

# **CHURCH HISTORY & PURITAN THEOLOGY**



## **PART 3. FAMILY GOVERNMENT AND PURITANISM IN COLONIAL NEW ENGLAND**

# **ST. LUKE’S INN OF COURT**

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### **“A History of the Anglican Church—Part XXIX: 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 XXIX. Anglican Church: “Puritanism, the Family, and Family  
Government—Section Three”**

**C. Sacred Duties of the *Parent-Child Relation***

- 7. Duty of Infant Baptism**
- 8. Duty of Confirmation**
- 9. Duty to Train Children to be in Obedience to Parents, etc.**
- 10. Duty of Correction**
- 11. General Duties and Obligations of Children to Parents**
- 12. General Duties and Obligations of Children to God**
- 13. Duty of Parents to provide a Christian Education**

**Bibliography**

**Appendix A—“Anglo-American Common Law of Family, Parent and Child (*Corpus Juris Secundum*; Am Jur 2d)”**

**Appendix B-- “The American Slave Code: Systematic Denial of Anglo-American Common Law of Family, Paternity and Fatherhood to African Americans, 1619-1865”**

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.

**INTRODUCTION (Section Three)<sup>1</sup>**

In the Puritan theological mindset, the *parent-child relationship* was so fundamental to the survival and health of civilization that the failure to properly discharge parental obligations would cause whole nations to be damned to hell or to fall into demonic barbarism and slavery! Thus, the Puritans of seventeenth-century England and colonial New England considered “parenting” to be a very critical part of “family government.” The relationship of the father and the mother to their children was a part of God’s natural government; and parents were believed to be “natural governors” who were ordained by God to, among other things, teach God’s moral laws, through words and deeds, to their children. This solemn parental

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<sup>1</sup> Section Three on “Puritanism and Family Law” is dedicated to the memory of my great uncle, Rev. Andrew Lee Ford (1913-2014) of the African Methodist Episcopal Church, who was a great “African American father figure” and mentor to myself and to many other young African American men in Suwannee County, Florida. For black boys such as myself, who grew up without their natural father, having access to such fatherly role models was critically important. In this case, Rev. Ford was my grandfather’s youngest brother and also my great uncle. As an ordained and respected minister and the first African American member of the Suwannee County School Board, he possessed all of the traits and characteristics which commanded respect, and which commanded my respect. Rev. Ford believed that I would someday, somehow, succeed him to the pulpit; but he later gave his blessings for me to become an attorney, and even hired me as his lawyer to handle a case on behalf of himself and a local church in 2007. Sometime in 2013 or 2014, while I visited Rev. Ford on his sickbed at a hospital in Lake City, Florida, I informed him that I had felt called to the ministry, to which he gave me his last piece of fatherly advice before passing away from this earth. With respect to preparing for the Christian ministry, Rev. Ford assured me to “be sure and make your own way, son; you are just as close to God as anyone else!” It was from this piece of fatherly advice that I wrote and published *Jesus Master of Law: A Juridical Science of Christianity and the Law of Equity* in 2015, and commenced writing these apostolate papers.

obligation, as taught to me by my dear mother when I was a child in Northern Florida, is an obligation of the natural law that is codified in the Ten Commandments:

*Honour thy father and thy mother, as the LORD thy God hath commanded thee; that thy days may be prolonged, and that it may go well with thee, in the land which the LORD thy God giveth thee.*<sup>2</sup>

The Puritans observed that when a child does not honor and obey his or her parents, nothing good can become of that child except pain, hardship, and the fruits of wickedness. The Puritans also concluded that when whole communities, cities, and nations fail to educate and properly discipline their children, then entire the civilization suffers; and, sooner or later, the entire civilization collapses under the weight of immoral and godless behavior. According to Puritan divines such as the Rev. Richard Baxter (1615-1691), when parents refuse or fail to teach God's word to their children, or fail to live by a Christian example, then the whole civil society falls apart. "[W]icked parents," writes Rev. Baxter **"are the most notable servants of the devil in the world, and the bloodiest enemies to their children's souls. More souls are damned by ungodly parents (and next them by ungodly ministers and magistrates) than by any instruments in the world besides. And hence it is also, that whole nations are so generally carried away with enmity against the ways of God...."**<sup>3</sup> "And hence it is also," writes Rev. Baxter **"that whole nations are so generally carried away with enmity against the ways of God; the heathen nations against the true God, and the infidel nations against Christ, and the papist nations against reformation and spiritual worshippers: because the parents speak evil to the children of all they themselves dislike; and so possess them with the same dislike from generation to generation."**<sup>4</sup> Thus to the Puritan mind, the Fifth Commandment to "honour thy father and mother" was believed to be a vital part of the law of Moses (and, hence, the Law of Christ), thus guaranteeing the health and safety of the community and nation. See, e.g. Table 1, "The Mosaic Life-Death Grid," below.

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<sup>2</sup> Deuteronomy 5:16.

<sup>3</sup> Ibid., p. 75.

<sup>4</sup> Ibid., p. 75.

**Table 1. The Mosaic Life-Death Grid**

<b>Law of Moses (Life)</b>	<b>Law of Sin (Death)</b>
Virtue	Vice
Liberty	Slavery

The Puritans, like the ancient Hebrews before them, also considered the father to be the head of the household and responsible for the education and welfare of the children.<sup>5</sup> To be sure, the mother was considered to be a “governor” of the children and household servants; but the father was both “priest” and “supreme governor” of the entire household. See, e.g., Table 2, “Manhood: A Priestly Function in the Church and Home.”

