

# **ST. LUKE’S INN OF COURT**

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**“A History of the Anglican Church—Part XXIII (Sec. 4):  
An Essay on the Role of Christian Lawyers and Judges within the Secular  
State”©**

**By**

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### **TABLE OF CONTENTS**

**Preface**  
**Introduction**  
**Summary**

**Part XXIII. Anglican Church: “Christian Theology and Protestant  
Dissent in England (1530-1650)” (Sec. 4)**

**Section IV. The English Dissenters of the early 17th Century: An  
Introduction**

- A. The Puritans
- B. The Presbyterians
- C. The Independents, Separatists, and Other minor sects
- D. The English Baptists

**Conclusion**

The ideas expressed in this Apostolate Paper are wholly those of the author,  
and subject to modification as a result of on-going research into this subject

matter. This paper is currently being revised and edited, but this version is submitted for the purpose of sharing Christian scholarship with clergy, the legal profession, and the general public.

## PREFACE

The organized Christian church of the Twenty-First Century is in crisis and at a crossroad. Christianity as a whole is in flux. And I believe that Christian lawyers and judges are on the frontlines of the conflict and changes which are today challenging both the Christian church and the Christian religion. Christian lawyers and judges have the power to influence and shape the social, economic, political, and legal landscape in a way that will allow Christianity and other faith-based institutions to evangelize the world for the betterment of all human beings. I write this essay, and a series of future essays, in an effort to persuade the American legal profession to rethink and reconsider one of its most critical and important jurisprudential foundations: the Christian religion. To this end, I hereby present the thirty-seventh essay in this series: “A History of the Anglican Church—Part XXIII.”

## INTRODUCTION<sup>1</sup>

When during the fall of 1992 at the University of Illinois, I began research on my juris doctor thesis, “The American Jurist: A Natural Law Interpretation of the U.S. Constitution, 1787 to 1910,” I naturally assumed that Christianity and natural law were the foundations of American jurisprudence. My public-school education and Christian up-bringing in rural, northern Florida had somehow indoctrinated me. Ever since my eighth-grade American history course in 1982, I had not forgotten the following preamble to *The Declaration of Independence*:

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.

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<sup>1</sup> This paper on the Protestant Reformation in England (1530-1650) is dedicated to Brown University in Providence, Rhode Island. While visiting its campus in 2012, I purchased a copy of Rev. Roger Williams’ *The Bloudy Tenent of Persecution For Cause of Conscience* (1644), which has been a major influence in my decision to publish these apostolate papers. Rev. William’s theological ideas are outlined in this paper in the section on the English Baptists.

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.*

To me, the true American Founding Fathers were not eighteenth-century figures such as Washington, Jefferson, Madison, Franklin, Hamilton and others— but, instead, the true founders were the seventeenth-century Pilgrims such as the forty-one Puritan Separatists who signed the “Mayflower Compact” in 1620, and established the Plymouth Colony; Nathaniel Ward (1578-1652), author of the first constitution in North America (Massachusetts), “The Body of Liberties”; Thomas Hooker (1586-1647), founder of the colony of Connecticut and a principal author of “The Fundamental Orders of Connecticut”; Roger Williams (1603-1683), founder of the colony of Rhode Island and the first Baptist church in North America; and William Penn (1644-1718), founder of Pennsylvania, and advocate of democracy and religious freedom . These men were Puritans and heirs of Luther and Calvin—the true founders of English North America.

For these reasons, I could not comprehend why the American Legal Academy ignored and rejected both natural law and the Christian faith as important cornerstones of American constitutional law and jurisprudence. As I can recall, law professors and fellow law students systematically and peremptorily shunned this area of the law. As a consecrated Christian and Methodist, I nevertheless followed my own instincts, even amidst the agony of ostracism, and I persevered. Perhaps I had read too much of the *Declaration of Independence* into the text of the United States Constitution. Perhaps I had read too much religion, philosophy, and history during my undergraduate years, in preparation for entering law school. But, as I can recall, I honestly did not think so at the time. The American Legal Academy, from the beginning, seemed too apt and willing to engage in, entertain, and embrace legal fictions. At the same time, the Academy did not like history, sociology, political science, or philosophy; and it certainly detested religion! But in law school, I could not ignore my sincerest, heart-felt belief that the modern western secular state—beginning with the *American Declaration of Independence in 1776--* was birthed in the seventeenth and eighteenth centuries by Calvinists

(e.g., Anglicans, Puritans, Separatists, Baptists, Independents, etc.) who embraced St. Augustine’s and St. Thomas Aquinas’ conception of natural law and its relationship to positive secular laws.

The Protestant Churches of the seventeenth- and eighteenth centuries were, in essence, very “catholic,” though not “Roman Catholic,” in their various theologies. They were also fundamentally Augustinian in theology, and they embraced varying versions of Thomas Aquinas’ legal philosophy, to wit: eternal law --→ divine law --→ natural law --→ human or positive law. Western democracy (and particularly the governments of colonial North America) was conceived as a Protestant conception of the Christian polity. Individual bills of rights vis-à-vis the government; the separation of church and state; and the freedom of conscience and religion were fundamental expressions of Protestant moral theology and the Protestant churches. Within this pan-Protestant worldview, the role of the secular state was to administer positive human law in accordance with principles of natural law and natural justice (i.e., equity).<sup>2</sup> See Table 1, “The Protestant Secular State and Natural Law.” This idea of equity and natural justice was also classic Calvinism.

**Table 1., “The Protestant Secular State and Natural Law”**

<b>Church</b>	<b>State</b>
<b>Natural Law</b> (“the Moral Law”; “the Decalogue”; “the Law of Christ” <sup>3</sup> )	<b>Natural Law</b> (“law of reason”; “equity”; “reasonable person standard”; “good faith and fair dealing”; etc.)
<b>Divine Law</b> (The Bible; the canon or ecclesiastical laws of the Church)	<b>Human Law</b> (customary law; common law; statutory law; constitutional law; international law, etc.)

<sup>2</sup> See, e.g., John Calvin’s *Institutes of the Christian Religion*, Book IV; and John Norton Pomeroy’s *Pomeroy’s Equity Jurisprudence* (Fifth Edition). These ideas of natural law and natural rights certainly influenced Enlightenment thinkers who considered natural law to be so closely affiliated with “reason” and “science” that they completely (and incorrectly) disassociated natural law from the Christian religion. Whether “natural law” was called the “moral law of God” or simply “human reason and conscience,” all men agreed that the concept of natural law (whether secular or sacred) was the same. See, e.g., Norman Doe, *Christianity and Natural Law: An Introduction* (Cambridge, U.K.: Cambridge Univ. P., 2017), pp. 1-16.

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

Both the Roman Catholic Church and the Church of England embraced the idea that “natural law” was a reflection of the Ten Commandments and the law of the Gospel. The Puritans and other Protestant sects never rejected this viewpoint. Even Enlightenment thinkers either never rejected this viewpoint or failed to successfully refute it. As the very language in the *Declaration of Independence* clearly states, the “Laws of Nature” and the “Laws of ...Nature’s God” were the same law; that is, the “natural law” and the “moral law of God,” as explained by St. Paul in his letter to the Romans, were the same law.

One question which I entertained in law school was whether the moral law of God and the natural law were the same law. As this paper will attest, I was not alone in asking this question. The Puritans, who were largely the spiritual heirs of John Calvin, also believed that the God of the Bible and the God of Nature was the same God.<sup>4</sup> They believed that ecclesiastical law was *coterminous* with the law of nature. This was because of Paul’s letter to the Romans, in which he writes: “For when the Gentiles, which have not the law, do by nature the things contained in the law, these, having not the law, are a law unto themselves: Which shew the work of the law written in their hearts, their conscience also bearing witness, and *their* thoughts the mean while accusing or else excusing one another; In the day when God shall judge the secrets of men by Jesus Christ according to my gospel.”<sup>5</sup>

Hence, Puritans largely adopted St. Paul’s conception of natural law. And this was my original understanding of natural law when I was a law student at the University of Illinois during the early 1990s. That the American legal academy rejected this viewpoint has not satisfied my intellectual curiosity about the subject. As this paper attests, I am satisfied that both natural law and the Christian faith are the foundations of American constitutional law and jurisprudence.

