576 U.S. 644 (2015)(same-sex marriage) and feel alienated from their national government which does not appear, to them, to represent their orthodox Christian values. This problem of alienation, to be sure, is not new to orthodox African American Christians, who can cite the case of *Dred Scott v. Sandford*, 60 U.S. 393 (1857)(black American, because of race, cannot be “citizens of the United States.”)

Likewise, the various secular dissenters such as scientists and university free thinkers and political liberals can cite the “religious persecutions” from the orthodox ecclesiastical governments in England, Europe and Colonial New England, as examples of how Church-led governments have violated the fundamental rights of conscience, and led to capital punishments, banishments, and

even bloody religious and civil wars. In this regards, the cases of Rev Roger Williams , Anne Hutchinson, and the Salem Witch Trials loom large. In light of all of these sad and difficult human experiences, we Christians of the twenty-first are today called upon to serve as the gadfly (Socrates) and the prophets (Jeremiah, Isaiah) of the secular State—this is our Great Commission from Christ.

Given the dire state that the Church and the nation is in, I have determined that my time could be best utilized in writing this dissertation with addressing some very practical constitutional and legal problems that now face the Christian Church. In thus concluding, I am guided by the light of wisdom that comes from our Sacred Scriptures as well as our nations’ legislative and constitutional history. Specifically, I have traced the theological origins of the text of the American *Declaration of Independence* (1776) and the *U.S. Constitution* (1787) to the “natural religion” of the ancient Greeks and Romans. This is very significant, because the American Founding Fathers, as evidenced in writings such as The Federalist Papers, relied heavily upon that Greco-Roman natural-law tradition, in crafting the United States Constitution. Significantly, when the Christian Church inherited the Roman empire, it adopted its laws. Stated differently, the laws of ancient Greece and Rome became the laws of the Western Church and, hence, the law of Western Europe. The Emperor Justinian’s *Corpus Juris Civilis*, a 6th-century publication, was the legacy of this Christian jurisprudence, and it was transmitted to England through Pope Gregory VII, William the Conqueror, and the Church of England. The English Protestant Reformation changed very little of the fundamental structure of these laws, and these laws were transmitted intact to colonial British North America. During the 18th Century, the High-Church Anglicans were very clear in their belief that the Christian religion was really a republication of the “natural religion.” This is thus the foundation of my doctoral dissertation, which I have titled:

PROBLEMS IN PRACTICAL MINISTRY--

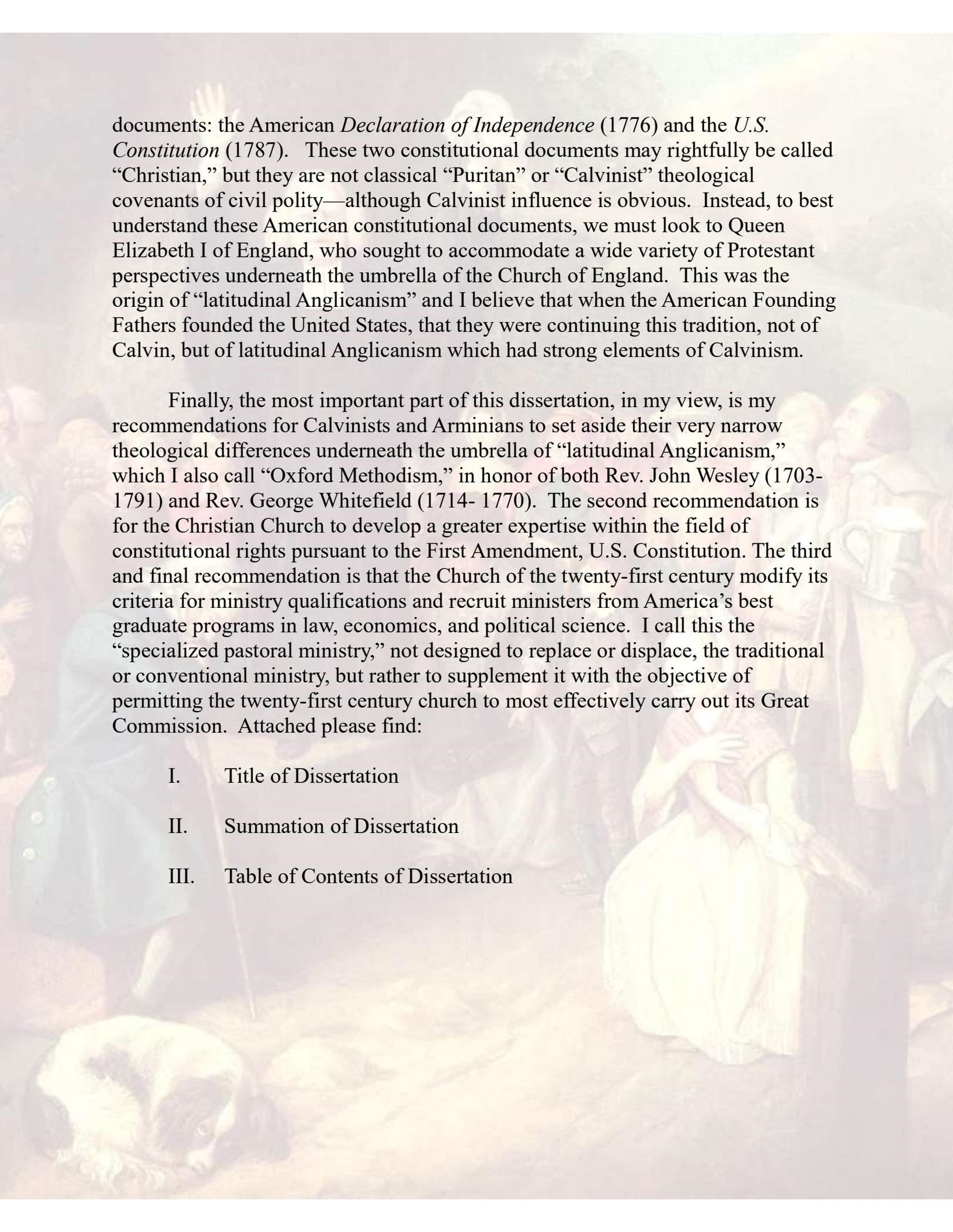
Latitudinarian Anglicanism:

Or The Religion of Nature

As the

Foundation of the United States Constitution

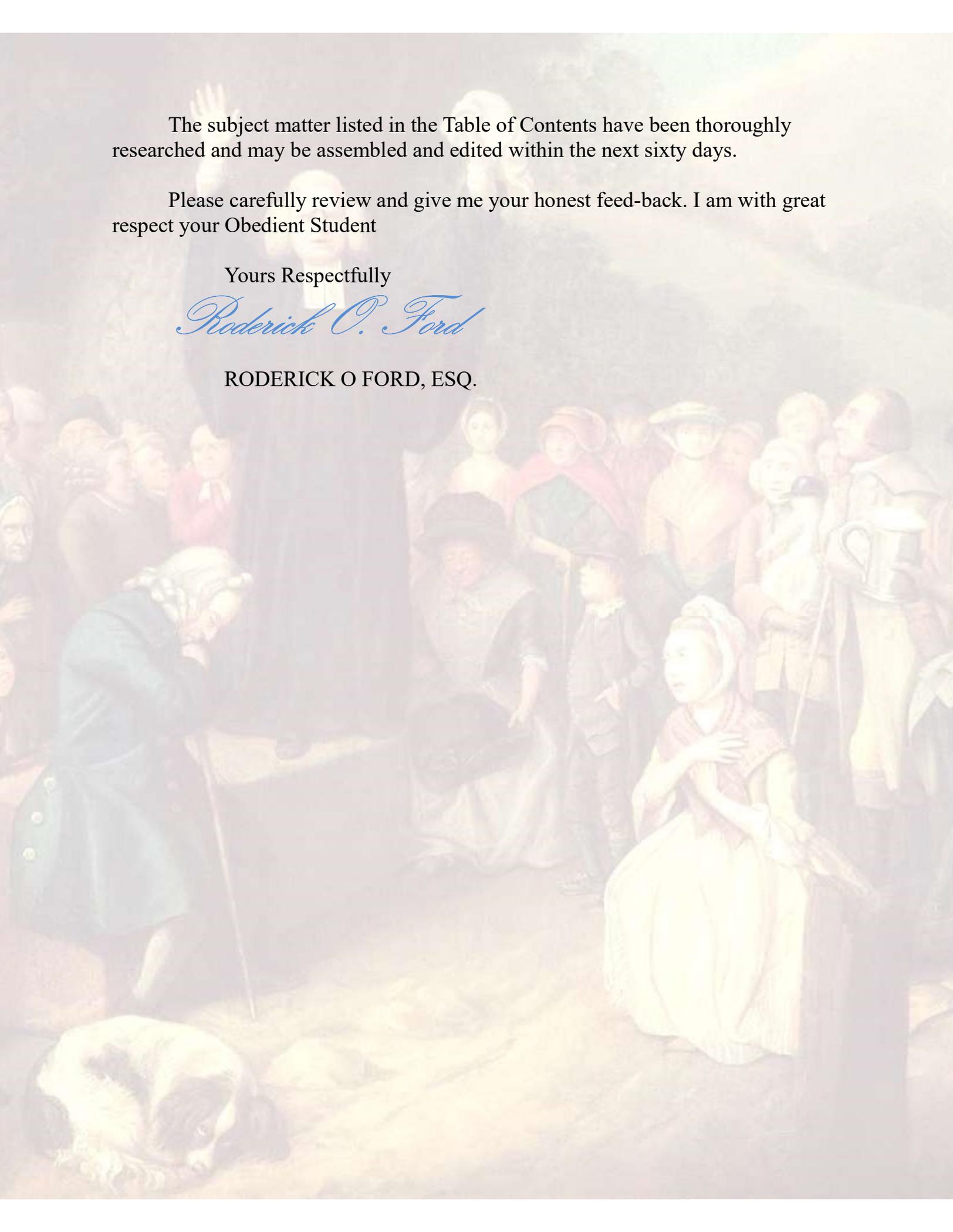
This dissertation looks at the Calvinism and the First Great Awakening, but concludes that the liberal Calvinists or Congregationalists joined forces with the liberal latitudinal Anglicans and forged two radical and new constitutional