**Table 2. Manhood: A Priestly Function in the Church and Home**

<b>Father (Church)</b>	<b>Father (Home)</b>
Priest	Husband
Church	Home (Wife/ Children)
Obey/ Administer/ Teach Law of Christ	Obey/ Administer/ Teach Law of Christ

The Puritans thus believed that a “fatherless” home or household presented grave danger and potentially a very grave social crisis if not correctly addressed. Fatherless children were therefore placed into the charge of the entire community, the entire congregation, the priests, and the Lord’s house. Special mandates were placed upon all Puritans (indeed, as upon all of the ancient Hebrews and Christians) to take special care of the orphan and the fatherless. See, e.g., Table 3, “Bible verses on Orphans and the Fatherless.”

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<sup>5</sup> This is still a part of Anglo-American common law. See, e.g., **Appendix A**, below.

**Table 3. “Bible Verses on Orphans and the Fatherless”**

**BIBLE VERSES ON ORPHANS AND THE FATHERLESS**

**Psalm 68:5** ESV

Father of the fatherless and protector of widows is God in his holy habitation.

**Psalm 146:9** ESV

The Lord watches over the sojourners; he upholds the widow and the fatherless, but the way of the wicked he brings to ruin.

**Psalm 146:9** ESV

The Lord watches over the sojourners; he upholds the widow and the fatherless, but the way of the wicked he brings to ruin.

**Job 29:12** ESV

Because I delivered the poor who cried for help, and the fatherless who had none to help him.

**Jeremiah 49:11** ESV

Leave your fatherless children; I will keep them alive; and let your widows trust in me.”

**Malachi 3:5** ESV

“Then I will draw near to you for judgment. I will be a swift witness against the sorcerers, against the adulterers, against those who swear falsely, against those who oppress the hired worker in his wages, the widow and the fatherless, against those who thrust aside the sojourner, and do not fear me, says the Lord of hosts.

**Proverbs 22:6** ESV

Train up a child in the way he should go; even when he is old he will not depart from it.

**Deuteronomy 10:18** ESV

He executes justice for the fatherless and the widow, and loves the sojourner, giving him food and clothing.

**Job 24:9** ESV

(There are those who snatch the fatherless child from the breast, and they take a pledge against the poor.)

**Psalm 10:14 ESV**

But you do see, for you note mischief and vexation, that you may take it into your hands; to you the helpless commits himself; you have been the helper of the fatherless.

**Psalm 94:6 ESV**

They kill the widow and the sojourner, and murder the fatherless;

**James 1:26-27 ESV**

If anyone thinks he is religious and does not bridle his tongue but deceives his heart, this person's religion is worthless. Religion that is pure and undefiled before God, the Father, is this: to visit orphans and widows in their affliction, and to keep oneself unstained from the world.

**Matthew 18:2-5 ESV**

And calling to him a child, he put him in the midst of them and said, "Truly, I say to you, unless you turn and become like children, you will never enter the kingdom of heaven. Whoever humbles himself like this child is the greatest in the kingdom of heaven. "Whoever receives one such child in my name receives me....

The social calamity stemming from "fatherless" homes was thus readily apparent to the ancient Hebrews. The early Christian Church, as Table 3 shows, incorporated this worldview into the "law of Christ,"<sup>6</sup> and the Puritans of seventeenth-century England and colonial New England continued the same traditions. The parent-child relationship was so fundamental to being human and to the laws of nature, that any deterioration in that crucial relationship could create catastrophic consequences for the entire community and body-politic.

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This Puritan parent-child ideal certainly guided my fundamental attitude toward civil rights and the African American community, both during my student days in college and law school, and during the two and a half decades afterwards. I concluded that the parent-child relationship was critically important to the American

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<sup>6</sup> Indeed, the central message of Jesus of Nazareth is "to love ye one another" (John 15:12); "to do justice and judgment" (Genesis 18:18-19; Proverbs 21:1-3); "to judge not according to appearance but to judge righteous judgments" (John 7:24); and to do "justice, judgment, and equity" (Proverbs 1:2-3).

civil rights community and to the plight of the African American community. I believed then that *many of the social pathologies within America's inner cities stemmed fundamentally from a breakdown in the parent-child relationship.*

Two decades ago, when I sat to write what eventually became *Bishop Edwards: A Gospel For African American Workers* (2015)<sup>7</sup>(a novel)<sup>8</sup>, the Puritan conceptualization of the parent-child relationship guided my thinking about the plight of the African American family structure.<sup>9</sup>

As an avid reader of Frederick Douglass' three autobiographies, the nexus between chattel slavery on American soil and the plight of the parent-child relationship became readily apparent and long remained of great interest to me.<sup>10</sup> Indeed, as the great Frederick Douglass had once observed: “[s]lavery had no recognition of fathers, as none of families.”<sup>11</sup> Douglass' quote here had a lasting impression upon me. Thus, ever since my law school years at the University of Illinois, I have believed that the deteriorating relations between African American fathers and their children *had a direct connection to chattel slavery* and lay at the heart of my conceptualization of the race crisis in the United States.<sup>12</sup>

I also believed then that the historic Black Church had a major and significant role to play in arresting this crisis, which I defined as, fundamentally, the problem of a lack of fathers in the home:

The family structure of African-Americans has long been a matter of national public policy interest. A 1965 report by Daniel Patrick Moynihan, known as *The Moynihan Report*,<sup>13</sup> examined the link

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<sup>7</sup> Roderick O. Ford, *Bishop Edwards: A Gospel For African American Workers* (Tampa, FL.: Xlibris Pub., 2015), pp. 62-64.

<sup>8</sup> The author received an honorary Doctor of Divinity degree in part because of his publication of *Bishop Edwards: A Gospel for African American Workers*.