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The Protestant Reformation which swept through Western Europe during the sixteenth- and seventeenth-centuries did not leave the Church of England unscathed. As we have seen in previous papers within this series, the publications of the *Book of Common Prayer* and the King James Version of the Bible in the English language commenced the process of democratizing both church and state in England. The Church of England’s catholic and Romanist heritage, together with its ecclesiastical hierarchy and episcopacy naturally came under attack from

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<sup>4</sup> See, e.g., Romans 2:14-16.

<sup>5</sup> Romans 2: 14-16.

devoted Anglicans who were now reading the radical Christian theology that flowed into England from Europe. This paper shall focus on the impact of the Protestant Reformation in sixteenth- and seventeenth-century England and colonial America, together with its ramifications on the development of constitutional law and jurisprudence in the new United States.

Perhaps the most controversial and potent theological concept that grew out of the Protestant Reformation was the idea of “justification by faith alone.” The fundamental question was this: “What are the necessary components of Christian salvation?” The answer to this question could undermine the authority of the Roman Catholic Church and dispense with many of its practices. The question of “who is saved?” or “what does it take to be saved?” is still today a hotly-debated theological question among Christians, and the following passage certainly illustrates its historical significance:

In Christian theology, justification is God's act of removing the guilt and penalty of sin while at the same time making a sinner righteous through Christ's atoning sacrifice. The means of justification is an area of significant difference among Catholicism, Orthodoxy and Protestantism. In Lutheranism and Calvinism, righteousness from God is viewed as being credited to the sinner's account through faith alone, without works.

Broadly speaking, Catholic, Methodist and Orthodox Christians distinguish between initial justification, which in their view ordinarily occurs at baptism, and final salvation, accomplished after a lifetime of striving to do God's will (sanctification).

In Catholic doctrine, forgiveness of sin exists, and in the Protestant doctrine, sin is merely "covered" and not imputed. Catholics believe faith as is active in charity and good works (*fides caritate formata*) can justify man, Protestants believe faith without works can justify man because Christ died for sinners, but that anyone who truly has faith will produce good works as a product of faith, as a good tree produces good fruit. For Lutherans justification can be lost with the loss of faith, for Catholics justification can be lost by mortal sin.

Justification is often seen as being the theological fault line that divided Catholic from the Lutheran and Reformed traditions of Protestantism during the Reformation.<sup>6</sup>

The question of justification also impacted the Church of England during the sixteenth- and seventeenth centuries, because there the Protestants were divided among themselves. There were Anglicans who favored keeping many of the Roman Catholic liturgy and theology, but there were other Anglicans who favored the ideas of Luther, Calvin, and even the Anabaptist doctrines. Opposition to the Church of England and its established hierarchy continued to be a serious offense, and so many Anglican dissenters faced serious and direct consequences for taking a stand against established church doctrine. This resulting conflict from within the Anglican Church largely comprised the most important events in English history during the seventeenth- and eighteenth centuries.

## SUMMARY

This paper, which is Part 4 of a four-part series, reveals how St. Augustine of Hippo's catholic theology on "justification, grace, and faith," (Part 1), Martin Luther's reformed theology (Part 2), and John Calvin's reformed theology (Part 3) not only shaped the Protestant Reformation in Europe during the sixteenth- and seventeenth centuries, but also laid the democratic foundations of Anglo-American constitutional law and jurisprudence, including the *Declaration of Independence* (1776), the *U.S. Constitution* (1787), and the *Bill of Rights* (1789), during the eighteenth century. Hence, the Christian foundations of American constitutional law and jurisprudence are implicated throughout this paper.

### **Part XXIII. Anglican Church: "Christian Theology and Protestant Dissent in England (1530-1650)" (Part 4)**

#### **Section IV. The English Dissenters of the early 17th Century: An Introduction**

##### **A. The Puritans**

Who were the Puritans? They were, first and foremost, very well-educated and well-to-do Anglicans (i.e., members of the Church of England) who held devout religious views on Christian ecclesiology and doctrine that were largely

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<sup>6</sup> [https://en.wikipedia.org/wiki/Justification\\_\(theology\)](https://en.wikipedia.org/wiki/Justification_(theology)).

patterned after the teachings of John Calvin. As their name suggests, the Puritans wanted to purify the Church of England by ridding it of corruption and many of its Roman Catholic rituals and traditions. The ideals of John Calvin, as reflected in his classic work, *Institutes of the Christian Religion*, was the Puritan Magna Carta. The backdrop upon which these Puritans had to operate was the slow phasing out of the agricultural-oriented, medieval economy, and the steady rise of the new capitalism, international trade, and the rise of the new merchant classes in Antwerp, Geneva, and London. During the process of this change, the English Puritans were forced to grapple with the challenge of modifying the relationship between the Church and the State, while simultaneously grappling with the new wealth that was pouring into England from world trade and multinational investments.

Puritanism was the English branch of Calvinism, and Calvinism was a multinational movement with varying sects and genres throughout continental Europe. The Calvinists in England, Switzerland, France, and other parts of continental Europe gave birth to the modern nation-state and to bourgeoisie capitalism. The Calvinists had to a delicate balancing act of loosening Church authority over commercial activities, and thus risking the unintended consequence of subordinating the Church to big business interests. In fact, as the seventeenth century rolled into the eighteenth century, this is exactly what occurred. The eighteenth-century Church of England slowly lost its moral authority and stature, as politics and the international trade of the British Empire sapped the Church's vitality, energy, leadership, and talent. In colonial North America, the Puritans faced the same challenges and were not exempt from the corrupt inclinations of the Church of England and the British Empire.

In North America, the Puritans (i.e., the English Calvinists) were able to set in motion nearly all of their Christian ideas and ideals regarding the ideal Christian polity, most of which could not have come to fruition in England. First off, they were able to examine the Bible and to create from scratch the type of body politic which they believed exemplified the Christian polity. During the sixteenth century, this is quite evident from the first colonial charters, such as *The Mayflower Compact*, the *Massachusetts Body of Liberties*, and *The Fundamental Orders of Connecticut*. Under these regimes, the church remained an official arm of the state and maintained the moral authority to enforce church discipline through the state. The Rhode Island experiment, which was set in motion by the Baptist minister Roger Williams, was perhaps the most liberal form of Puritanism, in that Williams wished to preserve the freedom of conscience by separating the secular state entirely from the church. Under Williams' scheme, the church was to operate like a



“college of physicians” for the benefit of the secular state and the entire society, but the church was to remain independent and separate from the secular state. Individual liberty of conscience and religious faith were to be protected. These political ideals were reflected in variations of Calvinism and Puritanism.

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Puritanism is also associated with the rise of capitalism and international trade.<sup>7</sup> Indeed, the major force during the seventeenth- and eighteenth century, was not the struggle between Church and State, but between the Church, the State, and Capitalism. See Table 2, The Anglican Church and the Rise of Secular Materialism.