documents: the American *Declaration of Independence* (1776) and the *U.S. Constitution* (1787). These two constitutional documents may rightfully be called “Christian,” but they are not classical “Puritan” or “Calvinist” theological covenants of civil polity—although Calvinist influence is obvious. Instead, to best understand these American constitutional documents, we must look to Queen Elizabeth I of England, who sought to accommodate a wide variety of Protestant perspectives underneath the umbrella of the Church of England. This was the origin of “latitudinal Anglicanism” and I believe that when the American Founding Fathers founded the United States, that they were continuing this tradition, not of Calvin, but of latitudinal Anglicanism which had strong elements of Calvinism.

Finally, the most important part of this dissertation, in my view, is my recommendations for Calvinists and Arminians to set aside their very narrow theological differences underneath the umbrella of “latitudinal Anglicanism,” which I also call “Oxford Methodism,” in honor of both Rev. John Wesley (1703-1791) and Rev. George Whitefield (1714- 1770). The second recommendation is for the Christian Church to develop a greater expertise within the field of constitutional rights pursuant to the First Amendment, U.S. Constitution. The third and final recommendation is that the Church of the twenty-first century modify its criteria for ministry qualifications and recruit ministers from America’s best graduate programs in law, economics, and political science. I call this the “specialized pastoral ministry,” not designed to replace or displace, the traditional or conventional ministry, but rather to supplement it with the objective of permitting the twenty-first century church to most effectively carry out its Great Commission. Attached please find:

- I. Title of Dissertation
- II. Summation of Dissertation
- III. Table of Contents of Dissertation



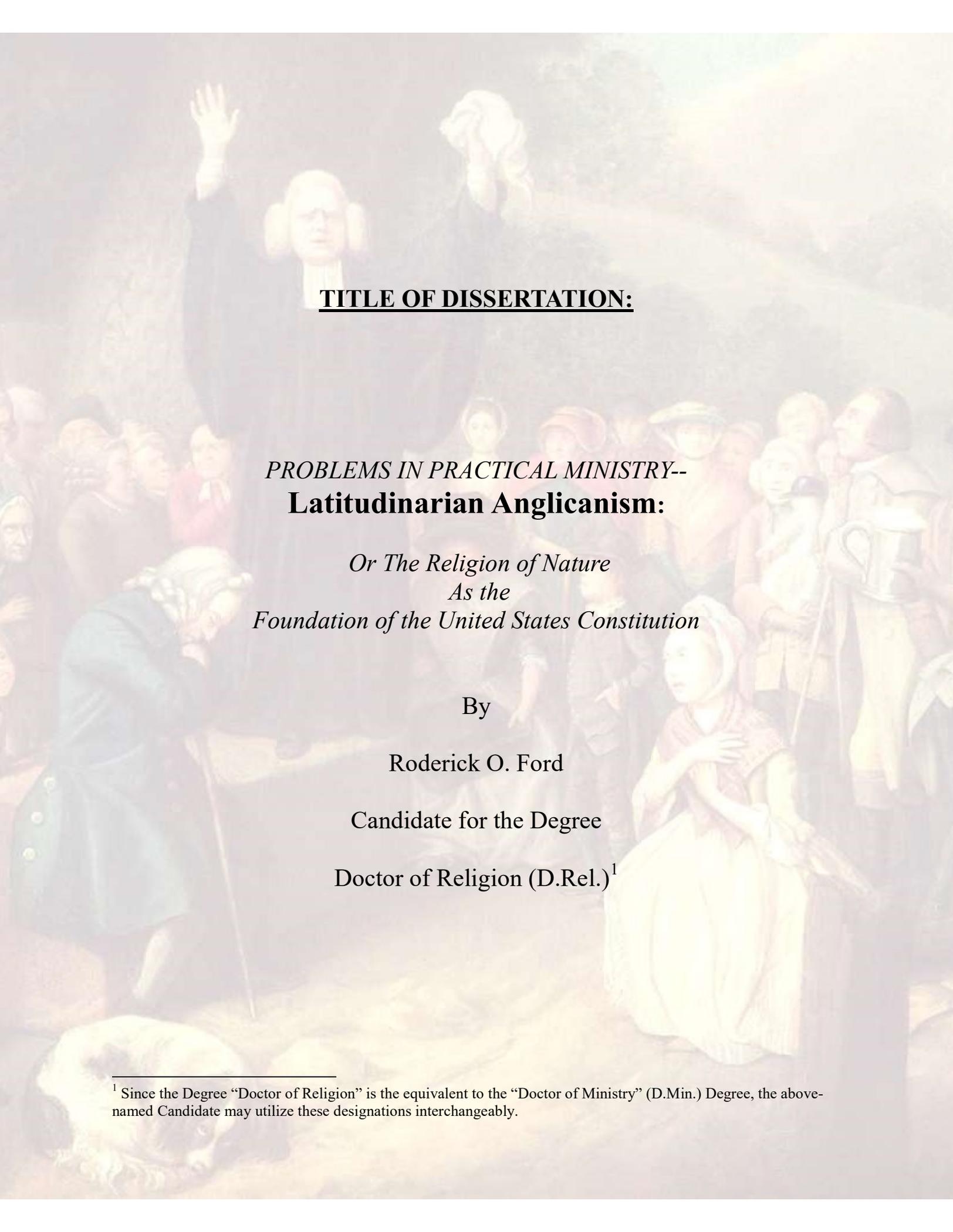
The subject matter listed in the Table of Contents have been thoroughly researched and may be assembled and edited within the next sixty days.

Please carefully review and give me your honest feed-back. I am with great respect your Obedient Student

Yours Respectfully

Roderick O. Ford

RODERICK O FORD, ESQ.



TITLE OF DISSERTATION:

PROBLEMS IN PRACTICAL MINISTRY--
Latitudinarian Anglicanism:

*Or The Religion of Nature
As the
Foundation of the United States Constitution*

By

Roderick O. Ford

Candidate for the Degree

Doctor of Religion (D.Rel.)¹

¹ Since the Degree “Doctor of Religion” is the equivalent to the “Doctor of Ministry” (D.Min.) Degree, the above-named Candidate may utilize these designations interchangeably.

SUMMATION:

PROBLEMS IN PRACTICAL MINISTRY

This dissertation is designed to answer practical theological, ministerial, and constitutional questions presented to the author from the Faculty of Whitefield Theological Seminary regarding the constitutional status and role of American churches under the parameters of the First Amendment, United States Constitution.

As the undersigned is a practicing lawyer in the United States, the approach to this dissertation borrows much from the skills necessary for legal research into the field of American constitutional law, as well as church history and theology. This dissertation treats *The Holy Bible* not only as a sacred religious text but also as a primary source of Anglo-American constitutional law. It assumes that *The Holy Bible* was, at some point in the history of English law, considered to be the source-book of positive human laws, as well as the foundation of the *United States Constitution*. This dissertation then reviews English and American history in order to ascertain whether the American *Declaration of Independence* (1776) and the *United States Constitution* (1787) are indeed “Christian” documents. As Oliver Wendell Holmes has written in *The Common Law*,

The law embodies the story of a nation’s development through many centuries, and it cannot be dealt with as if it contained only the axioms and corollaries of a book of mathematics. In order to know what it is, we must know what it has been, and what it tends to become. We must alternately consult history and existing theories of legislation.²

. In colonial New England, under the leadership of the Calvinistic Puritans, *The Holy Bible* was certainly the source of its constitutions,

² Oliver Wendell Holmes, *The Common Law* (Mineola, N.Y.: Dover Publications, 1991), p. 1.

charters, and positive laws. And the English common law, as early as the seventh century A.D., began to incorporate the Mosaic law into its principles. Thus, the Church of England, with its various denominational branches, including the Presbyterians, Puritans, and Congregationalists, is considered to be the “mother” church of all the English denominational branches—including the English Reformed Churches which populated colonial New England. This dissertation demonstrates, through legal research, that the Church of England influenced the development of English Common Law several centuries before the Protestant Reformation or the emergence of Puritanism. And during the time of the American Revolution, the Anglican Church continued to hold the predominant influence over both English and colonial law. In the influential colonies of Virginia and New York, the Anglican Church was both established and predominant, and these two colonies vied with Puritan colonial New England for influence. Hence, on balance, both the Puritans (Calvinists) and the Anglicans (Arminians) shared a predominant influence over the future development of American law and jurisprudence.³ For the purpose of this dissertation, I have called this combined Puritan-Anglican influence “latitudinarian Anglicanism.”

