

# THE METHODIST LAW CENTRE

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## Corporate Headquarters

Episcopal Legal Services District, Inc.  
Tampa, Florida  
(813) 223-1200  
(813) 223-4226 facsimile  
www.methodistlawcentre.com

## Mailing Address:

The Methodist Law Centre  
5745 S.W. 75th Street  
Box # 149  
Gainesville, Florida 32608  
(352) 559-5544  
(800) 791-2241 facsimile  
www.methodistlawcentre.com

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**Hamilton Center for Classical and Civic Education**  
**University of Florida**  
**P. O. Box 117625**  
**Gainesville, Florida 32611-7625**  
**Email: [jstinneford@ufl.edu](mailto:jstinneford@ufl.edu)**

**RE: Postdoctoral Research Description (Corrective Copy)**

**Dear Director Stinneford:**

**I am a member of the Florida Bar and an American lawyer who has organized his law practice around principles of Christian *praxis*.**

**I represent the Reformed Church and Puritan legal tradition and, as such, my application for the Postdoctoral Fellowship in Classics, History, Literature, Law and Political Science is designed to revitalize the classic “Augustinian” heritage of western constitutional law and jurisprudence.**

**To that end, the title of my proposed postdoctoral research is:**

PRACTICAL PROBLEMS IN LAW AND MINISTRY:  
*Puritanism and the Presbyterian Enlightenment*  
or  
The Religion of Nature  
As the Foundation of the United States Constitution

**This postdoctoral work was begun at Whitefield Theological Seminary’s Graduate School of Church-State Relations in Lakeland, Florida. And I sincerely believe that with further support from the world-class faculty at the University of Florida, this work will have a very positive impact upon the American legal profession, the Christian church, and the entire American body politic.**

## II.

This postdoctoral research is concerned about the dilapidated state of the Christian religion in the United States, and particularly within the American legal academy. It is concerned with the increased alienation of Christian law students and law professors within the American legal academy. And it is concerned with the overall Christian *praxis* of Christian lawyers and judges within the American legal profession.

A slow and steady removal of Christian legal history and jurisprudence<sup>1</sup> from the mainstream American legal academy, as well as from the professional-development platforms that sponsor on-going training for American lawyers, has all but completely severed the American legal profession from its ecclesiastical and Christian roots.<sup>2</sup> The objective of this postdoctoral project is to reverse these trends.

This postdoctoral project shall highlight the fact that, at least up through the early 1900s, the severance of American law from the Christian religion was not the implied or stated objective of mainstream American jurisprudence.<sup>3</sup> See, e.g., *Calder v. Ball*, 3 Dall

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<sup>1</sup> Augustine of Hippo's *The City of God* (New York, N.Y. : The Modern Library, 1950) is the cornerstone of my postdoctoral research. See, e.g., Ruben Alvarado, *Calvin and the Whigs: A Study in Historical Political Theology* (The Netherlands: Pantocrator Press, 2017), pp. 7-8:

In dating the origins of Western civilization, and consequently of its constitution, the publication of Augustine's *De Civitate Dei* [*Of the City of God*] serves as well as any for a reference point. This book was perhaps the most important ever written in the West; for a thousand years after its publication it exercised an influence unrivalled by any other, besides the Bible itself. For good reason, one writer calls it 'The Charter of Christendom.'

See, also, Thomas E. Woods, Jr. *How The Catholic Church Built Western Civilization* (Washington, D.C.: Regnery Publishing, Inc., 2005), pp. 155-156, 168.

<sup>2</sup> *Ibid.*

<sup>3</sup> See, e.g., William Goodell, *The Democracy of Christianity, or; An Analysis of the Bible and its Doctrines in Their Relation to the Principles of Democracy* (New York, N.Y.: Cady and Burgess, 1852). See, generally, Frank Ravitch and Larry Backer, *Law and Religion: Cases and Materials* (St. Paul, MN: American Casebook Series, 2021); Leslie C. Green, *Law and Religion: Cases and Materials* (New York, N.Y.: Foundation Press, 2007). The "civil religion" of the United States is frequently utilized by the Presidents of the United States in their various public speeches. President George Washington, *Farewell Address* (1796)("Can it be, that Providence has not connected the permanent felicity of a nation with its virtue?"); President Thomas Jefferson, *Second Inaugural Address* (March 4, 1804)("Let us, then, with courage and confidence pursue our own Federal and Republican principles... enlightened by a benign religion, professed, indeed, and practiced in various forms.... yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man; acknowledging and adoring an overruling Providence, which by all its dispensations proves that it delights in the happiness of man here and his greater happiness hereafter...."); President Abraham Lincoln, *Second Inaugural Address* (March 4, 1864)("The Almighty has His own purposes.... If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come... 'the judgments of the Lord are true and righteous altogether.'").