**Table 2, The Anglican Church and the Rise of Secular Materialism**

<u>MAJOR TIME PERIOD</u>	<u>MAJOR CONFLICT</u>
Prior to the Sixteenth Century (Late Middle Ages)	Church ←-----→ State
After the Sixteenth Century (Early Modern Period)	Church ←-----→ State ←-----→ Capitalism

By the seventeenth- and eighteenth centuries, the Church of England now had to compete with powerful Puritan business interests for influence and control over the secular government.<sup>8</sup> In addition to the art and science of secular politics came the art and science of secular economics. Both of these sciences came of age under the auspices of the Roman Catholic and Anglican Church; and for this reason, both of these sciences were originally subordinate to the law of Christ<sup>9</sup> and to the natural law.<sup>10</sup> During the seventeenth century, for instance, most secular politicians and statesmen were held to high ethical and Christian standards; and secular businessmen and merchants were expected to avoid avarice, cheating, usury, and exploitation of the weak.<sup>11</sup> But the biggest challenge rested with promoting ethical behavior amongst international joint-stock companies and international merchants. That challenge became readily apparent with respect to the African slave-trade and other similar matters following the Protestant Reformation during the seventeenth century. For this challenge of reigning in

<sup>7</sup> Max Weber, *The Protestant Work Ethic and the Spirit of Capitalism* (New York, N.Y.: Vigeo Press, 2017).

<sup>8</sup> R.H. Tawney, *Religion and the Rise of Capitalism* (New York, N.Y.: Mentor Books, 1954), pp. 11-60.

<sup>9</sup> The fundamental “Law of Christ,” to wit, is to “love ye one another” (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

<sup>10</sup> R.H. Tawney, *Religion and the Rise of Capitalism* (New York, N.Y.: Mentor Books, 1954), pp. 11-60.

<sup>11</sup> Ibid.

corrupt business and commercial practices is the primary reason that Puritanism and Calvinism made their lasting imprint on western civilization.

But unlike the Roman Catholics and the High-Church Anglicans, the Puritans wished to *loosen the controls of the Church of England* over business, commerce, and the secular government. Conservative Catholics and Anglicans believed such Puritan proposals to be fraught with risks; for St. Paul had admonished in the Bible that “the love of money is the root of all evil: which while some coveted after, they have erred from the faith, and pierced themselves through with many sorrows.”<sup>12</sup> But, as the British historian and economist R. H. Tawney has observed in *Religion and the Rise of Capitalism*, the sixteenth- and seventeenth-century Puritan reformers believed that the Anglican Church would retain authority over public morals, and could be relied upon to enforce church discipline. The Puritan reformers believed that the natural-law principles that were reflected in the Ten Commandments were the same natural-law principles that were reflected in the ethical standards for commercial practice and trade. Under the Protestant understanding of the separation of the church from the state, the state bore responsibility for administering principles of natural law and equity, and thereby ensuring that the powerful joint-stock companies and merchants did not deal unfairly between themselves, the crown, the Parliament, and the poor. In seventeenth-, eighteenth-, and nineteenth-century England, this was the entire theme of British politics.

## **B. The Presbyterians**

Who were the seventeenth-century Presbyterians? Presbyterianism grew out of the struggle against the tyranny of the Stuart monarchs James I and Charles I (1603-1649), but its roots extended deep into the ancient history of the British Isles. The British Isles had, since ancient times, three historic Celtic races: the Welsh, the Irish, and the Scottish. These Celtic races received their Christian faith centuries before the Roman Catholic Church sent missionaries to the Anglo-Saxons. The Scottish Church became Roman Catholic but like the Irish, it kept many of its pre-Catholic rites and traditions. Many of these ancient rights survived up through the seventeenth century, and were later incorporated into what became known as the Presbyterian Church of Scotland. During the sixteenth century, the Scottish Roman Catholic priest John Knox fled Scotland during the Marian persecutions and sought asylum in Geneva, Switzerland, where he met and studied with John Calvin. Through Calvin’s influence, John Knox and other Scotsmen founded the modern Presbyterian Church of Scotland.

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<sup>12</sup> 1 Timothy 6:10.

The Presbyterians were thus Scottish Calvinists who had direct ties to French Huguenots, John Calvin and Geneva, Switzerland, since the reign of the Catholic Tudor monarch Mary I (1516-1558). The Presbyterians were Calvinistic in their theology. But unlike the Anglicans, they rejected the episcopal form of church polity (i.e., bishops, archbishops). And-- unlike the Baptists, Puritans, and Independents-- the Presbyterians also rejected congregationalism, even though Calvin himself supported congregationalism. Instead, the Presbyterians instituted a hierarchical form of church government that had committees of elders (i.e., presbyteries) instead of bishops, as their governing bodies.

Presbyterian government is by councils (known as courts) of elders. Teaching and ruling elders are ordained and convene in the lowest council known as a session or consistory responsible for the discipline, nurture, and mission of the local congregation. Teaching elders (pastors) have responsibility for teaching, worship, and performing sacraments. Pastors are called by individual congregations. A congregation issues a call for the pastor's service, but this call must be ratified by the local presbytery. The Pastor is a Teaching Elder, and voting member and Moderator of the Session, but is not a member of the church.

Ruling elders are laymen and laywomen who are elected by the congregation and ordained to serve with the teaching elders, assuming responsibility for nurture and leadership of the congregation. Often, especially in larger congregations, the elders delegate the practicalities of buildings, finance, and temporal ministry to the needy in the congregation to a distinct group of officers (sometimes called deacons, which are ordained in some denominations). This group may variously be known as a "Deacon Board", "Board of Deacons" "Diaconate", or "Deacons' Court". These are sometimes known as "presbyters" to the full congregation. Above the sessions exist presbyteries, which have area responsibilities.

These are composed of teaching elders and ruling elders from each of the constituent congregations. The presbytery sends representatives to a broader regional or national assembly, generally known as the General Assembly, although an intermediate level of a synod sometimes exists. This congregation / presbytery / synod / general assembly schema is based on the historical structure of the larger Presbyterian churches, such as the Church of Scotland or the

Presbyterian Church (U.S.A.); some bodies, such as the Presbyterian Church in America and the Presbyterian Church in Ireland, skip one of the steps between congregation and General Assembly, and usually the step skipped is the Synod. The Church of Scotland abolished the Synod in 1993. Presbyterian governance is practised by Presbyterian denominations and also by many other Reformed churches.<sup>13</sup>

The Presbyterians also acknowledged only two sacraments: baptism (including infant baptism) and the Lord's Supper.

Like their Puritan brothers in England and Wales, the Scottish Presbyterians were closely affiliated with powerful business interests. They were also “organized and formidable.”<sup>14</sup> “To the merchants and businessmen the Calvinist Presbyterian appeal was usually greater than all the others. The mercantile and financial classes had acquired wealth. Now... they were seeking other kinds of power in the church and state. Calvinism had widespread non-Calvinist but anti-Catholic support. Moreover, Calvinism showed its adherents that they had been chosen by God; their legitimate business enterprises would not be restricted by religious considerations. Did not the Scripture say that a man diligent in his business would stand before kings and not mean men? As religion moved with the rise of capitalism the race would be to the swift and the battle to the strong. Geneva, like Rome, gave categorical answers to every question; there was no denial or doubt among the prosperous elect. So the Presbyterians grew in number and strength.”<sup>15</sup> In his landmark work, *The Wealth of Nations*, Adam Smith spoke very highly of the Presbyterian sect and suggested that the Presbyterian denomination was most suitable for a free-market society.<sup>16</sup> In colonial America, the Presbyterians easily worshipped alongside their fellow Calvinists, the Puritan Congregationalists.

The key problem with Presbyterianism, so far as King James I (who reigned from 1603-1625) was concerned, was that it was incompatible with monarchy and the “divine rights of kings” theory which he espoused. James I rightly suspected that Presbyterianism, though on its face non-threatening, was really the first step toward the complete separation of church and state. “If you aim at a Scottish presbytery,” he exclaimed, “it agreeth as well with a monarchy as God with the devil... then Jack, Tom, Will and Dick shall meet and at their pleasure censure me and my Council.... How they abused the poor lady, my mother, is not unknown,

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<sup>13</sup> <https://en.wikipedia.org/wiki/Presbyterianism>

<sup>14</sup> Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner's Sons, 1957), pp. 287.