Latitudinarian Anglican Foundations of American Constitutional Law

<p>Arminian and Orthodox Anglican theology on God’s sovereignty, Moral Law, Natural Law, and Revealed Law</p>	<p>American Declaration of Independence (1776)</p>
<p>Calvinist and Presbyterian theology of God’s sovereignty and Ecclesiastical Representative Polity</p> <p>New England Charters and Compacts; Covenant Theology</p>	<p>United States Constitution (1787)</p>

³ I put the sects Baptists and Methodists underneath the umbrella of “Arminian,” although a few of them were “Calvinists.”

According to the Anglican theological tradition, the Church in the West was always superior to the State.⁴ And according to the Puritan-Reformed theological tradition, God was the absolute sovereign over the State.⁵ Thus, as Anglican priest Algernon Sidney Crapsey has observed:

It was the belief of the Puritan that was the motive power of the American revolution. It was the stern conviction of the Puritan that not King George, but God, was the rightful sovereign in America, not the Parliament of England, but the people of the united Colonies, were the sole keepers of the purse and the only source of political power; and it was this conviction of the Puritan that sustained the people of the country through the long years of the Revolutionary War.⁶

Lorraine Boettner, in his essay “Calvinism in America,” goes so far as to say that John Calvin was “the founder of the greatest of republics,”⁷ including that of the United States of America.⁸ “The theology of the Calvinist,” writes Boettner, “exalted one Sovereign and humbled all other sovereigns before His awful majesty. The divine right of kings and the infallible decrees of popes could not long endure amid a people who place sovereignty in God alone.”⁹ But, in truth, as this dissertation reveals plainly, the Calvinistic Puritan church-state did not advocate for all of the freedoms that came to define the American Revolution. For instance, Rev. Roger Williams was forced to flee the Massachusetts Bay Colony in order to establish the radical new idea of religious freedom in the new colony of Rhode Island. As Rev. Crapsey reminds us:

It was not the purpose of these founders of the Puritan commonwealth to grant either liberty of thought or liberty of action. Their conception of the church and the state forbade

⁴ Algernon Sidney Crapsey, *Religion and Politics* (New York, N.Y.: Thomas Whittaker, 1905), pp. 142-179.

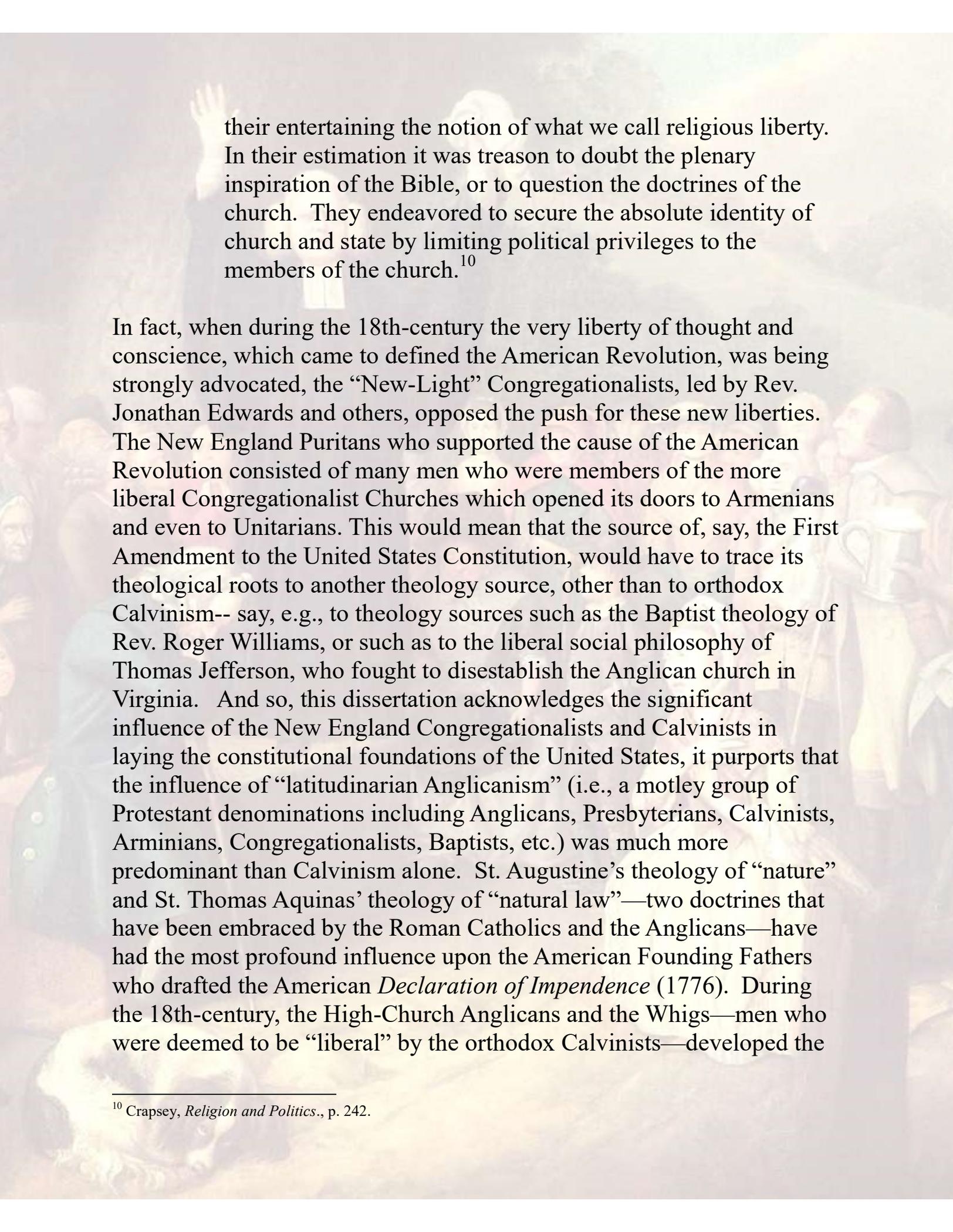
⁵ *Ibid.*, p. 244.

⁶ *Ibid.*

⁷ Kenneth Talbot and Gary Crampton, *Calvinism, Hyper-Calvinism and Arminianism* (Battlewood Ground, WA: National Marketing Resources, Inc., 1990), p. 134.

⁸ *Ibid.*

⁹ *Ibid.*, p. 140.



their entertaining the notion of what we call religious liberty. In their estimation it was treason to doubt the plenary inspiration of the Bible, or to question the doctrines of the church. They endeavored to secure the absolute identity of church and state by limiting political privileges to the members of the church.¹⁰

In fact, when during the 18th-century the very liberty of thought and conscience, which came to defined the American Revolution, was being strongly advocated, the “New-Light” Congregationalists, led by Rev. Jonathan Edwards and others, opposed the push for these new liberties. The New England Puritans who supported the cause of the American Revolution consisted of many men who were members of the more liberal Congregationalist Churches which opened its doors to Armenians and even to Unitarians. This would mean that the source of, say, the First Amendment to the United States Constitution, would have to trace its theological roots to another theology source, other than to orthodox Calvinism-- say, e.g., to theology sources such as the Baptist theology of Rev. Roger Williams, or such as to the liberal social philosophy of Thomas Jefferson, who fought to disestablish the Anglican church in Virginia. And so, this dissertation acknowledges the significant influence of the New England Congregationalists and Calvinists in laying the constitutional foundations of the United States, it purports that the influence of “latitudinarian Anglicanism” (i.e., a motley group of Protestant denominations including Anglicans, Presbyterians, Calvinists, Arminians, Congregationalists, Baptists, etc.) was much more predominant than Calvinism alone. St. Augustine’s theology of “nature” and St. Thomas Aquinas’ theology of “natural law”—two doctrines that have been embraced by the Roman Catholics and the Anglicans—have had the most profound influence upon the American Founding Fathers who drafted the American *Declaration of Impendence* (1776). During the 18th-century, the High-Church Anglicans and the Whigs—men who were deemed to be “liberal” by the orthodox Calvinists—developed the

¹⁰ Crapsey, *Religion and Politics.*, p. 242.

theological doctrine the “Christianity is a republication of natural religion.”

Latitudinarian Anglicanism: Civil Polity and Natural Religion

Dr. Matthew Tindal (1657 - 1733)	<i>Christianity as Old as Creation: Or the Gospel a Republication of the Religion of Nature</i> (1730)	<u>Argument:</u> the revealed religion known as Christianity is a republication of the laws of Nature or the natural religion.
Bishop Joseph Butler (1692 – 1752)	<i>Analogy of Religion, Natural and Revealed</i> (1736)	<u>Argument:</u> The revealed law and revealed religion of the Holy Bible reflects that same natural laws and natural religion that is the foundation of the Civil Polity.
Bishop William Warburton (1698 – 1779)	<i>An Alliance of Church and State</i> (1736)	<u>Argument:</u> The Civil Polity must be governed by the fundamental principles of natural religion .

