

“THE COVENANT OF NATURE”

An Apology in favor of

CHRISTIANITY

Being a Republication of Natural Law and Natural Religion

And the Foundation of the

DECLARATION OF INDEPENDENCE (1776)

and the

UNITED STATES CONSTITUTION (1787)

Volume One

of

PURITANISM AND THE PRESBYTERIAN ENLIGHTENMENT:
Or The Religion of Nature as the Foundation of the U. S. Constitution

By

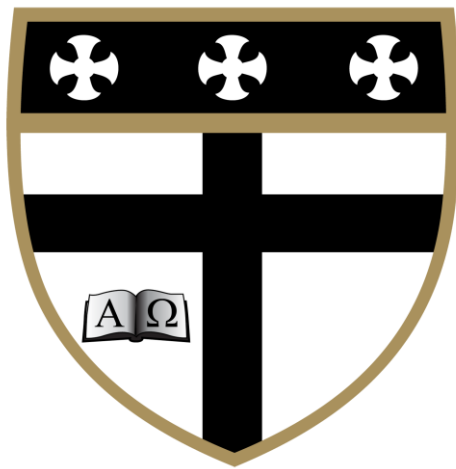
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“THE COVENANT OF NATURE”



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A POSTDOCTORAL STUDY

*Practical Problems in Law and Ministry:
Puritanism and the Presbyterian Enlightenment*

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Volume One: The Covenant of Nature

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The Forethought

The “Covenant of Nature” is a Puritan theological and constitutional idea that is also reflected in the Westminster Larger Catechism # 20. To understand the “Covenant of Nature,” we must read Psalm 19:1-4 and Romans 10: 18 together as one universal moral law that envelopes the entire universe. When God created the heavens and the earth, as recounted in the Book of Genesis, He created “nature” and the “laws of Nature,” which are referenced in the orthodox Catholic-Protestant theology of Augustine, Aquinas, Calvin, R. Hooker, J. Butler, and R. Watson, as well as of the political theories of Plato, Aristotle, Cicero, Hobbes, Locke, Rousseau, and Jefferson. God’s creation thus bestowed an unchangeable design and order in the universe.

Hence, the Holy Bible enunciated a “fundamental law”— apart from its narratives of miraculous events— which both religious and secular philosophers have deduced to be universal “reason,” the “law of reason,” or the “divine Logos,” that determines what is reasonable and unreasonable, what is right and wrong, and what is just and unjust,— and, significantly, a “fundamental law” that is self-executing, without any affirmation or approval from human beings, through divine Providence. He invested both Adam and Noah with the authority to exercise dominion upon the earth in accordance with this “fundamental law.”

The Old and New Testaments reaffirmed this same “fundamental law” in the Pentateuch and in the writings of the Apostle Paul. Many centuries later, the Medieval Church of England ratified this same idea of “fundamental law” through the writings of sagas such as Henry de Bracton, John of Salisbury, and Richard Hooker. This same “fundamental law” was also reaffirmed by the Puritans of colonial New England.

When English jurist William Blackstone referenced the “laws of nature” in his masterpiece *Commentaries on the Laws of England* (1765), he was referencing this same “fundamental law.” As this fundamental law was enunciated in the Holy Bible, and bequeathed to the Roman Catholic Church and to the Church of England, through the writings of Augustine, Blackstone, and others, it was also given to the colonists of British North America. It was later incorporated into the text of the American Declaration of Independence (1776), and so became the operative constitutional law of the United States. The constitutional foundation of the United States of America is indeed a “Covenant of Nature,” and, as such, it is fundamentally Augustinian, Calvinistic, Puritan, and Judea-Christian. For these reasons, the United States is constitutionally and legally a “Christian” nation.

Wherefore, this postdoctoral study holds that “natural law,” “natural rights,” and “natural theology”— which constitute the divine “Covenant of Nature” — are expressly incorporated into the American Declaration of Independence and are thus vital components of American constitutional law and jurisprudence.

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Whitefield Theological Seminary
August 24, 2022

Chapter One

“Introduction to the Covenant of Nature”

The “Covenant of Nature,” or what some theologians have called the “Covenant of Life” or the “Covenant of Works,” is a Puritan and Presbyterian theological, constitutional, and legal concept that is summarized in the Westminster Confession of Faith, Larger Catechism #20, as follows:

Q. 20. What was **God’s providence** relating to the humans he created?

A. God providentially put Adam and Eve in paradise and assigned them the job of taking care of it. He gave them permission to eat everything that grew,¹ **put them in authority over all the creatures**,² and established marriage as a help for Adam.³ God allowed them to have fellowship with him,⁴ instituted the Sabbath,⁵ and made **a covenant of life with them on the condition of their personal, perfect, and perpetual obedience**.⁶ The tree of life was a sign guaranteeing this covenant.⁷ Finally, God told them not to eat from the tree of knowledge of good and evil or they would die.⁸

For the Westminster divines here conceptualized this Covenant of Nature as being inclusive of the dominion covenants given to both Adam and Noah,⁹ and of the special covenant given to

¹ Westminster Confession of Faith, Larger Catechism #20, citing Genesis 2:8, 15-16.

² Ibid., citing Genesis 1:28.

³ Ibid., citing Genesis 2:18.

⁴ Ibid., citing Genesis 1:26-29, 3:8.

⁵ Ibid., citing Genesis 2:3.

⁶ Ibid., citing Galatians 3:12, Romans 10:5; compare with Gen. 2:16-17 with Romans 5:12-14,10:5, Luke10:25-28, and with the covenants made with Noah and Abraham.

⁷ Ibid., citing Genesis 2:9.

⁸ Ibid., citing Genesis 2:17.

⁹ Ibid., citing Galatians 3:12, Romans 10:5; compare with Gen. 2:16-17 with Romans 5:12-14,10:5, Luke10:25-28, and with the covenants made with Noah and Abraham.

Abraham and his seed,¹⁰ and of the general law of nature, which is the Golden Rule, or the law of Christ, or the law of love.¹¹

Therefore, the “Covenant of Nature,” which is certainly a Puritan idea, conceptualizes all civil governments, constitutional laws, and statutory or customary laws, as being created and designed to establish and implement “equity, judgment, and justice”¹²— divine justice. Secular political theorists and constitutional scholars trace the American Declaration of Independence (1776) and the United States Constitution (1787) to 18th-century “social contract” political theory, but that same “social contract” political theory was founded upon Puritan covenant theology— namely, the “Covenant of Nature,” as previously set forth. Thus, there is significant

¹⁰ Ibid.

¹¹ Ibid., Westminster Larger Catechism # 20 especially citing Luke 10: 25-28, which states:

And, behold, a certain lawyer stood up, and tempted him, saying, Master, what shall I do to inherit eternal life?

He said unto him, What is written in the law? how readest thou?

And he answering said, Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy strength, and with all thy mind; and thy neighbour as thyself.

And he said unto him, Thou hast answered right: this do, and thou shalt live.

The Westminster Confession of Faith of 1647, Chapter 19, “Of the Law of God,” further explains:

I. God gave to Adam a law, as **a covenant of works**, by which he bound him, and all his posterity, to personal, entire, exact, and perpetual obedience; promised life upon the fulfilling, and threatened death upon the breach of it; and endued him with power and ability to keep it.

Gen. 1:26,27 with Gen. 2:17; Rom. 2:14,15; Rom. 10:5; Rom. 5:12,19; Gal. 3:10,12; Eccl. 7:29; Job 28:28.

II. **This law, after his fall, continued to be a perfect rule of righteousness**; and, as such, was delivered by God upon mount Sinai in **ten commandments**, and written in two tables; the four first commandments containing our duty towards God, and the other six our duty to man.

James 1:25; James 2:8,10-12; Rom. 13:8,9; Deut. 5:32; Deut. 10:4; Ex. 34:1.
Matt. 22:37,38-40.

III. Beside **this law, commonly called moral**, God was pleased to give to the people of Israel, as a church under age, ceremonial laws, containing several typical ordinances, partly of worship, prefiguring Christ, his graces, actions, sufferings, and benefits; and partly holding forth divers instructions of moral duties.^e All which ceremonial laws are now abrogated, under the New Testament.

¹² Genesis 18: 18-19; Proverbs 1:1-3.

truth in this conceptualization of the “social contract” theory of American constitutional law. However, it is a great misconception to conceal the great and significant contributions of the 17th-century Puritan divines to “social contract” political theory. The Puritans may have invented the “social contract” idea on the Mayflower in 1620. They called their contract theory, “covenant theology,” or the “Covenant of Nature,” the “Covenant of Life,” and the “Covenant of Works,”— all somewhat interchangeable ideas.¹³ This was the religious or the Christian nomenclature given to the secular version of the “social contract.” Both “covenant theology” and “social contract” political theory are interchangeable ideals. When English theorists like Thomas Hobbes (1588 – 1679), John Locke (1632 -1704), and the Frenchman Jean Jacques Rousseau (1712 - 1788) used the words “social contract” or “social compact” in their writings, they intended to convey an idea that is deeply tied to Mosaic law, custom, and tradition— namely, that God is the First Cause and the foundation of all justice. Their political terminology thus implied the existence of “natural law” from God’s Creation;¹⁴ and so these political philosophers’ usage of words such as “social contract” referenced what the Puritans called the “Covenant of Nature.”¹⁵ From this, we may rightfully deduce that this same “Covenant of Nature” was bedrock of the American Declaration of Independence. In his “Letter to John Adams of April 11, 1823,”¹⁶ Thomas Jefferson wrote that “[o]ur Revolution commenced on more favorable ground. We appealed to those of *nature*, and found them *engraved on our hearts*.”¹⁷ Hence, from this

¹³ Kenneth Talbot, *Confirming Our Faith: A Reformed Covenantal Theology of the Sacraments* (Lakeland, FL.: Whitefield Media Publishing, 2009), pp. 6-10.

¹⁴ Here, we must read Psalm 19:1-4 and Romans 10: 18 together. See, also, St. Augustine, *Confessions*, supra, p.151, stating “And see also the heaven, and earth, and all that is in them—on every side they tell me to love you, and they do not cease to tell this to all human beings, ‘so that they are without excuse.’”

¹⁵ Here, we must read Psalm 19:1-4 and Romans 10: 18 together. If we carefully examine the writings of the social contract theorists, such as Hobbes, Locke, and Rousseau, we find that they acknowledged the authority of the Anglican or Roman churches and wrote within the Augustian-Thomist natural law traditions. For example, John Locke’s writings frequently acknowledged and embraced the “judicious” Dr. Richard Hooker, an Anglican divine and Doctor of the Church of England.

¹⁶ See, Thomas Jefferson, *Writings* (New York, N.Y.: The Library of America, 1984), pp. 1466- 1469.

¹⁷ *Ibid.*, p. 1491. (Emphasis added in Italics). Here, Jefferson’s words clearly echo and reflect the general Christian natural law doctrine, as, for example, stated in the *Catechism of the Catholic Church*, to wit:

theological and theoretical foundation, this postdoctoral study has deduced that the Puritan's "Covenant of Nature" was extracted the Holy Bible; and, through Puritan influence, it became the foundation of the Declaration of Independence and American constitutional law.¹⁸

The *Epistle to the Hebrews*, which some have attributed to the Apostle Paul's authorship, plainly demonstrates a primordial, pre-Christian faith by describing "Noah, being warned of God of things not seen as yet, moved with fear, prepared an ark to the saving of his house; by the

I. THE NATURAL MORAL LAW

1954 Man participates in the wisdom and goodness of the Creator who gives him mastery over his acts and the ability to govern himself with a view to the true and the good. The natural law expresses the original moral sense which enables man to discern by reason the good and the evil, the truth and the lie:

The **natural law is written and engraved in the soul of each and every man**, because it is human reason ordaining him to do good and forbidding him to sin . . . But this command of human reason would not have the force of law if it were not the voice and interpreter of a higher reason to which our spirit and our freedom must be submitted.

1955 The "divine and natural" law shows man the way to follow so as to practice the good and attain his end. The natural law states the first and essential precepts which govern the moral life. It hinges upon the desire for God and submission to him, who is the source and judge of all that is good, as well as upon the sense that the other is one's equal. Its principal precepts are expressed in the Decalogue. This **law is called "natural,"** not in reference to the nature of irrational beings, but because reason which decrees it properly belongs to human nature:

Where then are these rules written, if not in the book of that light we call the truth? In it is written every just law; from it the law passes **into the heart of the man who does justice**, not that it migrates into it, but that it places its imprint on it, like a seal on a ring that passes onto wax, without leaving the ring. The natural law is nothing other than the light of understanding placed in us by God; through it we know what we must do and what we must avoid. God has given this light or law at the creation.

1956 The natural law, present **in the heart of each man and established by reason**, is universal in its precepts and its authority extends to all men. It expresses the dignity of the person and determines the basis for his fundamental rights and duties:

For there is a true law: **right reason**. It is in conformity with nature, is diffused among all men, and is immutable and eternal; its orders summon to duty; its prohibitions turn away from offense To replace it with a contrary law is a sacrilege; failure to apply even one of its provisions is forbidden; no one can abrogate it entirely.

18 NOTE: this proposition is not merely the academic conclusion of this post-doctoral study, but it is the firm conclusion of the United States Supreme Court. For case law discussing the relationship of the Christian religion to American constitutional law, see *Terrett v. Taylor*, 13 U.S. 43, 52, 9 Cranch 43 (1815)(referencing "the **principles of natural justice**, upon the fundamental laws of every free government"); *Vidal v. Girard's Executors*, 2 How. 127 (1843)(the United States is "**a Christian country**"); *Holy Trinity v. United States*, 143 U.S. 457 (1892)(providing an extensive history of the influence of Christianity upon state and federal constitutional documents and traditions, and concluding that the United States is "**a Christian nation**"); *United States v. Macintosh*, 283 U.S. 605, 625 (1931) (stating that [w]e are **a Christian people** (*Holy Trinity Church v. United States*, 143 U. S. 457, 143 U. S. 470- 471), according to one another the equal right of religious freedom and acknowledging with reverence the duty of obedience to the will of God"); and *Updegraph v. Commonwealth*, 11 Serg. & Rawl, 394 P. 1824 (explaining that general Christianity is a part of the common law of Pennsylvania).

which he condemned the world, and became heir of the righteousness which is by faith.”¹⁹ This primordial, pre-Christian faith—which is the foundation of the natural religion of the Gentiles from whence the laws of nature have been derived—is the subject matter of this postdoctoral study. Indeed, the Apostle Paul’s theology on “nature” and the “Gentiles” is deeply rooted to a conception of “covenant of nature” that God extended to all mankind through his dominion covenant with Adam and Noah.²⁰ According to the *Torah*, all nations or peoples of this earth trace their political, constitutional, and legal authority to the divine covenant which God made with Noah following the Great Flood.²¹ The Mosaic law teaches that, due to the failure of mankind to exercise the “Adamic” dominion covenant in a just fashion, the Great Flood was sent as a divine sentence against human wickedness and evil which had filled the earth.²² After the Great Flood, God extend this same dominion covenant to the patriarch Noah.²³ Significantly, because Noah was “a just man and perfect in his generations, and...walked with God,” both he

19 Hebrews 11: 7.

20 See, also, Romans 1:14-15 (“I am debtor both to the Greeks, and to the Barbarians.... So, as much as in me is, I am ready to preach the gospel to you that are at Rome also.”); Romans 1:19-20 (“that which may be known of God is manifest in them...the invisible things of him from the creation of the world are clearly seen, being understood by the things that are made, even his eternal power and Godhead....”); Romans 2:11-16 (“when the Gentiles... do by nature the things contained in the law... shew the work of the law written in their hearts”); Romans 10:8 (“The word is nigh thee, even in thy mouth, and in thy heart”); Romans 10:18 (“But I say, Have they not heard? Yes verily, their sound went into all the earth, and their words unto the ends of the world.”) The Puritans expressly embraced Paul’s conception and theology of nature and natural law. See, e.g., Ernest F. Kevan, *The Grace of Law: A Study in Puritan Theology* (Grand Rapids, MI: Soli Deo Gloria Pub., 2018), p. 59 (citing Anthony Burgess, *Spiritual Refining*, “Of Grace and Assurance,” p. 334, stating “The customary way in which the Puritans expressed this was to say that the Law of God was ‘written’ in his heart.... Authority for this manner of speaking was usually found in Romans ii. 14, 15, where Paul writes of those who, although they never formally received the Ten Commandments at the hand of Moses, nevertheless ‘show the work of the law written in their hearts.’ This means, says Anthony Burgess, that they were ‘not without a Law ingrafted in their conscience, whereby they had common dictates about good and evil;’ indeed, as Paul at once points out in the immediately following clause, this written Law is the very foundation of conscience.”)

21 Genesis 9:1-7 (“And God blessed Noah and his sons, and said unto them, Be fruitful, and multiply, and replenish the earth. And the fear of you and the dread of you shall be upon every beast of the earth, and upon every fowl of the air, upon all that moveth upon the earth, and upon all the fishes of the sea; **into your hand are they delivered**. Every moving thing that liveth shall be meat for you; even as the green herb have I given you all things. But flesh with the life thereof, which is the blood thereof, shall ye not eat. And surely your blood of your lives will I require; at the hand of every beast will I require it, and at the hand of man; at the hand of every man's brother will I require the life of man. Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man. And you, be ye fruitful, and multiply; bring forth abundantly in the earth, and multiply therein.”)

22 Genesis 6: 1-7.

23 Genesis 1:26-28.

and his household were saved from the Great Flood; and, subsequently, they were entrusted with subduing the earth and replenishing it.²⁴

Thus accepting the Law of Moses as an authoritative source of legal custom or constitutional law, the Puritans construed the Noahic dominion covenant to be the basis for their understanding of civil government, to wit: a political-social “covenant of nature.”²⁵ To the Puritan, this “covenant of nature” is both political and social in that it speaks to the duty of the moral governance of families, societies, peoples, and nations. To the Puritan, as in Roman Catholic and Anglican theology, natural laws are self-evident and revealed through the creation. In Western theology and political theory in general, natural laws represented God’s ongoing and continuing divine Providence over the affairs of men. “In a word,” concluded Augustine of Hippo, “human kingdoms are established by divine providence,”²⁶ and “God can never be believed to have left the kingdoms of men, their dominations and servitudes, outside of the laws of His providence.”²⁷

Significantly, the Noahic Covenant of Nature is universal and general.²⁸ To this point, Dr. Ernest Kevens explains: “[w]hat was ‘the State of things before the Law’? It was the uniform

24 Genesis 6:9.

25 Genesis 1:26-28 (“And God said, Let us make man in our image, after our likeness: and let them **have dominion** over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth. So God created man in his own image, in the image of God created he him; male and female created he them. And God blessed them, and God said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it: and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth.”) See, also, “Herman Bavinck’s **Covenant of Nature**,” <https://www.puritanboard.com/threads/herman-bavincks-use-of-the-covenant-of-nature.85494/>, stating, “Bavinck sees the ‘broader’ aspect of the Covenant of Grace as the universal covenants made with everyone whereby common grace is offered to all. He labels this the **Covenant of Nature**, and includes the Adamic Covenant and the Noahic Covenant within it. In the Adamic Covenant “lies the origin and guarantee of continued existence, the expansion and development, the struggle and victory of humankind as a whole... In the long period from Adam to Noah, all of them develop under the influence of God’s common and special grace... [As a result, religion] survived the fall and acquired fixed forms in sacrifice (Gen. 4:3), prayer, and preaching (Gen. 4:26). Culture got started with agriculture, cattle breeding, and the construction of cities (Gen. 4:17); the arts and sciences began to flourish (Gen. 4:20ff.)” (vol. 3, pp. 216-217).”