<sup>15</sup> Ibid.

<sup>16</sup> Adam Smith, *The Wealth of Nations* (New York, N.Y.: Random House, Inc., 1994), pp. 870-871.

and how they dealt with me in my minority.... I thus apply it... no bishop, no king.”<sup>17</sup> And so, the Stuart monarchs were from the very first hostile toward the Presbyterians.

### **C. The Independents, Separatists, and Other minor sects**

The Puritans primarily wished to influence, modify, and change the Church of England from within. But some of the Puritans thought it best simply to leave the Church of England and to form their own independent congregations. The only problem with that was the fact that the sixteenth- and seventeenth-century Church of England did not permit separate congregations; and all British Christians were required to belong to a local parish church within the Church of England. For this reason, the Separatists’ and Independents’ movements were schismatic and illegal. Many of their leaders were persecuted, forcing many of them to flee to colonial New England during the seventeenth century.

The Separatists believed that the “true” church and the institutional churches were not the same, because the “true” church was ultimately God’s own elect and could not be determined by human beings. The Separatists did not believe that the episcopal magisterium, within the Roman and Anglican churches, had authority over the keys to the kingdom of God. They promoted independent church congregations which had the autonomous authority to manage their own internal affairs, without oversight and control of any outside episcopal authority. Hence, the Separatists and Independents were true Calvinists, and their general theology and ideas about church polity was most closely patterned after the ideas of John Calvin.

In colonial North America, the differences between Puritans, Separatists, and Independents were less significant. In America, they were all “Pilgrims,” and as such, they belonged to the same churches and followed the same ecclesiastical doctrines. These churches became the “Congregational Churches” of New England. In seventeenth-century England, however, the Independents and Separatists were declared to be illegal sects. Many of their leaders were targeted by the English government, persecuted, and jailed. For this reason, the Independents and the Separatists produced the most important literature and ideas on political

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<sup>17</sup> Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), pp. 289.

freedoms of the seventeenth century, such as the individual fundamental right vis-à-vis the state, religious freedom, freedom of conscience, and the separation of church and state. They were the primary force behind the revolutionary spirit of the mid-seventeenth century that led to the English Civil War (1649-1660). Oliver Cromwell, who became the Lord Protector of England, following this civil war, was himself an Independent. Cromwell's army, known as the Roundheads, produced several influential leaders and groups (some religious and some non-religious) who published some of the most revolutionary and advanced democratic ideals of government.

Closely affiliated with these Independents and Separatists were other motley groups that were brought under the religious umbrella of what later became known as the "Society of Friends" or the "Quakers," because they were known to "shiver with trembling fear before the Lord." The Quakers were organized around 1647, during the English Civil War (1642-1660). Led by a young man named George Fox, the Quakers went after disgruntled soldiers and other Englishmen who were dissatisfied with the Church of England. Fox preached that each man could have a direct relationship with Jesus Christ, without the aid or intervention of Anglican priests. Like Luther and Calvin, Fox also preached the "priesthood of all believers." But because the Quakers' doctrine differed significantly from mainline Puritan beliefs, they were persecuted on both sides of the Atlantic. They suffered political persecution from their founding in 1647 to the passage of the Toleration Act in 1689. During the interim, the Quakers both persevered and increased in numbers and in influence. Rev. Roger Williams gave religious asylum to the Quakers in Rhode Island during the early 1600s; and, later, William Penn, who was himself an influential Quaker, acquired West Jersey (1676) and Pennsylvania (and what is now Delaware)(1682) as colonial commonwealths that were to be governed under Quaker principles. The Quakers also remained very influential in Rhode Island, and it is widely held that Quakers either significantly influenced or drafted Rhode Island's first Bill of Rights. Much of America's high idealism and traditions on civil rights and liberties is owed to the Society of Friends, including ideals about anti-slavery, women's rights, and the rights of the working classes.

Another very influential sect within the Independent and Separatist movement was a group that was known as the "Levellers":

The Levellers were not only common soldiers; they were artisans, small tradesmen, and farmers interested in maintaining human rights, the rights of Englishmen as persons. Behind legal rights of property and station they saw natural rights and natural justice. Political equality, they declared, should have no economic implications. Parliament should represent the people, not property. ‘Sovereignty lies only in the people and parliament governs only by their consent.’ Thus came into prominence the Leveller ideas of the inalienable rights of the individual, of law having authority by the ‘consent of the people,’ of the origin of government in an original compact, and, finally, the opinion that of government in an original compact, and, finally, the opinion that the powers of the government should be limited by a fundamental law emanating from the people, ‘The laws of the land are only valid when they are a statement from the people. Through all the later period of the Civil War runs the pervasive influence of the Levellers, weakening reverence for social distinction and dignity of office.

These Puritan ideas were, no doubt, Calvinistic ideals of Judea-Christian polity. They hardly took root in the soils of the British Isles, but across the Atlantic in colonial North America they became the bedrock of new colonial governments.<sup>18</sup>

Another important Separatist group was called the “Diggers.” Whereas the Levellers had asked revolutionary questions regarding the political rights of the common man, the Diggers extended those questions to economic rights and economic democracy.<sup>19</sup> Led by their prophet Everard, the Digger movement began in 1648 in Buckinghamshire,<sup>20</sup> as a social experiment in communism:

They proposed to take and cultivate unenclosed land and distribute the produce to the poor. ‘All men are free by God’s franchise,’ asserted the *Light Shining in Buckinghamshire*. The Diggers claimed that no individual was intended to exercise rule over his fellow men. They ‘sowed the ground with parsnips, carrots, and beans,’ and gave the

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<sup>18</sup> Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), pp. 333-334.

<sup>19</sup> *Ibid.*, p. 334.

<sup>20</sup> *Ibid.*, p.334.

crops away. They insisted that the hungry must be fed, the naked clothed. There must be no buying or selling. There must be no unequal wealth, for wealth gives power over others. ‘Break to pieces the bonds of property, for it is property that made men slaves.’ Landlords and magistrates were tyrants. ‘Freedom is to be found only in unimpeded enjoyment of the land. Property there must be, but all men must possess it.’ These extremely radical and communistic theories of the Diggers were not widely accepted. The council of state and other authorities interfered with their activities. This episode of their appearance is at once interesting, pathetic, and an indication of the restless seas of the Civil War [(1649-1660)] spirit.<sup>21</sup>

Both the Levellers and the Diggers exercised great influence over Cromwell’s soldiers. The soldiers in Cromwell’s Army were most religious and pious Christians, because Cromwell made it clear that he desired such men. But these Christian soldiers stretched even Cromwell to a point that he felt was too extreme. These Christian soldiers presented Cromwell with a revolutionary document, called “An Agreement of the People (1647).” By all accounts, this document was a political extrapolation of the “law of Christ” and set forth the political and constitutional rights of man more than forty years before John Locke’s famous political treatises and more than one-hundred years before Jefferson wrote the *Declaration of Independence*.

The *Agreement of the People*, stating so many of the Leveller theories, grew out of the religious ideas of the Independents and the old concept of a constitution as a statement of fundamental law. Here was evolved the idea of a written constitution with paramount laws limiting the powers of government; this constitution, as all law, was to be enforceable through the courts. Here, too, appears sharply and vividly the idea that there are individual, inalienable rights possessed by all men. Mankind has been endowed by the Creator with rights such as those later more precisely defined as life, liberty, and the pursuit of happiness. And finally there appears the idea of the overwhelming sovereignty of the people. The Leveller and

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<sup>21</sup> Ibid.