This theology of “natural religion” linked the Sacred Scriptures to liberal thinking about science and creation, and gave leave to American Christians to appeal to the God of Nature and natural law as the lawful grounds for their political separation from Great Britain, but also, equally as important, or granting religious freedom and diversity of opinion on matters relating to conscience. Under the Puritan church-state system, governed by orthodox Calvinism, no diverse and vibrant American republic, allowing for a diversity of views on Christianity and religion, was feasible.¹¹ But the latitudinal Anglican view of “natural

¹¹ Crapsey, *Religion and Politics.*, p. 242.

religion” made the American republic possible. As Dr. Tindal has observed:

Should I grant you, that natural and revealed religion, as they have the same author, must have the same ends; and that the ultimate end of all God’s laws, and consequently of all religion, is human happiness; yet there are several things to be considered as subordinate ends: and here may not original and traditional religion differ? Since it is allowed by all, that how immutable soever these subordinate ends are, yet the means to promote these ends are various and mutable.¹²

This latitudinarian Anglican view of natural religion this permitted a view that required on the essentials of the Christian faith to be made mandatory, while permitting every man or woman to enjoy an inalienable right to worship God in a manner most suitable to their own conscience.

18th-Century Latitudinarian Anglicanism: Revealed and Natural Religion

<i>The Holy Bible</i>	Science and Philosophy
Revealed Religion (Christianity)	Natural Religion (Christianity)
Law of Christ ¹³	Laws of Nature

It thus elevated natural religion above revealed religion, in terms of constitutional enforcement by the secular government; and it allowed private citizens to organize and manage their own spiritual lives in accordance with their needs. At the same time, each citizen would be free to engage in the public discourse about the larger questions of the public good and public policy. This was not a Calvinist idea, but rather the culmination of the religious balance between conservative and

¹² Matthew Tindal, *Christianity as Old as the Creation: Or the Gospel a Republication of the Religion of Nature* (1730)(London, England: Forgotten Books, 2012), p. 92

¹³ The fundamental “Law of Christ,” to wit, is to “love ye one another” (John 15:12); to do justice and judgment (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

liberal—i.e., latitudinarian Anglicanism—which Queen Elizabeth I had set in motion.

The one idea which both the latitudinal Anglicans and the Calvinists did agree upon was the sovereignty of God above the secular State. The Puritans had founded colonial New England upon the belief in the sovereignty of God.¹⁴ And so did the latitudinal Anglicans hold to this very same view as well.¹⁵ In this sense, both the Puritans and the latitudinal Anglicans were the heirs of St. Augustine of Hippo.¹⁶ And clearly the American Founding Fathers enshrined this view of Divine Providence and of “Nature’s God” into the American *Declaration of Independence* (1776) and in the “Preamble”¹⁷ of the United States Constitution. In the American civil religion, then, the God of Nature is the god of the American republic—the laws of nature are its civil religion. For this reason, the popular doctrine called the “Separation of Church and State” is a misnomer. Indeed, there is a “natural religion” which undergirds America’s founding constitutional documents, and its church is without wall and named “We the People of the United States.”¹⁸ That the Christian religion is the republication of this same “natural religion” was the predominant viewpoint of the latitudinal Anglicans as well as of America’s Founding Fathers, including Thomas Jefferson.¹⁹ Hence, under this scheme, there can be no “Separation of Church and State,” because the American constitution, based upon limited powers, as it were, relied upon the doctrine of “fundamental law” (e.g., “life, liberty, and the pursuit of happiness,” “establish Justice,”

¹⁴ Algernon Sidney Crapsey, *Religion and Politics* (New York, N.Y.: Thomas Whittaker, 1905), p. 244.

¹⁵ See, e.g., Bishop William Warburton’s *Alliance of Church and State* (1736) set forth “Three Articles of Natural Religion” whereby the civil magistrate must govern, to wit:

1. First, the being of God;

2. Second, the Providence of God over human affairs; and,

3. Third, the “natural essential difference between moral good and evil.”

¹⁶ St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 158 (“God can never be believed to have left the kingdoms of men, their dominations and servitudes, outside of the laws of His providence.”)

¹⁷ Algernon Sidney Crapsey, *Religion and Politics* (New York, N.Y.: Thomas Whittaker, 1905), pp. 305 - 306.

¹⁸ *Ibid.*

¹⁹ That point of view was even held by men such as Thomas Paine, who admired Jesus, doubted the validity of the miracles contained in the Sacred Scriptures, but cleaved to the idea of “natural religion.”

“promote General Welfare,” etc.) which are the tenets of “natural religion,” or the “religion of the Golden Rule”²⁰ and of the Royal Law.²¹

The civil religion of the United States of America is the “natural religion,” which is the “religion of the Golden Rule” and of the “Royal Law.”²² That religion was sewn into the English common law and constitution since at least 700 A.D., before it was transmitted to the American colonies during the early 17th century.

The Law of Nature in Anglo-American Constitutional Law

“Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets.”²³

– Jesus of Nazareth (1 – 33 A.D.)

“The first branch of which rule containeth the first and fundamental *law of nature*; which is, to seek peace and follow it. The second, the sum of the right of nature; which is, by all means we can, to defend ourselves.... This is that *law of the Gospel*: whatsoever you require that others should do to you, that do ye to them.”²⁴

– Thomas Hobbes (1588 -1679)

“The 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.”²⁵

– John Locke (1632 – 1704)

“[W]hat is Justice in England... is raised upon... principal Foundations.... Upon the *Law of Nature*, though we seldom make Use of the Terms, The *Law of Nature*. But we say, that such a Thing is reasonable, or unreasonable....”

²⁰ Algernon Sidney Crapsey, *Religion and Politics* (New York, N.Y.: Thomas Whittaker, 1905), pp. 305 - 306. (“A religion having as its basis the principles of individual liberty and obedience to righteous law is really the religion of the golden rule.”).

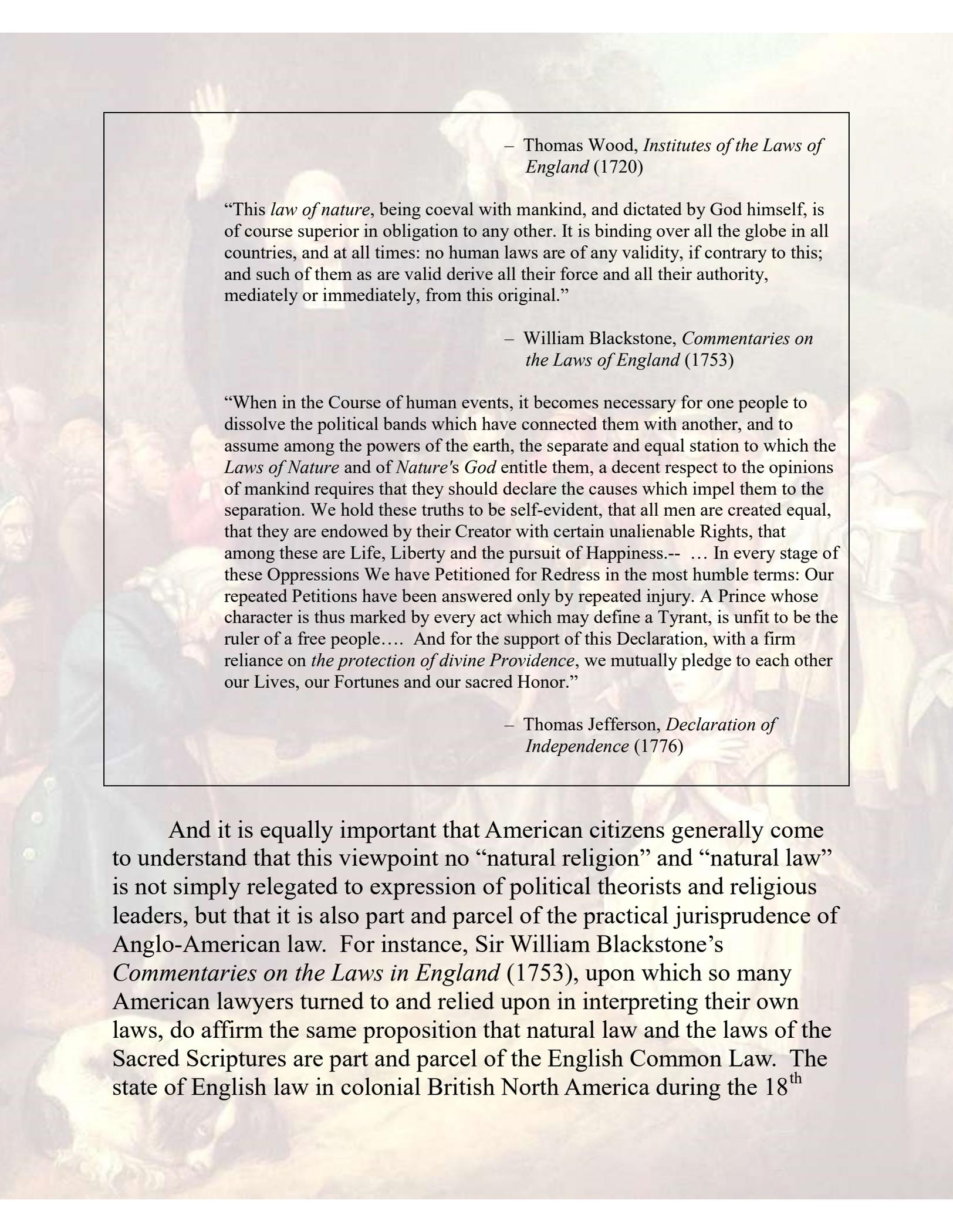
²¹ James 2:8.

²² Ibid.

²³ Matthew 7:12.

²⁴ Edwin A. Burt, *The English Philosophers From Bacon to Mill* (New York, NY: The Modern Library, 1967), p. 160 and p. 164.