26 Saint Augustine, *The City of God*, supra, pp. 142-143.

27 Ibid., p, 158.

28 Here, we must read Psalm 19:1-4 and Romans 10: 18 together. Psalm 19: 1-4 states: “The heavens declare the glory of God; and the firmament sheweth his handywork. Day unto day uttereth speech, and night unto night

conviction of the Puritans that, on the basis of the moral Law implanted by nature within man, God engaged Himself to man in what has come to be known as a Covenant of Works. The concept of a Covenant of Works was relatively new, being no part of the theological formulation of Calvin.... Not all the Puritans, however, were satisfied about the title ‘Covenant of Works,’ and some preferred to call it... ‘a Covenant of Nature.’”²⁹ This “Covenant of Nature,” which the Puritans devised, was further extrapolated upon by intellectuals such as Thomas Hobbes, John Locke, Jean Jacques Rousseau, and many other “social contract theorists” who referred to the “Covenant of Nature” as the “state of nature.” Hence, the “state of nature,” is a Puritan theological extrapolation of the state of Adam, a perfect man, and the condition of Adam after the Fall. What was Adam’s relation to God’s will and law after the Fall? “This Law includes not ‘the least Iota of pardoning Mercy,’ and to fail in obedience is to fail with no hope of recovery.”³⁰ Thomas Hobbes’ and John Locke’s “state of nature” was thus Puritan theological extrapolations which explained natural law, the nature of civil law, and civil government. “It was the custom of the Puritans, therefore, to speak of the moral Law as eternal.

Naturall Law, is the same, which usually is called the Eternall Law: but it is called Eternall, in relation to God, as it is from Eternity in Him; it is called Naturall, as it is ingrafted and imprinted in the Nature of man, by the God of Nature.³¹

The moral Law is the reflection of that “Law eternall, resident in the pure, glorious, infinite minde of God, which is that order which God before all ages hath set downe with himself, for

sheweth knowledge. There is no speech nor language, where their voice is not heard. Their line is gone out through all the earth, and their words to the end of the world”; and Romans 10: 18 states, “But I say, Have they not heard? Yes verily, their sound went into all the earth, and their words unto the ends of the world.”)

29 Ernest F. Kevan, *The Grace of Law: A Study in Puritan Theology* (Grand Rapids, MI: Soli Deo Gloria Publications, 2018), pp. 110-111.

30 Ibid., p. 113.

31 Ernest F. Kevan, *The Grace of Law: A Study in Puritan Theology* (Grand Rapids, MI: Soli Deo Gloria Pub., 2018), p. 67 (“William Ames, *Conscience*, Book V, p. 100; cf. *Marrow of Sacred Divinity*, p. 42).

himself to do all things by.”³² “It was the common belief of the Puritans that when the Creator formed man He gave him

a Law of Universal Obedience written in his heart, which by his Fall was much obliterated and defaced: Yet all Mankind have some Fragments of it remaining in their hearts; such as make the very Gentiles, who have not the written law, inexcusable for their Transgressions. [citing Thomas Gouge, *Principles of Christian Religion*, 1645, pp. 190, 191.]³³

The Noahic dominion covenant is thus a Puritan ideal which expresses the “Covenant of Nature.” But, more accurately, the Noahic dominion covenant is also that which many of the latitudinarian Anglicans, such as Bishop Joseph Butler (1692- 1752), referred to as the “state of natural religion.”³⁴ The Noahic dominion covenant or the “Covenant of Nature” is a “state of natural religion,” because all of mankind is perpetually confronted by a *predestinated moral choice*. I do not mean to imply that mankind has “free will” in the Pelagian sense, but only to state that, within the domain in which God has placed mankind, that is to say, within the “Covenant of Nature,” there is the Mosaic “free” choice between Good and Evil, or Life and Death. In the political state, where there is a “Covenant of Nature,” both the “elect” or the saints and the non-elect or the worldly-reprobates have common ground to build civil societies to establish order and civil peace. This domain wherein civil societies are formed belongs to divine Providence and is thus sacred. The civil polity, the secular government, legal systems, and the

32 Ibid.

33 Ibid., p. 47.

34 See, generally, the writings of the Latitudinarian Anglican and Bishop Joseph Butler (1692 -1752). https://en.wikipedia.org/wiki/Joseph_Butler. See, e.g., Joseph Butler, *The Analogy of Religion, Natural and Revealed to the Constitution and Course of Nature*, supra, pp. 152, 155, 158 (“the Author of Nature”); p. 159 (“...the Author of Nature, which is the foundation of Religion”); p. 162 (“... there is one God, the Creator and moral Governor of the world”); p. 187 (“Christianity is a republication of natural Religion”); p. 188 (“The Law of Moses then, and the Gospel of Christ, are authoritative publications of the religion of nature....”); p. 192 (“Christianity being a promulgation of the law of nature....”); p. 243 (“These passages of Scriptures ... comprehend and express the chief parts of Christ’s office, as Mediator between God and men.... First, He was, by way of eminence, the Prophet: that Prophet that should come into the world, to declare the divine will. He published anew the law of nature.... He confirmed the truth of this moral system of nature....”). See generally the writings of the Latitudinarian Anglican and Chancery Lawyer Matthew Tindal (1657 - 1733), https://en.wikipedia.org/wiki/Matthew_Tindal. See, e.g., Matthew Tindal, *Christianity as Old as the Creation, or the Gospel a Republication of the Religion of Nature* (Newburgh, England: David Deniston Pub., 1730) [Republished by Forgotten Books in 2012], pp. 52, 56, 61, 64, 72-74 (stating that Christianity is a republication of natural religion).

administration of justice are thus sacred. And because the magistrates, governors, and rulers of the earth all perform sacred functions, the Apostle Paul has referred to them as “ministers of God” and (or) as “God’s ministers.”³⁵ The theologies of Augustine of Hippo and, hence, of Western political and constitutional theory are founded upon these precepts.³⁶

³⁵ Romans 13: 4, 6. Here, we must also read Psalm 19:1-4 and Romans 10: 18 together. Psalm 19: 1-4 states: “The heavens declare the glory of God; and the firmament sheweth his handywork. Day unto day uttereth speech, and night unto night sheweth knowledge. There is no speech nor language, where their voice is not heard. Their line is gone out through all the earth, and their words to the end of the world”; and Romans 10: 18 states, “But I say, Have they not heard? Yes verily, their sound went into all the earth, and their words unto the ends of the world.”)

³⁶ In general Protestant discourse, the civil magistrate is “God’s minister” and civil government is of divine ordination. See, e.g., the following extrapolations from Luther and Beza:

Martin Luther (1483 - 1546)

See Martin Luther, *Temporal Authority: To What Extent it Should be Obeyed* (1523) (“[W]e must provide a sound basis for the civil law and sword so no one will doubt that it is in the world by God’s will and ordinance.... The law of this temporal sword has existed from the beginning of the world.... All who are not Christians belong to the kingdom of the world and are under the law. There are few true believers, and still fewer who live a Christian life, who do not resist evil and indeed themselves do no evil. For this reason God has provided for them a different government beyond the Christian estate and kingdom of God. He has subjected them to the sword so that, even though they would like to, they are unable to practice their wickedness, and if they do practice it they cannot do so without their wickedness, and if they do practice it they cannot do so without fear or with success and impunity. In the same way a savage wild beast is bound with chains and ropes so that it cannot bite and tear as it would normally do, even though it would like to; whereas a tame and gentle animal needs no restraint, but is harmless despite the lack of chains and ropes. If this were not so, men would devour one another, seeing that the whole world is evil and that among thousands there is scarcely a single true Christian. No one could support wife and child, feed himself, and serve God. The world would be reduced to chaos. For this reason God has ordained two governments: the spiritual, by which the Holy Spirit produces Christians and righteous people under Christ; and the temporal, which restrains the un-Christian and wicked so that-no thanks to them-they are obliged to keep still and to maintain an outward peace. Thus does St. Paul interpret the temporal sword in Romans 13 [:3], when he says it is not a terror to good conduct but to bad. And Peter says it is for the punishment of the wicked [I Peter 2:14].... Here you inquire further, whether constables, hangmen, jurists, lawyers, and others of similar function can also be Christians and in a state of salvation. Answer: If the governing authority and its sword are a divine service, as was proved above, then everything that is essential for the authority’s bearing of the sword must also be divine service. There must be those who arrest, prosecute, execute, and destroy the wicked, and who protect, acquit, defend, and save the good. Therefore, when they perform their duties, not with the intention of seeking their own ends but only of helping the law and the governing authority function to coerce the wicked, there is no peril in that; they may use their office like anybody else would use his trade, as a means of livelihood. For, as has been said, love of neighbor is not concerned about its own; it considers not how great or humble, but how profitable and needful the works are for neighbor or community.... What if a prince is in the wrong? Are his people bound to follow him then too? Answer: No, for it is no one’s duty to do wrong; we must obey God (who desires the right) rather than men [acts 5:29].”

Theodore Beza (1519 -1605)

See, also, Theodore Beza, *On the Rights of Magistrates* (1574) (“In short, if we would also investigate the histories of ancient times, recorded by secular writers, it will be established — as indeed, Nature herself seems to proclaim with a loud voice — that rulers by whose authority their inferiors might be guided, were elected for a reason. It was that either the whole human race must perish, or some intermediate class must be instituted so that one or more rulers might be able to command the others by it, to protect good men, and restrain the wicked by means of punishments. This is what not only Plato, Aristotle, and the other natural philosophers have taught and proved with the light of human reason alone, but God Himself taught this by the utterance of St. Paul writing to the Romans. [Rom. xiii] So that, the rulers of nearly the entire world

Hence, under the Noahic “Covenant of Nature,” God has predestinated universal moral and natural laws whereby all human beings must make “voluntary choices” between good and evil or between life and death—in other words, to live justly or unjustly. This was, for example, recounted in the *Book of Deuteronomy* as follows:

See, I have set before thee this day life and good, and death and evil; In that I command thee this day to love the Lord thy God, to walk in his ways, and to keep his commandments and his statutes and his judgments, that thou mayest live and multiply: and the Lord thy God shall bless thee in the land whither thou goest to possess it.³⁷

The Mosaic Life-Death Grid (Deuteronomy 30)

Virtue	Life
Vice	Death

For this reason, all secular political sciences and theories of public policy and administration—including economics, the social sciences, and political theory— are mere extrapolations of the Noahic dominion covenant’s mandate “to do justice and judgment.”³⁸ Hence, all civil magistrates in the world are “minister(s) of God”³⁹ who have a divine mandate to do “justice and

confirmed this with clear words. Thus the origin of all States and Powers is, with the best of reasoning, derived from God, the author of all good. Homer also recognized and freely testified of this when he called kings “the fosterlings of Zeus” and “the shepherds of the lost.... Therefore, when the duty of the rulers is inquired into, all will admit that it is assuredly right to remind rulers of their duty, and also to roundly admonish them whenever they stray from it. But when a case occurs of either needing to restrain tyrants who beyond a trace of doubt have strayed; or of punishing them in accordance with their deserts, the majority so earnestly commend patience and prayers to God, that they consider and condemn as mutineers and pseudo-Christians, all those who refuse to bow their necks to torture.... Hence it follows that the authority of all magistrates, however supreme and powerful they are, is dependent upon the public authority of those who have raised them to this degree of dignity, and not contrariwise.... And if those kings violate these conditions, the result is that those who had the power to confer this authority upon them, have retained no less power to again divest them of that authority.”)

37 Deuteronomy 30: 11-16.

38 Genesis 18:19.

39 Romans 13:4.

judgment.”⁴⁰ Indeed, justice is the end of both civil government,⁴¹ placing it in a perpetual “state of natural religion”:

“Justice [is] the link between the sacred and the secular...”⁴²

“Politics is religion because it has to do with major morals, with the relations of men to each other.... The one cry that goes up from man to God is for justice.”⁴³

“[T]he Law must always be the Law of God, and all their overwhelming greatness. The study of the Puritan doctrine of the Law of God must begin, therefore, by an examination of the relation of God to the Law.”⁴⁴

Under the Noahic “Covenant of Nature,” God’s sovereignty is implicated because all earthly governments and laws are required to conform to God’s will, which is the general duty of all nations and rulers to establish justice in the earth.⁴⁵ To that end, as the *Book of Daniel* demonstrates, the Noahic dominion covenant also signifies divine Providence over all nations, rulers, and peoples upon the earth.

Thus, taken and read together, both the Declaration of Independence (1776) and the United States Constitution (1787) represent both the “Social Contract” and the “Covenant of Nature” conceptions of constitutional law. These must be construed to be “sacred” documents by virtue of the fact that they are governing documents and by virtue of the plain meaning of the words uttered therein.⁴⁶ Hence, the conception of civil polity as divine and, therefore, as the

40 Genesis 18:18-19.

41 James Madison, *The Federalist Paper*, No. 51 (“Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit.”)

42 Ruben Alvarado, *Calvin and the Whigs: A Study in Historical Theology*, supra, p. 19.

43 Algernon Sidney Crapsey, *Religion and Politics*, supra, p. 304.

44 Ernest F. Kevan, *The Grace of Law: A Study in Puritan Theology* (Grand Rapids, MI: Soli Deo Gloria Pub., 2018), p. 47.

45 See, e.g., William Goodell, *The Democracy of Christianity, or; An Analysis of the Bible and its Doctrines in Their Relation to the Principles of Democracy* (New York, N.Y.: Cady and Burgess, 1852), pp. 376-377 (stating that the great English jurist and cleric Henry de Bracton, “in his exposition of Romans xiii., had said: ‘He is called a king for ruling righteously, and not because he reigns. Wherefore he is a king when he governs with justice, but a tyrant when he oppresses the people committed to his charge.’”)

46 See, e.g., Algernon Sidney Crapsey, “The American Church-State,” *Religion and Politics* (New York, N.Y.: Thomas Whittaker, 1905), pp. 297- 326 (“When the Constitutional Convention of 1787 sent forth the Constitution

true *ecclesia* of Jesus Christ is set forth and defended in this postdoctoral study. A part of this defense, in both this chapter and throughout this monograph, utilizes the example set by the United Kingdom and the Church of England— both past and present—where “the Church, its clergy, and laity retained a central place in the main governing institutions of the British state, especially the two houses of Parliament. Twenty-six bishops sat in the House of Lords, comprising some 10 per cent of its active membership—a role which required a significant commitment from these leading churchmen in an age of regular parliamentary sessions.... This was a key condition for the persistence of the view that the English state and Church were two sides of the same coin so that Parliament could be seen as the ‘lay synod’ of the Church of England”⁴⁷ Hence, the fundamental nature of the English constitution and the English common law, from which the American Declaration of Independence and United States Constitution were extracted, is Anglican and Christian— and this *truism*, which the American constitutional doctrine of church-state separation has obscured, is hereby revitalized and elucidated before an audience of American jurists, lawyers, theologians, scholars, and clergymen, with the objective of demonstrating the fundamental Christian nature of constitutional law and jurisprudence in the United States. Stated differently, the entire American government, if you will, was conceived as a divine “Church-State” within the conventional Judea-Christian, Anglican,⁴⁸ and Puritan interpretations of the Old Testament canon as a “Covenant of Nature.”

which it devised for the government of the nation it did so in these words: ‘We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our children, do ordain and establish this Constitution for the United States of America.’ Now can any man write a more perfect description of the Kingdom of god on earth or in heaven than is to be found in these words? A government resting upon such principles as these is not a godless policy; it is a holy religion.... A religion having as its basis the principles of individual liberty and obedience to righteous law is really the religion of the golden rule.” See, also, Crapsey, “Relation of Church and State,” *Religion and Politics*, supra, pp. 248-249 (“To speak of the separation of church and state is to speak of the separation of soul and body.... The present separation of the religious from the civil and political life of the nation is cause for grave apprehension for the future of the American people.”)

47 Jeremy Gregory, Editor, *The Oxford History of Anglicanism: Establishment and Empire, 1662 – 1829*, Vol. II (Oxford, U.K.: Oxford University Press, 2017), p. 69.

48 See, e.g., Algernon Sidney Crapsey, “The American Church-State,” *Religion and Politics* (New York, N.Y.: Thomas Whittaker, 1905), pp. 297- 326 (“When the Constitutional Convention of 1787 sent forth the Constitution

Chapter Two

“The Covenant of Nature (or the ‘Ministers of God’)”

The Westminster Confession of Faith of 1647 sets forth the Puritan and Presbyterian theological doctrine on the civil magistrate as follows:

God, the Supreme Lord and King of all the world, hath ordained civil magistrates to be under him, over the people, for his own glory and the public good, and to this end hath armed them with the power of the sword, for the defense and encouragement of them that are good, and for the punishment of evil-doers....

It is the duty of people to pray for magistrates, [a] to honor their persons, [b] to pay them tribute and other dues, [c] to obey their lawful commands, and to be subject to their authority, for conscience' sake. [d] Infidelity or difference in religion doth not make void the magistrate's just and legal authority, nor free the people from their due obedience to him:[e] from which ecclesiastical persons are not exempted; [f] much less hath the Pope any power or jurisdiction over them in their dominions, or over any of their people; and least of all to deprive them of their dominions or lives, if he shall judge them to be heretics, or upon any other pretense whatsoever.⁴⁹

This Calvinistic theology reaffirmed the Hebraic doctrine that the divine Providence of God, being universally extended to all nations upon the earth, regardless of whether they establish a particular religious or belief system, was affirmed in the Old Testament and reaffirmed in the New Testament.

which it devised for the government of the nation it did so in these words: ‘We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our children, do ordain and establish this Constitution for the United States of America.’ Now can any man write a more perfect description of the Kingdom of god on earth or in heaven than is to be found in these words? A government resting upon such principles as these is not a godless policy; it is a holy religion.... A religion having as its basis the principles of individual liberty and obedience to righteous law is really the religion of the golden rule.” See, also, Crapsey, “Relation of Church and State,” *Religion and Politics*, supra, pp. 248-249 (“To speak of the separation of church and state is to speak of the separation of soul and body.... The present separation of the religious from the civil and political life of the nation is cause for grave apprehension for the future of the American people.”)

Jeremy Gregory, Editor, *The Oxford History of Anglicanism: Establishment and Empire, 1662 – 1829*, Vol. II (Oxford, U.K.: Oxford University Press, 2017), p. 69.

See, generally, William Warburton, *Alliance of Church and State* (1736) [citation omitted]. According to Bishop Warburton, the Bishops' seat in Parliament comprised a grand “alliance” between the church and the state, since the “Church, by this alliance, having given up its Supremacy to the State... the principal Churchmen are placed in a Court of Legislature, as Watchmen to prevent the mischief, and to give the Church's Sentiments concerning Laws Ecclesiastical. But when the Alliance is broken, and the Establishment dissolved, **the Church recovers its Supremacy.**”

⁴⁹ Westminster Confession of Faith, Chapter 23. “Of the Civil Magistrate,” citing Romans 13:1-4; 1 Peter 2:13-14.