Independent ideas of democracy in seventeenth century England united with the angry and robust voice of Sir Edward Coke to exert a profound influence on later democratic institutional development in the United States. Some of these consequences flowed directly, as in the case of Independent colonists and their descendants; others were channeled through the works of such men as John Locke and the French philosophers to Thomas Jefferson and his contemporaries who were concerned with the state and dignity of man.<sup>22</sup>

The Quakers, the Levellers, the Diggers, and Cromwell's Roundheads (i.e., the New Model Army) were deeply concerned about the constitutional, political and economic situation in seventeenth-century England and found it to be seriously flawed and inconsistent with the Christian faith. Because of these flaws and inconsistencies, these Puritans made revolutionary political proposals which they believed comported with the law of the Gospel, and these revolutionary proposals became, in essence, the Puritan foundation of Anglo-American constitutional law in the eighteenth century.

#### **D. The English Baptists**

Closely tied to the Puritan Independents and Separatists were the seventeenth-century English Baptists. For all intents and purposes, the English Baptists were Calvinists. Most of the Baptist clergymen, such as Roger Williams of Rhode Island, were originally ordained as Anglican priests and educated at Cambridge or Oxford. Many of them were initially Puritans before they become decisively Baptists. Thus, the Baptist denomination may be seen as one branch of Puritanism or Calvinism.

Historians trace the earliest Baptist church back to 1609 in Amsterdam, with John Smyth as its pastor. Three years earlier, while a Fellow of Christ's College, Cambridge, he had broken his ties with the Church of England. Reared in the Church of England, he became "Puritan, English Separatist, and then a Baptist Separatist," and ended his days working with the Mennonites. He began meeting in England with 60–70 English Separatists, in the face of "great danger." The

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<sup>22</sup> Ibid., p. 337.

persecution of religious nonconformists in England led Smyth to go into exile in Amsterdam with fellow Separatists from the congregation he had gathered in Lincolnshire, separate from the established church (Anglican). Smyth and his lay supporter, Thomas Helwys, together with those they led, broke with the other English exiles because Smyth and Helwys were convinced they should be baptized as believers. In 1609 Smyth first baptized himself and then baptized the others.

In 1609, while still there, Smyth wrote a tract titled "The Character of the Beast," or "The False Constitution of the Church." In it he expressed two propositions: first, infants are not to be baptized; and second, "Antichristians converted are to be admitted into the true Church by baptism." Hence, his conviction was that a scriptural church should consist only of regenerate believers who have been baptized on a personal confession of faith. He rejected the Separatist movement's doctrine of infant baptism (paedobaptism). Shortly thereafter, Smyth left the group, and layman Thomas Helwys took over the leadership, leading the church back to England in 1611. Ultimately, Smyth became committed to believers' baptism as the only biblical baptism. He was convinced on the basis of his interpretation of Scripture that infants would not be damned should they die in infancy.

Smyth, convinced that his self-baptism was invalid, applied with the Mennonites for membership. He died while waiting for membership, and some of his followers became Mennonites. Thomas Helwys and others kept their baptism and their Baptist commitments. The modern Baptist denomination is an outgrowth of Smyth's movement. Baptists rejected the name Anabaptist when they were called that by opponents in derision. McBeth writes that as late as the 18th century, many Baptists referred to themselves as "the Christians commonly—though falsely—called Anabaptists."

Another milestone in the early development of Baptist doctrine was in 1638 with John Spilsbury, a Calvinistic minister who helped to

promote the strict practice of believer's baptism by immersion. According to Tom Nettles, professor of historical theology at Southern Baptist Theological Seminary, "Spilsbury's cogent arguments for a gathered, disciplined congregation of believers baptized by immersion as constituting the New Testament church gave expression to and built on insights that had emerged within separatism, advanced in the life of John Smyth and the suffering congregation of Thomas Helwys, and matured in Particular Baptists."<sup>23</sup>

The English Baptist denominations were thus an outgrowth of Puritan Separatists and Independents. The early English Baptists were also Calvinists. But what separated the Baptists from other Calvinists is that the Baptists did not believe in infant baptism. According to Baptist doctrine, only professing believers should be baptized. And unlike their Anabaptist brothers, the Baptists did not believe that Christians should take no part in the secular government or secular affairs. The Anabaptists were very "other-worldly"; they taught that secular governments were the Anti-Christ, and that Christians should withdraw from participating in worldly governments. The Baptists, on the other hand, rejected this "other-worldly" theology. Like their Puritan brothers who were Separatists and Independents, the English Baptists believed in the complete separation of church and state, but they also believed that Christians should take part in civil government and hold the secular state accountable to principals of natural law and natural justice. The Baptists' natural-law connection to St. Augustine and St. Thomas Aquinas came through the theology of John Calvin.<sup>24</sup>

Perhaps the most influential English Baptist of the early seventeenth century was the Reverend Roger Williams, whose writing influenced the great John Locke. Rev. Williams' major theological contributions were "(1) the individual and Christian discipleship, (2) the church and its essential nature, and (3) the state and its relation to the liberty of conscience."<sup>25</sup> Rev. Williams, who was Puritan, Separatist, and Baptist, made a significant theological contribution to the *doctrine*

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<sup>23</sup> [https://en.wikipedia.org/wiki/Baptists#English\\_separatist\\_view](https://en.wikipedia.org/wiki/Baptists#English_separatist_view)

<sup>24</sup> Norman Doe, *Christianity and Natural Law: An Introduction* (Cambridge, U.K.: Cambridge University Press, 2017), pp. 140-161.

<sup>25</sup> Roger Williams, *The Bloody Tenent of Persecution, For Cause of Conscience* (originally printed in 1644 in London)(Macon, Ga.: Mercer Univ. Press, 2001), P. XIV.

*of conscience*—a contribution which has had a profound influence of the Christian faith and Anglo-American constitutional law. This *doctrine of conscience* was deeply rooted in the natural law traditions of the Roman Catholic Church, including the theology of St. Augustine of Hippo. The *conscience*, theologically considered, was believed to be the *interfaith voice of Christ* speaking to every human soul; it was also believed to be the manifestation of Christ as the divine *logos*; and it was considered to be the *voice of reason*, which was at the foundation of all human laws.<sup>26</sup> By the *doctrine of conscience*, Rev. Williams provided new space for diversity of viewpoints, individual integrity, the freedom to think, deliberate, and decide for oneself; and, by doing so, Rev. Williams enabled Protestant Christianity to create the secular space for individual liberty which both the Roman Catholic and Anglican Churches had rejected. For it was within Baptist Church denominations that this idea of individual liberty and freedom of conscience laid the cornerstone of Anglo-American constitutional democracy:

Baptist Christians who voluntarily covenant with each other to form a local church are free, under Christ's Lordship, to determine their membership, which they insist should be of believers only. Calling this a 'regenerate church membership,' Baptists try to safeguard the regenerate nature of the membership by practicing believer's baptism by immersion. The 'believer's' part of baptism dominated among the earliest Baptists. Over the years, however, 'immersion,' as the mode of baptism, has also become a Baptist hallmark.

As local Baptist churches determine their membership, they also choose their own leadership, pastoral and otherwise. No outside organization of church or state can impose leaders on Baptist churches. Rather, local Baptist churches, acting only under Christ's sovereignty, ordain whom they wish to the ministry of Christ. Without priesthood or hierarchy, Baptists affirm that all church members stand on equal footing and serve as priests before God, to the church, and for the world.

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<sup>26</sup> "Natural moral law is unwritten but is known by all men and women who have the use of reason. It uses basic common sense, prudence, and justice. Because it's known by reason, not written in stone or on paper, like the Commandments or the Bible, the moral law is *natural*." Rev. John Trigilio, Jr. and Rev. Kenneth Brighenti, *Catholicism for Dummies* (Hoboken, N.J.: Wiley Publishing, Inc., 2003), p. 167.