²⁵ *The English Philosophers from Bacon to Mill* (New York, NY: The Modern Library, 1967), p. 405.



– Thomas Wood, *Institutes of the Laws of England* (1720)

“This *law of nature*, being coeval with mankind, and dictated by God himself, is of course superior in 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; and such of them as are valid derive all their force and all their authority, mediately or immediately, from this original.”

– William Blackstone, *Commentaries on the Laws of England* (1753)

“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.-- ... In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. 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.... 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.”

– Thomas Jefferson, *Declaration of Independence* (1776)

And it is equally important that American citizens generally come to understand that this viewpoint no “natural religion” and “natural law” is not simply relegated to expression of political theorists and religious leaders, but that it is also part and parcel of the practical jurisprudence of Anglo-American law. For instance, Sir William Blackstone’s *Commentaries on the Laws in England* (1753), upon which so many American lawyers turned to and relied upon in interpreting their own laws, do affirm the same proposition that natural law and the laws of the Sacred Scriptures are part and parcel of the English Common Law. The state of English law in colonial British North America during the 18th

century is accurately summarized by the following exert from Thomas Woods in *Institutes of the Laws of England* (1720), to wit:

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

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

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

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

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

Rules concerning Law

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

Common Law is common Right.

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

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

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

And the United States Supreme Court has clearly confirmed this view, that “natural religion” is the American civil religion, and that this “natural religion” is fundamentally Christian. See, e.g., *Calder v. Ball*, 3

Dall 386 (1798)²⁶; *Fletcher v. Peck*, 6 Cranch 87, 10 U.S. 87 (1810)²⁷;

²⁶ E.g., *Calder v. Ball*, 3 Dall 386, 387-388 (1798)(Justice Chase writing for the majority):

Whether the legislature of any of the states can revise and correct by law a decision of any of its courts of justice, although not prohibited by the constitution of the state, is a question of very great importance, and not necessary now to be determined, because the resolution or law in question does not go so far. I cannot subscribe to the omnipotence of a state legislature, or that it is absolute and without control, although its authority should not be expressly restrained by the constitution or fundamental law of the state. The people of the United States erected their constitutions, or forms of government, to establish justice, to promote the general welfare, to secure the blessings of liberty, and to protect their persons and property from violence. The purposes for which men enter into society will determine the nature and terms of the social compact, and as they are the foundation of the legislative power, they will decide what are the proper objects of it. The nature and ends of legislative power will limit the exercise of it. This fundamental principle flows from the very nature of our free republican governments that no man should be compelled to do what the laws do not require nor to refrain from acts which the laws permit. There are acts which the federal or state legislature cannot do without exceeding their authority. There are certain vital principles in our free republican governments which will determine and overrule an apparent and flagrant abuse of legislative power, as to authorize manifest injustice by positive law or to take away that security for personal liberty or private property for the protection whereof of the government was established. An act of the legislature (for I cannot call it a law) contrary to the great first principles of the social compact cannot be considered a rightful exercise of legislative authority. The obligation of a law in governments established on express compact and on republican principles must be determined by the nature of the power on which it is founded.

²⁷ E.g., *Fletcher v. Peck*, 6 Cranch 87, 10 U.S. 87, 135-136 (1810)(Justice Johnson):

When, then, a law is in its nature a contract, when absolute rights have vested under that contract, a repeal of the law cannot divest those rights; and the act of annulling them, if legitimate, is rendered so by a power applicable to the case of every individual in the community. It may well be doubted whether the nature of society and of government does not prescribe some limits to the legislative power; and, if any be prescribed, where are they to be found if the property of an individual, fairly and honestly acquired, may be seized without compensation? To the Legislature all legislative power is granted, but the question whether the act of transferring the property of an individual to the public be in the nature of the legislative power is well worthy of serious reflection.

It is the peculiar province of the legislature to prescribe general rules for the government of society; the application of those rules to individuals in society would seem to be the duty of other departments. How far the power of giving the law may involve every other power, in cases where the Constitution is silent, never has been, and perhaps never can be, definitely stated. The validity of this rescinding act, then, might well be doubted, were Georgia a single sovereign power. But Georgia cannot be viewed as a single, unconnected, sovereign power, on whose legislature no other restrictions are imposed than may be found in its own Constitution. She is a part of a large empire; she is a member of the American Union; and that Union has a Constitution the supremacy of which all acknowledge, and which imposes limits to the legislatures of the several States which none claim a right to pass. The Constitution of the United States declares that no State shall pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts.

Terrett v. Taylor, 13 U.S. 43 (1815)²⁸; *Darcy v. Ketchum*, 52 U.S. 65 (1850); and *Butchers' Union, etc. Co. v Crescent, etc. Co.*, 111 U.S. 746, 756 (1883);²⁹ *Holy Trinity v. United States*, 143 U.S. 457 (1892);³⁰ *United States v. Macintosh*, 283 U.S. 605 (1931)³¹; *Zorach v. Clauson*, 343 U.S. 306 (1952).³²

Unlike the orthodox 18th-century Calvinists or orthodox Anglicans,

²⁸ E.g., *Terrett v. Taylor*, 13 U.S. 43, 52, 9 Cranch 43 (1815):

But that the legislature can repeal statutes creating private corporations, or confirming to them property already acquired under the faith of previous laws, and by such repeal can vest the property of such corporations exclusively in the state or dispose of the same to such purposes as they may please, without the consent or default of the corporators, we are not prepared to admit, and **we think ourselves standing upon the principles of natural justice, upon the fundamental laws of every free government, upon the spirit and the letter of the Constitution of the United States, and upon the decisions of most respectable judicial tribunals in resisting such a doctrine.** The statutes of 1798 ch. 9, and of 1801, ch. 5, are not, therefore, in our judgment, operative so far as to divest the Episcopal Church of the property acquired previous to the Revolution by purchase or by donation. In respect to the latter statute, there is this further objection that it passed after the District of Columbia was taken under the exclusive jurisdiction of Congress, and as to the corporations and property within that district, the right of Virginia to legislate no longer existed....

On the whole, the majority of the Court is of opinion that the land in controversy belongs to the Episcopal Church of Alexandria, and has not been divested by the Revolution or any act of the legislature passed since that period; that the plaintiffs are of ability to maintain the present bill; that the overseers of the poor of the Parish of Fairfax have no just, legal, or equitable title to the said land, and ought to be perpetually enjoined from claiming the same; and that a sale of the said land ought, for the reasons stated in the bill, to be decreed upon the assent of the minister of said church (if any there be) being given thereto; and that the present church wardens and the said James Wren ought to be decreed to convey the same to the purchaser, and the proceeds to be applied in the manner prayed for in the bill

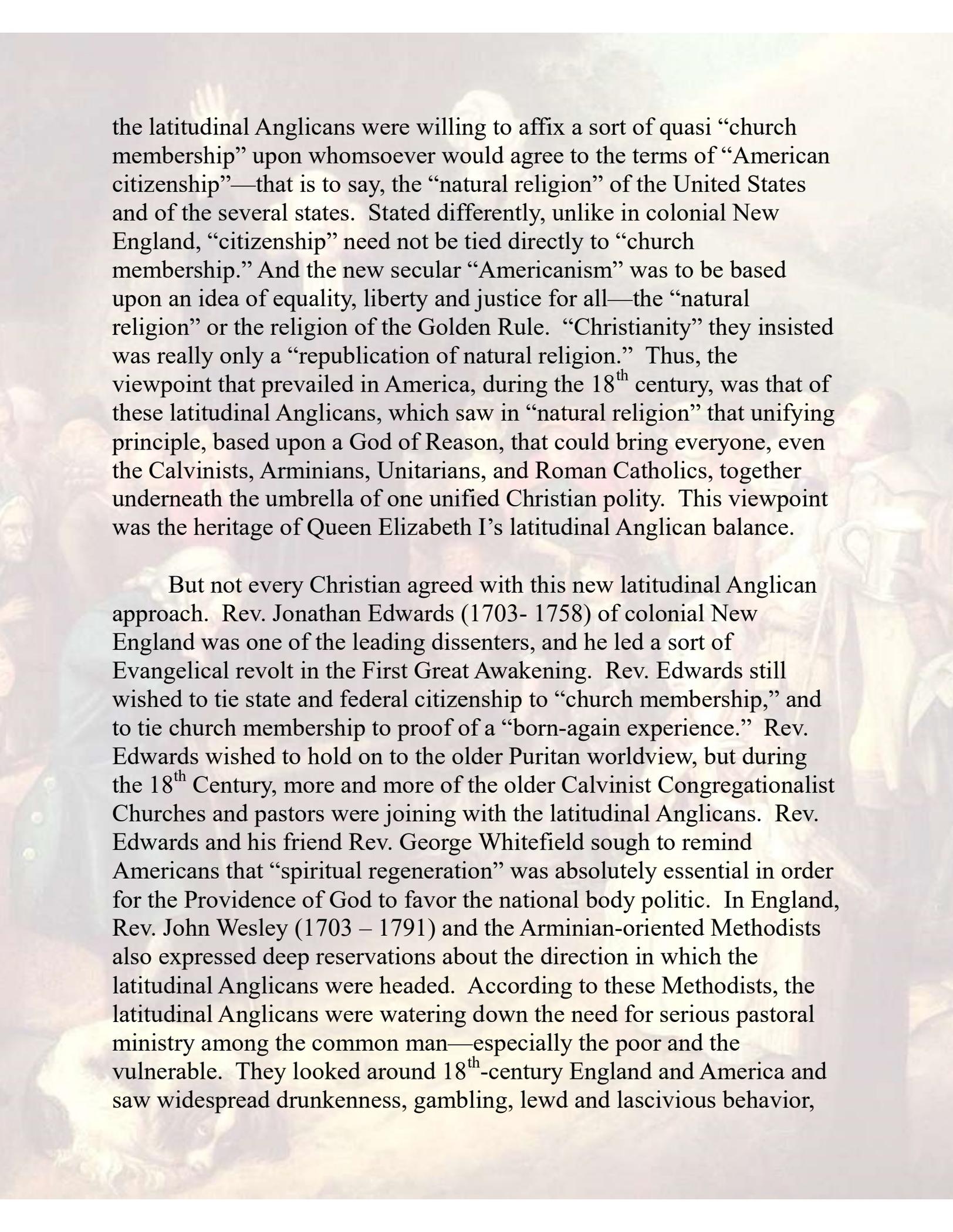
²⁹ This major decision held that the words “life, liberty, and the pursuit of happiness” in the *Declaration of Independence* constitute fundamental constitutional rights to the “liberty of occupational pursuit” guaranteeing to every American citizen the right to engage in an occupation of their own choice.