But, unlike the Calvinistic Westminster Confession of 1647, the 18th-century *neo-orthodox* Calvinists also held that “divine Providence” may be understood to constitute a “religion” in its own right, and referred to as the “religion of nature,” which, in turn, could rightfully be called “justice” or the duty “to do justice and judgment” (Genesis 18: 19); as “justice, and judgment, and equity” (Proverbs 1:3); and as the “Covenant of Nature.”⁵⁰ This “religion of nature” may also be called “natural religion,” and translated to mean “the golden rule,” “natural law,” “the Law of Nature,” and “natural justice.” Without name, it exists and has existed since eternity; contextually, it is called the “Christian” religion— and, during the 18th century, the neo-orthodox Calvinists, together with their latitudinarian Anglican allies, went so far as to hold that “Christianity is a republication of natural religion.”⁵¹ The 18th-century neo-orthodox Anglicans and Calvinists held that, not the Christian religion of ecclesiastical orthodoxy as found in the Church of England or in the Westminster Confession of Faith of 1647,

⁵⁰ The “Covenant of Nature” is the foundation of English and American political philosophy, constitutional law, and equity jurisprudence. It is fundamentally a Puritan theological idea that has ancient and biblical roots, as is exemplified in the Westminster Confession of Faith, Larger Catechism #20, which states, “God allowed them to have fellowship with him, instituted the Sabbath, and made a covenant of life with them on the condition of their personal, perfect, and perpetual obedience.” This Covenant cites several scriptural references in support of the “Covenant of Life” [also called the “Covenant of Works” or the “Covenant of Nature”] to wit: Genesis; 1:26-29; 1:28; 2:3; 2:8; 2:16-17; 2: 15-16; 2:18; 3:8; Galatians 3:12, Romans 10:5; Romans 5:12-14,10:5, Luke 10:25-28. These scriptural references in the Westminster Confessions align perfectly with St. Augustine’s *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 36, stating “Can it ever, at any time or place, be unrighteous for a man to love god with all his heart, with all his soul, and with all his mind; and his neighbor as himself? Similarly, offenses against nature are everywhere and at all times to be held in detestation and should be punished....” and with William Blackstone’s “Of the Nature of Laws in General,” *Commentaries on The Laws of England* (New York, N.Y.: W.E. Dean Pub., 1840), pp. 25-28.

⁵¹ See, generally, the writings of the Latitudinarian Anglican and Bishop Joseph Butler (1692 -1752). https://en.wikipedia.org/wiki/Joseph_Butler. See, e.g., Joseph Butler, *The Analogy of Religion, Natural and Revealed to the Constitution and Course of Nature*, supra, pp. 152, 155, 158 (“the Author of Nature”); p. 159 (“...the Author of Nature, which is the foundation of Religion”); p. 162 (“... there is one God, the Creator and moral Governor of the world”); p. 187 (“Christianity is a republication of natural Religion”); p. 188 (“The Law of Moses then, and the Gospel of Christ, are authoritative publications of the religion of nature....”); p. 192 (“Christianity being a promulgation of the law of nature....”); p. 243 (“These passages of Scriptures ... comprehend and express the chief parts of Christ’s office, as Mediator between God and men.... First, He was, by way of eminence, the Prophet: that Prophet that should come into the world, to declare the divine will. He published anew the law of nature.... He confirmed the truth of this moral system of nature....”). See generally the writings of the Latitudinarian Anglican and Chancery Lawyer Matthew Tindal (1657 - 1733), https://en.wikipedia.org/wiki/Matthew_Tindal. See, e.g., Matthew Tindal, *Christianity as Old as the Creation, or the Gospel a Republication of the Religion of Nature* (Newburgh, England: David Deniston Pub., 1730) [Republished by Forgotten Books in 2012], pp. 52, 56, 61, 64, 72-74 (stating that Christianity is a republication of natural religion).

but Christian religion as the religion of the *Logos* of God (i.e., conscience, reason, truth, etc.)⁵² was the proper constitutional foundation for the civil polity of the new United States of America. These foundations of the civil polity, it has been said, must rest upon certain principles that establish justice.⁵³ The officers, magistrates, governors, judges, and lawyers who take the oaths of office (i.e., “*So Help Me God*”)⁵⁴ and administer the civil polity that has been founded upon such principles are, by definition, the secular presbyters or priests of that *ecclesia* known as civil government.

And likewise the Apostle Paul had described the earthly ministers who governed in the ancient Roman empire as “minister of God” and “God’s minister,” precisely for this reason. But if all of this is true, then the American Founding Fathers were correct in placing the foundation of their new civil polity outside of the boundaries of the Church of England, or of any particular ecclesiastical denomination, and resting it upon the foundation of “reason” and “justice,”⁵⁵ and

⁵² See, e.g., **Appendix C**, “Jesus Christ, the Logos of God, and the Foundation of Anglo-American Civil Law and Secular Jurisprudence.”

⁵³ See, e.g., Algernon Sidney Crapsey, “The American Church-State,” *Religion and Politics* (New York, N.Y.: Thomas Whittaker, 1905), pp. 297- 326 (“When the Constitutional Convention of 1787 sent forth the Constitution which it devised for the government of the nation it did so in these words: ‘We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our children, do ordain and establish this Constitution for the United States of America.’ Now can any man write a more perfect description of the Kingdom of God on earth or in heaven than is to be found in these words? A government resting upon such principles as these is not a godless policy; it is a holy religion.... A religion having as its basis the principles of individual liberty and obedience to righteous law is really **the religion of the golden rule.**”) See, also, Crapsey, “Relation of Church and State,” *Religion and Politics*, supra, pp. 248-249 (“To speak of the separation of church and state is to speak of the separation of soul and body.... The present separation of the religious from the civil and political life of the nation is cause for grave apprehension for the future of the American people.”)

⁵⁴ Ibid., pp. 256 - 258. See, also, Westminster Confession of Faith of 1647, Chapter 22, “Of Lawful Oaths and Vows,” stating “[a] lawful oath is part of religious worship, wherein, upon just occasion, the person swearing solemnly calls God to witness what he asserts, or promises, and to judge him according to the truth or falsehood of what he swears.”

⁵⁵ This view—i.e., the duty to do justice and judgment—was firmly held as the bedrock of the Christian religion and faith in Augustine’s *The City of God*, supra, pp. 577-578, stating:

Now, he does judgment and justice who live aright. But he live aright who yields obedience to God when He commands. ‘The end of the commandment,’ that is, to which the commandment has reference, ‘is charity out of a pure heart, and a good conscience, and faith unfeigned.’ Moreover, this ‘charity,’ as the Apostle John testifies, ‘is of God.’ Therefore to do justice and judgment is of God.

But what is ‘in the midst of the earth?’... Therefore, ‘in the midst of the earth,’ that is, while our soul is shut up in this earthly body, judgment and justice are to be done, which shall be profitable for us hereafter, when ‘every one shall receive according to that he hat done in the body, whether good or bad.’

reaffirming the proposition that “Christianity is a republication of natural religion.” And this was only another way of saying that “Christianity is the republication of reason, truth, and justice,” as it pertains— not to the ultimate justification of the individual soul before God through the redemptive passion of Christ— but to civil concord, civil law, and civil polity.

From the totality of the Old Testament and Sacred Scriptures as a whole, we may rightfully deduce that the “Covenant of Nature,” which was given to both Adam and Noah, requires all civil magistrates upon the earth to exercise good judgment and to judge evenhandedly and righteously— all of this, notwithstanding any outward signs or displays of formal religion. In the Book of Genesis, we find Pharaoh, the king of Egypt, elevating the Hebrew slave Joseph to a position of high honor and authority as a wise and judicious act of executive authority. In the Book of Daniel, we find Nebuchadnezzar, the king of Babylon, acknowledging “that the most High ruleth in the kingdom of men, and giveth it to whomsoever he will.”⁵⁶ In the Book of Esther, we find Ahasuerus (Xerxes I), king of Persia and Media, through the inspiration and faith of Queen Esther and her uncle Mordecai the Jew, executed the evildoers who had sought to destroy the Jews. And in the New Testament, the Apostle Paul’s theology on the ordination of civil rulers is also deeply rooted in the Noahic “Covenant of

In the same way we may suitably understand what we read in the psalm, ‘But God, our King before the worlds, hath wrought salvation in the midst of the earth;’ so that the Lord Jesus may be understood to be our God who is before the worlds, because by Him the worlds were made, working our salvation in the midst of the earth, for the Word was made flesh and dwelt in an earthly body.

⁵⁶ Daniel 4: 17.

Nature.”⁵⁷ The apostles Peter and Paul plainly adopt the general canon that a civil magistrate is a “minister of God...for good.”⁵⁸ On this very point, the Apostle Peter wrote:

Submit yourselves to every ordinance of man for the Lord's sake: whether it be to the king, as supreme; Or unto governors, as unto them that are sent by him for the punishment of evildoers, and for the praise of them that do well. For so is the will of God, that with well doing ye may put to silence the ignorance of foolish men: As free, and not using your liberty for a cloke of maliciousness, but as the servants of God. Honour all men. Love the brotherhood. Fear God. Honour the king.⁵⁹

And the Apostle Paul wrote:

Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation. For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same: For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. Wherefore ye must needs be subject, not only for wrath, but also for conscience sake.⁶⁰

This conception of the sacred and divine nature of the power and authority of the civil magistrate plainly implicates the sacerdotal and priestly nature of office of civil magistrates, and especially of chief executives, governors, and princes. It implicates the civil government as

57 Romans 13:1-4 (“Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation. For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same: For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil.”) Paul’s theology on the civil magistrate became a part of the English common law as early as the 13th-century. See, e.g., Goldwin Smith, *A Constitutional and Legal History of England* (New York, N.Y.: Dorset Press, 1990, pp. 205-206; and see, also, William Goodell, *The Democracy of Christianity, or; An Analysis of the Bible and its Doctrines in Their Relation to the Principles of Democracy* (New York, N.Y.: Cady and Burgess, 1852), pp. 376-377 (stating that the great English jurist and cleric Henry de Bracton, “in his exposition of Romans xiii., had said: ‘He is called a king for ruling righteously, and not because he reigns. Wherefore he is a king when he governs with justice, but a tyrant when he oppresses the people committed to his charge.’”)

58 See, 1 Peter 2:13-17; Romans 13:4. NOTE: In the Anglo-American common law tradition, the “oaths of office,” which all civil magistrates took upon entering their offices, have traditionally vowed obedience to God. Thus, in western jurisprudence, the Noahic dominion covenant is not merely a theological doctrine, but rather it is also a legal, political, and constitutional doctrine as well. See, also, Westminster Confession of Faith of 1647, Chapter 22, “Of Lawful Oaths and Vows,” stating “[a] lawful oath is part of religious worship, wherein, upon just occasion, the person swearing solemnly calls God to witness what he asserts, or promises, and to judge him according to the truth or falsehood of what he swears.”

59 1 Peter 2:13-17.

60 Romans 13: 1-5.

being a type of church— as the kingdom of Israel was a type of Church of God in the Old Testament. It includes the so-called pagan, non-Hebrew, and non-Christian civil governments within the umbrella of divine Providence, thus placing upon the shoulders of all of the earth’s civil magistrates the sacred obligation to rule equitably and justly. Hence, the business of political science, political theory, and the administration of justice is religion, natural religion—the Christian religion.

Now the apostles Peter’s and Paul’s conceptualization of the civil magistrate as being fundamentally ordained to perform good and beneficial deeds was readily adopted by the 18th-century American Founding Fathers as part and parcel of their English or Anglican heritage. Thereafter, American constitutional law and jurisprudence were thus linked, and thoroughly woven into, the Christian jurisprudence which had been nourished in developed in England over the course of ten centuries:⁶¹

An echo of these expositions we have in our Declaration of Independence. [Henry de] Bracton, in his exposition of Romans xiii., had said:

‘He is called a king for ruling righteously, and not because he reigns. Wherefore he is a king when he governs with justice, but a tyrant when he oppresses the people committed to his charge.’

In nearly the same language our Declaration of Independence abjures the authority of the British monarch:

‘A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.’

These words of Jefferson seem but a paraphrase or application of Bracton’s, and Bracton’s are but his own reference from his own exposition of Paul.⁶²

61 Indeed, theologically speaking, the American Declaration of Independence (1776), which laid the foundation for the United States Constitution, represents the culmination of a thousand years of development of the English Common Law and Christian political philosophy that was deeply rooted in the Apostle Paul’s *Epistle to the Romans* (13:1-10).

62 William Goodell, *The Democracy of Christianity, or; An Analysis of the Bible and its Doctrines in Their Relation to the Principles of Democracy* (New York, N.Y.: Cady and Burgess, 1852), pp. 376-377.

Hence, in typical Protestant parlance, Martin Luther (1483 – 1546) reiterated the same basic principles regarding the divine nature and *limited authority of the civil magistrate*, in this fashion:

Here you inquire further, whether constables, hangmen, jurists, lawyers, and others of similar function can also be Christians and in a state of salvation. Answer: If the governing authority and its sword are a divine service, as was proved above, then everything that is essential for the authority's bearing of the sword must also be divine service.⁶³

Hence, all civil magistrates in the world are “minister(s) of God”⁶⁴ who have a divine mandate to do “justice and judgment.”⁶⁵ Indeed, in all nations and for all times, justice is the end of both civil government and systems of law,⁶⁶ placing them both in a perpetual “state of natural religion”:

“Justice [is] the link between the sacred and the secular....”⁶⁷

“Politics is religion because it has to do with major morals, with the relations of men to each other.... The one cry that goes up from man to God is for justice.”⁶⁸

“[T]he Law must always be the Law of God, and all their overwhelming greatness. The study of the Puritan doctrine of the Law of God must begin, therefore, by an examination of the relation of God to the Law.”⁶⁹

63 Martin Luther, *Temporal Authority: To What Extent it should be Obeyed* (1523)(available in public domain).

64 Romans 13:4.

65 Genesis 18:18-19.

66 James Madison, *The Federalist Paper*, No. 51 (“Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit.”)

67 Ruben Alvarado, *Calvin and the Whigs: A Study in Historical Theology*, supra, p. 19.

68 Algernon Sidney Crapsey, *Religion and Politics*, supra, p. 304.

69 Ernest F. Kevan, *The Grace of Law: A Study in Puritan Theology* (Grand Rapids, MI: Soli Deo Gloria Pub., 2018), p. 47.

Under the Noahic “Covenant of Nature,” God’s sovereignty is implicated because all earthly governments and laws are required to conform to God’s will, which is the general duty of all nations and rulers to establish justice in the earth.

It is for this reason, that the civil polity may be construed as a sort of “church-state,” because the civil polity (and the civil magistrate) have the burden of preventing anarchy, or a sort of relapse into a primitive state of the jungle.⁷⁰ And as such, the Almighty God has ordained the civil polity to govern through the medium of *general equity* and *natural justice*.⁷¹ The civil

⁷⁰ Galatians 5:15 (“For all the law is fulfilled in one word, even in this; Thou shalt love thy neighbor as thyself. But **if ye bite and devour one another, take heed that ye be not consumed one of another**”). Indeed, civil polity, and civilization, could not exist without *agape*. See, also, Wilfred Parsons, “Lest Men, Like Fishes” *Traditio*, Vol. 3 (1945), pp. 380 – 388. (JSTOR: Univ. of Cambridge Press), stating:

In the second century, A.D. (c. 177), the Christian philosopher and apologist, Athenagoras, inveighing against the pagans for immoralities forbidden by their own codes, incorporated in his harangue an expression which was to have a long and interesting history in Christian literature. These are his words:

These adulterers and pederasts defame the eunuchs and the once-married, while they themselves live like fishes; for these swallow up whatever falls in their way, and the stronger pursues the weaker. Indeed, this is to feed on human flesh, to do violence to the very laws which you and your ancestors, with due care for all that is fair and right, have enacted.

In that same century (c. 180), we find St. Irenaeus using the same expression, though in a different context. He is proving that political government does not come from the devil, as some contemporary Christian anarchists apparently held, but from God:

Therefore the earthly kingdom was set up by God for the help of the gentiles (not by the devil, who is never quiet, and who does not want the nations to live in quiet), so that, fearing the human kingdom, men shall not devour one another like the fishes, but by the making of laws may strike down the manifold injustice of the gentiles.

These two passages, using the same proverbial expression about the fishes devouring one another, illustrate two traditions—one socio-moral, the other political—which are important in the history of Christian social ideas....

⁷¹ Indeed, Christ is the *Logos* (i.e., “reason”) of God. See, e.g., Bertrand Russell, *A History of Western Philosophy* (New York, NY: Touchstone, 2007), p. 309 (“For Christians, the Messiah was the historical Jesus, who was also identified with the Logos of Greek philosophy....”); and p. 289 (“It was this intellectual element in Plato’s religion that led Christians—notably the author of Saint John’s Gospel—to identify Christ with the Logos. Logos should be translated ‘reason’ in this connection.”). In juridical terms, this means that Christ (i.e., Logos or “reason”) is the manifestation of general equity, and vice versa. See, e.g., Goldwin Smith, *A Constitutional and Legal History of England* (New York, N.Y.: Dorset Press, 1990), pp. 208-209:

What is equity? In its beginnings in England it was the extraordinary justice administered by the king’s Chancellor to enlarge, supplant, or override the common law system where that system had become too narrow and rigid in its scope.... The basic idea of equity was, and remains, the application of a moral governing principle to a body of circumstances in order to reach a judgment that was in accord with Christian conscience and Roman natural law, a settlement that showed the common denominations of humanity, justice, and mercy.... [As Christ had come not to destroy the law but to fulfill it, so too] ‘Equity had come not to destroy the law but to fulfill it.’

polity, in turn, must be led by honest and just rulers who are thus ordained as God’s ministers,⁷² and who rely upon *reason* to ascertain truth,⁷³ and to establish just principles, just decisions, and just laws.⁷⁴ And, furthermore, as shall be explained in more detail in another chapter, that *reason* is the *Logos* (i.e., the word or the light) of God;⁷⁵ and it is also the primary and fundamental law of all other laws.⁷⁶

72 Romans 13:1-4. See, also, Martin Luther, *Temporal Authority: To What Extent it should be Obeyed* (1523) (“Here you inquire further, whether constables, hangmen, jurists, lawyers, and others of similar function can also be Christians and in a state of salvation. Answer: If the governing authority and its sword are a divine service, as was proved above, then everything that is essential for the authority’s bearing of the sword must also be divine service. There must be those who arrest, prosecute, execute, and destroy the wicked, and who protect, acquit, defend, and save the good. Therefore, when they perform their duties, not with the intention of seeking their own ends but only of helping the law and the governing authority function to coerce the wicked, there is no peril in that; they may use their office like anybody else would use his trade, as a means of livelihood. For, as has been said, love of neighbor is not concerned about its own; it considers not how great or humble, but how profitable and needful the works are for neighbor or community.”)

73 John 17:17 (“Sanctify them through thy truth: **thy word is truth.**”) See, also, St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 645 (“For by consulting the Gospel we learn that Christ is Truth.”); Saint Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 48 (“Your law is the truth and you are truth.”)

74 Saint Augustine, *Confessions*, supra, pp. 248 – 249 (“This is why the statement in the plural, ‘Let us make man,’ is also connected with the statement in the singular, ‘and god made man. Thus it is said in the plural, ‘after our likeness,’ and then in the singular, ‘after the image of God.’ Man is thus transformed into the knowledge of God, according to the image of him who created him. And now, having been made spiritual, he judges all things—that is, all things that are appropriate to be judged... Now this phrase, **‘he judges all things,’** means that man has dominion over the fish of the sea, and over the fowl of the air, and over all cattle and wild beasts, and over the earth, and over every creeping thing that creeps on the earth. And he does this by the power of reason in his mind....”)

