

# **Two Tables Theory of Civil Government In Colonial America**

By

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The Christian character of American constitutional law was deeply-rooted in the colonial laws and charters of the several colonies. The Protestant conception of “church and state,” owing in large measure to the history of religious persecution in England and Europe, thoroughly shaped the American mindset in favor of state-supported Protestant churches but with liberty of conscience to worship several versions of the Protestant faith. The Roman Catholic Church and other sects (e.g., Judaism, Islam, atheism, etc.) were generally disfavored if not altogether outlawed in colonial America. The colonial charters or constitutions then retained two broad characteristics: (a) first, they were “republican” in character, meaning that the colonies were ruled by elected official and legislative assemblies; and (b) second, they explicitly acknowledged within their governing charters or constitutions the truth of the Protestant Christian faith.

Hence, from the early 1600 through the early 1800s— notwithstanding the “Spirit of 1776” and the American Revolutionary War—the “Two Tables” theory of civil government remained predominant at least in the states that had originally comprised the thirteen original colonies. Deeply ingrained within the Protestant spirit was the belief that God was the supreme governor of the universe and that all persons should be free to worship Him as his or her conscience deemed necessary. This obligation or civil right was derived from the First Table of the Mosaic Ten Commandments. Secondly, the civil government, as God’s vice-regency, served to keep civil peace and order, and even to protect the true Christian faith. Hence, the separation of Church and State, at least from the Protestant perspective, meant nothing

more than simply dividing up shared governance responsibilities between the Church and the State. These two institutions were like two sides of the same coin—the Christian religion remained the backbone of secular jurisprudence and constitutional law. See, e.g., “Table 1. “Protestant Reformation—The Two Tables Theory for Church and State.”

Table 1. “Protestant Reformation—The Two Tables Theory for Church and State”

<b>New England Puritans (1620-1800);Rev. Roger Williams (1603 – 1683)<sup>1</sup>// Rev. Richard Baxter (1615 – 1691)// Rev. John Wesley (1703 – 1791) // Rev. George Whitefield (714 – 1770) //Rev. Martin Luther King, Jr. (1929 – 1968)(e.g., Protestant Reformation Theory of Law and Government-- e.g., Lutheranism, Calvinism, Baptist theology, American Methodism, and New England Puritanism)</b>	
<b>CHURCH-- FIRST TABLE</b>	<b>STATE-- SECOND TABLE</b>
Eternal Law	Natural Law
Divine Law	Human Law
<b>Ten Commandments (I – IV):</b>	<b>Ten Commandments (V- X):</b>
I am the Lord thy God, which have brought thee out of the land of Egypt, out of the house of bondage. Thou shalt have no other gods before me! Ex. 20:2-3.  Thou shalt not make make unto thee any graven image, or any likeness of any thing that is in heaven above, or that is in the water under the earth. Thou shalt not bow down thyself to them, nor serve them: for I the LORD thy God am a jealous God, visiting the iniquity of the fathers upon the children unto the third and fourth generation of them that hate me; and shewing mercy unto thousands of them that love me, and keep my commandments. Ex. 20:4-6	Honor thy father and thy mother: that thy days may be long upon the land which the LORD thy God giveth thee. Ex. 20:12  Thou shalt not kill! Ex. 20:13  Thou shalt not commit adultery! Ex. 20: 14  Thou shalt not steal! Ex. 20: 15  Thou shalt not bear false witness against thy neighbor! Ex. 20:16  Thou shalt not covet thy neighbor’s house, thou shalt not covet thy neighbor’s wife, nor his manservant, nor his maidservant, nor his

<sup>1</sup> See, generally, “A History of the Anglican Church: Part XXXIV (“Baptist Polity and Theology During the Life and Times of Rev. Roger Williams”), *The Apostolate Papers* (Volume 1, Apostolate Paper # 54).

<p>Thou shalt not take the name of the LORD thy God in vain; for the LORD will not hold him guiltless that that taketh his name in vain. Ex. 20: 7</p> <p>Remember the Sabbath day, to keep it holy. Six days shalt thou labour, and do all thy work: but the seventh day is the Sabbath day of the LORD thy God: in it thou shalt not do any work, thou , nor thy son, nor thy daughter, thy manservant, nor thy maidservant, nor thy cattle, nor thy stranger that is within thy gates: for in six days the LORD made heaven and earth, the sea, and all that in them is, and rested the seventh day: wherefore the LORD blessed the Sabbath day, and hallowed it. Ex. 20:8-11.</p>	<p>ox, nor his ass, nor any thing that is thy neighbor's. Ex. 20: 17</p>
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That the U.S. Constitution (ratified in 1787) or the American Bill of Rights (ratified in 1789) did not prohibit the establishment of state-supported churches within the several states is evidenced by that all of thirteen original colonies had established churches prior to the American Revolution (1775- 1789) and they continued to operate state-supported churches for several decades after the American Revolution. See Table 2, “Established Churches in the 13 Original American Colonies.”