Just as Baptist churches choose their own leadership, they also determine their own order of worship and work. Both the liturgy and the mission of each local church is determined by the members of that local church. Likewise, Baptists voluntarily participate in the larger Body of Christ, including denominational and ecumenical entities. Every local Baptist church in the world, with its membership, its leadership, its liturgy, its ministries, and its participation with other Christian bodies, is a testimony to the voluntary principle in religion.

Third, in terms of the state, the voluntary principle in religion shaped Baptists into ardent advocates of liberty of conscience, including freedom of religion, freedom for religion, and freedom from religion. Among other reasons, Baptists championed religious liberty because of their belief that God alone is Lord of the conscience. Also, Baptists confronted religious constructionism because they believed that a freely and voluntarily chosen faith is the only valid faith.

During the first half of the seventeenth century, Baptists in England peppered both royalty and religion with some of the first and most forceful tracts ever written on religious liberty. John Smyth, Thomas Helwys, Leonard Busher, and John Murton, among others, led the Baptist parade for freedom of conscience.

In America, Baptists in the seventeenth century tangled with religious establishmentarianism at both the courthouse and the church house. Joining their British Baptist counterparts, Baptists in the colonies declared unceasing war on religious tyranny. John Clarke, Obadiah Holmes, and especially Roger Williams articulated the Baptist position on soul liberty that would endure until the present moment.<sup>27</sup>

For these reasons, the Reverend Roger William's fame has long-lasting. Thomas Jefferson expressly approved of Rev. Williams' views on having a complete wall of separation between religion and government. Rev. Williams' conception of the separation of church from the state was really and truly an expression of human rights for everyone (Christian and non-Christian), whereby

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<sup>27</sup> Ibid., pp. xiv-xvi.

the freedom of conscience and freedom of religion were to be protected by the civil, secular state. After all, Christ himself would have wanted only Christian converts who loved him with all their hearts, not converts who were forced to go to church and forced to give Christian oaths of allegiance. Rev. William's *The Bloody Tenent* had severely criticized both the Roman Church and the Anglican Church, because they forced Christianity upon non-believers, thus weakening the authenticity of the Christian faith. Rev. William's *The Bloody Tenent* also went to so far as to profess that civil magistrates need not be professed Christians! For Rev. Williams, all nations belong to God and are bound by him, even though some men are ignorant and know not Christ. His rationale for the separation of Church and State, and for the creation of the secular society, not only explains Baptist soteriology, but it also explains American First-Amendment constitutional theory. Rev. Williams wrote:

... It is plausible, but not reasonable, that God's people should... expect more liberty under a Christian than under a heathen magistrate....

But, to wind up all, as it is most true that magistracy in general is of God (Rom. 13), for the preservation of civil order and peace—the world otherwise would be like the sea, wherein men, like fishes, would hunt and devour each other, and the greater devour the less—so also it is true, that magistracy in special for the several kinds of it is of man (1 Pet. 2:13) Now what kind of magistrate soever the people shall agree to set up, whether he receive Christianity before he be set in office, or whether he receive Christianity after, he receives no more power of magistracy than a magistrate that has received no Christianity. For neither of them both can receive more than the commonweal, the body of people and civil state, as men, communicate unto them, and betrust them with.

All lawful magistrates in the world, both before the coming of Christ Jesus and since, (excepting those unparalleled typical magistrates of the church of Israel) are but derivatives and agents immediately derived and employed as eyes and hands, serving for the good of the whole: hence they have and can have no more power than

fundamentally lies in the bodies or fountains themselves, which power, might, or authority is **not religious, Christian, etc., but natural, human, and civil.**

And hence it is true that a Christian captain, Christian merchant, physician, lawyer, pilot, father, master, and so consequently magistrate, etc., is no more a captain, merchant, physician, lawyer, pilot, father, master, magistrate, etc., than a captain, merchant, etc., of any other conscience or religion.

It is true, **Christianity teaches all these to act in their several callings to a higher ultimate end, from higher principles, in a more heavenly and spiritual manner, etc.**<sup>28</sup>

Rev. Williams' idea is that the natural law—which is God's law—is readily apparent to every human being, regardless if he or she knows Christ. Williams argues that the civil magistrate's authority is grounded in natural law, not ecclesiastical law or religion.<sup>29</sup> This natural-law is universal and rests in the family. "Families are the foundations of government; for what is a commonweal but a commonweal of families, agreeing to live together for common good?"<sup>30</sup> Under this natural state, it is possible that a husband can be a Christian and that his wife be a non-Christian; for even though they are not bound together in unison under the ecclesiastical law, they are still bound together as spouses under the natural law.<sup>31</sup> The natural law then is what ordains or legitimizes all civil governments whether they be Christian or non-Christian. Even the Christian Church is bound by the natural law. "[I]f the church offend against the civil peace of the state by wronging the bodies or goods of any, the magistrate bears not the sword in vain (Rom. 13[4]) to correct any or all the members of the church. And this," writes Rev. Williams, "I conceive to be the only way of the God of peace."<sup>32</sup> Regarding church discipline and excommunication, "the magistrate has no power immediately to censure such offenses of the church members by the power of the sword, but

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<sup>28</sup> Ibid., pp. 245-247.

<sup>29</sup> Ibid., p. 256.

<sup>30</sup> Ibid, p. 149.

<sup>31</sup> Ibid., pp. 149-150.

<sup>32</sup> Ibid., p. 143.

only for such as immediately hurt the peace of the state.”<sup>33</sup> At the same time, Rev. Williams argued that the civil government is limited and bound by the natural law (i.e., a universal law of reason) as well. First, like St. Augustine, Rev. Williams argued that the proper end of civil government is civil peace and the welfare of the state.<sup>34</sup> Second, the civil government is limited by *natural law*,<sup>35</sup> and this natural law may be interposed by the *conscience* of the people who are governed.<sup>36</sup> Hence, the Baptist-Calvinist conception of secular civil government, which is separate from the organized Christian church, was still very much *ordained by God*, bound by *the natural law*, and accountable *to consent of those who are governed*. This was the greatest legacy of the Protestant Reformation; for this was the culmination of Protestant teachings on the law of Christ.

Rev. Williams’ argument led inevitably to the express acknowledgement of the civil and human rights of non-Christians and non-Europeans. He also argued that all of the pagan governments that existed before the time of Christ, during the time of Christ, and after the time of Christ, were, and are, *ordained by God*.<sup>37</sup> Even non-Christian or pagan civil authorities can mete out even-handed justice and encourage citizens to perform good deeds.<sup>38</sup> Rev. Williams used the Bible’s example of the king of Nineveh, a pagan monarch, who received the prophetic warnings of Jonah, and repented.<sup>39</sup>

Rev. Williams also impugned both the Roman Catholic and Anglican position on Christian polity, stating that the civil magistrate should not have power to commission pastors or to call together church congregations, because Christ

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<sup>33</sup> Ibid., p. 236.

<sup>34</sup> Ibid., pp. 38-42; p. 62 (“First, in civil state. From the beginning of the world, God has armed fathers, masters, magistrates, to punish evil doers... as may best conduce to the public safety.”)

<sup>35</sup> Ibid., pp. 157-159 (“First, they have power to publish and apply such civil laws in a state, as either are expressed in the word of God... so far as they are of general and moral equity, and so binding all nations in all ages—to be deducted by way of general consequence and proportion from the word of God.”) Despotism and slavery are expressly prohibited under the natural law, since persons “may not give their consents to any magistrate to dispose of their bodies, goods, lands, liberties, at large as themselves please, but as God, the sovereign Lord of all, alone... that neither the people give consent, nor that the magistrate take power to dispose of the bodies, goods, lands, liberties of the people, but according to the laws and rules of the word of God.”)