75 John 1:1-3 (“In the beginning was the Word, and the Word was with God, and the Word was God. The same was in the beginning with God. All things were made by him; and without him was not any thing made that was made.”) See, also, Bertrand Russell, *A History of Western Philosophy* (New York, NY: Touchstone, 2007), p. 309 (“For Christians, the Messiah was the historical Jesus, who was also identified with the Logos of Greek philosophy....”); and p. 289 (“It was this intellectual element in Plato’s religion that led Christians—notably the author of Saint John’s Gospel—to identify Christ with the Logos. Logos should be translated ‘reason’ in this connection.”). See, also, **Appendix C**, “Jesus Christ, the Logos of God, and the Foundation of Anglo-American Civil Law and Secular Jurisprudence.”

76 Perhaps this is why the Roman Senator Cicero was able to so succinctly and accurately describe equity and universal moral law in *De Re Publica*, as follows:

There is indeed a law, **right reason**, which is in accordance with nature; existing in all, unchangeable, eternal. Commanding us to do what is right, forbidding us to do what is wrong. It has dominion over good men, but possesses no influence over bad ones. No other law can be substituted for it, no part of it can be taken away, nor can it be abrogated altogether. Neither the people or the senate can absolve from it. It is not one thing at Rome, and another thing at Athens: one thing to-day, and another thing to-morrow; but it is eternal and immutable for all nations and for all time.

As John Locke states, “[t]he state of nature has a law of nature to govern it, which obliges everyone; and *reason*, which is that law, teaches all mankind who will but consult it, that, being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions.”⁷⁷ And this reason is also a gift of God, ingrafted into human nature or the human conscience,⁷⁸ informing human beings about what is truth or untruth, thus permitting human beings to perform the duties of a judge.⁷⁹ And reason is, at its core, the Golden Rule, the foundation of what it means to be human.⁸⁰

Augustine of Hippo placed “reason” at the foundation of human government and dominion. “This is why the statement in the plural, ‘Let us make man,’ is also connected with the statement in the singular, ‘and god made man,’” wrote Augustine in *Confessions*. “Thus it is said in the plural, ‘after our likeness,’ and then in the singular, ‘after the image of God.’ Man is thus transformed into the knowledge of God, according to the image of him who created him. And now, having been made spiritual, he judges all things—that is, all things that are appropriate to be judged... Now this phrase, ‘he judges all things,’ means that man has dominion over the fish of the sea, and over the fowl of the air, and over all cattle and wild beasts, and over

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

78 Romans 2:11-16 (“when the Gentiles... do by nature the things contained in the law... shew the work of the law written in their hearts”).

79 Saint Augustine, *Confessions*, supra, pp. 248 – 249 (“... he judges all things....”).

80 Matthew 7: 12 (“Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets.”); Matthew 22:37-40 (“Jesus said unto him, Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. This is the first and great commandment. And the second is like unto it, Thou shalt love thy neighbour as thyself. On these two commandments hang all the law and the prophets.”); James 2:8 (“If ye fulfil the royal law according to the scripture, Thou shalt love thy neighbour as thyself, ye do well”); Romans 10:17-18 (Here, the universal moral law means the two-fold duty to honor or obey God and love neighbor); See, also, Robert F. Cochran and Zachary R. Calo, *Agape, Justice and Law: How might Christian Love Shape Law?* (Cambridge, United Kingdom: Cambridge University Press, 2017). See, also, *The English Philosophers from Bacon to Mill* (New York, N.Y.: The Modern Library, 1994), [page number omitted] quoting John Stuart Mill’s essay on *Utilitarianism*, as stating: “[i]n the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as you would be done by and to love your neighbor as yourself, constitute the ideal perfection of utilitarian morality.”)

the earth, and over every creeping thing that creeps on the earth. And he does this by *the power of reason in his mind....*”⁸¹

Theologically speaking, this power of REASON⁸² should be understood to be the IMAGE OF GOD⁸³ —a gift from God – thus distinguishing mankind from the lower brutes and beasts, and allowing mankind to commune with God, to deliberate, to reason, and to exercise dominion over the earth. ⁸⁴ We are made in God’s image, not because we have bodies that resemble His,

81 St. Augustine, *Confessions*, supra, pp. 248-249. The Puritans also embraced this Augustinian conception of “reason.” See, e.g., Ernest F. Kevan, *The Grace of Law: A Study in Puritan Theology* (Grand Rapids, MI: Soli Deo Gloria Pub., 2018), pp. 52-54 (citing John Flavel, *Personal Reformation*, 1691, pp. 1, 1; cf. Anthony Burgess, *Vindiciae Legis*, p. 73), stating:

[T]hat the Puritan “John Flavel opens his treatise on The Reasonableness of Personal Reformation with an exposition of the close relation between the rational and the moral.

Reason exalts Man above all Earthly Beings.... Hereby he becomes not only capable of Moral Government by Humane Laws,... but also of Spiritual Government by Divine Laws... which no other Species of Creatures... have a subjective capacity for. Right Reason by the Law of Nature (as an home-born Judge) arbitrates and determines all things within its proper Province; ... All Actions... are weighed at this Beam and Standard: None are exempted but matters of supernatural Revelation; and yet even these are not wholly and in every respect exempt from Right Reason. For though there be some Mysteries in Religion above the sphere and flight of Reason, yet nothing can be found in Religion that unreasonable. And though these Mysteries be not of natural investigation, but of supernatural Revelation; yet Reason is convinced, nothing can be more reasonable, than that it takes its place at the feet of Faith.

“In John Flavel’s judgment, the link between reason and morality was so strong that he could praise those ‘heathen’ men ‘who yet by their single unassisted Reason arrived to an eminency in Moral Vertues’ and could daringly describe the sanctification of the believer as an act of God which but ‘snuff and trims the Lamp of Reason. These extracts, from John Preston and others at the beginning of the period and from John Flavel at its end, are sufficient to exemplify the Puritan conviction about the close relation between the Law of God and man’s rational nature.”

82 The *Logos* of God is the Word, or Reason.

83 Genesis 1:27. The Jewish theologian Philo has called this “Image of God” to be the Son of God. See, e.g., Philo, “On the Confusion of the Tongues” [Ancient Manuscript: Citation omitted]. The Jewish theologian Philo wrote:

And even if there be not as yet any one who is worthy to be called a son of God, nevertheless let him labor earnestly to be adorned according to his **first-born word**, the eldest of his angels, as the great archangel of many names; for he is called, the authority, and the name of God, and **the Word**, and man **according to God's image**, and he who sees Israel. For which reason I was induced a little while ago to praise the principles of those who said, "We are all one man's Sons." {43}{Genesis 42:11.} For even if we are not yet suitable to be called the sons of God, still we may deserve to be called **the children of his eternal image**, of his **most sacred word**; for **the image of God is his most ancient word**.

84 Joseph Butler, *The Analogy of Religion, Natural and Revealed to the Constitution and Course of Nature* (United Kingdom: 1736)(republished in the public domain of United States (2015), pp. 336 - 345 (“That which renders beings capable of moral government is their having a moral nature, and moral faculties of perception and of action.... It is manifest great part of common language, and of common behavior over the world, is formed upon supposition of such **a moral faculty**; whether called **conscience, moral reason, moral sense, or divine reason....**”); and see also William Goodell, (New York, N.Y.: Cady and Burgess, 1852 *The Democracy of*

but because we humans have the power of reason.⁸⁵ Augustine says that human beings were given dominion over the earth “by the power of reason in his mind.”⁸⁶ And this exercise of earthly dominion, through the power of reason, is a divine or holy exercise of dominion that is necessary for mankind’s existence. This power of reason is the source of God’s general revelation that has been dispensed throughout the entire earth; it is, in essence, Christ communicating to all of mankind—not simply Jews or Christians—what is just and unjust, or what is right and wrong. This power of reason is manifest in the human conscience and, as it were, it writes the natural moral laws of God upon the human heart.⁸⁷

Therefore, at least within the Anglo-American constitutional tradition, the civil magistrate, including even the King of England, can only govern for so long as they adhere to the Law of God (i.e., “fundamental law”), which is the law or nature or the law of reason. And, utilizing this principle, any civil magistrate who does not abide by the Law of God (i.e., “fundamental law”) may, through the authority of God, be removed from office.

For instance, just as in ancient Israel and Judah where kings were “weighed in the balanced” and determined to have done good or evil, so too, throughout English history, were the kings or queens “weighed in the balance” and determined to have done good or evil. Indeed, several of them were deposed, executed, or publicly censored in various ways, for having

Christianity, or; An Analysis of the Bible and Its Doctrines in Their Relation To Principles of Democracy), p. 52 (“Christianity recognizes in man a rational, a moral, and an immortal nature; a capacity to distinguish between right and wrong—to perceive moral relations and the duties growing out of those relations....”)

85 Ibid.

86 St. Augustine, *Confessions*, supra, pp. 248-249.

87 See, e.g., William Goodell, (New York, N.Y.: Cady and Burgess, 1852 *The Democracy of Christianity, or; An Analysis of the Bible and Its Doctrines in Their Relation To Principles of Democracy*), p. 52 (“Christianity recognizes in man a rational, a moral, and an immortal nature; a capacity to distinguish between right and wrong—to perceive moral relations and the duties growing out of those relations....”) Significantly, the Puritan-Quakers, who laid the foundations of civil government in New Jersey, Pennsylvania, and Rhodes Island, believed in an Inner Light that engrafted God’s moral laws into the conscience of all human beings. See, e.g., David Yount, *How the Quakers Invented America*, supra, p. 14 (“[T]he Quakers believe in an inner light that enables every individual to distinguish between truth and error and that—if left free to do so— truth will inevitably overcome error.”) See, also, **Appendix F**, “The Quakers Influence Upon the U.S. Constitution.” See, also, **Appendix F**, “The Quakers Influence Upon the U.S. Constitution.”

violated England’s “fundamental laws,” as in the case of Edward II in 1327; Richard II in 1399; Henry VI in 1461; Richard III in 1485; Charles I in 1649; and George III in 1776.

English or British King	Royal House	Period of Reign	Public Rebuke or Condemnation
Edward II (1284-1327)	Plantagenet	1307 - 1327	Deposed in 1327. ⁸⁸
Richard II (1367 – 1400)	Plantagenet	1377- 1399	Deposed in 1399. ⁸⁹
Henry VI (1421 – 1471)	Lancaster	1422 – 1461; 1470-1471.	Captured in military campaign and exiled in 1460; Imprisonment and Death in 1471.
Richard III (1452-1485)	York	1483-1485	Executed by Henry Tudor (Henry VII) at the Battle of Bosworth in 1485. ⁹⁰
Charles I (1600 – 1649)	Stuart	1625 -1649	Tried and executed in 1649. ⁹¹

88 Goldwin Smith, *A History of England*, supra, p. 131 (“In January, 1327, articles of accusation against Edward II declared that he was ‘incompetent to govern in person.’”)

89 Ibid., p. 145 (“The Parliament of 1399 accepted Richard’s abdication and a commission was appointed to draw up the final document of deposition. “Those statements of his crimes and defaults were notoriously sufficient for deposing the same king,’ declared the Parliament roll of 1399, ‘considering also his own confession with regard to his incompetence.’ Like James II, three centuries later, Richard II was denounced above all on the ground that he had broken **the fundamental laws of England**. He was formally charged with the crime of having declared the laws to be ‘**in his own heart**.’ Richard, with all his vagaries, had finally aimed at making himself an absolute monarch; the result was revolution and the establishment of the Lancastrian dynasty.”)

90 Ibid., pp. 186-187 (“The glittering bait of the crown was tempting. There appears to be no doubt that Edward V and his brother were murdered in the Tower and that Richard III was responsible for the deed. The bones of the boys were discovered in the Tower in the reign of Charles II. It is also probable that Richard had a hand in the murder of his wife, his brother Clarence, and Henry VI. Even in a callous and bloody age the vicious murder of the two princes by an uncle who had them in his trust shocked the nation. Many Yorkists joined the Lancastrians in rebellion against the villainous Richard. A premature revolt in 1484 was crushed. Soon, however, the opponents of Richard produced their candidate for the throne. He was Henry Tudor, earl of Richmond.”)

91 Charles I was executed as a part of the final result of the English Civil War (1642 – 1651). He was accused of arrogating absolute power to himself and having thus violated the **fundamental laws of England**. “For example, in 1641 the House of Commons of England protested that the Roman Catholic Church was “... **subverting the fundamental laws of England and Ireland....**”, part of a campaign ending in 1649 with the beheading of King Charles I.” https://en.wikipedia.org/wiki/Fundamental_Laws_of_England

James II (1633-1701)	Stuart	1685 - 1688	Deposed in 1688. ⁹²
George III (1738 – 1820)	Hanover	1760 -1820	Publicly condemned by the American <i>Declaration of Independence</i> . ⁹³ Lost the United American Colonies as a final end to the American Revolutionary War

The American Declaration of Independence (1776) must be interpreted as being the same divine sanction from the Sacred Scriptures— as exemplified in the Westminster Confession of Faith of 1647, Chapter 23, “Of Civil Magistrates”— which English subjects had previously relied upon when deposing previous English monarchs throughout history.⁹⁴ The Declaration of Independence is a divine sanction against the *chief civil magistrate of Great Britain*, King

⁹² Goldwin Smith, *A History of England*, supra, pp. 367-368 (“This Convention assembled on January 22, 1689. Whigs and Tories mingled their principles in the famous resolution that James II, ‘having endeavored to **subvert the constitution of the kingdom by breaking the original contract between king and people**, and having, by the advice of Jesuits and other wicked persons, **violated the fundamental laws** and withdrawn himself out of the kingdom, has abdicated and the throne is thereby vacant.’) ”

⁹³ The text of the American Declaration of Independence (1776) condemns King George III for having violated the American colonists’ fundamental rights to “life, liberty, and the pursuit of happiness.” The view expressed in this Declaration suggests that the fundamental law of England actually pre-dates the Magna Carta and is rooted in natural law. John Locke’s view was that “that being all equal and independent, no one ought to harm another in his life, health, liberty or possessions....” Locke’s philosophy was certainly in keeping with the view that the Fundamental Laws predated Magna Carta in both custom and natural law. Influenced by Locke, the American Declaration of Independence stated:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

For those who believed that the Fundamental Laws of England predated Magna Carta, there was debate about whether they arose from time immemorial, were somehow immanent to society, from post-Roman Saxon times, or from various combinations of these and other origins.

⁹⁴ See, e.g., William Goodell, *The Democracy of Christianity, or; An Analysis of the Bible and its Doctrines in Their Relation to the Principles of Democracy* (New York, N.Y.: Cady and Burgess, 1852), pp. 376-377 (Discussing the nexus of the Apostle Paul’s theology to the constitutional philosophies of Henry de Bracton and Thomas Jefferson.)

George III, who had purportedly violated the Laws of God (i.e., “fundamental laws,” “natural law,” “reason,” etc.) and the natural rights of the American colonists. This Declaration lists several crimes and misdemeanors committed against the natural rights of the American colonists, and it invokes the “Laws of Nature and of Nature’s God” while appealing to the “Supreme Judge of the world” and “divine Providence.”⁹⁵ Therefore, this general framework of civil government and of the offices of civil magistrates, which may be derived from both the “Covenant of Nature” and the Apostle Paul’s exposition in Romans xiii, are woven into the constitutional fabric of the American Declaration of Independence and the United States Constitution. All officers of the United States and of the several states, who take the “Oaths of Office” for the various positions, which solemnly affirm “So help me God,” must be considered to be “God’s ministers.”⁹⁶

95 THE AMERICAN DECLARATION OF INDEPENDENCE

The unanimous Declaration of the thirteen united States of America,

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which **the Laws of Nature and of Nature’s God** entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—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. ...

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to **the Supreme Judge of the world** for the rectitude of our intentions....

And for the support of this Declaration, with a firm reliance on the **protection of divine Providence**, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

⁹⁶ Romans 13: 4, 6. See, e.g. Westminster Confession of Faith of 1647, Chapter 22, “Of Lawful Oaths and Vows,” stating “[a] lawful oath is part of religious worship, wherein, upon just occasion, the person swearing solemnly calls God to witness what he asserts, or promises, and to judge him according to the truth or falsehood of what he swears.”

Chapter Three

“The Three Sons of Noah”

As reflected in the Westminster Confession of Faith of 1647,⁹⁷ from the fall of Adam to the dispensation of the Law of Moses, the Covenant of Nature remained in existence, was reinstated with the covenant given to the patriarch Noah,⁹⁸ which was, in turn, perpetuated through his three sons and to their posterity. According to Augustine of Hippo, Noah, his three sons, and their wives symbolized the universal and catholic Church of Jesus Christ— which was patriarchal in arrangement.⁹⁹ The family of Noah thus symbolized the spiritual unity of mankind as well as the unifying power of the Holy Spirit, within a broken world through the redemptive sacrifice of Jesus Christ.¹⁰⁰ But the covenant that was given to Noah also symbolized mankind’s right of earthly dominion and civil government.

Whereas the churches of Jesus Christ were established in part to establish the brotherhood and unity of all humankind,¹⁰¹ throughout their history they have unfortunately also fomented or been the source of great disunity. For instance, in 451 A.D., the universal Church of Jesus Christ split up over the doctrine of Christ’s true nature, in what has since become known as the “Chalcedonian schism.” In retrospect, this schism has loomed large, both historically and in terms of the present-day racial divide that is among and between nations. Church historian Vince Bantu notes that “[w]hile all schisms in church history are at once

⁹⁷ Westminster Confession of Faith of 1647, Chapter 7, “Of God’s Covenant With Man.”

⁹⁸ Genesis 9:1-17 (the Noahic covenant); see, also, Genesis 18:18-19 (the Abrahamic covenant “to do justice and judgment”)

⁹⁹ St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 517 (“...all the nations were replenished from the three sons of Noah.”). See, also, Acts 17:26 (“And hath made of one blood all nations of men for to dwell on all the face of the earth....”)

¹⁰⁰ Ibid.

¹⁰¹ See, e.g., St. Augustine, *The City of God*, supra, p. 696 (“This heavenly city, then, while it sojourns on earth, calls citizens out of all nations, and gathers together a society of pilgrims of all languages, not scrupling about diversities in the manners, laws, and institutions whereby earthly peace is secured and maintained, but recognising that, however various these are, they all tend to one and the same end of earthly peace.”)

theological as well as cultural in nature, this first major schism resulted in the marginalization of all the major non-Western Christian traditions of antiquity. With the major ecclesiastical centers of Africa, the Middle East, and Asia now condemned as heretical, the church of the Roman Empire would increasingly come to see itself as the sole heir and guardian of orthodox Christianity.”¹⁰² As a consequence, writes Dr. Bantu, “the perception of Christianity as a white man’s religion” became predominant and widespread in late 19th- and early 20th-century Afro-centric scholarship and throughout the Pan-African world.¹⁰³ Unfortunately, what the “Chalcedonian schism” ultimately subjugated was the “neo-orthodox” and “universal” doctrine on the Fatherhood of God and the Brotherhood of Mankind which is fully established in Augustine of Hippo’s *The City of God*, as well as in the biblical narrative of Noah and his three sons. After the 15th century, that sublime “neo-orthodox” doctrine was almost extinguished in the transatlantic African slave trade.¹⁰⁴

When Princeton University was founded in 1701 as the College of New Jersey, its Presbyterian theology loomed large in colonial British North America. And thus, since the American revolutionary period, this great Christian denomination taught the principles of Christian brotherhood from a biblical perspective. Indeed, the “presbyterianism” of John Knox had, for the first time, given the laity a real voice, and the power of the franchise, in the Church of Scotland; and the Presbyterians would bring that same spirit of ecclesiastical and civil democracy to colonial British North America. When confronted with the question of African slavery, the sagas of Princeton and the Presbyterian Church faced an awful dilemma, but one which, in honesty and forthrightness, they ultimately answered correctly, as reflected in Rev. Dr.