³⁰ *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.**”

³¹ *United States v. Macintosh*, 283 U.S. 605, 625 (1931):

We 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. But, also, we are a nation with the duty to survive; a nation whose Constitution contemplates war as well as peace; whose government must go forward upon the assumption, and safely can proceed upon no other, that unqualified allegiance to the nation and submission and obedience to the laws of the land, as well those made for war as those made for peace, are not inconsistent with the will of God.

³² *Zorach v. Clauson*, 343 U.S. 306, 313 (1952)(“We are a religious people whose institutions presuppose a Supreme Being. We guarantee the freedom to worship as one chooses.”)



the latitudinal Anglicans were willing to affix a sort of quasi “church membership” upon whomsoever would agree to the terms of “American citizenship”—that is to say, the “natural religion” of the United States and of the several states. Stated differently, unlike in colonial New England, “citizenship” need not be tied directly to “church membership.” And the new secular “Americanism” was to be based upon an idea of equality, liberty and justice for all—the “natural religion” or the religion of the Golden Rule. “Christianity” they insisted was really only a “republication of natural religion.” Thus, the viewpoint that prevailed in America, during the 18th century, was that of these latitudinal Anglicans, which saw in “natural religion” that unifying principle, based upon a God of Reason, that could bring everyone, even the Calvinists, Arminians, Unitarians, and Roman Catholics, together underneath the umbrella of one unified Christian polity. This viewpoint was the heritage of Queen Elizabeth I’s latitudinal Anglican balance.

But not every Christian agreed with this new latitudinal Anglican approach. Rev. Jonathan Edwards (1703- 1758) of colonial New England was one of the leading dissenters, and he led a sort of Evangelical revolt in the First Great Awakening. Rev. Edwards still wished to tie state and federal citizenship to “church membership,” and to tie church membership to proof of a “born-again experience.” Rev. Edwards wished to hold on to the older Puritan worldview, but during the 18th Century, more and more of the older Calvinist Congregationalist Churches and pastors were joining with the latitudinal Anglicans. Rev. Edwards and his friend Rev. George Whitefield sought to remind Americans that “spiritual regeneration” was absolutely essential in order for the Providence of God to favor the national body politic. In England, Rev. John Wesley (1703 – 1791) and the Arminian-oriented Methodists also expressed deep reservations about the direction in which the latitudinal Anglicans were headed. According to these Methodists, the latitudinal Anglicans were watering down the need for serious pastoral ministry among the common man—especially the poor and the vulnerable. They looked around 18th-century England and America and saw widespread drunkenness, gambling, lewd and lascivious behavior,

slavery and the transatlantic slave trade and viewed this conditions to be abhorrent. Rev. Wesley forwarded the American Methodists to beware of the latitudinal Anglican worldview, primarily because it watered down the need for virtue, prayer, and moral discipline. It assumed too much about the nature of human beings. Rev. Wesley and many other pastors and theologians would continue to promote the orthodox view of human nature, of Christ the mediator, and of the necessity of spiritual regeneration.³³

In America, certain lesser known Founding Fathers such as Luther Martin of Maryland and Patrick Henry of Virginia likewise expressed reservations about the new latitudinal Anglican perspective. Perhaps the most influential amongst the Founding Fathers to express some reservations toward this latitudinal Anglican worldview was President George Washington, who stated in his “Farewell Address” in 1796, that “morality and religion” were never meant to be separated from the State, stating:

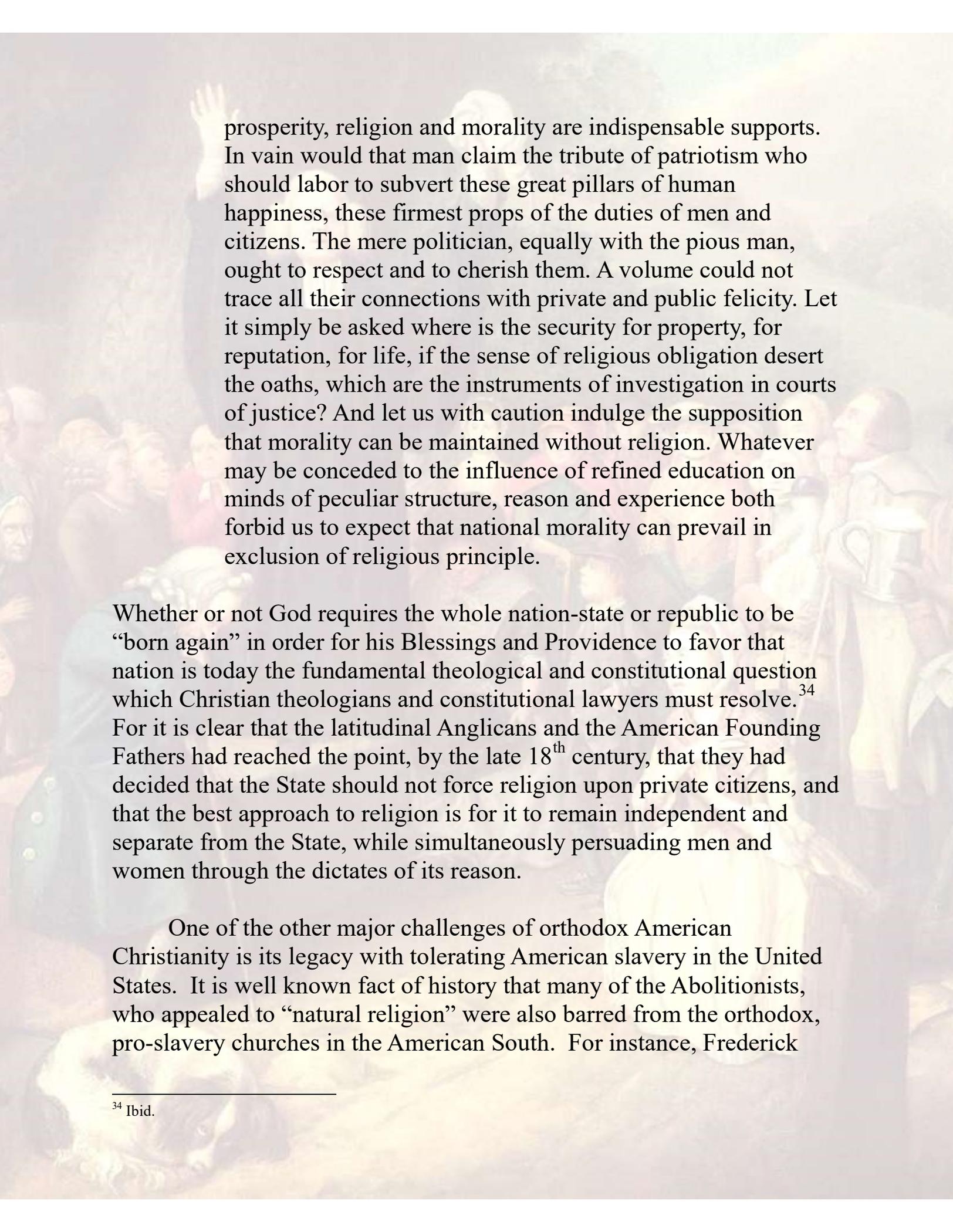
Of all the dispositions and habits which lead to political

³³ Perhaps 20th-century Baptist minister Martin Luther King, Jr. echoed the same sentiment:

“If you will let me be a preacher just a little bit—One night, a juror came to Jesus and he wanted to know what he could do to be saved. Jesus didn’t get bogged down in the kind of isolated approach of what he shouldn’t do. Jesus didn’t say, ‘Now Nicodemus, you must stop lying.’ He didn’t say, ‘Nicodemus, you must stop cheating if you are doing that.’ He didn’t say, ‘Nicodemus, you must not commit adultery.’ He didn’t say, ‘Nicodemus, now you must stop drinking liquor if you are doing that excessively.’ He said something altogether different, because Jesus realized something basic—that if a man will lie, he will steal. And if a man will steal, he will kill. So instead of just getting bogged down in one thing, Jesus looked at him and said, ‘**Nicodemus, you must be born again.**’

“He said, in other words, ‘**Your whole structure must be changed.**’ A nation that will keep people in slavery for 244 years will ‘thingify’ them—make them things. Therefore they will exploit them, and poor people generally, economically. And a nation that will exploit economically will have to have foreign investments and everything else, and will have to use its military might to protect them. All of these problems are tied together. What I am saying today is that we must go from this convention and say, “**America, you must be born again!**”

—Rev. Dr. Martin Luther King, Jr., “Where Do We Go From Here?,” 1967 ((Martin Luther King, Jr., “Where Do We Go From Here?,” Delivered at the 11th Annual SCLC Convention,” King Encyclopedia at Stanford, August 16, 1967, http://kingencyclopedia.stanford.edu/encyclopedia/documentsentry/where_do_we_go_from_here_delivered_at_the_11th_annual_sclc_convention.1.html))



prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

Whether or not God requires the whole nation-state or republic to be “born again” in order for his Blessings and Providence to favor that nation is today the fundamental theological and constitutional question which Christian theologians and constitutional lawyers must resolve.³⁴ For it is clear that the latitudinal Anglicans and the American Founding Fathers had reached the point, by the late 18th century, that they had decided that the State should not force religion upon private citizens, and that the best approach to religion is for it to remain independent and separate from the State, while simultaneously persuading men and women through the dictates of its reason.