<sup>9</sup> See, e.g., Appendix B-- “The American Slave Code: Systematic Denial of Anglo-American Common Law of Family, Paternity and Fatherhood to African Americans, 1619-1865”

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> See, e.g., “African-American family structure,” [https://en.wikipedia.org/wiki/African-American\\_family\\_structure](https://en.wikipedia.org/wiki/African-American_family_structure), stating:

The breakdown of the Black family was first brought to national attention in 1965 by sociologist and later Democratic Senator Daniel Patrick Moynihan, in the groundbreaking Moynihan Report (also known as "The Negro Family: The Case For National Action"). Moynihan's report made the argument that the relative absence of nuclear families (those having both a married father and mother present) in Black America would greatly hinder further Black socio-economic progress.



between black poverty and family structure. It hypothesized that the destruction of the Black nuclear family structure would hinder further progress toward economic and political equality.

When Moynihan wrote in 1965 on the coming destruction of the Black family, the out-of-wedlock birth rate was 25% among Blacks. **In 1991, 68% of Black children were born outside of marriage. In 2011, 72% of Black babies were born to unmarried mothers. In 2015, 77% of Black babies were born to unmarried mothers.**

Among all newlyweds, 18.0% of Black Americans in 2015 married non-Black spouses. 24% of all Black male newlyweds in 2015 married outside their race, compared with 12% of Black female newlyweds.<sup>14</sup>

Hence, in my novel *Bishop Edwards: A Gospel for African American Workers(2015)* I wrote about this same crisis by putting the following words into the mouth of a fictional A.M.E. Bishop named Marcus Edwards, who writes:

“I Marcus Lucius Edwards, a Bishop of the A.M.E. Church and prisoner for my lord, bring to you glad tidings, O Dear and Gentle Reader. For all praises be to God Our Father, the Holy Spirit Our Comforter, and Christ Our Redeemer....

“For I am concerned not only about my spiritual god-daughter..., but also about the plight of the entire generation of young African Americans whom she represents.

“These children of underprivileged Baltimore sing rhyme and rap with passionate eloquence of the Sorrow Songs sung in the olden days;-- nay, they know pain,

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The current most widespread African American family structure consisting of a single parent has historical roots dating back to 1880. Data from U.S. Census reports reveal that between 1880-1960, married households consisting of two-parent homes were the most widespread form of African-American family structures. Although the most popular, married households decreased over this time period. Single-parent homes, on the other hand, remained relatively stable until 1960; when they rose dramatically. A study of 1880 family structures in Philadelphia, showed that three-quarters of Black families were nuclear families, composed of two parents and children.

In New York City in 1925, 85% of kin-related Black households had two parents. When Moynihan warned in his 1965 report on the coming destruction of the Black family, however, the out-of-wedlock birthrate had increased to 25% among the Black population. This figure continued to rise over time and in 1991, 68% of Black children were born outside of marriage. U.S. Census data from 2010 reveal that more African-American families consisted of single mothers than married households with both parents. Most recently, in 2011; it was reported that 72% of Black babies were born to unmarried mothers.

<sup>14</sup> Ibid.

tragedy and poverty. But despite their turbulent existence they have made an art out of their survival, have made rap music and ghetto life into a sort of epic poetry for the modern world.

“To be sure, there is a sinister side to all of this. A side that is so ridiculously sinister that most Americans are afraid to recognize the fact that it exists. But no American can afford to ignore it—the problems of our inner cities and of Black America--, because it is a problem destined to exemplify the meaning of the human condition in the modern world: materialism and the love of money, or the moral debasement of the human soul....

“Today, African American youth, who grow up in the American ghetto, are socialized and peer-pressured away from the American Dream and taught that there is nothing that is good and right about white America and European civilization—this is wrong.

“On the other hand, there are powerful, influential whites—particularly in education and the entertainment industry—who systematically distort the significance of Africa and African civilization and thereby deprive African American youth of an opportunity to ascertain a true understanding of their history—this is also wrong.

“What, then, do underprivileged African American youth learn and believe today? Listen to the underlying meaning in their melodious rap songs: ‘Life is money and whores. It does not pay to be upright, honest and black in the United States of America.’ Materialism and the love of money, to be sure, are the reasons for such an absurd message, and their consequences—functional illiteracy and ignorance of life’s meaning and possibility—are today the greatest threat to twenty-first century American democracy....”

And, indeed, throughout my career as an American lawyer, the plight of African American youth has profoundly influenced me; and, because of my advocacy for civil rights in general, I could see quite readily that the *parent-child relationship* was very critical to the overall plight of the African American community. For instance, in my book *The Evasion of African American Workers* (2008),<sup>15</sup> I wrote:

The key to African American history, and to comprehending the socioeconomic

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<sup>15</sup> Roderick O. Ford, *The Evasion of African American Workers: Critical Thoughts on U.S. Labor & Employment Law and Policy* (Tampa, FL.: Xlibris Pub., 2008).

damage which slavery and racial discrimination has perpetuated, is to thoroughly comprehend the three most critical relationships in the African American community: the *parent-child relationship*, the *husband-wife relationship*, and the *employee-employer relationship*. The historical devastation of African American homes and communities revolves around these three relationships. Today, new forms of oppression threaten to perpetuate the historical undermining of these three critical relationships—the three-legged stool of **parent-child**, husband-wife, and employee-employer. This three-legged stool is the fulcrum upon which twenty-first century law and public policy must turn, if in this critical period of the twenty-first century the socioeconomic plight of African Americans is to be meliorated.... **Additionally, with respect to the three-legged stool... African American males as a whole appear to be losing the most ground: first, as fathers; second, as husbands; and third, as employees—throwing the whole machinery of African American survival and civilization into crisis mode.** [Footnote 1: I would argue that there is a powerful ‘Invisible Hand’ working against African American males such that only the most gifted and talented African American males can gain a seat at America’s table of prosperity and equal opportunity.]<sup>16</sup> ...