386 (1798); *Fletcher v. Peck*, 6 Cranch 87, 10 U.S. 87 (1810); *Terrett v. Taylor*, 13 U.S. 43 (1815)<sup>4</sup>; *Darcy v. Ketchum*, 52 U.S. 65 (1850); and *Butchers' Union, etc. Co. v Crescent, etc, Co.*, 111 U.S. 746, 756 (1883); *Holy Trinity v. United States*, 143 U.S. 457 (1892);<sup>5</sup> *United States v. Macintosh*, 283 U.S. 605 (1931)<sup>6</sup>; *Zorach v. Clauson*, 343 U.S. 306 (1952)).

Also, our modern-day “conservative-liberal” discourse in mainstream American politics offers us no clear explanations or answers, because the stated objectives of the landmark American Civil Rights movement of the 1960s did not include severing American law from its Christian foundations.<sup>7</sup> Hence, at least up through the 1960s, both conservative white Christians and progressive black Christians shared a deep respect for the Christian foundations of American constitutional and jurisprudence.

### Church ←-----→ State ←-----→ Capitalism

Therefore, this postdoctoral study examines whether there are other forces— especially countervailing market, political, and economic forces<sup>8</sup>—that have steadily dismantled and uprooted the Christian religion from its once privileged position within Anglo-American political philosophy, political theory, constitutional law, and jurisprudence.<sup>9</sup>

And building off of an 18<sup>th</sup>-century theological scheme called “Oxford Methodism,”<sup>10</sup> this postdoctoral project utilizes a Christian worldview of classical

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<sup>4</sup> E.g., *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**”).

<sup>5</sup> *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**.”)

<sup>6</sup> *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.”)

<sup>7</sup> See, generally, Martin Luther King, Jr. *Letter from the Birmingham City Jail* (1963). Similarly, the undersigned’s published books, *The Evasion of African American Workers* (2008) and *Labor Matters: The African American Labor Crisis* (2009, 2015) were written within the framework of Christian *praxis*. Christian *praxis* guides legal objectives and seeks just solutions to pressing social, cultural, political, economic, and legal crises.

<sup>8</sup> See, generally, John Kenneth Galbraith, *The Affluent Society and Other Writings* (New York, N.Y.: The Library of America, 2010); John Kenneth Galbraith, *The Economics of Innocent Fraud: Truth for Our Time* (Boston, M.A.: Houghton Mifflin, 2004); Max Weber, *The Protestant Work Ethic and the Spirit of Capitalism* (New York, N.Y.: Charles Scribner’s Sons, 1930); and R.H. Tawney, *Religion and the Rise of Capitalism* (New York, N.Y.: Mentor Books, 1954); James E. Alvey, “The Secret, Natural Theological Foundation of Adam Smith’s Work,” *Journal of Markets & Morality*, Volume 7, Number 2 (Fall 2004): 335–361.

<sup>9</sup> See, e.g., Reinhold Niebuhr, *Major Works on Religion and Politics* (New York, N.Y.: The Library of America, 2015), pp. 498-499.

<sup>10</sup> The basic theme of 18<sup>th</sup>-century Methodism was that “the Gospel of Christ knows no religion but social, no holiness but social holiness.” Methodism’s call for social holiness and social reform was deeply-rooted in a

ancient natural law, natural justice, and principles of equity [e.g., the ancient theories and philosophies of the Greeks and Romans], together with the ancient Judea-Christian ethos contained within the Sacred Scriptures, in order to examine and critique the countervailing economic forces that have undermined the Christian foundations of Anglo-American jurisprudence.<sup>11</sup>

The implications here are that Christian lawyers and judges have the power—not the Christian church or its clergymen standing alone and without guidance from the bar and bench—to make certain vital and remedial measures that will resuscitate a healthy American body politic. The implications here also suggest that, within the American legal academy, Christian law students and law professors ought to actively study Christian theology, Christian philosophy, and Christian law and jurisprudence with the objective of devising practical solutions to pressing, real-world social, economic, and political crises. This is the true Christian *praxis* that is the real essence of the Christian religion.<sup>12</sup>

Attached please find a draft copy of my proposed research, *Puritanism and the Presbyterian Enlightenment or The Religion of Nature as the Foundation of the United States Constitution*.

Yours Sincerely,

*Roderick Ford*

Roderick O. Ford, LL.D., J.D.  
Postdoctoral Fellow at Whitefield  
College and Theological Seminary

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traditional Anglican conception of the secular magistrate (i.e., the State) as being God’s vicegerent who must administer true justice. Max Weber has said that “[t]he great revival of Methodism, which preceded the expansion of English industry toward the end of the eighteenth century, may well be compared with such a monastic reform. We may hence quote here a passage from John Wesley himself.... ‘I fear, wherever riches have increased, the essence of religion has decreased in the same proportion. Therefore, I do not see how it is possible, in the nature of things, for any revival of true religion to continue long. For religion must necessarily produce both industry and frugality, and these cannot but produce riches. But as riches increase, so will pride, anger, and love of the world in all its branches....’” *The Protestant Work Ethic and the Spirit of Capitalism*, supra, pp. 124-125.

<sup>11</sup> Augustine of Hippo’s *The City of God* is the cornerstone of this postdoctoral research.

<sup>12</sup> See, e.g., Reinhold Niebuhr, *Major Works on Religion and Politics* (New York, N.Y.: The Library of America, 2015).