One of the other major challenges of orthodox American Christianity is its legacy with tolerating American slavery in the United States. It is well known fact of history that many of the Abolitionists, who appealed to “natural religion” were also barred from the orthodox, pro-slavery churches in the American South. For instance, Frederick

³⁴ Ibid.

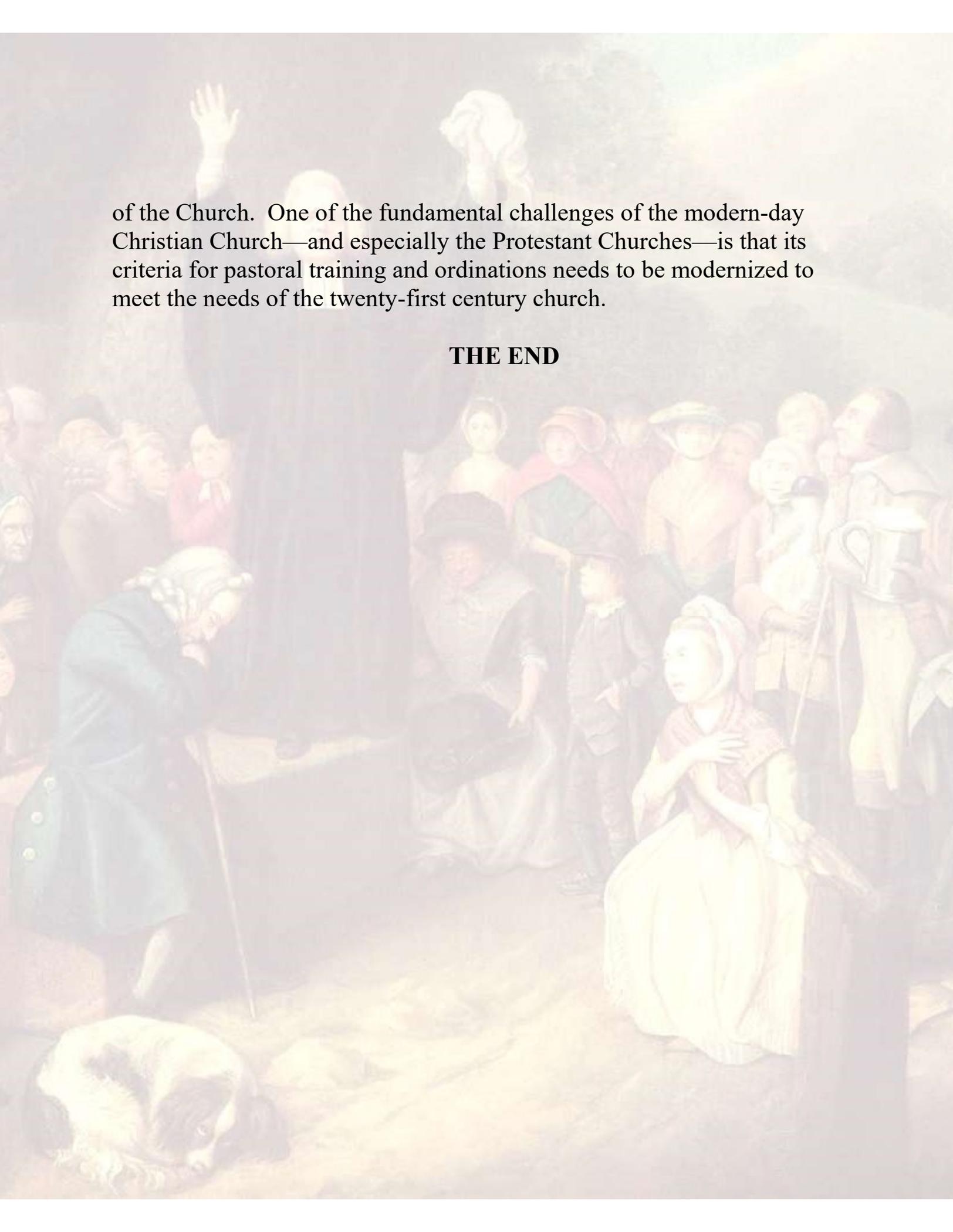
Douglass, who was himself a Methodist lay minister, as this dissertation explains, appealed to the “natural religion” when arguing in favor of African American emancipation, and excoriated pro-slavery Christians. But while Douglass, who was himself a Christian, engaged in the public discourse in the struggle for the soul of America, arguing in favor of the “natural religion,” he was not a public advocate of a Puritan-style church state, where orthodox Christianity needed to be imposed upon American citizens.

But this only begs the question: whether the State (i.e., government officials) can establish true justice, without obedience or commitment to, and knowledge of, the true God of nature and *The Holy Bible*. This dissertation explores that question in some detail, beginning with St. Augustine of Hippo’s *The City of God* and his fundamental analysis of the rise and fall of the Roman empire. The conclusions reached may be summarized as follows: the Church of Jesus Christ is not of this world and was never designed to take hold of the “civil sword” but only to serve as the conscience of the State, providing spiritual insight, advice, and wisdom to the State, so that the State can establish true justice. Given that this is one of the several essential and important functions of the Christian Church, this dissertation also concludes that Christian lawyers³⁵, economists, and political scientists ought to be ordained as “specialized pastors” and authorized to speak on behalf of the Christian Church to government officials, members of legislatures, and executive officers within secular governments, non-governmental organizations, and private enterprise. Such “specialized pastors” should not replace, or displace, the traditional pastors, but nevertheless be integrated into the regular Church ministry and legitimized as vital to the function and role

³⁵ This dissertation further concludes that, given the unique relationship between law and the practical theology of Christianity, that a sustained effort to recruit more Christian law students and young lawyers for specialized pastoral service in the Christian ministry is sine quo non. I recommend that law-school and local bar associations be organized around this idea.

of the Church. One of the fundamental challenges of the modern-day Christian Church—and especially the Protestant Churches—is that its criteria for pastoral training and ordinations needs to be modernized to meet the needs of the twenty-first century church.