Second, the Congress and the state legislatures, focusing on the parent-child and husband-wife relationships among African Americans, could reward lower socioeconomic African American parents who make sound, rational choices with respect to raising their children, by taking personal responsibility to be good parents. Public policies which provide monetary rewards for responsible parenting within two-parent family structures, would encourage disadvantaged African Americans to make the right choices. Policies which discourage divorce, adultery, spousal abuse, child abuse or family abandonment, etc., through cutting off the aid, would also make sense. America could send a message to disadvantaged African Americans that if you do the right thing, work hard, embrace good values, then the American government, as an instrument of the American people, will help you get out from under poverty,— as a meaningful gesture that takes into account the damaging, crippling effects of slavery. Hence, an ‘Invisible Hand’ would naturally encourage disadvantaged African Americans to make better and rational life choices, which should teach and encourage wholesome community values that roots out the devastating impact of slavery over time.<sup>17</sup>

Similarly, in my book *Jesus Master of Law* (2015), I also wrote that, “[c]ivil rights cannot be exercised, and economic growth cannot be sustained, without character development,”<sup>18</sup> and “[t]herefore, civil rights agendas in the twenty-first

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<sup>16</sup> Ibid., pp. 14-15.

<sup>17</sup> Ibid., pp. 22-23.

<sup>18</sup> Ibid., p. 510.

century should emphasize morality alongside economics and civil rights.”<sup>19</sup> I set forth in that publication a new and novel idea, to wit: the American civil rights movement needed to incorporate “morals” and “character development” into its fight for economic rights and legal rights. See, e.g., Table 4, below.

**Table 4. New Civil Rights Agenda for the Twenty-First Century\***

\* Roderick O. Ford, *Jesus Master of Law: A Juridical Science of Christianity and the Law of Equity* (2015)

**MORALS**

**Abstinence**

**Marriage**

**Parenthood**

**Ethics**

**Altruism**

**Patriotism, etc.**

**ECONOMICS**

**Jobs**

**Education**

**Diversity & Inclusion**

**Small Businesses**

**Community Development, etc.**

**LEGAL RIGHTS**

**Equal Employment**

**Voting Rights**

**Affirmative Action**

**Criminal Justice, etc.**

I believed with the great African American scholar W.E.B. Du Bois that the African American community “must be united; not merely united for the organized theft of political spoils, not united to disgrace religion with whoremongers and ward-heelers; not united merely to protest and pass resolutions, **but united to stop the ravages of consumption among the Negro people, united to keep black boys from loafing, gambling and crime, united to guard the purity of black women and to reduce the vast army of black prostitutes that is today marching to hell; and united in serious organizations, to determine by careful conference and thoughtful interchange of opinion the broad lines of policy and action for the American Negro....**”<sup>20</sup> And, similarly, in his landmark essay “Talented Tenth,” Du Bois wrote: “Men of America, the problem is plain before you. **Here is a race transplanted through the criminal foolishness of your fathers.** Whether you like it or not the millions are here, and here they will remain. **If you do not lift them up, they will pull you down.**”<sup>21</sup> Indeed, to my mind, the very best way to fight racism

<sup>19</sup> Ibid., p. 516.

<sup>20</sup> David Levering Lewis, *W.E.B. Du Bois: A Reader* (New York, N.Y.” Holt and Co., 1995), pp. 25-27.

<sup>21</sup> W.E.B. Du Bois, “The Talented Tenth” (1903) <https://teachingamericanhistory.org/library/document/the-talented-tenth/>

and racial discrimination was undo the ravishing and damaging effects of chattel slavery through developing high moral character within African American youth. And I adopted W.E.B. Du Bois' prescription for this: "We believe that the first and greatest step toward the settlement of the present friction between the races—commonly called the Negro Problem—**lies in the correction of the immorality, crime, and laziness among the Negroes themselves, which still remains as a heritage from slavery.** We believe that only earnest and long continued efforts on our part can cure these social ills."<sup>22</sup>

For these reasons, in *Jesus Master of Law* (2015) I also summarized the teachings of Jesus of Nazareth as comprising sixteen "fundamental laws" *which may be construed as parental advice for young people*, as follows: the Laws of... (1) Temptation; (2) Redemption; (3) Substance over Form; (4) Love; (5) Against Materialism; (6) Private Religion; (7) Rejection; (8) Substantive Justice; (9) Charity; (10) Heart; (11) Holy Spirit; (12) Unrighteous Mammon; (13) Sacrifice; (14) Reconciliation; (15) Universality; and (16) Non-discrimination. Next, I applied these sixteen fundamental "laws of Christ" to the problem of teaching character and character development to inner-city and underprivileged African American youths, and developed the following prescription:

**Table 5. "Temperance, Moral Improvement, and Mental Development of African American Youth and Young Adults"<sup>23</sup>**

**A Secular Program toward the Moral and Mental Development of Black Youth and Young Adults**

**§ 1. Law of Temptation**—learn to put off immediate gratification for long-term rewards;

**§ 2. Law of Redemption**—learn with Dr. Martin Luther King, Jr. that the moral arc of the cosmos is long, but it bends towards justice; and that unearned suffering is redemptive;

**§ 3. Law of Substance over Form**—learn to look beneath appearance and labels in order to ascertain truth, wisdom, knowledge, and justice;

<sup>22</sup> David Levering Lewis, *W.E.B. Du Bois: A Reader* (New York, N.Y.: Holt and Co., 1995), pp. 25-27.

<sup>23</sup> Roderick O. Ford, *Jesus Master of Law: A Juridical Science of Christianity and the Law of Equity* (2015), pp. 515-516.