**Table 2. “Established Churches in 13 Original American Colonies”**

<b>Colony</b>	<b>Protestant Denomination</b>	<b>Established Church-Years of Operation</b>	<b>Duration of Support for Established Church</b>
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/	1643 - 1842	199 years

	Congregational Church/Baptist Church/Non-Denominational/Protestant Christian Faith		
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	1681 - 1790	109 years
New Jersey	Non-Denominational/Protestant Christian Faith	1702 - 1844	142 years

This constitutional scheme meant that the Christian character of American jurisprudence and constitutional law, under the Protestant “two-tables” conception of civil government, continued unimpeded following the American Revolutionary War. As Table 3, below, reveals, the Christian Faith was explicitly incorporated into American law and jurisprudence at the state level.

Table 3. “Christian Character of Colonial Charters and State Laws”

Colony	Protestant Denomination	Key Provision within Constitutional Charter
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<b>Virginia</b>	Anglican/ Church of England	<p>“Every Person should go to church, Sundays and Holidays, or lye Neck and Heels that Night, and be a Slave to the Colony the following Week; for the second Offence, he should be a Slave for a Month; and for the third, a Year and a Day.”</p> <p>Governor Argall’s Decree 1617</p> <p>“That religion, or the duty which we owe to our Creator and the manner of discharging it, can be directed by reason and conviction, not by force or violence; and therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other.”</p> <p>Virginia Declaration of Rights 1776</p>
<b>Massachusetts</b>	Puritan/ Congregational Church	<p>“Like many who arrived on these shores in the 17th century, the Puritans of Massachusetts Bay came to America seeking religious freedom... The freedom they sought, however, was for themselves and not for others. The Puritans felt called by God to establish ‘new Israel,’ a holy commonwealth based on a covenant between God and themselves as the people of God. Though there were separate areas of authority for church and state in Puritan Massachusetts, all laws of the community were to be grounded in God’s law and all citizens were expected to uphold the divine covenant...</p> <p>Very early in the Massachusetts experiment, dissenters arose to challenge the Puritan vision of a holy society. The first dissenter, Roger Williams (c.1603-1683), was himself a Puritan minister but with a very different vision of God’s plan for human society. Williams argued that God had not given divine sanction to the Puritan colony. In his view, the civil authorities of Massachusetts had no authority to involve themselves in matters of faith. The true church, according to Williams, was a voluntary association of God’s elect. Any state involvement in the worship or God, therefore,</p>

		<p>was contrary to the divine will and inevitably led to the defilement of the church...</p> <p>Banished from Massachusetts in 1635, Roger Williams founded Rhode Island, the first colony with no established church and the first society in America to grant liberty of conscience to everyone.” -- First Amendment Center</p> <p>“Article II. It is the right as well as the duty of all men in society, publicly and at stated seasons, to worship the Supreme Being, the great Creator and Preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience, or for his religious profession or sentiments. provided he doth not disturb the public peace or obstruct others in their religious worship.</p> <p>Article III. And every denomination of Christians, demeaning themselves peaceably and as good subjects of the commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.</p> <p>Chapter VI. Article I. Any person chosen governor, lieutenant-governor, councillor, senator, or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz:</p> <p>‘I _____, do declare that I believe the Christian religion...’”</p> <p>Massachusetts Constitution 1780</p>
<p><b>New Hampshire</b></p>	<p>Puritan/ Congregational Church</p>	<p>“Article III. When men enter into a State of society they surrender up some of their natural rights to that society, in order to ensure the protection of others...</p> <p>Article IV. Among the natural rights, some are in their very nature unalienable, because no equivalent can be given or received for them. Of this kind are the</p>