¹⁰² Vince Bantu, *A Multitude of All Peoples: Engaging Ancient Christianity’s Global Identity* (Downers Grove, Illinois: InterVarsity Press, 2020), p. 48.

¹⁰³ *Ibid.*, pp. 1-7, 48.

¹⁰⁴ See, generally, W.E.B. Du Bois, *The World and Africa* (New York, N.Y.: International Publishers, 2015).

Ashbel Green's "Report on the Relationship of Slavery to the Presbyterian Church," written for the 1818 General Assembly, and cited as the opinion of the church for decades after, stating:

The General Assembly of the Presbyterian Church, having taken into consideration the subject of slavery, think it proper to make known their sentiments upon it to the churches and people under their care. We consider the voluntary enslaving of one part of the human race by another, as a gross violation of the most precious and sacred rights of human nature; as utterly inconsistent with the law of God, which requires us to love our neighbour as ourselves, and as totally irreconcilable with the spirit and principles of the gospel of Christ, which enjoin that 'all things whatsoever ye would that men should do to you, do ye even so to them.' Slavery creates a paradox in the moral system.... From this view of the consequences resulting from the practice into which Christian people have most inconsistently fallen, of enslaving a portion of their brethren of mankind— for 'God hath made of one blood all nations of men to dwell on the face of the earth'¹⁰⁵

This chapter espouses the position that the Presbyterian Church, as an institution, reflected the general consensus of the American Founding Fathers who lived during the late 18th- and early 19th- centuries; that this Church's conception of moral law, justice, and freedom was certainly contained within both the American Declaration of Independence and the United States Constitution; and the Presbyterianism— as reflected in the Minutes of the 1818 Presbyterian General Assembly— espoused *a fundamental law* of basic and universal human equality that was based upon the narrative of Noah found in the Book of Genesis.

According to the Book of Genesis, all families, tribes, races, and nations of the earth extend from the three sons of Noah—Shem, Ham, and Japheth. Therefore, Christians may rightly deduce from this Biblical narrative that all nations of the world are blood relatives; that all men are heirs of the Noahic Covenant of Nature; that all men have been divinely commissioned to take dominion over the earth; and that all men have been created equal.¹⁰⁶ Hence, according to this Biblical narrative of the Noahic covenant, the "fatherhood of God and

¹⁰⁵ See, attached PDF: [Minute-on-Slavery-1818.pdf \(princeton.edu\)](#)

¹⁰⁶ Acts 17:26 ("And hath made of one blood all nations of men for to dwell on all the face of the earth...."); See, also, St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 517 ("...all the nations were replenished from the three sons of Noah.").

the brotherhood of mankind” may be reasonably deduced.¹⁰⁷ And the New Testament Law¹⁰⁸ generally reinforces this conclusion, holding, for instance, that “God that made the world and all things therein... hath made of one blood all nations of men for to dwell on all the face of the earth, and hath determined the times before appointed, and the bounds of their habitation.”¹⁰⁹

Although no direct link may be made between the American Declaration of Independence (1776) and the Biblical narrative of the Noahic covenant, we may easily deduce from these two texts that the same basic objective of affirming the same *fundamental law* regarding the “Fatherhood of God and the brotherhood of man.” Similar to the Biblical narrative about Noah, the Declaration of Independence states, as a constitutional fact, that within the jurisdiction of the United States, “all men are created equal” and that they are “endowed by their Creator with certain unalienable rights,” etc. This proposition declares the same creationism of a divine Creator, who has equally dispensed the same privileges and rights to all mankind (male and female)— i.e., the “Fatherhood of God and the Brotherhood of Man.”

The unfortunate development of the African slave trade, slavery, and the ensuing discriminations against Africans and African Americans, on account of color and race, have disfigured certain important aspects of both the human origin and the theological foundation of

107 Genesis, Chaps. 10 & 11; Acts 17:26. See, generally, John Wesley Hanson, D.D., *The World's Congress of Religions: The Addresses and Papers* (Chicago, Illinois: International Publishers Co., 1894), p. 601 (“It embraces most fully **the Fatherhood of God and the brotherhood of mankind**. Justice and mercy and love it maintains as due from each to all. There are no races; there are no territorial limitations or exceptions. Even the most untutored have always been found to be amenable to the presentation of this fundamental Christian thought exemplified in a really Christian life. Here I may illustrate by the experience of William Penn among the Indians of North America. He came as their brother and as their friend, to exemplify **the principles of justice and truth**”); and see, also, Rufus Lewis Perry, *The Cushite, Or, The Descendants of Ham* (1893) (reprinted in Columbia, S.C. in 2020), pp. 1-2 (“The earth is the Lord’s and the fulness thereof; the world, and they that dwell therein; for he hath founded it upon the seas and established it upon the floods,’ and ‘hath made of one blood all nations of men.’ – Psa. xxiv. 1, 2. Acts xvii. 2, 6.... This scientific speculation is made the basis of claims directly antagonistic to the benevolent Christian doctrine of the oneness and brotherhood of the human family, and opposed to every truth in natural history or in the science of anthropology that points to man as a generic unit....”)

108 Romans 2:11 (“For there is no respect of persons with God”); Romans 10: 12-13 (“For there is no difference between the Jew and the Greek: for the same Lord over all is rich unto all that call upon him”); Galatians 3: 28-29 (“There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female: for ye are all one in Christ Jesus.”).

109 Acts 17:24-26.

the Book of Genesis. For the record, there is only *one human race*. And with *original sin* having already entered into the world by the time of Noah, we are not to suppose that all of Noah's descendants would embrace Noah's just and upright character or faithfully discharge their duties under the Noahic covenant. For instance, the spirit of Cain's rebellion against the laws of God early and largely prevailed amongst them. And, as Augustine of Hippo has written:

And thus it has come to pass, that though there are very many and great nations all over the earth, whose rites and customs, speech, arms, and dress, are distinguished by marked differences, **yet there are no more than two kinds of human society**, which we may justly call two cities, according to the language of our Scriptures. The one consists of those who wish to live after the flesh, the other of those who wish to live after the spirit; and when they severally achieve what they wish, they live in peace, each after their kind.¹¹⁰

For we must therefore approach our study of Noah's sons within the context of this genealogical and spiritual unity of mankind. There is one blood and one spirit that pervades all nations upon the earth—the disunity amongst them-- including racism, nationalism, and bigotry-- is due to their sins.

Nevertheless, given the fact and historical development of human sin, and the ensuing development of nations and the idea of "race" in the world, it is necessary to address certain natural developments in human history, beginning with the Biblical narrative of Noah.

In the narrative of Noah in Genesis, the sons of Japheth are presented as Gomer, Magog, Madai, Javan, Tubal, Meshech, Tiras.¹¹¹ The grandsons of Japheth are presented as Aschkenaz, Riphath, and Togarmah (the sons of Gomer); Elishah, Tarshish, Kittim and Dodanim (sons of Javan). According to *Genesis*, Japheth's sons and grandsons were the fathers of Gentiles, "their families, in their nations."¹¹² The geographical locations of these Gentiles are not mentioned.

110 St. Augustine, *The City of God*, supra, p 441.

111 See, generally, Rufus Lewis Perry, *The Cushite, Or, The Descendants of Ham* (1893) (reprinted in Columbia, S.C. in 2020).

112 Genesis 10: 5.

The sons of Shem are presented as Elam, Asshur, Arphaxad, Lud, and Aram. The grandsons of Shem include Uz, Hul, Gether and Mash (i.e., the sons of Aram); Salah and Eber (i.e., the son and grandson of Arphaxad).¹¹³ Shem's grandson Eber had two sons: Peleg and Joktam. Joktam had several sons, including Almodad, Sheleph, Hazarmaveth, Jerah, Hadoram, Uzal, Diklah, Obal, Abimael, Sheba, Ophir, Havilah, and Jobab. Peleg's son was Reu; Reu's son was Serug; Serug's son was Nahor; Nahor's son was Terah; and Terah's son was Abram (i.e., the future Abraham of the *Torah*).¹¹⁴ Thus, the ancient Israelites of the Old Testament were descended from Shem.

The sons of Ham are presented as Cush,¹¹⁵ Mizraim,¹¹⁶ Phut,¹¹⁷ and Canaan.¹¹⁸ Ham's grandsons are presented as Nimrod, Seba, Havilah, Sabtah, Raamah, Sabtechah, Sheba, and Dedan (i.e., the sons and grandsons of Cush); Ludim, Anamim, Lehabim, Naphtuhim, Pathrusim, Casluhim, Caphtorim (i.e., sons of Mizraim); Sidon and Heth (i.e. the sons of Canaan). From Canaan's two sons were derived all of "the families of the Canaanites spread

113 See, generally, Rufus Lewis Perry, *The Cushite, Or, The Descendants of Ham* (1893), supra.

114 Genesis 10: 21-29; Genesis 11:11-32.

115 "The Sudan was known to the Egyptians and Hebrews as Kash or Cush. In Hebrew folklore the descendants of Ham 'were Cush and Egypt.'" W.E.B. Du Bois, *The World and Africa* (New York, N.Y.: International Publishers, 2015), p. 115. See, also, Rufus Lewis Perry, *The Cushite, Or, The Descendants of Ham* (1893) (reprinted in Columbia, S.C. in 2020). Today, the "**Beta Israel**" (Ethiopia) and the **Lemba Jews** (Southern Africa) exemplify the the plain fact that the ancient Hebrews were of darker-skinned or mixed African ancestry, and that their lineal descendants are disbursed throughout present-day Africa.

116 "Mizraim is the dual form of matzor, meaning a "mound" or "fortress," the name of a people descended from Ham.[1] It was the name generally given by the Hebrews to the land of Egypt and its people. Neo-Babylonian texts use the term Mizraim for Egypt." See, "Mizraim," Wikipedia Encyclopedia (online), <https://en.wikipedia.org/wiki/Mizraim#:~:text=Mizraim%20is%20the%20dual%20form,the%20Ishtar%20Gate%20of%20Babylon>.

117 "The name Put (or Phut) is used in the Bible for Ancient Libya, but a few scholars proposed the Land of Punt known from Ancient Egyptian annals.... Josephus writes: 'Phut also was the founder of Libya...'" Wikipedia Encyclopedia (online), [https://en.wikipedia.org/wiki/Put_\(biblical_figure\)](https://en.wikipedia.org/wiki/Put_(biblical_figure)).

118 "The Canaanites were the inhabitants of ancient Canaan, a region that roughly corresponds to present-day Israel and the Palestinian Territories, western Jordan, southern and coastal Syria, Lebanon, and continued up to the southern border of Turkey. They are believed to have been one of the oldest civilizations in human history." <https://en.wikipedia.org/wiki/Canaan>

abroad,”¹¹⁹ including the Jebusite, the Amorite, the Girgasite, the Hivit, the Arkite, the Sinite, the Arvadite, the Zemarite, and the Hamathite.¹²⁰

The archeological and genealogical histories of these groups, together with the contributions to human civilization, supports the fundamental law that is reached in the Minutes of the General Assembly of the Presbyterian Church (1818), denouncing slavery, to wit: **“God hath made of one blood all nations of men to dwell on the face of the earth’ ...”**;¹²¹ and in the American Declaration of Independence (1776), to wit: “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.**” This reflected the natural progression, and influence, of the Christian religion upon the dissolution of institution of human slavery and rise and improvement in the human conditions of the common man.¹²²

119 Genesis 10:18.

120 Genesis 10:16-19.

¹²¹ See, attached PDF: [Minute-on-Slavery-1818.pdf \(princeton.edu\)](#), citing Acts 17:26 (“And hath made of one blood all nations of men for to dwell on all the face of the earth....”)

¹²² Thus commenting on this subject, the great French social theorist Alex De Tocqueville opined that “[a]ntiquity could only have a very imperfect understanding of this effect of slavery on the production of wealth. Then **slavery existed throughout the whole civilized world**, only some barbarian peoples being without it. **Christianity destroyed slavery by insisting on the slave’s rights**; nowadays it can be attacked from the master’s point of view; in this respect interest and morality are in harmony.” Alexis de Tocqueville, *Democracy in America* (New York, N.Y.: Harper Perennial, 1988), p. 348.

And see, John Wesley, *Thoughts Upon Slavery* (London, England: John Crukshank Publisher, 1778), p. 4. “[S]lavery was nearly extinct,” writes Rev. Wesley, “**till the commencement of the fifteenth century**, when the discovery of America, and of the western and eastern coasts of Africa, gave occasion to the revival of it.”

Finally, see, also, Rev. Alexander Crummell, *Africa and America: Addresses and Discourses* (Springfield, MA: Wiley & Co., 1891), pp. 218-219, stating:

At the commencement of the sixteenth century, after the slavery of Africans had been allowed in the Spanish settlements, we find one Cardinal Ximenes, then holding the reigns of government, (previous to the accession of Charles the Fifth,) refusing his permission for the establishment of a regular system of commerce, in the persons of Native Africans. When **Charles [V]** came to power, he acted contrary to the course of the Cardinal. But by a good Providence he was afterward brought to see his error and to repent of it. In the year 1542, he made a code of laws, prohibiting the slave trade and emancipating all slaves in his dominions. About the same time, **Leo 10th**, the Pope of Rome, denounced the whole system, declaring, ‘That not only the Christian religion, but that nature herself cried out against a state of slavery.’ In England, in 1562, we find **Queen Elizabeth** anxious, lest the evils of the slave trade should be entailed upon Africa by any of her subjects, declaring that if any of them were carried off without her consent, ‘It would be detestable, and call down the vengeance of Heaven upon the undertakers.’ From this time,

Chapter Four

“The Hamitic Curse”¹²³

The Presbyterian Church early acknowledged the universal brotherhood of mankind and disavowed the pseudo-theology known as the “Hamitic Curse.” As previously mentioned, Rev. Dr. Ashbel Green's “Report on the Relationship of Slavery to the Presbyterian Church,” written for the 1818 General Assembly, and cited as the opinion of the church for decades after, stating:

The General Assembly of the Presbyterian Church, having taken into consideration the subject of slavery, think it proper to make known their sentiments upon it to the churches and people under their care. We consider the voluntary enslaving of one part of the human race by another, as a gross violation of the most precious and sacred rights of human nature; as utterly inconsistent with the law of God, which requires us to love our neighbour as ourselves, and as totally irreconcilable with the spirit and principles of the gospel of Christ, which enjoin that ‘all things whatsoever ye would that men should do to you, do ye even so to them.’ Slavery creates a paradox in the moral system.... From this view of the consequences resulting from the practice into which Christian people have most inconsistently fallen, of enslaving a portion of their brethren of mankind— for ‘God hath made of one blood all nations of men to dwell on the face of the earth’¹²⁴

we find a continual testimony, ever and anon, borne against the system of slavery, by men of every profession and of every rank:-- MILTON; Bishop SANDERSON; Rev. MORGAN GODWYN, an episcopal clergyman, who wrote the first work ever undertaken expressly for this cause; RICHARD BAXTER, the celebrated divine published upon it; STELLE; the Poet THOMPSON; Rev. GRIFFITH HUGHES, another Episcopal clergyman; SHENSTONE, the Essayist and Poet; Dr. HUYTER, Bishop of Norwich; STERNE; Bishop WARBURTON, author of the Divine Legation, who preached a sermon before the Society for the Propagation of the Gospel, in 1766, in which he scouted the idea of man holding property in rational creatures. The DISSENTERS of all names, especially the FRIENDS, distinguished themselves beyond all others, in their early interest in the cause, and their clear, earnest, and explicit disapprobation of it. Latterly, GRANVILLE SHARP, the Father of the more modern Abolitionists, appeared upon the stage. And to him belongs the distinguished honor of having brought about the glorious decision in the case of Somerset, which COWPER has rendered immortal in the noble lines:-- ‘Slaves cannot breathe in England: if their lungs receive our air, that moment they are free; they touch our country and their shackles fall.’

123 The Old Confederacy officially adopted the “Curse of Ham” as the justification for slavery. See, e.g., James Smylie, *Review of a Letter from the Presbytery of Chillicothe, to the Presbytery of Mississippi, on the Subject of Slavery* (1836)[citation omitted](“**It appears, from Genesis IX, 25, 26, and 27, that when there was but one family on the face of the earth, a part of the family was doomed, by the Father Noah, to become slaves to the others. That part was the posterity of Ham, from whom, it is supposed, sprung the Africans.**”) Mr. Smylie’s quotation was republished in Stephen R. Haynes, “Original Dishonor: Noah’s Curse and the Southern Defense of Slavery,” *Journal of Southern Religion* (Feb. 2, 2000), which explained:

In all these ways, scholarly analyses of southern honor illuminate the tendency among antebellum proslavery intellectuals to read Genesis 9 as a text of honor. Because ‘white man’s honor and black man’s slavery became in the public mind of the South practically indistinguishable,’ southern proslavery intellectuals naturally viewed slaves as debased persons and slavery as a form of life without honor. Starting from the assumptions that Ham was the eponymous ancestor of Africans and that African American slaves lacked honor, proslavery intellectuals moved naturally to the conclusion that Africans had inherited their dishonorable condition from a common ancestor.

¹²⁴ See, attached PDF: [Minute-on-Slavery-1818.pdf \(princeton.edu\)](#)

But it is necessary, in this chapter, to address, in more detail and substance, the nature in which the Christian religion has been disfigured, debauched, and utilized— even inside of the Presbyterian and other major denominational branches of Protestant Christianity— to justify enslaving Africans in the Western hemisphere. And, likewise, it is important to note, that this enslavement was allowed to occur, despite the Church’s clear teachings on the subject being to the contrary.

Moreover, the plain text of the Holy Bible itself clearly refuted the racist “Hamitic” curse that was allowed to flourish in the Americas. For “the land of Ham,” in the Sacred Scriptures, was clearly placed in modern-day North Africa, Egypt, Sudan, and Ethiopia.¹²⁵ In ancient times these lands, and the peoples who inhabited them, were called various names, such as the Kushites (or Cushites), ancient Kemet, Mizraim (i.e., Egypt), etc.¹²⁶ The word “Ethiopia” has been used at various ancient times, and it generally referred to all black or dark-skinned peoples who inhabited Africa.¹²⁷ In the Holy Bible, the land of ancient Egypt is referred to as “the land of Ham,” to wit:

“Egypt: The Land of Ham”
(Psalm 105: 23-38)

23 Israel also came into **Egypt**; and Jacob sojourned in **the land of Ham**.

24 And he increased his people greatly; and made them stronger than their enemies.

25 He turned their heart to hate his people, to deal subtilly with his servants.

26 He sent Moses his servant; and Aaron whom he had chosen.

27 They shewed his signs among them, and wonders in **the land of Ham**.

28 He sent darkness, and made it dark; and they rebelled not against his

¹²⁵ Rev. Dr. Rufus Lewis Perry, *The Cushite, Or, The Descendants of Ham* (1893)[reprinted in Columbia, S.C., U.S.A., December 20, 2020].

¹²⁶ Ibid.

¹²⁷ Ibid.

word.

29 He turned their waters into blood, and slew their fish.

30 Their land brought forth frogs in abundance, in the chambers of their kings.

31 He spake, and there came divers sorts of flies, and lice in all their coasts.

32 He gave them hail for rain, and flaming fire in their land.

33 He smote their vines also and their fig trees; and brake the trees of their coasts.

34 He spake, and the locusts came, and caterpillers, and that without number,

35 And did eat up all the herbs in their land, and devoured the fruit of their ground.

36 He smote also all the firstborn in their land, the chief of all their strength.

37 He brought them forth also with silver and gold: and there was not one feeble person among their tribes.

38 **Egypt** was glad when they departed: for the fear of them fell upon them.