- § 4. **Law of Love**—learn to value and to apply the Golden Rule;
- § 5. **Law against Materialism**—learn that character is more important in the long run than material wealth without character;
- § 6. **Law of Private Religion**—learn the importance of self-devotion without depending upon organized religion; learn internal introspection, and internal spiritual preservation, education, and growth;
- § 7. **Law of Rejection**—understand that truth, beauty, and love are universal and not confined to one race;
- § 8. **Law of Substantive Justice**—learn the importance of equitable principles when analyzing and applying justice;
- § 9. **Law of Charity**—learn to give time and money to help the less fortunate;
- § 10. **Law of the Heart**—learn to examine the internal heart and mind in order to cultivate positive habits and to get rid of negative, destructive thoughts;
- § 11. **Law of the Holy Spirit**—learn with Mohandus K. Gandhi that Truth is God; that the Spirit of Truth is not confined to Christianity, faith or religion, but the Spirit of Truth is also expressed in science and secular education as well;
- § 12. **Law of Sacrifice**—learn to have the courage to sacrifice associating with persons who are negative influences;
- § 13. **Law of the Unrighteous Mammon**—learn that dishonest earnings have lead many astray and to long prison sentences; learn that money is the root of many, many evils; and to avoid the temptation of dishonest gain;
- § 14. **Law of Reconciliation**—learn that love means perpetual forgiveness and reconciliation; reconciliation means making a good faith and honest attempt to resolve and to avoid conflict, arguments, fights, and lawsuits;
- § 15. **Law of Universality**—learn that all human beings are brothers and sisters, and that truth, beauty, and love are not confined to any particular race; and,
- § 16. **Law of Nondiscrimination**—learn that the same moral laws that apply to white Americans and others, also apply to African Americans as well; we all have the same moral obligations one toward another.

Hence, the Bible’s teachings, standards, and examples mandate that parental

love, wisdom, discipline, and character-building be utilized to teach and raise children and young adults—relying simply upon secular (private or public) education is not enough! When parental guidance is lacking, a child (and indeed whole generations of children) can become lost to worldly and demonic lusts. Within the African American community, I could readily observe this truism! Thus, this social crisis—*particularly that of mending the broken relations between African American fathers and their children*-- propelled me to reconsider the impact of American slavery and segregation upon the plight of the African American family in the United States, and to reassess and re-evaluate the wisdom of the Sacred Scriptures as a source of healing and solution to this crisis. The Sacred Scriptures provides the foundations upon which family relations can be conceptualized to create order and structure, as well as compassion and parental love. And I have concluded that these ingredients—order, structure, compassion, and parental love—are necessary to resolve the crisis of fatherlessness within the African American community. Again, to that effort I owe much to the great theologians of the Roman Catholic Church, the Church of England, and the Puritans of colonial New England.

## SECTION THREE

### **Part XXIX. Puritanism and Family Law: Christian Theology (Sec. 3)**

The relationship between parents and children appears to be fairly universal and Christian theology and customary practices are almost identical to those laws and customary practices of non-Christian peoples. The “laws of nature” dictate certain parental duties that are both uniquely Christian while at the same time quite universal in scope and application. For these reasons, one might readily observe similarities between Puritan doctrines and practices regarding the parent-child relationship, and Anglo-American common law of family relations.

#### **C. Sacred Duties of the Parent-Child Relation**

7. **Duty of Infant Baptism:** parents must remember the “Fall of Man” and that their children were born in sin. For this reason, the parents primary and most important duty is to bring their children into the “covenant by their baptism.”<sup>24</sup> (Puritans who remained within the Church of England, such as Rev. Baxter, continued to promote infant baptism. On this point, Rev. Baxter writes: “...no man can prove that before Abraham’s time, or since, God had ever a church

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<sup>24</sup> Ibid., p. 74.

on earth, of which the infants of his servants (if they had any) were not members dedicated in covenant to God, till of late times that a few began to scruple the lawfulness of this.” For example, other Puritan groups, such as the Puritan-Baptists, disdained infant baptism.) In any event, all Puritans held that the parent’s primary duty was to teach the Gospel to their children, not simply with words but also through their example.

**8. Duty of Confirmation:** parents must allow their baptized children to grow in grace and knowledge of Christ, so that “their souls may gladly consent to it when they understand it...”<sup>25</sup> For those parents who do not believe in “infant” baptism, this process will include (a) baptism and (a) “confirmation” (i.e., the child’s/ teenager’s/ young adult’s independent and personal acceptance of the Christian covenant). For those parents who adhere to “infant” baptism, then this process will involve only “confirmation” of the Christian covenant.

**9. Duty to Train Children to be in Obedience to Parents, Adult Authority, and to God:** Parents must train their children against the natural instincts of disobedience and impatience. To do this, parents must not “spoil” their children through having them submit to their own appetite.

The general maxim was “[o]bey your parents in all things (which God forbiddeth not).”<sup>26</sup> This was, of course, derived for the 5<sup>th</sup> Commandment: “Honor thy Father and Mother, that thy days may be long upon the land which the Lord is giving you.”

Puritan lawyers, theologians and pastors gave the words “Father” and “Mother” an expansive meaning to encompass all civil magistrates and governors. They believed that God, through nature and natural law, had placed “governors” over the people. As Rev. Baxter stated: “Rebel not therefore against those that God by nature and Scripture hath set over you; though the Fifth commandment require obedience to princes, and masters, and pastors, and other superiours, yet it nameth your father and mother only, because they are the first of all your governors, to whom by nature you are most obliged.”<sup>27</sup>

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<sup>25</sup> Ibid.

<sup>26</sup> Ibid., p. 80.

<sup>27</sup> Ibid., p. 81.



Significantly, the Puritans considered this duty to be fundamental to the entire social order: children must obey parents (so long as obedience does not conflict with God’s laws); wives must obey husbands (so long as obedience does not conflict with God’s laws); servants must obey masters (so long as obedience does not conflict with God’s laws); and citizens must obey civil magistrates and governors (so long as obedience does not conflict with God’s laws).

Hence, God’s laws reigned omnipresent and supreme throughout seventeenth- and eighteenth-century England and colonial New England.