<sup>36</sup> Williams does not use the phrase “consent of the governed” but instead he focuses on the “conscience” of those who are governed. The word “conscience” thus implies the right of the governed to demand that the civil government justify and explain the “reasons” for its actions, laws, and policies. “For... it is not the will of the lawgiver only, but the reason of the law which binds....” Ibid., pp. 158-159.

<sup>37</sup> Ibid., p. 257.

<sup>38</sup> Ibid., p. 259.

<sup>39</sup> Ibid.



never vested this power in civil government.<sup>40</sup> Rev. Williams argued that Christ vested the people with the power to appoint pastors and to establish churches, and that the civil government only retained only such power as the people had consented to grant to it.<sup>41</sup> Since both the Roman Catholic and Anglican churches ordained and appointed pastors without authority from the people, such ordinations did not come from Christ.<sup>42</sup> Moreover, as history suggested, the power of the Roman Catholic and Anglican churches to appoint pastors who were disapproved by the people had resulted in “unchristian and unreasonable consequences.”<sup>43</sup>

Rev. Williams argued against establishing national state churches or patterning the state-sponsored church after the ancient kingdom of Israel.<sup>44</sup> The reason is that the spiritual heirs of the ancient Jews are the true Christians who are brought “out of all nations, tongues, and languages.”<sup>45</sup> “Christians are now figuratively, in this respect, called Jews (Rev. 3[9]).”<sup>46</sup> For this reason, Rev. Williams argued that God does not require “a whole nation, country, or kingdom” to keep and celebrate the sacraments or to establish churches. “It is true,” Rev. Williams argued, “the people of Israel” established “a national church” and solemnly swore “that whosoever would not seek Jehovah, the God of Israel, should be put to death.”<sup>47</sup> But this authority and power did not extend to the modern-day civil magistrate. Only the church could enforce church discipline, and church membership is voluntary, not compulsive. The civil magistrate should not have power or authority over internal church affairs. Otherwise, as Rev. Williams argued, “what slaughters, both men and women, must this necessarily bring into the world, by the insurrections and civil wars about religion and conscience! Yea, what slaughters of the innocent and faithful witness of Christ Jesus, who choose to be slain all the day long for Christ’s sake [Rom. 8:36; Psa. 44:22], and to fight for their Lord and Master Christ, only with spiritual and Christian weapons!”<sup>48</sup> Wars of religion—even wars to combat the blasphemy of Christ—were unchristian, according to Rev. Williams. “It is not his pleasure,” Rev. Williams concluded “that

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<sup>40</sup> Ibid., p. 184.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid., p. 203.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid., p. 204.

<sup>48</sup> Ibid.

the world shall flame on fire with civil combustions for his Son's sake. It is directly contrary to the nature of Christ Jesus, his saints and truths, that throats of men, which is the highest contrariety to civil converse, should be torn out for his sake who most delighted to converse with the greatest sinners."<sup>49</sup> The political union between bishop and emperor is blasphemy. Rev. Williams thus concluded that "Christianity fell asleep in Constantine's bosom, and the laps and bosoms of those emperors professing the name of Christ."<sup>50</sup> Rev. Williams believed that national churches—such as the Church of England and the Roman Catholic Church--- were reduced to functioning as "whores" to the nations, to merchants, and to avarice and greed.<sup>51</sup> The best practice is to separate the Church from the State.

According to Baptist teachings, the true Christian commonwealth separates its Christian Church from its non-Christian secular state. Rev. Williams believed that the Protestant churches should continue to function as the "city of God"<sup>52</sup> which is to "be found in many towns and cities of the world"<sup>53</sup>; and to continue to function, much similar to Roman catholic apostolates, as "a body or college of physicians,"<sup>54</sup> and as such, as corporate entities that function as healing counselors to secular society and to secular governments (i.e., "city of man").<sup>55</sup> Within the context of this Protestant Christian commonwealth, a person could be *both a Christian and a secular civil magistrate*. Rev. Williams suggested the following parameters:

1. First, the Christian magistrate should have a high "respect of truth" and the "professors of it"<sup>56</sup>;
2. Second, the Christian magistrate should be a devout Christian through personal submission of "his own soul to the power of the Lord Jesus"<sup>57</sup>;

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<sup>49</sup> Ibid., p. 261.

<sup>50</sup> Ibid., p. 112.

<sup>51</sup> Ibid, p. 208.

<sup>52</sup> Ibid., p. 152.

<sup>53</sup> Ibid.

<sup>54</sup> Ibid., p. 39

<sup>55</sup> Ibid., pp. 39-42.

<sup>56</sup> Ibid., p. 230-231.

<sup>57</sup> Ibid.

3. Third, the Christian magistrate should protect the Christian church from injury and violence from non-Christians. Simultaneously, he must also protect non-Christians from injury and violence<sup>58</sup>, even if such persons maintain “a false worship”<sup>59</sup>; and,

4. Fourth, the Christian magistrate should endeavor to establish “public peace and quiet.”<sup>60</sup>

For these reasons, Rev. Williams’ conception of the Protestant Christian commonwealth allowed all denominations of the Christian faithful to participate in a truly ecumenical Christian commonwealth that did not exclude non-Christians. Christian lawyers, judges, and civil magistrates of every Christian denomination could participate in the secular society without the requirements of having to belong to the Roman Catholic Church or to the Church of England.<sup>61</sup>

Rev. Williams argued that the province of the secular civil magistrate was *ordained by God* but that this secular civil office was not restricted to true Christians or to members of the Christian church. “[W]e may remember,” Rev. Williams wrote, “the practice of the Lord Jesus and his followers, commanding and practicing Christ’s obedience to the higher powers, though we find not one civil magistrate a Christian in all the first churches.”<sup>62</sup> Rev. Williams argued that the sphere of the secular state (including politics and economics) should not be restricted to Christians, within the Protestant Christian commonwealth.

Like John Calvin before him, Roger Williams argued that there are the two tables of the Ten Commandments, the first table pertained to religion and only the church was vested with authority to administer these commandments. The second table pertained to civil duties, and only the civil magistrate was vested with authority to administer these commandments.

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

<b>TEN COMMANDMENTS:</b>	<b>TEN COMMANDMENTS:</b>
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<sup>58</sup> Ibid., p. 67.

<sup>59</sup> Ibid., p. 67; 230-231.

<sup>60</sup> Ibid.

<sup>61</sup> It is likely that the American Founding Fathers had Rev. Williams’ idea of Separation of Church and State in mind when it ratified the Declaration of Independence, the United States Constitution, and the Bill of Rights.

<sup>62</sup> Roger Williams, *The Bloody Tenent*, p. 206.

First Table (The Church)	Second Table (The Civil Magistrate)
I am the Lord thy God! Thou shalt have no other Gods but me!	Thou shalt not kill!
Thou shalt not take the Name of the Lord thy God in vain!	Thou shalt not commit adultery!
Thou shalt keep the Sabbath Day holy!	Thou shalt not steal!
Thou shalt honor father and mother!	Thou shalt not bear false witness against thy neighbor!
	Do not let thyself lust after thy neighbor's wife!
	Thou shalt not covet thy neighbor's house, nor his farm, nor his cattle, nor anything that is his!