And in ancient Egypt, reaching back as far as the Old Kingdom (2700 – 2200 B.C.), there was such great advances in every area of civilized life— science, architecture, engineering, agriculture, philosophy, law, theology, religion, etc.— that its Pharaohs and its cultural influence feature prominently very early within the Book of Genesis and throughout the Holy Bible.¹²⁸

For instance, in the Egyptian *Book of the Dead*, which dates to circa 2400 BC,¹²⁹ there is the following words:

128 Acts 7:22 (Indeed, Moses, who is the author of the Pentateuch, “was learned in all the wisdom of the Egyptians, and was mighty in words and in deeds.”)

129 Roderick Ford, *Jesus Master of Law: A Juridical Science of Christianity and the Law of Equity* (Tampa, FL: Xlibris Pub., 2015), p. 423. See, also, “Egyptian Book of the Dead,” https://www.worldhistory.org/Egyptian_Book_of_the_Dead/, stating:

The Book of the Dead originated from concepts depicted in tomb paintings and inscriptions from as early as the Third Dynasty of Egypt (c. 2670 - 2613 BCE). By the 12th Dynasty (1991 - 1802 BCE) these spells, with accompanying illustrations, were written on papyrus and placed in tombs and graves with the dead.

“I am *the Eternal*, I am that which created *the Word*, I am *the Word*,” and again, “I am the Eternal... I am that which created *the Word*...I am *the Word*...”¹³⁰

These words, which depict the *Logos*,¹³¹ were penned more than a thousand years before the birth of Moses. And in the Book of Deuteronomy, Moses himself is described as having said: “But *the word* is very nigh unto thee, in thy mouth, and in thy heart, that thou mayest do it.”¹³² Here, Moses mentions the *Logos* more than 1000 years before the birth of Christ and the writing of the Gospel of John. And, finally, we find the *Logos*, who is referenced in the Book of Deuteronomy, being *associated with the person of Jesus Christ*, in the Epistle to the Romans,¹³³ which was written 30 or 40 years before the Gospel of John.

But was this idea of the *Logos*, in the Gospel of John, of Greco-Roman origin, as many have proclaimed?¹³⁴ Or does it trace its roots further back to Egypt, “the land of Ham”? First, Augustine of Hippo has said that Plato himself “learned from the Egyptians whatever they held and taught as important,”¹³⁵ and that Moses, too, was educated from that same Egyptian

¹³⁰ See, “Neteru—The Divine Energies,” *Egyptian Wisdom Center: Learning from Ancient Egypt*, <https://egyptianwisdomcenter.org/neteru-the-divine-energies-2/>, stating:

The earliest recovered Ancient Egyptian texts **5,000 years ago** show the belief that the Word caused the creation of the World. The Egyptian ***Book of the Coming Forth by Light*** (wrongly and commonly translated as the ***Book of the Dead***), the oldest written text in the world, states:

“I am the Eternal ... I am that which created the Word ... I am the Word ...”

¹³¹ See, e.g., **Appendix C**, “Jesus Christ, the Logos of God, and the Foundation of Anglo-American Civil Law and Secular Jurisprudence.”

¹³² Deuteronomy 30:14.

¹³³ Romans 10: 5-9.

¹³⁴ See, e.g., Bertrand Russell, *A History of Western Philosophy* (New York, NY: Touchstone, 2007), p. 309 (“For Christians, the Messiah was the historical Jesus, who was also identified with the Logos of Greek philosophy...”); and p. 289 (“It was this intellectual element in Plato’s religion that led Christians—notably the author of Saint John’s Gospel—to identify Christ with the Logos. Logos should be translated ‘reason’ in this connection.”).

¹³⁵ St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 247.

source.¹³⁶ Second, the pantheon of Egyptian gods were copied by the Greeks, and the pantheon of Greek gods were copied by the Romans. For example, the Egyptian goddess “Ma at” -- from which the 42 Principles of Ma at were derived, and which stood for balance, order, and justice-- was copied by the Greeks and renamed and called “Aequitas” or Equity. Both the Egyptian goddess “Ma at” and Greek goddess “Aequitas” represented the same principles of law, order, balance, and justice. These principles became juridical and the foundation of Western jurisprudence. For instance, in ancient Greco-Roman jurisprudence, the *Logos* became indistinguishable from Greco-Roman equity. And Greco-Roman equity was based upon “natural law” or “the law of reason” (i.e., *logos* or the *Logos* of God). From this perspective, Egyptian “Ma at” may be described as a theological or philosophical concept that closely resembles the *Logos* of Greco-Roman philosophy. And, third, as previously stated, the ancient Egyptian *Book of the Dead*, which was perhaps created around 2,400 years BC, as an ancient funerary text, contains explicit reverences to “the Word” (i.e., *Logos*) as the Creator of the world. Hence, this Egyptian source of “Ma at” and “Logos” place certain aspects of the Mosaic law outside of the ancient Hebrew religion.¹³⁷

And this certainly supports Augustine’s theological observations in his works *Confessions* and *The City of God*, whereby Augustine accredits Plato, the Platonists, and Cicero with having attained knowledge of the “one God”¹³⁸ and of “the Word.”¹³⁹ And, moreover, in *The City of*

¹³⁶ Ibid., p. 646 (“Yet it must be confessed that before Moses there had already been, not indeed among the Greek, but among barbarous nations, as in Egypt, some doctrine which might be called their wisdom, else it would not have been written in the holy books that Moses was learned in all the wisdom of the Egyptians, as he was, when, being born there, and adopted and nursed by Pharaoh’s daughter, he was also liberally educated.”)

¹³⁷ This is not surprising, because the Book of Genesis (nor the entire Old Testament) never suggests that God only formed covenants and special relationships with the Hebrews. And nowhere in the writings of the Prophets is there any suggestion that non-Hebrews had not relationship with God. Though there were many false gods in ancient Egypt, there was also true religion and philosophy and law. And it is clear that, without Christ (i.e., the *Logos* of God), the whole world slumbered in a sort of slumbering toward the light, with no clear pathway toward the truth. Therefore, Egyptians (and all the Gentiles) were no different than the ancient Hebrews, prior to the coming of Christ.

¹³⁸ St. Augustine, *The City of God*, *supra*, pp. 254-255.

¹³⁹ St. Augustine, *Confessions*, *supra*, pp. 98, 106, 110.

God, Augustine concludes that not simply the Greeks only, but philosophers from many other nations had also attained this same or similar philosophical and theological knowledge “concerning the supreme God, that He is both the maker of all created things,” as the Greeks, stating:

Whatever philosophers, therefore, thought concerning the supreme God, that He is both the maker of all created things, the light by which things are known, and the good in reference to which things are to be done; that we have in Him the first principle of nature, the truth of doctrine, and the happiness of life.... [A]nd, lastly, whether also we include all who have been held wise men and philosophers among all nations who are discovered to have seen and taught this, be they Atlantics, Libyans, **Egyptians**, Indians, Persians, Chaldeans, Scythians, Gauls, Spaniards, or of other nations....¹⁴⁰

Moreover, the Book of Numbers informs us that Moses “married an Ethiopian [Cushite] woman.”¹⁴¹ This passage is curious, as it seemingly describes some ethnic prejudice on the part of Moses’s brother Aaron and sister Miriam, but it clearly lends no credence whatsoever to the so-called Hamitic curse-- for God punished Aaron and Miriam for their biases.

Additionally, the Book of Zephaniah informs us that the prophet Zephaniah was a “Cushite” or an “Ethiopian.” In the Book of Zephaniah, the prophet is described as “son of Cushite,” and, therefore, it is likely that he had Ethiopian lineage. In his remarkable work, *The Cushite, Or The Descendants of Ham*, Rev. Dr. Rufus Lewis Perry associated the name “Cushi”¹⁴² in the Bible to denote racial ethnicity, and he concluded that “those ancient Ethiopians and Egyptians were Cushites, or Negroes descended from the race of Ham.”¹⁴³ Dr. Perry notes that the Benjamite tribe had become most susceptible to taking Cushite wives and that “[h]ence we find Cush the Benjamite, Cushite the courier sent by Joab to report the death of

140 St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), pp. 253-254.

141 Numbers 12:1.

142 Rufus Lewis Perry, *The Cushite, Or The Descendants of Ham* (Columbia, SC: 2020)[originally published in 1893], pp. 89-91.

143 Ibid., p. ix.

Absalom to this father David, (2 Sam. Xviii. 21), Cush the father of Shelamiah, (Jer. Xxxvi 14) and Cush the father of the prophet Zephaniah, (Zeph. i. 1).”¹⁴⁴

Furthermore, Dr. Perry explains the genealogical origin of the name “Cushi,” as follows:

Cushi is a patronymic term predicated in the Hebrew scriptures of the Ethiopian, Cush, the son of Ham being regarded as his remote ancestor. **These Ethiopians partook of the Jewish faith and were not gentiles in the strict sense of the Hebrew word *goim***; but still there was an in difference which was indicated by the patronymic term Cushi. They had adopted the Jewish religion and partaken of Jewish blood by intermarriage; but they had not changed their skin so as not to be identified as Ethiopians. In the twenty-third, thirty-first and thirty-second verses of the eighteenth chapter of 2 Samuel, the word *Cushi* has the article, *ha Cushi*, which clearly signifies, ‘the Ehtiopian.’¹⁴⁵

Today, we may confirm Dr. Perry’s thesis by simply observing that the King James Version uses the word “Ethiopians” and “Ethiopia,” whereas the New International Version uses the word “Cushites” and “Cush” at Zephaniah 2:12 and 3:10, respectively.

The Prophet Zephaniah writes that the “Ethiopians” or the “Cushites” will be “slain by [God’s] sword.”¹⁴⁶ But this same prophet also writes that “[f]rom beyond the rivers of Ethiopia my suppliants, even the daughter of my dispersed, shall bring mine offering”;¹⁴⁷ and (or) “[f]rom beyond the rivers of Cush my worshippers, my scattered people, will bring me offerings.”¹⁴⁸

According to Augustine of Hippo, this passage which includes the reference to “Ethiopia” [or “Cush”] is a reference to “those predictions about Christ by the prophet Zephaniah.... [A] little after he says,

144 Ibid., pp. 89-90.

145 Ibid., p. 91.

146 Zephaniah 2:12 [KJV, NIV].

147 Zephaniah 3:10 [KJV].

148 Zephaniah 3:10 [NIV]. The footnote to the 1984 New International Version says that “the rivers of Cush” mean “the upper Nile region.” The upper Nile region is essentially southern Egypt (i.e., upper Nile valley), the Sudan, and Ethiopia.

Then will I turn to the people a tongue, and to His offspring, that they may call upon the name of the Lord, and serve Him under one yoke. **From the borders of the rivers of Ethiopia shall they bring sacrifices unto me.** In that day thou shalt not be confounded for all thy curious inventions, which thou hast done impiously against me: for then I will take away from thee the naughtiness of thy trespass; and thou shalt no more magnify thyself above thy holy mountain. And I will leave in thee a meek and humble people, and they who shall be left of Israel shall fear the name of the Lord.’¹⁴⁹

“These are the remnant,” Augustine continues, “of whom the apostle quotes that which is elsewhere prophesied: ‘Though the number of the children of Israel be as the sand of the sea, a remnant shall be saved.’ These are the remnant of that nation who have believed in Christ.”¹⁵⁰

Here, in the Book of Zephaniah, the “remnant,” which is described as the restored Israel, and which is believed to be the Christian Church, explicitly includes the Ethiopian-Cushite faithful.¹⁵¹ Thus, the Book of Zephaniah certainly prophesies the rise of an African church emanating upon the borders of the rivers beyond Ethiopia. Thus, in the positive development of Judaism and Christianity, the continent of Africa and Ethiopia loom large.

However, the Sacred Scriptures themselves have been given different interpretations and they have also been used to vindicate many sinful deeds, and the so-called “Hamitic Curse,” which was a purely human economic invention that was used to vindicate the enslavement of Africans, is such an example.¹⁵² According to the Book of Genesis, Ham had three other sons, Phut, Cush, and Mizraim—none of these three sons were ever mentioned in Noah’s curse upon

149 St. Augustine, *The City of God*, supra, p. 641. Here, Augustine quotes Zephaniah 3:9-12. [NOTE: Augustine’s Latin translation is slightly different than the texts of the King James Version or the New International Version].

150 St. Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 641.

151 *Calvin’s Commentaries on the Bible* (Zephaniah 3:10) lack a Reformed theological scholarship on the presence of “**Ethiopian Jews**” who existed perhaps since as early as the days of King Solomon and the Queen of Sheba. Reformed theologians should further develop this research. See, e.g., “Origins of Ethiopia’s Black Jews,” *CNEWA* <https://cnewa.org/magazine/origins-of-ethiopias-black-jews-30374/> (“Zephaniah 3:10 says, “From beyond the rivers of Ethiopia my supplicants, the daughters of my dispersed ones, shall bring my offering.” If this prophecy truly dates from around 630 B.C.E., as most scholars believe, then it would indicate that Zephaniah was aware of the presence of a Jewish community in East Africa long before the fall of the first Temple.”)

152 See, generally, Rufus Lewis Perry, *The Cushite, Or, The Descendants of Ham* (1893) (reprinted in Columbia, S.C. in 2020).

Ham's son Canaan.¹⁵³ And if we rely on both the *Torah* and oral tradition, Noah's sons Phut, Cush, and Mizraim were the direct ancestors of the black-, brown-, and yellow-skinned Africans. Noah's son Canaan, upon whom the curse was made, was never associated with the continent of Africa, but rather Canaan had always been affiliated with the Levant region of modern-day Palestine.¹⁵⁴ Significantly, *Genesis* describes "the border of the Canaanites," as being:

And the border of the Canaanites was from Sidom, as thou comest to Gerar, unto Gaza; as though goest, unto Sodom, and Gomorrah, and Admah, and Zeboim, even unto Lasha.¹⁵⁵

This geographical location is biblical and is historically and culturally significant. Earlier in the Book of Genesis, the patriarch Noah renders a curse on one of Ham's sons, saying, "Curse be Canaan; a servant of servants shall he be unto his brethren.... Blessed be the LORD God of Shem; and Canaan shall be his servant. God shall enlarge Japheth... and Canaan shall be his servant." This curse has been called the "Hamitic" curse. Therefore, the future plight of Canaan

¹⁵³ See, e.g., Garrett Kell, "Damn the Curse of Ham: How Genesis 9 Got Twisted into Racist Propaganda" (January 9, 2021) <https://www.thegospelcoalition.org/article/damn-curse-ham/>

... Not all of Ham's sons were cursed.

Ham had four sons: Cush, Egypt [i.e., Mizraim], Put, and Canaan, but only Canaan was cursed (Gen. 9:25–27; 10:6–20). The Canaanites' abundant wickedness proved the curse was warranted. As a result, they were enslaved by a coalition of eastern kings (Gen. 14), by the Israelites during the conquest (Josh. 9:27; Judg. 1), and by Solomon during his reign as king (1 Kings 9:20–21).

... The curse on Ham's son wasn't about skin color.

Noah's curse of Canaan was due to his sinful conduct, not his skin color. Though most of Ham's sons and the cities they built (Babel, Nineveh, Sodom, Gomorrah) were marked by idolatry and immorality, Canaan was uniquely evil and defiled the land (cf. Lev. 18). The Canaanites were cursed because they were evil-hearted, not because they were dark-skinned. In fact, recent scholarship has shown that "the name Ham is not related to the Hebrew or to any Semitic word meaning 'dark' [or] 'black.'"

¹⁵⁴ See, e.g., Rev. Dr. Rufus Lewis Perry, *The Cushite; or, The Descendants of Ham*, supra, pp. 10-11 ("CANAAN, the fourth son of Ham, with his descendants, settled in the country west of the river Jordan and the Dead Sea and spread abroad west to the Mediterranean, south to Arabia Petraea, and north to Mount Libanus. Thus it included Philistia and Phoenicia. It took the name (1) of Canaan, but was subsequently called (2) 'The Land of Promise,' because God had graciously promised it to the seek of the patriarchs Abraham, Isaac and Jacob; (3) 'The Land of Israel,' because Joshua had divided it among the twelve tribes; (4) 'The Land of Judea,' after the return of the Jews from their Babylonian captivity, because those that returned were mostly the tribe of Judah; (5) 'Palestine,' a name given to it by the Greeks and Romans who had commercial intercourse with the Philistines, and (6) 'The Holy Land,' by Christians on account of the precious name and wonderful doings in this region of Jesus, the Christ. For the Sons of Canaan and the bounds of their habitation, see Genesis x. 15-19.")

¹⁵⁵ Genesis 10:19.

and his descendants (i.e., the Canaanites) is of spiritual importance. The geographical location of these ancient Canaanites¹⁵⁶ was the Levant region of present-day Lebanon, Syria, Jordan, and Israel.¹⁵⁷ Therefore, the verse Genesis 10:19 appropriately describes that part of the Middle East which is the Levant region, or what Moses and the ancient Israelites called “The Promised Land.”

This verse defines, in loose geographical descriptions, the approximate borders of the land occupied by the Canaanites. The description of this territory will become important later in Israel's history. God will give the region of the Canaanites to the people of Israel. It will become the Promised Land (Exodus 3:17), and Israel will move into it, conquer its peoples, and take possession of the land and its cities.

Some of the Canaanite clans listed in the previous verses will be wiped out; **others will become servants to God's people Israel**. This is partly due to the curse Noah levied against Canaan in Genesis 9:20–25. It is also due to the extraordinary evil which Canaan's descendants participated in (Deuteronomy 9:3–6). Sodom and Gomorrah will become so well known for their wickedness that their names will become shorthand for depraved evil. God's judgment on them is described in Genesis 19.¹⁵⁸

Therefore, the servitude referenced by Noah's curse could not have contemplated the future enslavement of black Africans to white Europeans, several millennia later, as a part of a permanent fixture of the subordination of the darker races. Instead, as Augustine of Hippo explains in *The City of God*,¹⁵⁹ the type of slavery which Noah referenced in *Genesis* was of a

156 “Canaanites” defined:

The word Canaanites serves as an ethnic catch-all term covering various indigenous populations—both settled and nomadic-pastoral groups—throughout the regions of the southern Levant or Canaan. It is by far the most frequently used ethnic term in the Bible. The Book of Joshua includes Canaanites in a list of nations to exterminate, and scripture elsewhere portrays them as a group which the Israelites had annihilated.

See “Canaanite,” *Wikipedia Encyclopedia* <https://en.wikipedia.org/wiki/Canaan#Canaanites>.

157 See, e.g., “Canaan,” *World History Encyclopedia* <https://www.worldhistory.org/canaan/>.

158 See “Genesis 19 Parallel Verses,” Bible Ref at <https://www.bibleref.com/Genesis/10/Genesis-10-19.html>

159 See, e.g., Kenneth Talbot and Gary Crampton, *Calvinism, Hyper-Calvinism, and Arminianism* (Lakeland, FL.: Whitefield Media Publishing, 1990), p. 114 (“Calvinists avow that the chief theologian of the first century church was the apostle Paul. We believe that this book has fully documented the fact that apostolic doctrine was that of Reformed theology. The second and third century church did not produce a systematic theology treatise, per se, but the writings of the Patristic period reveal strong leanings toward Calvinism. The doctrines of these early years were further developed during the time of Saint Augustine (A.D. 354 - 430), one of the greatest theological and philosophical minds that God has ever so seen fit to give to His church. **Augustine was so strongly**

penal nature that is reserved for any nation, person, or people who disobey the will of God. The consequence of such disobedience is sin, and thus becoming a slave to sin.¹⁶⁰

Therefore, the “curse of Ham” myth is an ancient *pseudo-theological fabrication* that was adopted and promoted, beginning during the 16th-century, by unscrupulous Christian clergymen who desired to pacify and placate the pecuniary interests of British or European merchants, landlords, lawyers, and investors who were growing wealthy from African slavery and the transatlantic slave trade.¹⁶¹ It sought to justify African slavery and the African slave trade, by

Calvinistic, that John Calvin referred to himself as an Augustinian theologian. Augustine’s theology was dominant in the church for a millennium.”)