**10. Duty of Correction:** Parents must discipline their children; otherwise, the child will grow worse, become more difficult of receiving correction from anyone else, and will come hate their parents. “Correction is a means of God’s appointment; and therefore go to God on your knees in prayer, and entreat him to bless and sanctify it to you, that it may do you good.”<sup>28</sup> To the Anglican and Puritan, this duty of parental correction is fundamental to the well-ordering of the nation state: “And hence it is also,” writes Rev. Baxter “that whole nations are so generally carried away with enmity against the ways of God; the heathen nations against the true God, and the infidel nations against Christ, and the papist nations against reformation and spiritual worshippers: because the parents speak evil to the children of all they themselves dislike; and so possess them with the same dislike from generation to generation.”<sup>29</sup>

**11. General Duties and Obligations of Children to Parents (i.e., how to “honor one’s parents):** Children must be taught the Fifth Commandment (i.e., “Honor thy Father and thy Mother...”) as soon as they can understand and retain it. Through honoring his or her parents, the Puritans generally required a child to discharge the following basic duties:

- (a). The duty of humility towards parents;<sup>30</sup>
- (b). The duty of thankfulness towards parental instruction;<sup>31</sup>
- (c). The duty to consult parents when selecting a spouse;<sup>32</sup>

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<sup>28</sup> Ibid., p. 82.

<sup>29</sup> Ibid., p. 75.

<sup>30</sup> Ibid., pp.81-83.

<sup>31</sup> Ibid.

(d). The duty to consult parents when selecting a vocation;<sup>33</sup>

(e). The duty not to marry without parents' consent (when feasible; and where parents are fully credible persons. If one's natural parents are not available, then one should rely upon another responsible senior adult person);<sup>34</sup>

(f). The duty to help and support parents if they become aged and destitute;<sup>35</sup>

(g). The duty to imitate parents' and grandparents' good example and legacy;<sup>36</sup> and,

(h). The duty to obey Christ first: "Follow not your fathers in their sin and error, but follow them where they follow Christ, 1 Cor. Xi. 1).<sup>37</sup>

**12. General duties and obligations of Children to God:** Parents must also teach and show their children how to walk the Christian walk of faith, as follows:

(a). Children must endeavor to learn about the will of God, the law of Gospel, and of the discipline of the Church and the Christian life. This is an on-going duty. The general maxim is to: "Remember now thy Creator in the days of thy youth, while the evil days come not, nor the years draw nigh, when thou shalt say, I have no pleasure in them."<sup>38</sup>

(b). Children may themselves "confirm" and accept the divine covenant which their parents have chosen on their behalf, or they may freely reject it. But if they are to continue as Christians, they must "confirm and accept" for themselves the tenets of the Christian faith;

(c). Children must honor God by following the Christian discipline, sanctification, and holiness. This means avoiding bad, sinful company; avoid bad, filthy habits; take heed of pride, jealousy, gluttony, and covetousness; observe

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<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid., p. 84.

appropriately the Sabbath Day; and preparing for an appropriate trade or calling that is suitable to one's abilities.

**13. Duty of Parents to provide a Christian Education:** Finally, parents must endeavor to teach the Christian life through example, as well as through actually teaching God's word and demanding requisite church attendance. Rev. Baxter writes: "Let it be the principal part of your care and labour in all their education, to make holiness appear to them the most necessary, honorable, gainful, pleasant, delightful, amiable state of life; and to keep them from apprehending it either as needless, dishonorable, hurtful, or uncomfortable. Especially draw them to the love of it, by representing it as lovely."<sup>39</sup> "The whole skill of parents for the holy education of their children, doth consist in this, to make them conceive of holiness as the most amiable and desirable life; which is by representing it to them in words and practice, not only as most necessary, but also as most profitable, honourable, and delightful."<sup>40</sup> "And therefore still labour to imprint in their minds an odious conceit of a flesh-pleasing life; speak bitterly to them against gluttony, and drunkenness, and excess of sport; and let them often hear or read the parable of the glutton and Lazarus in the sixteenth of Luke..."<sup>41</sup>

Therefore, holy speech and holy speaking by parents is needed. Children must constantly be reminded of God's will and of how to apply God's will to real-world circumstances. According to Puritan divines such as Richard Baxter, when parents refuse or fail to teach God's word to their children, or fail to live by a Christian example, then the whole civil society falls apart. "[W]icked parents," writes Rev. Baxter "are the most notable servants of the devil in the world, and the bloodiest enemies to their children's souls. More souls are damned by ungodly parents (and next them by ungodly ministers and magistrates) than by any instruments in the world besides. And hence it is also, that whole nations are so generally carried away with enmity against the ways of God..."<sup>42</sup>

Lastly, Rev. Baxter advises that parents should also closely monitor their children's eating habits, drinking habits; the character of friends with whom they associate; how they spend their leisure in terms of sports and recreation; and their

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<sup>39</sup> Ibid., p. 75.

<sup>40</sup> Ibid., p. 76.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid., p. 75.

attitude towards riches, pride, and worldliness.

**END OF SECTION THREE**

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## **APPENDIX A: Anglo-American Common Law of Family, Parent and Child (Corpus Juris Secundum; Am Jur (2d Edition)).**

### **I. 67A Corpus Juris Secundum**

#### **A. § 11 Authority and Duties of Parents in General**

“The early common-law concept that the totality of family rights was vested in the husband by reason of such doctrines as that of marital unity of husband and wife and family unity of parent and child has been swept away by modern legislation. Some authorities hold, however, that while both parents are living, the father is bound to protect his children in their persons and rights, and that the authority of the father is superior to that of the mother, as long as the parents are living together as husband and wife.

“On the other hand, in the absence of the father, the mother may direct the child’s conduct, residence, education, occupation, and associates, and on the death of the father it is the right and duty of the mother to exercise authority over her children.”