THE END



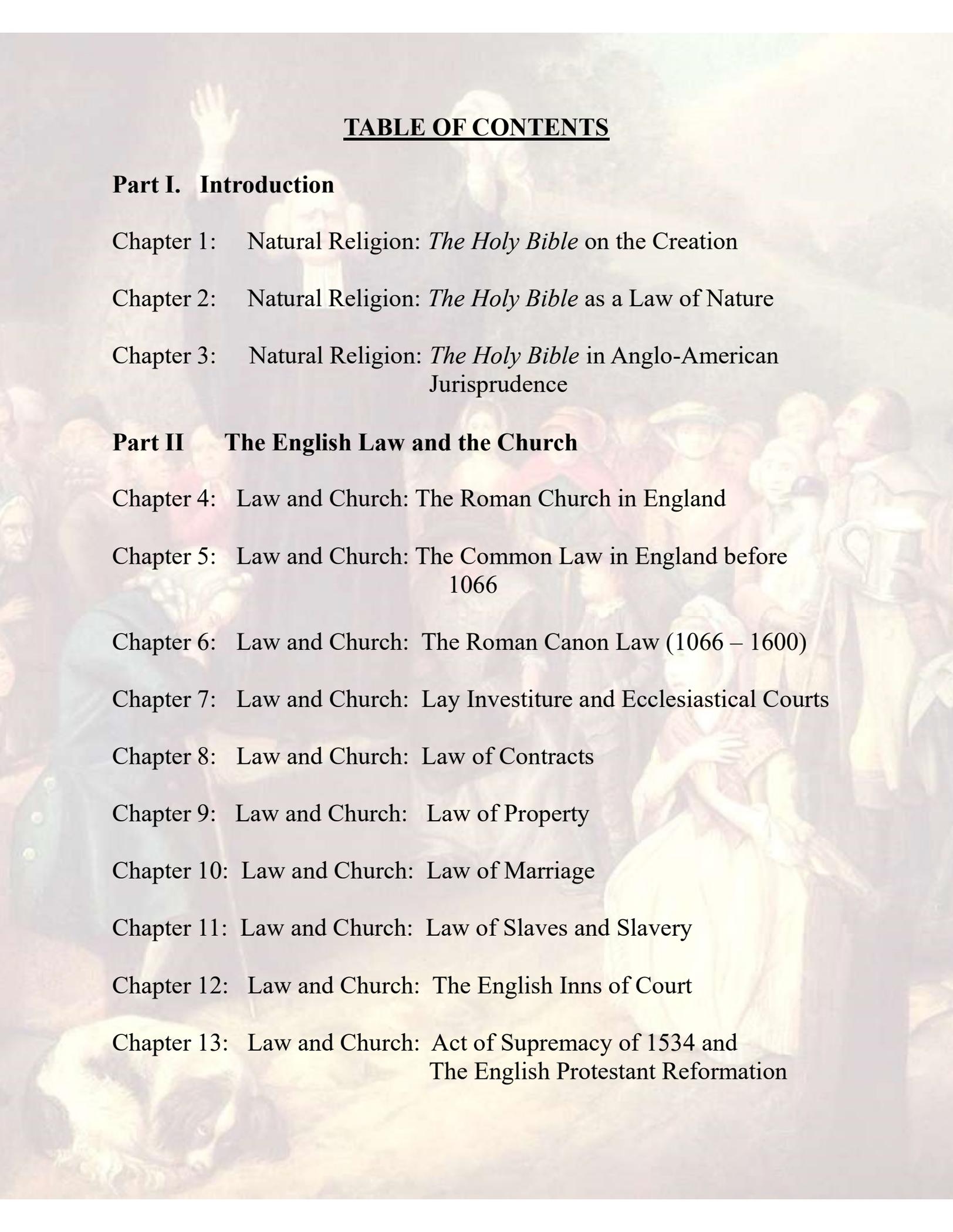


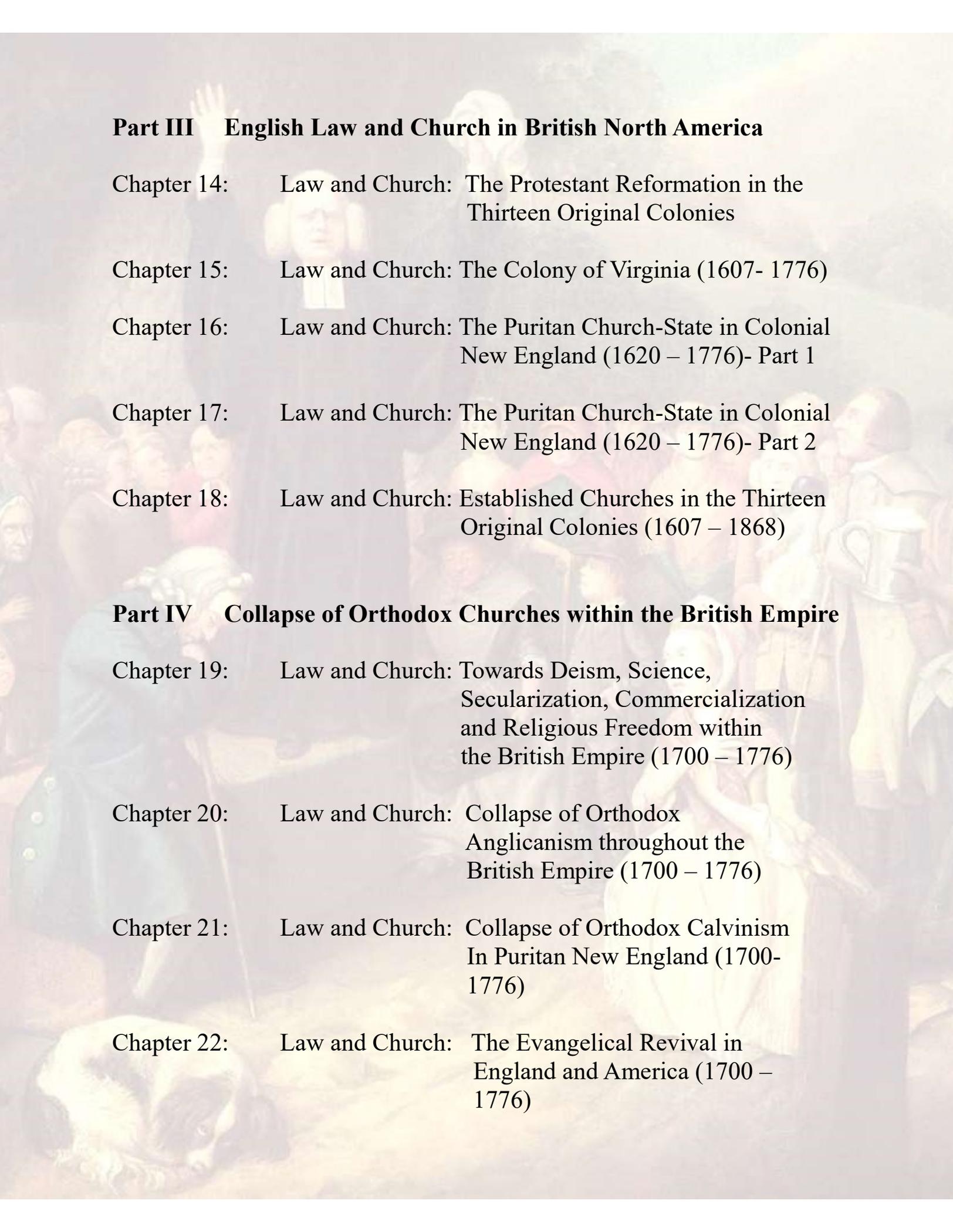
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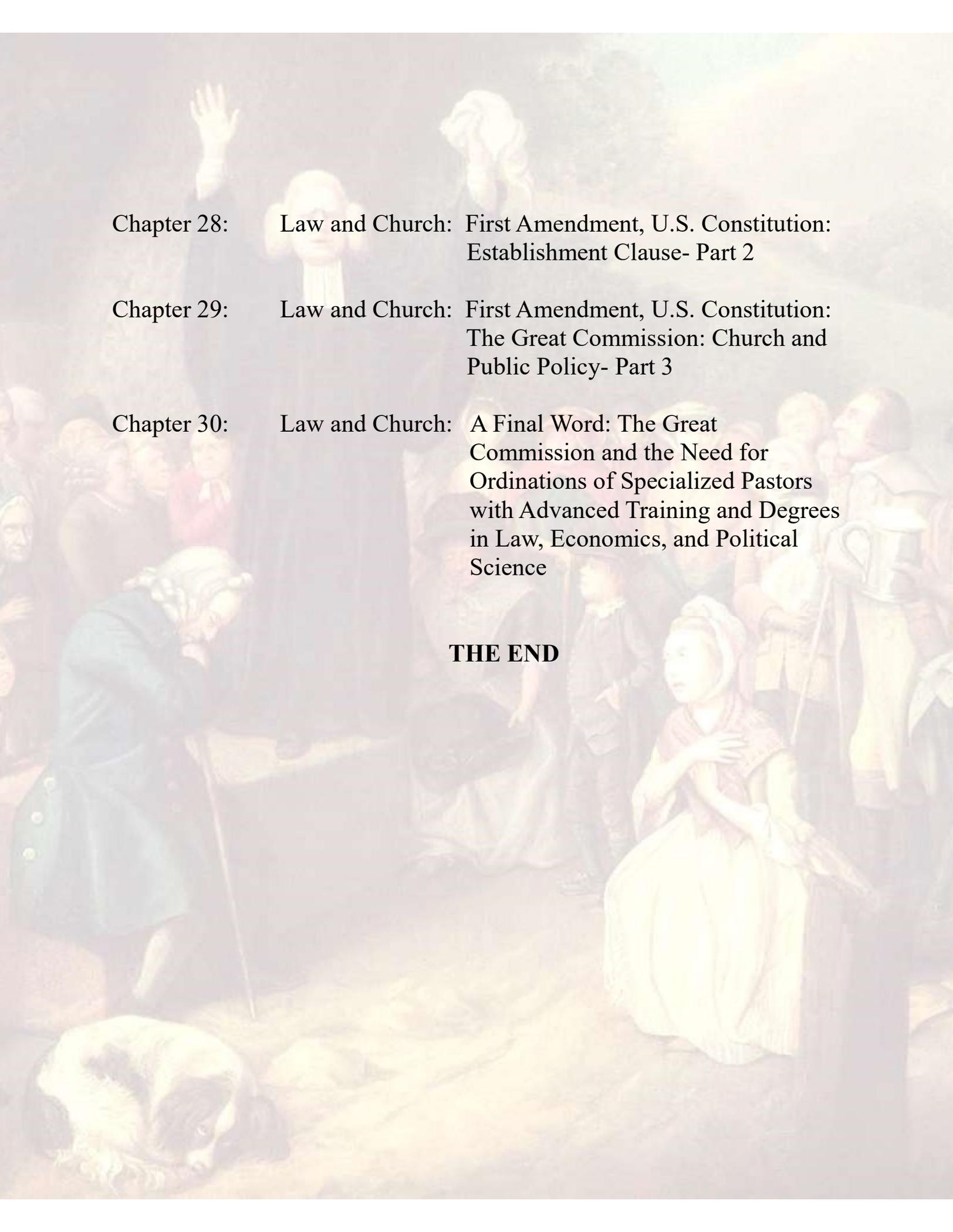
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