160 In *The City of God*, supra, pp. 693-695, Augustine explains this, in considerable detail, as being the justification for human slavery, its purposes, and its limitations, to wit:

This is prescribed by the order of nature: it is thus that God has created man. For ‘let them,’ He says, ‘have **dominion** over the fish of the sea, and over the fowl of the air, and over every creeping thing which creepeth on the earth.’ He did not intend that His rational creature, who was made in His image, should have dominion over anything but the irrational creation—not man over man, but man over beasts. And hence the righteous men in primitive times were made shepherds of cattle rather than kings of men, God intending thus to teach us what the relative position of the creatures is, and what the desert of sin; for it is with justice, we believe, that the condition of slavery is the result of sin. **And this is why we do not find the word ‘slave’ in any part of Scripture until righteous Noah branded the sin of his son with this name. It is a name, therefore, introduced by sin and not by nature.** The origin of the Latin word for slave is supposed to be found in the circumstances that those who by the law of war were liable to be killed were sometimes preserved by their victors, and were hence called servants. And these circumstances could never have arisen save through sin. For even when we wage a just war, our adversaries must be sinning; and every victory, even though gained by wicked men, is a result of the first judgment of God, who humbles the vanquished either for the sake of removing or of punishing their sins. Witness that man of God, Daniel, who, when he was in captivity, confessed to God his own sins and the sins of his people, and declares with pious grief that these were the cause of the captivity. The prime cause, then, of slavery is sin, which brings man under the dominion of his fellow—that which does not happen save by the judgment of God, with whom is no unrighteousness, and who knows how to award fit punishment to every variety of offence....But by nature, as God first created us, no one is the slave either of man or of sin. This servitude is, however, penal, and is appointed by that law which enjoins the preservation of the natural order and forbids its disturbance; for if nothing had been done in violation of that law, there would have been nothing to restrain by penal servitude.

161 See, e.g., David Goldenberg, *The Curse of Ham: Race and Slavery in Early Judaism, Christianity and Islam* (Princeton, N.J.: Princeton Univ. Press, 2003), p. 1, stating:

This biblical story has been the single greatest justification for Black slavery for more than a thousand years. It is a strange justification indeed for there is no reference in it to Blacks at all. And yet just about everyone, especially in the antebellum American South, understood that in this story God meant to curse black Africans with eternal slavery, the so-called Curse of Ham. As on proslavery author wrote in 1838, “The blacks were originally designed to vassalage by the Patriarch Noah.”

See, also, “Curse of Ham,” Wikipedia (encyclopedia online):

https://en.wikipedia.org/wiki/Curse_of_Ham#Early_Judaism_and_Islam (“The explanation that black Africans, as the ‘sons of Ham,’ were cursed, possibly ‘blackened’ by their sins, was sporadically advanced during the Middle Ages, but its acceptance became increasingly common during the slave trade of the eighteenth and nineteenth centuries.”)

See, also, “Curse and Mark of Cain,” Wikipedia (encyclopedia online):

arguing that that Africans were inherently subhuman and inferior to whites. The natural logic of this pseudo-Christian theological doctrine was incorporated into secular laws and constitutions of the several states of the United States in North America, as reflected in the infamous United States Supreme Court decision in *Dred Scott v. Sandford* (1857).¹⁶² Although the traditional, orthodox view of the Christian Church was that the Holy Bible did not justify or condone race-based slavery, as practiced in the United States, many Christians upheld the “Hamitic Curse” conception of Christian theology and condoned slavery. As a consequence, during the 19th century, many Christian denominations split up over the issue of slavery. Today, because this “Hamitic Curse” doctrine has seriously disfigured the global reputation and legacy of both the Christian religion and the general Christian Church.¹⁶³ However, this chapter has been added to this post-doctoral study in order to demonstrate clearly that the Holy Bible, orthodox Christian theology, and the Presbyterian Church (i.e., the 1818 General Assembly of the Presbyterian Church) bolstered the *abolition* of the sort of race-based chattel slavery that was practiced in the United States.¹⁶⁴ The Thirteenth Amendment to the United States Constitution (1787), which

https://en.wikipedia.org/wiki/Curse_and_mark_of_Cain#American_Protestant_racial_beliefs_on_the_mark_of_Cainstating:

American Protestant racial beliefs on the mark of Cain [Genesis 4:15]

At some point after the start of the slave trade in the United States, many [citation needed] Protestant denominations began teaching the belief that the mark of Cain was a dark skin tone in an attempt to justify their actions, although early descriptions of Romani as "descendants of Cain" written by Franciscan friar Symon Semeon is suggest that this belief had existed for some time. Protestant preachers wrote exegetical analyses of the curse, with the assumption that it was dark skin.... [Baptist segregation] The split between the Northern and Southern Baptist organizations arose over doctrinal issues pertaining to slavery and the education of slaves. At the time of the split, the Southern Baptist group used the curse of Cain as a justification for slavery.

¹⁶² 60 U.S. 393 (1857).

¹⁶³ Ibid.

¹⁶⁴ Thus commenting on this subject, the great French social theorist Alex De Tocqueville opined that “[a]ntiquity could only have a very imperfect understanding of this effect of slavery on the production of wealth. Then **slavery existed throughout the whole civilized world**, only some barbarian peoples being without it. **Christianity destroyed slavery by insisting on the slave’s rights**; nowadays it can be attacked from the master’s point of view; in this respect interest and morality are in harmony.” Alexis de Tocqueville, *Democracy in America* (New York, N.Y.: Harper Perennial, 1988), p. 348.

And see, John Wesley, *Thoughts Upon Slavery* (London, England: John Crukshank Publisher, 1778), p. 4.

abrogated slavery, was a natural extension of both the Christian religion and the democratic principles set forth in the American Declaration of Independence (1776).¹⁶⁵

“[S]lavery was nearly extinct,” writes Rev. Wesley, “till the commencement of the fifteenth century, when the discovery of America, and of the western and eastern coasts of Africa, gave occasion to the revival of it.”

Finally, see, also, Rev. Alexander Crummell, *Africa and America: Addresses and Discourses* (Springfield, MA: Wiley & Co., 1891), pp. 218-219, stating:

At the commencement of the sixteenth century, after the slavery of Africans had been allowed in the Spanish settlements, we find one Cardinal Ximenes, then holding the reigns of government, (previous to the accession of Charles the Fifth,) refusing his permission for the establishment of a regular system of commerce, in the persons of Native Africans. When **Charles [V]** came to power, he acted contrary to the course of the Cardinal. But by a good Providence he was afterward brought to see his error and to repent of it. In the year 1542, he made a code of laws, prohibiting the slave trade and emancipating all slaves in his dominions. About the same time, **Leo 10th**, the Pope of Rome, denounced the whole system, declaring, ‘That not only the Christian religion, but that nature herself cried out against a state of slavery.’ In England, in 1562, we find **Queen Elizabeth** anxious, lest the evils of the slave trade should be entailed upon Africa by any of her subjects, declaring that if any of them were carried off without her consent, ‘It would be detestable, and call down the vengeance of Heaven upon the undertakers.’ From this time, we find a continual testimony, ever and anon, borne against the system of slavery, by men of every profession and of every rank:-- MILTON; Bishop SANDERSON; Rev. MORGAN GODWYN, an episcopal clergyman, who wrote the first work ever undertaken expressly for this cause; RICHARD BAXTER, the celebrated divine published upon it; STELLE; the Poet THOMPSON; Rev. GRIFFITH HUGHES, another Episcopal clergyman; SHENSTONE, the Essayist and Poet; Dr. HUYTER, Bishop of Norwich; STERNE; Bishop WARBURTON, author of the *Divine Legation*, who preached a sermon before the Society for the Propagation of the Gospel, in 1766, in which he scouts the idea of man holding property in rational creatures. The DISSENTERS of all names, especially the FRIENDS, distinguished themselves beyond all others, in their early interest in the cause, and their clear, earnest, and explicit disapprobation of it. Latterly, GRANVILLE SHARP, the Father of the more modern Abolitionists, appeared upon the stage. And to him belongs the distinguished honor of having brought about the glorious decision in the case of Somerset, which COWPER has rendered immortal in the noble lines:-- ‘Slaves cannot breathe in England: if their lungs receive our air, that moment they are free; they touch our country and their shackles fall.’

165 See, generally, Acts 17:26 (“And hath made of one blood all nations of men for to dwell on all the face of the earth, and hath determined the times before appointed, and the bounds of their habitation”); see, also, Alexis de Tocqueville, *Democracy in America* (New York, N.Y.: Harper Perennial, 1988), p. 348; Rev. Rufus Lewis Perry, *The Cushite, Or, The Descendants of Ham* (1893), supra, pp. 1-2; Rev. Alexander Crummell, *Africa and America: Addresses and Discourses* (Springfield, MA: Wiley & Co., 1891), p. 246; Rev. William Goodell, *The Democracy of Christianity, or; An Analysis of the Bible and its Doctrines in Their Relation to the Principles of Democracy* (New York, N.Y.: Cady and Burgess, 1852); Rev. William Goodell, *The American Slave Code* (New York, N.Y.: John A. Gray Pub., 1853); and see the American *Declaration of Independence* (1776), which is a reflection of natural religion, natural law, and 18th-century Latitudinarian Anglicanism, and holding that “We hold these truths to be self-evident that **all men are created equal**....”) And, finally, see Abraham Lincoln, “First Lincoln Douglas Debate- Ottawa, Illinois” (August 21, 1858), stating: “I hold that, notwithstanding all this, there is no reason in the world why the negro is not entitled to all the natural rights enumerated in the Declaration of Independence, the right to life, liberty, and the pursuit of happiness. I hold that he is as much entitled to these as the white man. I agree with Judge Douglas he is not my equal in many respects—certainly not in color, perhaps not in moral or intellectual endowment. But in the right to eat the bread, without the leave of anybody else, which his own hand earns, he is my equal and the equal of Judge Douglas, and the equal of every living man.”

Chapter Five

“The Tower of Babel”

Westminster Confession of Faith of 1647 deduced from the fall of Adam that the present state of the human condition is weighed down by “this original corruption, whereby we are utterly indisposed, disabled, and made opposite to all good, and wholly inclined to all evil, [and] do proceed all actual transgressions.”¹⁶⁶ This original corruption thus opened the door to an ongoing and perpetual state of *Confusion*, or a confused spiritual state within the souls of mankind— where there is no acknowledgment of the law of nature, the law of the golden rule, or the law of reason— and denotes the effects of Original Sin and rebellion, in various ways and methods, *against* divine Providence.¹⁶⁷ The “Tower of Babel” in the Book of Genesis represents this *confusion*,¹⁶⁸ where there is a wide diversity of languages, cultures, viewpoints, opinions, philosophies, and religion, as well a perpetual *rebellion* against God’s laws of reason, equity, and justice. Consequently, this *confusion* leads often to civil conflict, to crimes, to wars, and to the rise and fall of peoples, nations, and empires. Great nations, republics, and empires— worldly kingdoms— have been described as “types” of the ancient Tower of Babel (i.e., the *prophetic Babylon* that is referenced in the Book of Revelation). Hence, in the Book of Genesis, when all persons spoke one language, a concerted effort was made between them to build a tower (presumably symbolic of an empire) into the heavens. The biblical narrative informs us that God executed His divine judgment against those conspirators through babbling their languages, so that they could no longer understand one another. Nevertheless, God did not completely abate

¹⁶⁶ Westminster Confession of Faith of 1647, Chapter 6, “Of the Fall of Man, of Sin, and of the Punishment Thereof.”

¹⁶⁷ In Volume Six of this postdoctoral study, the collapse of “neo-orthodoxy,” which is a belief in natural law and the law of reason, exemplifies this symbolism of the “Tower of Babel.”

¹⁶⁸ St. Augustine, *The City of God*, supra, pp. 526 – 528.

or root out that political rebellion which originated at the “Tower of Babel”; for the conspirators simply reorganized themselves along similar linguistic, ethnic, and geographic affiliations.

But juxtaposed against this *confusion*, in *every nation*, are righteous persons with kindred spirits of *truth*, and who love the *moral laws* of God. The spirit of truth has been called the Holy Spirit, and the moral laws have been described as timeless, universal codes that have been engraved into the human conscience. Thus, within the hearts of such persons are the holy spirit, the spirit of truth, and the law of reason. Ostensibly, one of the defining characteristics of the “visible” and the “invisible” churches of Jesus Christ, and of individual Christians in particular, is that they are organizations of persons who love the law of God, and who serve humanity as “a candlelight of truth” within this state of confusion. And as the Parable of the Wheat and the Tares teach us, both good and bad men and women are intermingled together, sharing a common interest in the welfare of the civil polity— the good men wish for the civil polity to prosper, so that they may pursue their good and righteous endeavors, but the bad men wish for that same civil polity in order that they might enjoy the fruits of their worldly, self-centered, and even evil endeavors.¹⁶⁹ This state of *confusion* is symbolized in the Tower of Babel in the Book of Genesis. This postdoctoral study contends that, given this set of circumstances, that the health, safety, and public administration of the civil polity must be of highest priority to the Christian churches; and, as such, that the Christian churches must ordain or commission Christian lawyers to advocate for the institution and application of equity and moral laws throughout the body politic. And that churches which abjure this responsibility misunderstand the Great Commission as well as the very essence and purpose of Christ’s *great ecclesia*.

Now Augustine of Hippo, in *The City of God*, takes up the topic of the Biblical narrative of the Tower of Babel immediately after his general discussion of the three sons of Noah and their

¹⁶⁹ See, generally, St. Augustine, *The City of God*, *supra*.

descendants from which several nations emerged. Hence, a review of that Biblical narrative is fully appropriate here:

Narrative of the Tower of Babel¹⁷⁰

1 And the whole earth was of one language, and of one speech.

2 And it came to pass, as they journeyed from the east, that they found a plain in the land of Shinar; and they dwelt there.

3 And they said one to another, Go to, let us make brick, and burn them thoroughly. And they had brick for stone, and slime had they for mortar.

4 And they said, Go to, let us build us a city and a tower, whose top may reach unto heaven; and let us make us a name, lest we be scattered abroad upon the face of the whole earth.

5 And the Lord came down to see the city and the tower, which the children of men builded.

6 And the Lord said, Behold, the people is one, and they have all one language; and this they begin to do: and now nothing will be restrained from them, which they have imagined to do.

7 Go to, let us go down, and there confound their language, that they may not understand one another's speech.

8 So the Lord scattered them abroad from thence upon the face of all the earth: and they left off to build the city.

9 Therefore is the name of it called Babel; because the Lord did there confound the language of all the earth: and from thence did the Lord scatter them abroad upon the face of all the earth.

170 Genesis 11:1-9 (KJV).

Augustine of Hippo quickly pointed out in *The City of God* that the ancient kingdom of Babylon is named after this Tower of Babel in the Book of Genesis, and that the meaning of both “Babel” and “Babylon” means “Confusion.”¹⁷¹ “This city, which was called Confusion,” writes Augustine, “is the same as Babylon, whose wonderful construction Gentile history also notices.”¹⁷² In a larger sense, Augustine concluded in *The City of God* that this “Babel” or “Babylon” reflects the existential state of all present-day human political organizations upon the earth that *do not obey the laws* of God-- this is the “earthly city [in which] belong the enemies against whom I have to defend the city of God.”¹⁷³ Augustine thus describes the execution of God’s punishment against “Babel” as follows:

He and his people, therefore, *erected this tower against the Lord*, and so gave expression to their *impious pride*; and justly was their *wicked intention* punished by God, even though it was unsuccessful. But what was the nature of the punishment? As the tongue is the instrument of domination, in it pride was punished; so that man, who would not understand God when He issued His commands, should be misunderstood when he himself gave orders. Thus was that *conspiracy disbanded*, for each man retired from those he could not understand, and were divided according to their languages, and scattered over the earth as seemed good to God, who accomplished this in ways hidden from and incomprehensible to us.¹⁷⁴ [Emphasis added in Italics]

Similarly, the Alexandrian Jewish philosopher Philo’s (20 BC- 50 AD) assessment of this Biblical Narrative is that this Tower symbolically represents human rebellion and conspiracy against the authority and will of the Almighty God, through the building of a city and a tower.¹⁷⁵

171 St. Augustine, *The City of God*, supra, pp. 526 – 528.

172 Ibid., p. 527.

173 Ibid., p. 4.

174 Ibid., pp. 527 -528.

175 See, e.g., Philo of Alexandria, *On the Confusion of Tongues*, [ancient text: citation omitted] <http://www.earlychristianwritings.com/yonge/book15.html>.

XXVIII. We say that this is the reason why it is said that God went down to see the city and the tower; and the addition, "**Which the sons of men had built,**" is **not a mere superfluity**. For perhaps some profanely disposed person may mock and say, "The lawgiver is here teaching us a very novel kind of lesson, when he says that no one else but the sons of men build cities and towers; for who, even of the most crazy people is ignorant of what is so evident and notorious as that?" But we must not suppose that such a plain and unquestionable fact as that, is what is intended to be conveyed by the mention of it in the holy scriptures,

Philo sees the Tower of Babel as a reflection not so much of a common language but *a common depraved spirit* among wicked men, within human political organizations, and the Tower of Babel being a manifestation of their conspiratorial passions and desires.¹⁷⁶ This proverbial Tower of Babel is thus the origin of worldly political organizations, politics, and politicians.

but rather **there is some hidden meaning concealed under these apparently plain words which we must trace out.** What then is this hidden meaning? ...

XXIX. But against those who praise themselves on justice, the Lord said, "Behold, there is one race and one language among them all," an expression equivalent to, Behold, there is one family and one bond of relationship, and also, one harmony and agreement among them all together, no one being in his mind at all alienated from or disconnected with his neighbour, as is the case with illiterate men. For at times, the organ of speech among them is, in all its tones, out of tune and inharmonious in no slight degree, being in fact carefully arranged so as to produce inharmoniousness, and having only such a concert as will cause a want of melody....