#### **B. § 12 Guidance and Discipline of Child**

“It is the duty of a parent to supply guidance to a child, to train, supervise, and provide for the child’s growth and development. For this purpose the parent may establish reasonable rules of conduct for the child.

“The parent has discretion to use reasonable means considered to be necessary to maintain discipline or promote the welfare of the child, and may administer punishment or restraint. Thus, either parent has the right and duty to inflict reasonable and moderate chastisement on the child for the punishment of faults or disobedience and the enforcement of parental authority, as long as he or she does it for the welfare of the child.

“A parent, however, has no right in correcting a child to inflict punishment which is excessive, immoderate, and unreasonable, under the circumstances. If the right to chastise is abused, the parent is amenable to the criminal law, and the

courts may punish the parent in a criminal proceeding for gross abuse of power resulting in injury to the child. The authority of a parent to chastise the child may be delegated to another.”

### **C. §10 Nature and Extent of Parental Rights in General**

“While it has been said that there can be no precise contours to the complex of rights denoted by the term ‘custody,’ such terms embraces the sum of parental rights, and it includes the right to the services of the child, the right to direct activities, and the right to make decisions regarding care and control, education, health, and religion.

“The law gives parents who have custody and control of children the right to make all reasonable decisions for control and proper functioning of the family as a harmonious social unit....”

### **D. § 14 Religious Education and Affiliation of Child**

“The right and duty of a parent to educate a child of tender years includes religious education. Generally speaking, where one parent has custody of a child it is that parent’s right to control the child’s religious training, especially where there is no agreement or order of court on the subject....

“According to some decisions, following the English rule, a father has a right to direct and regulate the religious faith in which his child shall be brought up, provided the tenets of such religion do not inculcate violation of the laws of the land, and the court will not interfere with the right unless there is an abuse of parental authority.

“A father, however, has no right to control or interfere with the rights of conscience of his minor child who has arrived at the age of discretion; and, where a parent has surrendered the control, maintenance, and education of the child to the state as *parens patriae*, the parent is not entitled to prescribe its religious education or form of worship.”

### **E. § 15 Rights of State**

“[N]either the state nor the courts may constitutionally interfere with the natural authority of parents as to the custody and upbringing of their children,



unless it becomes necessary to do so for the safety, protection, and welfare of the children; and, moreover, the courts look with disapproval on acts which deprive a parent of the custody and guidance of the child without notice.

“The state may intervene to terminate the parent’s right to the child’s continued custody and place to the child’s continued custody and place it in a more suitable continued custody and place it in a more suitable environment, if the circumstances so warrant. However, the rights and duties of parent and child, under a statute, may not be destroyed by a legislative act which does not expressly or by necessary implication abrogate such rights and duties, and, although the statute may empower the parent to relinquish to the child the right of control, it does not give the child any power to extinguish the parent’s right of control.”

## **II. American Jurisprudence (Second); Parent and Child**

### **F. 59 Am Jur (2d), Parent and Child § 17**

1. “The concept of ‘family’ is one of the fundamental building blocks of American society, and parental autonomy is the cornerstone of this concept. Thus, parents have a fundamental right to autonomy in child-rearing decisions, including whether or not a relationship with a child’s grandparents, or another third party, is in the child’s best interest. Child-rearing autonomy may even extend to whom the child speaks.”

2. “The commonly understood general obligations or parenthood entail these minimum attributes:

- \* expression of love and affection for the child
- \* expression of personal concern over the health, education, and general well-being of the child
- \* the duty to supply the necessary food, clothing, and medical care
- \* the duty to provide an adequate domicile
- \* the duty to furnish social and religious guidance”

3. “The supremacy of parents in their own home as regards the control of their children is generally recognized though because the best interests

of a child and the best interests of even a loving parent can clash, parental authority over children, even where the parent is not generally unfit, is not without limits. Parental rights do not spring full-blown from the biological connection between a parent and a child; they require relationships more enduring. Parents have a recognized liberty interest in the care, custody, and management of their children, and such interest is of considerable importance and far more precious than property rights.”

**B. § 23 Control of education**

“Except as modified by statute, the general rule is that parents and legal custodians have a right, a fundamental liberty interest, and a duty or obligation to direct the education of their children.... Parents have a constitutional right, protected under due-process principles, to choose the education that their children receive.”

**C. § 24 Religious training**

“The commonly understood general obligations of parenthood entail, among other things, the duty to furnish social and religious guidance. As a result, the religious training of minor children, or lack of it, is a matter solely within the parents’ or the legal custodian’s control, one over which the courts generally have no authority, and parents have standing to protect that constitutionally guaranteed right. (Observation: A parent’s right to determine the religious upbringing of a child derives from the parent’s right to exercise religion freely).”

**D. § 25 Discipline**

“A parent, being charged with the training and education of his or her child, has the right to adopt such disciplinary measures for the child as will enable him or her to discharge his or her parental duty.... A parent has a wide discretion in the performance of such functions, but the right of parental discipline has its limits, and if the limits are exceeded, the parent may be criminally liable for assault or other offenses, for violation of penal statutes prohibiting child abuse, or even, if death results, for murder or manslaughter.”