		<p>RIGHTS OF CONSCIENCE...</p> <p>Article V. Every individual has a natural and unalienable right to worship GOD according to the dictates of his own conscience and reason; and no person shall be hurt, molested, or restrained in his person, liberty, or estate for worshipping God in the manner most agreeable to the dictates of his own conscience, or for his religious profession, sentiments, or persuasion; provided he doth not disturb the public peace or disturb others in their religious worship.</p> <p>Senate. Provided, nevertheless, That no person shall be capable of being elected a senator who is not of the Protestant religion...</p> <p>House of Representatives. Every member of the house of representatives... shall be of the Protestant religion...</p> <p>President. [H]e shall be of the Protestant religion.”</p> <p>New Hampshire Constitution 1784</p>
<p><b>Rhode Island</b></p>	<p>Puritan/ Congregational Church/Baptist Church/Non- Denominational/ Protestant Christian Faith</p>	<p>“That [the inhabitants], pursueing, with peaceable and loyall minces, their sober, serious and religious intentions, of goalie edifieing themselves, and one another, in the holy Christian faith and worship, as they werepersuaded; together with the gaining over and conversion of the poor ignorant Indian natives, in thoseparts of America, to the sincere profession and obedience of the same faith and worship...</p> <p>[T]rue pietye rightly grounded upon gossell principles, will give the best and greatest security to sovereignty, and will lay in the hearts of men the strongest obligations to true loyalty: Now know bee, that wee beinge willinge to encourage the hopefull undertakeinge of oure sayd lovall and loveinge subjects, and to secure them in the free exercise and enjoymnt of all their civill and religious rights, appertaining to them, as our loveing subjects; and to preserve unto them that libertye, in the true Christian ffaith and worshipping of God...</p>

		<p>That our royall will and pleasure is, that noe person within the sayd colonye, at any tyme hereafter, shall bee any wise molested, punished, disquieted, or called in question, for any differences in opinione in matters of religion, and doe not actually disturb the civill peace of our sayd colony; but that all and everye person and persons may, from tyme to tyme, and at all tymes hereafter, freelye and fullye have and enjoye his and their owne judgments and consciences, in matters of religious concernments...</p> <p>[A]nd to direct, rule, order and dispose of, all other matters and things, and particularly that which relates to the makinge of purchases of the native Indians, as to them shall seeme meete; wherebv oure sayd people and inhabitants, in the sayd Plantationes, may be soe religiously, peaceably and civilly governed, as that, by their good life and orderlie conversations, they may win and invite the native Indians of the countrie to the knowledge and obedience of the onlie true God, and Saviour of mankinde.”</p> <p>Charter of Rhode Island and Providence Plantations July 15, 1663</p>
<b>Connecticut</b>	Puritan/ Congregational Church	<p>“[O]ur said people, Inhabitants there, may bee soe religiously, peaceably and civilly Governed as their good life and orderly Conversacon may wynn and invite the Natives of the Country to the knowledge and obedience of the onely true God and Saviour of mankind, and the Christian faith, which in our Royall intencons and the Adventurers free profession is the onely and principall end of this Plantacon.”</p> <p>Connecticut Colony Charter 1662</p>
<b>Delaware</b>	Non- Denominational/ Protestant Christian Faith	<p>“BECAUSE no People can be truly happy, though under the greatest Enjoyment of Civil Liberties, if abridged of the Freedom of their Consciences, as to their Religious Profession and Worship: And Almighty God being the only Lord of Conscience, Father of Lights and Spirits; and the Author as well as Object of all divine Knowledge, Faith and Worship, who only</p>



		<p>doth enlighten the Minds, and persuade and convince the Understandings of People, I do hereby grant and declare, That no Person or Persons, inhabiting in this Province or Territories, who shall confess and acknowledge Our almighty God, the Creator, Upholder and Ruler of the world; and professes him or themselves obliged to live quietly under the Civil Government, shall be in any Case molested or prejudiced, in his or their Person or Estate, because of his or their consciencious Persuasion or Practice, nor be compelled to frequent or maintain any religious Worship, Place or Ministry, contrary to his or their Mind, or to do or suffer any other Act or Thing, contrary to their religious Persuasion.</p> <p>AND that all Persons who also profess to believe in Jesus Christ, the Saviour of the World, shall be capable (notwithstanding their other Persuasions and Practices in Point of Conscience and Religion) to serve this Government in any Capacity, both legislatively and executively.”</p> <p>Charter of Delaware 1701</p>
<b>Maryland</b>	Anglican/ Church of England	<p>“Article XXXIII. That, as it is the duty of every man to worship God in such manner as he thinks most acceptable to him; all persons, professing the Christian religion, are equally entitled to protection in their religious liberty; wherefore no person ought by any law to be molested in his person or estate on account of his religious persuasion or profession, or for his religious practice; unless, under colour of religion, any man shall disturb the good order, peace or safety of the State, or shall infringe the laws of morality, or injure others, in their natural, civil, or religious rights; nor ought any person to be compelled to frequent or maintain, or contribute, unless on contract, to maintain any particular place of worship, or any particular ministry; yet the Legislature may, in their discretion, lay a general and equal tax for the support of the Christian religion; leaving to each individual the power of appointing the payment over of the money, collected from him, to the support of any particular place of worship or minister, or for the benefit of the poor of his own denomination, or the poor in general of any</p>