XVIII. But **the wicked man**, desiring to **exhibit the fact that identity of language**, and the **sameness of dialect** does not consist more in names and common words than in **his participation in iniquitous actions, begins to build a city and a tower as a citadel for sovereign wickedness; and he invites all his fellow revellers to partake in his enterprise**, preparing beforehand abundance of suitable materials. For, "Come," says he, "let us make bricks, and let us bake them in the fire," an expression equivalent to, **Now we have all the parts of the soul mingled together and in a state of confusion, so that there is no species whatever the form of which is evident to be seen.** Therefore it will be consistent with these beginnings that, as we have assumed a certain essence destitute of all particular species; and of all distinctive qualities, and have also taken up with passion and vice, we should also divide it into suitable qualities, and keep on reducing the proximate to the ultimate species; and with a view to the more distinct comprehension of them, and also to this employment and enjoyment of them combined with experience, which appears to produce many pleasures and delights. **Come, therefore, all ye reasonings of counsellors, in some way or the other to the assembly of the soul; come, all ye who meditate the destruction of justice and of all virtue, and let us consider carefully how we may attain to the end which we desire.** Now of **success in this matter** these will be **the most established foundations:** to give to things without form shape and character, and to distinguish each thing separately with distinct outlines, lest, if they become shaken and lame (though fixed on firm foundations,) and if they have assumed a connection with the nature of a quadrangular shape, (for this is a nature always unshaken), they may then, being established steadily like a building of bricks, support even those things which are built upon them. XIX. **Of such a structure as this every mind adverse to God,** which we call **the king of Egypt (that is to say of the body), is found to be the maker.** For Moses represents the mind as rejoicing in the buildings made of brick; for after some being or other made the two substances of water and earth to be the one dry and the other solid, and mingling the two together, for they were easily dissoluble and corruptible, made a third substance to be on the confines of the two, which is called clay, he has never ceased from dissecting this into small portions, giving its own appropriate figure to each of the fragments, in order that they might be very well compacted together, and very suitable to the objects for which they were intended. For in this way what was being made was sure to be very easily perfected. **Imitating this work, those men who are wicked in their natures, when they mingle the irrational and extravagant impulses of the passions with the most grievous vices, are, in reality, dissecting that which has been combined into various species, and unhappy that they are fashioning them again and reducing them into shape, by means of which the blockade of the soul will be raised on high; these being, in fact, the divisions of the outward sense into seeing, and hearing, and taste, and smell, and touch. Passion again, is divided into pleasure, and appetite, and fear, and grief; and the universal genus of vices is divided into folly, and intemperance, and cowardice, and injustice, and all the other vices which are akin to or closely connected with them.**

176 Ibid.

Significantly, we notice from both Augustine's and Philo's general description of the narrative on the Tower of Babel, that God is a rational, thinking Personality who observes human political and earthly affairs, renders His divine judgment, and executes His divine sentence— i.e., *divine Providence*. This is also a tacit acknowledgment that God is a divine Person who moves and shapes political events and establishes justice in His own time and in accord with His own will. This is a major and general theme (i.e., *divine Providence*) that runs throughout the entire Holy Bible, to wit:

God standeth in the congregation of the mighty; he judgeth among the gods.
How long will ye judge unjustly, and accept the persons of the wicked? Selah.
Defend the poor and fatherless: do justice to the afflicted and needy.
Deliver the poor and needy: rid them out of the hand of the wicked.
They know not, neither will they understand; they walk on in darkness:
all the foundations of the earth are out of course....
Arise, O God, judge the earth: for thou shalt inherit all nations.¹⁷⁷

Hence, the Biblical narrative of the Book of Genesis, which references the Tower of Babel, explains God's *divine Providence* over human governments and political affairs that is especially repeated throughout the Old Testament.

As previously referenced, it is important here to note that the "Tower of Babel," symbolizes the existential state of human rebellion that is ever-present within human organizations today, and shall remain in our midst until the end of the present Age— as the symbolic "Babylon the Great"— when Christ, as the Chief Judge over the Last Judgment, shall execute His final sentence. To that end, in the prophecy of Daniel, the fall of the ancient kingdom of Babylon is presented to prefigure the fate of all fallen nations, kingdoms, and empires. And in the apocalypse of John, the prophetic Babylon the Great looms large, because it too is as a sort of representative of all earthly kingdoms and dominions that *rebel* against the moral laws of God. For instance, in the Book of Revelation, there is reference to a "MYSTERY,

¹⁷⁷ Psalm 82.

BABYLON THE GREAT, THE MOTHER OF HARLOTS AND ABOMINATIONS OF THE EARTH,” etc. and to the ultimate fall of Babylon, to wit:

Babylon the great is fallen, is fallen, and is become the habitation of devils, and the hold of every foul spirit, and a cage of every unclean and hateful bird. For all nations have drunk of the wine of the wrath of her fornication, and the kings of the earth have committed fornication with her, and the merchants of the earth are waxed rich through the abundance of her delicacies.¹⁷⁸

When now we turn to our own national history and consider the political circumstances then confronting the American patriots, we see glimpses of this same ageless struggle against greed, materialism, slavery, pride, and rebellion against the moral laws of God. To that end, the language in the American Declaration of Independence (1776) excoriates the actions of King George III (1760 - 1820) and the kingdom of Great Britain, as a sort of proverbial “Babylon.” George III’s actions are described as having violated the “Laws of Nature and of Nature’s God,” to wit:

To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

178 Revelation 18: 2-3.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of

Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms:

Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

And, though stricken from the original document due to detractors primarily from Georgia and South Carolina, another portion of the Declaration of Independence stated:

[The King of England was charged with waging a] cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of infidel powers, is the warfare of the Christian king of Great Britain. Determined to keep open a market where men should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce. And that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he also obtruded them: thus paying off former crimes committed against the liberties of one people with crimes which he urges them to commit against the lives of another.¹⁷⁹

Finally, this Declaration goes on to expressly acknowledge and incorporate a reliance upon a sovereign God for courage and safety in making this petition of protest and resistance, stating:

“[w]e, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to *the Supreme Judge of the world* for the rectitude of our intentions...

[a]nd for the support of this Declaration, with a firm reliance on *the protection of divine Providence*, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.”

¹⁷⁹ W.E.B. Du Bois, “The Suppression of the African Slave Trade,” *Writings* (New York, N.Y.: The Library of America, 1986), p. 54.

The state of rebellion against the moral laws of God, which the “Tower of Babel” and the proverbial kingdom of Babylon symbolize, is historic and problematic. And thus the central question which this postdoctoral study asks is, “Does the Great Commission (Matthew 25: 31-46 and Matthew 28: 19-20) *require* the churches of Jesus Christ to resist such evil and rebellion whenever they occur? Or, as some may suppose, must the churches of Jesus Christ take a fatalistic approach (i.e., “relating to or characteristic of the belief that all events are predetermined and therefore inevitable”);¹⁸⁰ say nothing, and do little to stop such evil and rebellion? According to Rev. Algernon Sidney Crapsey, the most unique and revolutionary contribution of Jesus Christ to legal and political discourse was his doctrine to “resist not evil.”¹⁸¹ Rev. Crapsey thus explained:

This law is not, as some may suppose, the law of passive obedience, bidding us yield a ready submission to evil in the world. It is not a cowardly surrender to unrighteousness, a fearful cringing to wickedness in high places. It is not the teaching of a craven, who sells his soul for his safety. If such were the meaning of the words of Jesus we might well reject them as immoral and destructive of the highest interests of mankind. The doctrine of Jesus is not the doctrine of passive obedience; it is the *doctrine of passive resistance*. And it is the doctrine of passive resistance that is the great original doctrine that Jesus has contributed to moral science. We can best see the meaning of this saying if we interpret it by the life of Jesus Himself. Surely no one can accuse Jesus of timidity. He was not afraid to arraign the chief priests and rulers of His people at the bar of divine justice.... His whole life was not a life of obedience, but of rebellion against existing conditions and established authorities.

Jesus was in opposition from the beginning to the end of His days. And it is with His method of warfare that this saying, ‘Resist not evil,’ had to do— do not resist evil with evil. Do not resist physical force with physical force. Do not meet calumny with calumny, nor vituperation with vituperation. Be not overcome of evil, but overcome evil with good, meet calumny with silence and vituperation with kind words....

The disbelief of the ordinary man in the saying of Jesus arises from his disbelief in the moral and spiritual life.... Jesus’ method of warfare is to fight evil, not by active resistance, but by passive endurance. He was ready, not to kill, but, if need were, to be killed....

Jesus’s method of passive resistance is by far the most economical of life and treasure of any mode of warfare that man can adopt.... While the Jews were resisting actively, the Christians were resisting passively. The wickedness of the

¹⁸⁰ “Fatalistic,” *Oxford Languages Dictionary* (online).

¹⁸¹ Matthew 5:39.

Roman power was far more hateful to the Christian than to the Jew. The Christian would not recognize the validity of that power by so much as casting a grain of incense upon an altar. But the Christian did not wish to kill the Roman; he wished to convert him; and so he manifested his hostility to the Roman system, not by fighting the Roman, but by preaching to the Roman that his system was evil, and, if he wished to escape from that evil, he must turn from the worship of Caesar to the worship of Christ.

And when the Roman was angry with him the Christian suffered the full consequence of that anger, and in so suffering revealed to the Roman a moral greatness which turned the anger of the Roman into admiration, love, and worship.... The history of Jesus and the history of the establishment of Christianity give experimental proof of the soundness of His doctrine.¹⁸²

Therefore, the very nature of being a Christian in a cosmopolitan, pluralistic world of confusion is inherently a revolutionary act, because Christianity “passively resists evil and sin,” and thereby sets a revolutionary example with the body politic.

Carrying out the Great Commission of *preaching* the Gospel to a general audience of worldly sinners is also a form of passive resistance that impugns evil. Augustine of Hippo, for instance, preached to the shameful Romans in *The City of God*, stating, “[f]or why in your calamities do you complain of Christianity, unless because you desire to enjoy your luxurious license unrestrained, and to lead an abandoned and profligate life without the interruption of any uneasiness or disaster? For certainly your desire for peace, and prosperity, and plenty is not prompted by any purpose of using these blessings honestly, that is to say, with moderation, sobriety, temperance, and piety; for your purpose rather is to run riot in an endless variety of sottish pleasures, and thus generate from your prosperity a moral pestilence which will prove a thousandfold more disastrous than the fiercest enemies.”¹⁸³ This sort of passive resistance, which is the inherent nature of Christians, is what constitutes the antagonism between the Christian religion and the rest of the world. And the Christians may not run from this

¹⁸² Algernon Sidney Crapsey, *Religion and Politics*, supra, pp. 86- 91.

¹⁸³ St. Augustine, *The City of God*, supra, p. 35.

antagonism, but they must, as the “the salt of the earth,”¹⁸⁴ accept it as a practical fact of evangelism.

Since the Protestant Reformation, the practical mode and methods of Christianity have become somewhat easier in this sense: the civil governments in the West, including the United States and Great Britain, and in many other nations, have, through special statutes and constitutional amendments, invited Christians, as well as all other conscientious citizens, to give suggestions to the civil magistrates— through legislative, executive, and court petitions— for making secular laws and public policies more equitable, fair, and just. In Protestant political and constitutional discourse,¹⁸⁵ such official invitations (i.e., statutes or constitutional provisions granting a right of petition) allowing citizens to provide input to the civil magistrates, constitutes that special “partnership” between the Church and the State, which Augustine of Hippo has suggested in *The City of God* should take place.¹⁸⁶ Hence, unlike in ancient Rome, where Christians perpetually faced the threat of public execution for engaging in passive resistance, in modern-day Western nations, as well as many others, the Christian influence has resulted in the enactment of laws which guarantee the right of passive resistance or passive disobedience through the right of petition of the government to redress grievances.

The Protestant Reformers— particularly Martin Luther — certainly felt that the right of peaceful protest was a natural and inalienable right of the common man. In his effort to calm

¹⁸⁴ Matthew 5:13.

¹⁸⁵ See, e.g., Martin Luther, *Temporal Authority: To What Extent it should be Obeyed* (1523) (“Here you inquire further, whether constables, hangmen, jurists, lawyers, and others of similar function can also be Christians and in a state of salvation. Answer: If the governing authority and its sword are a divine service, as was proved above, then everything that is essential for the authority’s bearing of the sword must also be divine service. There must be those who arrest, prosecute, execute, and destroy the wicked, and who protect, acquit, defend, and save the good. Therefore, when they perform their duties, not with the intention of seeking their own ends but only of helping the law and the governing authority function to coerce the wicked, there is no peril in that; they may use their office like anybody else would use his trade, as a means of livelihood. For, as has been said, love of neighbor is not concerned about its own; it considers not how great or humble, but how profitable and needful the works are for neighbor or community.”)

¹⁸⁶ St. Augustine, *The City of God*, supra, p. 178. (“... Certain Christian emperors were therefore happy...if more than their own they love that kingdom in which they are not afraid to have partners....”)

down the German dissidents in order to dissuade them from resorting to violence, and thus to avoid the German Peasant's War (1524 -1525), Luther admonished them to follow the path of nonviolence. The theology of passive resistance, the right to not cooperate with, or to give in to, evil is a natural right which the blood of the ancient Christian martyrs nourished. The right to petition the government to redress grievances, and the right of assembly and of free speech, are all natural and fundamental rights which the English Dissenters shed blood in the English Civil War (1642 - 1651) for in order to enjoy— both for themselves and their prosperity. All of these natural rights were alluded to, and manifested, in the American Declaration of Independence (1776), and they were expressly guaranteed in the American Bill of Rights (1789- 1791), which includes the First Amendment to the United States Constitution; and, later, the Fourteenth Amendment (1868), to that same constitution.

In Great Britain and the United States, the long train of Christian-based struggle leading ultimately towards the acknowledgment of the inalienable rights of the common man, reaching back to Magna Carta (1215), the Right of Petition (1628), the English Bill of Rights (1689), the Declaration of Independence (1776), the American Bill of Rights (1791), and the Civil War Amendments (1865- 1870), had given to present-day Christians various constitutional privileges and immunities, including the official right to utilize the legislative petition, the executive petition, and the courts of law, to resist the “proverbial forces of Babylon” within the body politic, and to preserve the health, safety, and morals of the community.

Although most Americans today have been taught that the doctrine and policy to separate church from state has completely obliterated the Christian foundations of American constitutional law and jurisprudence, this is clearly a misconception in light of the “Covenant of Nature,” hitherto previously discussed in chapter one. In the spirit of the Tower of Babel, present-day Americans have abused this doctrine on the separation of church and state.¹⁸⁷ For

¹⁸⁷ See, e.g., Algernon Sidney Crapsey, “The American Church-State,” *Religion and Politics* (New York, N.Y.: Thomas Whittaker, 1905), pp. 248-249 (“To speak of the separation of church and state is to speak of the separation of soul and body.... The present separation of the religious from the civil and political life of the nation is

as Professor Auerbach has stated, the First Amendment to the U. S. Constitution “did not repudiate the principle of a Christian state; rather, it provided an alternative means toward securing it.”¹⁸⁸ The United States Supreme Court has likewise confirmed this viewpoint. See, e.g., *Terrett v. Taylor*, 13 U.S. 43 (1815);¹⁸⁹ *Vidal v. Girard’s Executors*, 2 How. 127 (1843);¹⁹⁰ *Holy Trinity v. United States*, 143 U.S. 457 (1892);¹⁹¹ and *United States v. Macintosh*, 283 U.S. 605 (1931).¹⁹²

Therefore, this postdoctoral study’s conclusion is that, especially in the United States, Christians— and especially Christian lawyers and Christian judges— have a *duty to ensure that the civil polity functions justly and humanely*, while respecting the civil and natural rights of others within a pluralistic community. As per the “Covenant of Nature,”¹⁹³ the civil polity is by

cause for grave apprehension for the future of the American people.”)

188 Jerold S. Auerbach, *Rabbis and Lawyers: The Journey from Torah to Constitution* (New Orleans, La.: Quid Pro, LLC, 2010), p. 11.

189 *Terrett v. Taylor*, 13 U.S. 43, 52, 9 Cranch 43 (1815)(referencing “the principles of **natural justice**, upon **the fundamental laws of every free government**”).

190 *Vidal v. Girard’s Executors*, 2 How. 127 (1843)(the United States is “**a Christian country.**”)

191 *Holy Trinity v. United States*, 143 U.S. 457 (1892)(providing an extensive history of the influence of Christianity upon state and federal constitutional documents and traditions, and concluding that the United States is “**a Christian nation.**”)

192 *United States v. Macintosh*, 283 U.S. 605, 625 (1931) (stating that [w]e are a **Christian people** (*Holy Trinity Church v. United States*, 143 U. S. 457, 143 U. S. 470- 471), according to one another the equal right of religious freedom and acknowledging with reverence the duty of obedience to the will of God.”)

¹⁹³ The “Covenant of Nature” is a Puritan expression that denotes God’s universal moral law upon which his divine Covenant with all mankind has been made through Adam and Noah. Here, we must also read Psalm 19:1-4 and Romans 10: 18 together. Psalm 19: 1-4 states: “The heavens declare the glory of God; and the firmament sheweth his handywork. Day unto day uttereth speech, and night unto night sheweth knowledge. There is no speech nor language, where their voice is not heard. Their line is gone out through all the earth, and their words to the end of the world”; and Romans 10: 18 states, “But I say, Have they not heard? Yes verily, their sound went into all the earth, and their words unto the ends of the world.”) The “Covenant of Nature” is also the foundation of English and American political philosophy, constitutional law, and equity jurisprudence. It is fundamentally a Puritan theological idea that has ancient and biblical roots, as is exemplified in the Westminster Confession of Faith, Larger Catechism #20, which states, “God allowed them to have fellowship with him, instituted the Sabbath, and made a covenant of life with them on the condition of their personal, perfect, and perpetual obedience.” This Covenant cites several scriptural references in support of the “Covenant of Life” [also called the “Covenant of Works” or the “Covenant of Nature”] to wit: Genesis; 1:26-29; 1:28; 2:3; 2:8; 2:16-17; 2: 15-16; 2:18; 3:8; Galatians 3:12, Romans 10:5; Romans 5:12-14,10:5, Luke 10:25-28. These scriptural references in the Westminster Confessions align perfectly with St. Augustine’s *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 36, stating “Can it ever, at any time or place, be unrighteous for a man to love god with all his heart, with all his soul, and with all his mind; and his neighbor as himself? Similarly, offenses against nature are everywhere and at all times to be

design a sacred and divine organization instituted to establish justice.¹⁹⁴ “Justice [is] the link between the sacred and the secular....”¹⁹⁵ “Politics is religion because it has to do with major morals, with the relations of men to each other.... The one cry that goes up from man to God is for justice.”¹⁹⁶ And this “Covenant of Nature” being but a truism, the duty of the several Christian churches and *the specialized duties of Christians lawyers and Christian judges* are clear: they must work ceaselessly to ensure that the will of God be done on earth as it is in heaven— not through the imposition of religious dogma upon the unwilling consciences of individuals, but through the extension of the “Covenant of Nature” (i.e., equity and justice), through lawful means, to all persons within the body politic. And this would certainly include guaranteeing equity and justice even for persons who hold controversial, disagreeable, and even “ungodly” points of view.¹⁹⁷ With that, we may now bring this discussion in Volume One to a close.

— END OF VOLUME ONE —

held in detestation and should be punished....” and with William Blackstone’s “Of the Nature of Laws in General,” *Commentaries on The Laws of England* (New York, N.Y.: W.E. Dean Pub., 1840), pp. 25-28. This postdoctoral study holds that the American Declaration of Independence (1776) and the United States Constitution (1787) are founded upon this same “Covenant of Nature.”

¹⁹⁴ James Madison, *The Federalist Paper*, No. 51 (“Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit.”)

¹⁹⁵ Ruben Alvarado, *Calvin and the Whigs: A Study in Historical Theology*, supra, p. 19.

¹⁹⁶ Algernon Sidney Crapsey, *Religion and Politics*, supra, p. 304.

¹⁹⁷ See, e.g., Thomas Jefferson, “Notes On the State of Virginia,” *Writings* (New York, N.Y.: The Library of America, 1984), p. 285 (“The legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury for my neighbour to say there are twenty gods, or no god. It neither picks my pocket nor breaks my leg. If it be said, his testimony in a court of justice cannot be relied on, reject it then, and be the stigma on him.”). See, also, **Appendix D**, “Of Thomas Jefferson and the Jeffersonians.”

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