Hence, Rev. Williams' theory on the separation of church and state incorporated Calvin's "two-tables" theory, but Rev. Williams went so far as to suggest that the civil magistrate *need not be a Christian* in order to administer the natural law (i.e., the second table). "[C]oncerning the magistrates' power in matters of [Church] doctrine," Williams wrote, "I acknowledge a most holy truth of God, both against the pope, and the civil magistrates' challenge, both pretending to be the vicars of Christ Jesus upon the earth...."<sup>63</sup>

After describing the situation within the Church of England, since Henry VIII threw the Pope out of England, Rev. Williams argued that there had been nothing but spiritual and temporal chaos running throughout England. "In this case what shall the conscience of the subject do, awed by the dread of the Most High? What shall the magistrate do, zealous for his glorious reformation, being constantly persuaded by his clergy of his lieutenantship received from Christ? Again, what privilege have those worthy servants of God, either in Old or New England, to be exempted from the mistakes into which those glorious worthies in King Edward's time did fall? And if so, what bloody conclusions are presented to the world, persuading men to pluck up by the roots from the land of the living all such as

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<sup>63</sup> Ibid, p. 191.

seem in their eyes heretical or obstinate!”<sup>64</sup> The best solution: remove the Church from secular government, and secular government from the Church.

Rev. Williams argued that there is no need for the secular civil magistrate to be a Christian in good standing within the church, stating:

[I]f none but true Christians, members of Christ Jesus, might be civil magistrates, and publicly entrusted with civil affairs, then none but members of churches, Christians, should be husbands of wives, fathers of children, masters of servants. But against this doctrine the whole creation, the whole world, may justly rise up in arms, as not only contrary to true piety, but common humanity itself. For if a commonweal be lawful among men that have not heard of God nor Christ, certainly their officers, ministers, and governors must be lawful also.... [I]t is notoriously known to be the dangerous doctrine professed by some papists that princes degenerating from their religion and turning heretics are to be deposed, and their subjects actually discharged from their obedience. Which doctrine all such must necessarily hold, however most loath to own it, that hold the magistrate *guardian of both tables*<sup>65</sup>; and consequently such an one as is enabled to judge, yea, and to demonstrate to all men the worship of God: yea, and being thus governor and head of the church, he must necessarily be a part of it himself; which when by heresy he falls from—though it may be by truth, miscalled heresy—he falls from his calling of magistracy, and is utterly disabled from his (pretended) guardianship and government of church.<sup>66</sup>

Rev. Williams argued that even though the second table pertains to “man’s duties toward his fellow man,” it nevertheless invokes the lawful jurisdiction of non-Christian or non-religious civil magistrates. The secular civil power is ordained by God to administer the “second table,” to keep civil peace, to exercise the civil sword, and to establish justice and judgment, through the laws of nature. “Methinks,” wrote Rev. Williams, “those precedents of Cyrus, Darius, and Artaxerces, are strong against New England’s tenent and practice. Those princes professedly gave free permission and bountiful encouragement to the consciences

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<sup>64</sup> Ibid, p. 192.

<sup>65</sup> Here, we may surmise that the words “both tables” mean the two parts of the Ten Commandments, the first table relating to man’s obligations to God, and the second table relating to man’s obligations and duties toward his fellow man.

<sup>66</sup> Ibid, p. 205.

of the Jews to use and practice their religion, which religion was most eminently contrary to their own religion and their country's worship."<sup>67</sup> According to Rev. Williams, Western democratic government should emulate these Old Testament examples.

A careful reading of the Old Testament and the writings of the church fathers, such as St. Augustine of Hippo, lends credence to Rev. Williams' viewpoint. The "second table" of the Ten Commandments has been construed to be universal "natural law" or the universal "Golden Rule," which is found in every sincere religion throughout the world, described in modern philosophy as a universal law of reason. This universal law of reason is within the legitimate authority and jurisdiction of every civil magistrate and nation throughout the world. Since 1945, the international human rights systems around the world have explicitly acknowledged and embraced this natural-law viewpoint.

Hence, under Baptist ideology, the church must not use the state to enforce religion upon its citizens or subjects; instead, the secular state must protect religious liberty and freedom of conscience. On the other hand, even within Baptist ideology, the secular state remains at all time subordinate to natural law and the moral law of God.<sup>68</sup> Above the secular state's positive laws, reigns the "'moral law or the law of God,' and disobedience to [positive secular] laws that breach the moral or natural law" is *sine qua non*, within Baptist Christian polity.<sup>69</sup> Indeed, "Baptists have appealed to a notion of some 'higher law,' taking precedence over positive laws, when it comes to religious freedom, moral conduct and civil liberties."<sup>70</sup> Baptists' "commitment to Calvin's theology... includes a natural law foundation to morality."<sup>71</sup> These natural-law philosophies of civil liberties and civil disobedience were also the doctrines of Luther, Calvin, Roger Williams, and, centuries later, of Baptist minister Martin Luther King, Jr.<sup>72</sup>

## CONCLUSION

In *On Grace and Free Will*, Saint Augustine of Hippo, a doctor of the Roman Catholic Church, sets forth a simple and cogent argument for the doctrine of "justification through faith alone, and not works," which laid the foundations for

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<sup>67</sup> Ibid., p. 196.

<sup>68</sup> Norman Doe, *Christianity and Natural Law: An Introduction* (Cambridge, U.K.: Cambridge University Press, 2017), pp. 140-161.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid., p. 156.

<sup>71</sup> Ibid., p. 160.

<sup>72</sup> Ibid., p. 155, 140-161.

the Protestant Reformation and secular Western democracy. This argument was embraced by Martin Luther and utilized in his famous *Ninety-Five Theses*, which launched the Protestant Reformation in Europe. Soon thereafter, two of the Protestant Reformation's greatest leaders, Martin Luther and John Calvin, incorporated St. Augustine's theology on ecclesiology, law, and the doctrine of justification through faith alone into their polemics which they used as the basis for separation from the Roman Catholic Church. For this reason, nearly all of St. Augustine's ideas on Christian theology, justice, and law were readily incorporated into the Protestant governments of Western Europe. Luther and Calvin maintained the idea of Church involvement in civil affairs; and neither of them had formulated an idea of a complete separation between church and state. In other words, the Holy Bible and the "law of Christ"<sup>73</sup> remained a vital part of the secular legal systems of Western Europe, even after the Protestant Reformation, throughout the sixteenth-, seventeenth-, and eighteenth centuries. These same Protestant ideas of law and government would later become important models for the Puritans who settled in New England during the seventeenth century. But even where the Independents, Separatists, and Baptists made their greatest impact in arguing for a complete separation of church and state, their ideal civil government was still very much *ordained by God*, bound by *the natural law*, and accountable *to the consent of those who are governed*. In fact, this influence of the "independents" was by far the greatest legacy of the Protestant Reformation.

In England, where the Anglican Church retained intact nearly all of St. Thomas Aquinas' theology and legal philosophy, the secular law continued to reflect natural law and "the law of Christ" as fundamental legal and constitutional doctrines. But the central problems regarding the power and structure of the Church of England were never fully addressed in England during the 16<sup>th</sup> century. The same concerns which led to the Protestant revolt against the Roman Catholic Church in northern Europe were brought to England and were vociferously expressed by the Puritans and the Presbyterians. At the very core of these concerns were the Christian theological question as to "justification" and "grace." Relying upon the dogma of St. Augustine, Luther and Calvin, the English Presbyterians and Puritans argued that the Church of England continued to follow the same corrupt practices of the Roman Catholics. The end result was political revolution and civil war (1642-1660), which led to several revolutionary political and social proclamations. Many of these political and social proclamations—such as the Levellers' "An Agreement of the People"--- set forth nearly all of the political

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<sup>73</sup> The Law of Christ is to "love ye one another" (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

ideas which have been associated with eighteenth-century Enlightenment philosophers and with the American Revolution (1770-1789). But aside from the written proclamations, many seventeenth-century Puritans founded new colonial governments in North America, and they were able to draft and ratify real political charters, compacts, and written constitutions, which incorporated their Puritan ideas about individual liberties, rights, church, and state. All of these documents and ideas (which were decisively Christian) laid the constitutional foundations of the United States and other western democracies during the eighteenth century.

## THE END

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