## **Appendix B-- “The American Slave Code: Systematic Denial of Anglo-American Common Law of Family, Paternity and Fatherhood to African Americans, 1619-1865”**

The Puritans of seventeenth-century colonial New England believed that the “family unit” is the cornerstone of the secular civil society, as well as the foundation of the church. They also believed that a properly functioning family structure also required “family government”—that is to say, proper training, adequate preparation, and the highest public-policy priorities of both the Church and the State. **When we compare the regulation of African slaves and slave families in British North America to the standards of “family government” established by the Puritans, we can easily see how the African American family structure was seriously crippled by the system of slavery and lingering racial discrimination. Whereas Puritan and Anglican ideals of the family unit required strict conformity of Christian standards and ideals, the institution of American slavery stripped the African slaves of having any of these conjugal privileges.**

1. A publication of the American and Foreign Anti-Slavery Society is titled, *The American Slave Code*, provides a compilation of the laws that governed and regulated the family or parent-child relationship among African American slaves in the United States. **Chapter VIII, “Slaves Cannot Constitute Families,”** *The American Slave Code*, states the following:<sup>43</sup>

a. “The family relation originates in the institution of marriage, and exists not without it.”

b. “ ‘Of course, these laws **do not recognize the parental relation**, as belonging to slaves. **A slave has not more legal authority over his child than a cow has over his calf.**’ (Jay’s Inquiry, p. 132)”

c. “The fact that the slave, as a chattel personal, may be bought, sold, transported from one place to another, mortgaged, attached, leased, inherited, and

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<sup>43</sup> Ibid., pp. 113-121.

‘distributed’ in the settlement of estates, shows plainly that **slaves cannot constitute families.**”<sup>44</sup>

d. “ ‘In the slaveholding States, except in Louisiana, no law exists to prevent **the violent separation of parents from their children**, or even from each other.’ (Stroud’s Sketch, p. 50).”<sup>45</sup>

e. “ ‘Slaves may be sold and transferred from one to another without any statutory restriction or limitation, **as to the separation of parents and children, &c.**, except in the State of Louisiana.’ (Wheeler’s Law of Slavery, p. 41).”<sup>46</sup>

f. “ ‘They often part men from their wives by selling them far asunder, which is common when estates are sold by executors at vendue.’ (Journal of the Life of John Woolman, London edition, p. 74).”<sup>47</sup>

g. “It is the common understanding at the South, that **slaves do not constitute families.**”<sup>48</sup>

h. “**Parents are almost never consulted as to the disposition to be made of their children**, and they have as little control over them as have domestic animals over the disposal of their young. **Every natural and social feeling and affection are violated with indifference. Slaves are treated as though they did not possess them.**’ (Ib. pp. 65-7)[Italics in the original text].<sup>49</sup>

2. Similarly, the impact of this aspect of the “American Slave Code” upon the parent-child relation has been carefully documented in the writings of men such as Frederick Douglass, as, for example, I memorialized in my book *Labor Matters: the African American Labor Crisis, 1861-Present* (2015):

The color line of the twentieth century was established in 1896 in the Supreme Court’s infamous case of *Plessy vs. Ferguson*, which upheld racial segregation. But the American color line had deep roots in the American slave codes as well. Those old slave codes lumped

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<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

multiracial Africans (i.e., mulattoes) into the same class as the unmixed African slaves. Florida's antebellum statutes explicitly mention mulattoes and treat them as 'slaves,' 'Negroes,' 'free Negroes,' etc....

In the antebellum South white fathers usually disowned their multiracial children and were willing to relegate them to the status of slaves. Indeed, in many states the race of the mother determined the race of the child, precisely to achieve the perpetual subordination of mulatto children to the same status as the other darker-skinned African American slaves.

Writing on this same point, **Frederick Douglass** observed that **'[s]lavery had no recognition of fathers, as none of families. That the mother was a slave was enough for its deadly purpose. By its law the child followed the condition of its mother. The father might be a freeman and the child a slave. The father might be a white man, glorying in the purity of his Anglo-Saxon blood, and his child ranked with the blackest slaves.** Father he might be, and not be husband, and could sell his own child without incurring reproach, if in its veins coursed one drop of African blood.'

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3. For this reason, in *Jesus Master of Law* (2015), I wrote: "Today, Christians—and especially African American Christians—are called upon to address whether these ancient ideas of Christian love and family can have practical application in the modern world. The Black family is indispensable and critical to the plight of the African American community. **According to W.E.B. Du Bois, the purpose and function of the family were vital and could not be replicated or replaced by other artificial, human-made institutions.** Dr. Du Bois opined that the family's vital function and purposes was to 'breed' ladies and gentleman, good manners and civilization, as follows:

Manners maketh Man, and are the essence of good breeding. They have to do with forms of salutation between civilized persons; with

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<sup>50</sup> Roderick O. Ford, *Labor Matters: the African American Labor Crisis, 1861-Present* (Tampa, FL.: Xlibris, 2015), pp. ----.

the care and cleanliness and grooming of the body. They avoid the stink of bodily excretions; they eat their food without offense to others; they know that dirt is matter misplaced and they seek to replace it. The elementary rules of health become to them second nature and their inbred courtesy one to another makes life liveable and gracious even among crowds. **Now this breeding and infinite detail of training is not learned in college and may not be taught in school. It is the duty and task of the family group and once the infinite value of that training is missed it can seldom be replaced through any later agency.** It is in vain that the university seeks to cope with ill-bred youngsters, foul-mouthed loafers and unwashed persons who have happened to pass the entrance examinations.... Unless a new type of Negro family takes the burden of this duty, we are destined to be, as we are too largely today, a bad-mannered, unclean crowd of ill-bred young men and women who are under the impression that they are educated.<sup>51</sup>

“Similarly, unless a new type of African American family effectively assume the role and burden of the conventional (male/female/ husband-wife/ father-mother) family structure, the upward mobility and plight of underprivileged African American youth will be difficult to ameliorate.”<sup>52</sup>

Hence, in the United States of America, the *criminal justice tribunal* and *mass incarceration* have replaced parental love and instruction and even supplanted the ideal of the traditional, nuclear two-parent family unit within the underprivileged African American community, and become the inevitable heir of the peculiar institution called American slavery.

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*“Thus, lord, thus I beseech you....  
Let truth spring up out of the earth,  
and let righteousness look down from heaven.”*

*-- St. Augustine of Hippo*

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<sup>51</sup> *Jesus Master of Law*, pp. 499-500.

<sup>52</sup> *Ibid.*, p. 500.