		<p>particular county: but the churches, chapels, globes, and all other property now belonging to the church of England, ought to remain to the church of England forever...</p> <p>Article XXXV. That no other test or qualification ought to be required, on admission to any office of trust or profit, than such oath of support and fidelity to this State, and such oath of office, as shall be directed by this Convention or the Legislature of this State, and a declaration of a belief in the Christian religion.”</p> <p>Maryland State Constitution 1776</p>
<b>New York</b>	Anglican/ Church of England	<p>“The Dutch Colony of the seventeenth century was officially intolerantly Protestant but was, as has been noted, in practice tolerant and fair to people of other faiths who dwelt within New Netherland.</p> <p>When the English took the province from the Dutch in 1664, they granted full religious toleration to the other forms of Protestantism, and preserved the property rights of the Dutch Reformed Church, while recognizing its discipline.</p> <p>In 1697, although the Anglican Church was never formally established in the Province of New York, Trinity Church was founded in the City of New York by royal charter, and received many civil privileges and the munificent grants of land which are the source of its present great wealth.” -- <i>New Advent Catholic Encyclopedia</i></p> <p>“THAT Noe person or persons which professe ffaith in God by Jesus Christ Shall at any time be any wayes molested punished disquieted or called in Question for any Difference in opinion or Matter of Religious Concernment”</p> <p>New York Charter of Liberties and Privileges 1683</p>
<b>Georgia</b>	Anglican/ Church of England	<p>“Article VI. [R]epresentatives... shall be of the Protestant religion...</p>

		<p>Article LVI. All persons whatever shall have the free exercise of their religion; provided it be not repugnant to the peace and safety of the State; and shall not, unless by consent, support any teacher or teachers except those of their own profession.”</p> <p>Georgia Constitution 1777</p>
<b>North Carolina</b>	Anglican/ Church of England	<p>“Article XIX. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences.</p> <p>Article XXXI. That no clergyman, or preacher of the gospel, of any denomination, shall be capable of being a member of either the Senate, House of Commons, or Council of State, while he continues in the exercise of pastoral function.</p> <p>Article XXXII. That no person, who shall deny the being of God or the truth of the Protestant religion, or the divine authority of the Old or New Testaments, or who shall hold religious principles incompatible with the freedom and safety of the State, shall be capable of holding any office or place of trust or profit in the civil department within this State.</p> <p>Article XXXIV. That there shall be no establishment of any one religious church or denomination in this State, in preference to any other; neither shall any person, on any presence whatsoever, be compelled to attend any place of worship contrary to his own faith or judgment, nor be obliged to pay, for the purchase of any glebe, or the building of any house of worship, or for the maintenance of any minister or ministry, contrary to what he believes right, or has voluntarily and personally engaged to perform; but all persons shall be at liberty to exercise their own mode of worship: — Provided, That nothing herein contained shall be construed to exempt preachers of treasonable or seditious discourses, from legal trial and punishment.”</p> <p>North Carolina Constitution 1776</p>
<b>South Carolina</b>	Anglican/ Church of England	<p>“Article XXXVIII. That all persons and religious</p>

societies who acknowledge that there is one God, and a future state of rewards and punishments, and that God is publicly to be worshipped, shall be freely tolerated. The Christian Protestant religion shall be deemed, and is hereby constituted and declared to be, the established religion of this State. That all denominations of Christian Protestants in this State, demeaning themselves peaceably and faithfully, shall enjoy equal religious and civil privileges. To accomplish this desirable purpose without injury to the religious property of those societies of Christians which are by law already incorporated for the purpose of religious worship, and to put it fully into the power of every other society of Christian Protestants, either already formed or hereafter to be formed, to obtain the like incorporation, it is hereby constituted, appointed, and declared that the respective societies of the Church of England that are already formed in this State for the purpose of religious worship shall still continue Incorporate and hold the religious property now in their possession. And that whenever fifteen or more male persons, not under twenty-one years of age, professing the Christian Protestant religion, and agreeing to unite themselves in a society for the purposes of religious worship, they shall, (on complying with the terms hereinafter mentioned,) be, and be constituted, a church, and be esteemed and regarded in law as of the established religion of the state, and on a petition to the legislature shall be entitled to be incorporated and to enjoy equal privileges. That every society of Christians so formed shall give themselves a name or denomination by which they shall be called and known in law, and all that associate with them for the purposes of worship shall be esteemed as belonging to the society so called. But that previous to the establishment and incorporation of the respective societies of every denomination as aforesaid, and in order to entitle them thereto, each society so petitioning shall have agreed to and subscribed in a book the following five articles, without which no agreement or union of men upon pretense of religion shall entitle them to be incorporated and esteemed as a church of the established religion of this State:

Ist. That there is one eternal God, and a future state of rewards and punishments.

		<p>2d. That God is publicly to be worshipped.</p> <p>3d. That the Christian religion is the true religion.</p> <p>4th. That the holy scriptures of the Old and New Testaments are of divine inspiration, and are the rule of faith and practice.</p> <p>5th That it is lawful and the duty of every man being thereunto called by those that govern, to bear witness to the truth.”</p> <p>South Carolina Constitution 1778</p>
<p><b>Pennsylvania</b></p>	<p>Non-Denominational/ Protestant Christian Faith</p>	<p>“Section. 2. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their Own consciences and understanding: And that no man ought or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any ministry, contrary to, or against, his own free will and consent: nor can any man, who acknowledges the being of a God, be justly deprived or abridged of any civil right as a citizen, on account or his religious sentiments or peculiar mode of religious worship: And that no authority can or ought to be vested in, or assumed by any power whatever, that shall in any case interfere with, or In any manner controul, the right of conscience in the free exercise of religious worship.</p> <p>Section 10... shall each [representative] before they proceed to business take... the following oath or affirmation:</p> <p>‘I do believe in one God, the creator and governor of the universe, the rewarder of the good and punisher of the wicked. And I do acknowledge the Scriptures of the Old and New Testament to be given by Divine inspiration.’</p> <p>And no further or other religious test shall ever hereafter be required of any civil officer or magistrate in this state.”</p>

		Pennsylvania Constitution 1776
<b>New Jersey</b>	Non-Denominational/ Protestant Christian Faith	<p>“XVIII. That no person shall ever, within this Colony, be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience; nor, under any pretense whatever, be compelled to attend any place of worship, contrary to his own faith and judgment; nor shall any person, within this Colony, ever be obliged to pay tithes, taxes, or any other rates, for the purpose of building or repairing any other church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately or voluntarily engaged himself to perform.</p> <p>XIX. That there shall be no establishment of any one religious sect in this Province, in preference to another; and that no Protestant inhabitant of this Colony shall be denied the enjoyment of any civil right, merely on account of his religious principles; but that all persons, professing a belief in the faith of any Protestant sect, who shall demean themselves peaceably under the government, as hereby established, shall be capable of being elected into any office of profit or trust, or being a member of either branch of the Legislature, and shall fully and freely enjoy every privilege and immunity, enjoyed by others their fellow subjects.”</p> <p>New Jersey Constitution 1776</p>

The history of the Society for the Propagation of the Gospel in Foreign Parts (SPG) reminds us, however, that American colonial charters, proclamations, and laws did not necessarily mean that they were implemented. In fact the history of the SPG instruct us that most of the colonial state-supported structures, with the exception of colonial New England, were defunded or inadequately funded—and this was especially true of the Anglican churches in British North America.

To conclude, the institution of the Protestant Christian Church—particularly the Church of England and the Puritan Congregational

Churches of Colonial New England—remained a dominant force in American legal and constitutional law easily from the early 1600s up through the early 1800s, since the American Revolution (1775 – 1789) did not prohibit individual states from establishing state churches during this period. The Holy Bible, the English common law, and the sacred traditions of the various Protestant sects remained predominant in American law. As reflected in the state charters and by-laws, as cited above in Table 3, the principles of the Christian faith laid the natural-law foundations of American constitutional freedom, as reflected in the *American Declaration of Independence* (1776) and the U.S. Constitution (1787). These same Protestant Christian principles would eventually spell the death-knell to the institution of African slavery during the mid-1800s; and, through the Black Church, would continue to influence American constitutional law. Today, the orthodox Protestant Christian faith has not changed its fundamental perspectives on the “Two-Tables” theory of civil government in United States. And this may be the source of future conflict within American social, economic, and political life for the next several decades.

The End