

“GENERAL CHRISTIANITY”

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 Three

of

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

By

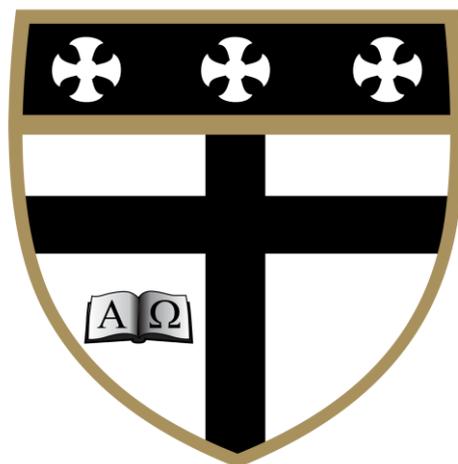
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**VOLUME THREE:
“GENERAL CHRISTIANITY”**



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A POSTDOCTORAL STUDY

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Puritanism and the Presbyterian Enlightenment*

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Volume Three: General Christianity

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The Forethought

The Christianity of the New Testament and of the Early Church, prior to 325 A.D., has been called “primitive” or “general” Christianity. During this period, the several Christian churches were autonomous, but they were also informally interconnected; and the Roman empire had not yet established Christianity as its official religion. The Roman rulers either marginalized or brutally suppressed this Early Church. Nevertheless, even under these conditions, the Apostles Peter and Paul admonished the Christian faithful to look upon their pagan governors, rulers, and magistrates as ordained ministers of God. After the Roman emperor Constantine legalized the Christian religion, Christianity was allowed to flourish without fear of persecution. And when Roman emperor Theodosius the First made Christianity the official religion of the Roman empire, a positive step in the history of mankind and the church was made, because the doctrine of “fundamental or higher law” was introduced, thus subjecting the emperor and all earthly rulers to the “law of Christ.” In principle, this was a positive development, but in practice, as the ancient and Medieval Church implemented it, there was much abuse of authority and especially amongst the papacy. From the beginning of this development, even several centuries prior to the Protestant Reformation, there were calls for “reform” inside the Medieval and Early Modern Western Church. This “reform” movement harkened back to the days of the Early Church, prior to the time of Constantine and Theodosius I. During the 17th-Century, the Church of England had inherited, and continued to perpetuate, many of the same ecclesiastical abuses of the papacy. Then, the leading Protestant sects in colonial British North America, namely, the Congregationalists, the Presbyterians, the Anglicans, the Quakers, and the Baptists, established the colonies of British North America in large measure to establish religious freedom. And during the 18th century, their descendants sought greater religious and political freedoms. They created a radically different form of Christian polity in the United States of America— a government based upon a religion of the *Logos* and the Golden Rule.

Wherefore, this postdoctoral study demonstrates that the American founding fathers thus opted to create a constitutional system whereby “General Christianity”— i.e., natural religion, natural law, or the Laws of Nature— was established as the official religion of the new United States. The United States Supreme Court has firmly reiterated this principle in *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”); and *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 the Supreme Court of Pennsylvania has enunciated the same principle in *Updegraph v. Commonwealth*, 11 Serg. & Rawl, 394 P. 1824 (explaining that general Christianity is a part of the common law of Pennsylvania). Hence, the American Declaration of Independence (1776) and the United States Constitution (1787) reflect the principles of “General Christianity.”

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November 4, 2022

Chapter One

“Introduction to General Christianity”

In many ways, the origin of the genre of “General Christianity,” which is the cornerstone of the American Declaration of Independence (1776),¹ traces its roots to the English Civil War (1642 - 1651), which was a vicious contest between two forms of civil polity (i.e., the monarchy versus republicanism) and ecclesiastical polity (i.e., episcopacy versus presbyterianism/ congregationalism). When Oliver Cromwell (1599 - 1658) and the republican-presbyterian-independent party won control of the government and churches of England, they instituted many of the same constitutional changes which the American Founding Fathers would later adopt during the 18th century. They instituted certain major and radical changes to the Anglican constitutional regime— changes which provided for a “separation of church and state,” and for religious freedom among several Christian denominational sects. One of those major changes is reflected in the Westminster Confession of Faith of 1647, which states:

Civil magistrates may not assume to themselves the administration of the Word and sacraments; or the power of the keys of the kingdom of heaven; or, in the least, interfere in matters of faith. Yet, as nursing fathers, it is the duty of civil magistrates to protect the church of our common Lord, without giving the preference to any denomination of Christians above the rest, in such a manner that all ecclesiastical persons whatever shall enjoy the full, free, and unquestioned liberty of discharging every part of their sacred functions, without violence or danger. And, as Jesus Christ hath appointed a regular government and discipline in his church, no law of any commonwealth should interfere with, let, or hinder, the due exercise thereof, among the voluntary members of any denomination of Christians, according to their own profession and belief.²

¹ See, e.g., **Exhibit G**, President Abraham Lincoln’s 1863 Executive Orders, to wit: “Proclamation on National Humiliation, Fasting, and Prayer” (March 30, 1863) and “Thanksgiving Proclamation” (October 3, 1863). These two executive orders clearly and lucidly describes the “General Christian” which is the cornerstone of both the American Declaration of Independence (1776) and the United States Constitution (1787).

² Westminster Confession of Faith of 1647, Chapter 23 “Of the Civil Magistrate.” But according to Chad Van Dixhorn, there were definite objections to the original Confession, which the American Presbyterians objected:

These proposed constitutional changes regarding the separation of church and state, which were enunciated by the English Puritans and Presbyterians at the time of the English Civil War, conceptualized a secular government that would allow the freedom of religion to all Protestant Christian sects under the form of a sort of “General Christianity.” This postdoctoral study thus sets forth below a factual basis which supports the proposition that the United States Constitution adopted the same type of Christian civil polity— one based upon “General Christianity”— that is described in the Westminster Confession of Faith of 1647.

In a major way, the principle of “General Christianity” institutes a more refined conceptualization of what it means for the churches of Jesus Christ to be truly “catholic.”³ More specifically, through the influence of neo-orthodox Calvinism, the American conception of “General Christianity” instituted within American constitutional law and jurisprudence the entire natural-law theology and political theory of Augustine of Hippo’s *The City of God*, to wit:

God, then, the most wise Creator and most just Ordainer of all natures, who placed the human race upon earth as its greatest ornament, imparted to men some good things adapted to this life, to wit, temporal peace, such as we can enjoy in this life from health and safety and human fellowship, and all things needful for the preservation and recovery of this peace, such as the objects which are accommodated to our outward senses, light, night, the air, and waters are suitable for us, and everything the body requires to sustain, shelter, heal, or beautify it: and

Presbyterians in the New World embraced the confession but found two ideas expressed in the original document particularly problematic. The first was that the civil magistrate had a duty to defend and promote gospel truth. The second was that civil magistrates should exercise godly control by calling synods or councils, even to the point of guiding the work of synods to ensure that they decide matters “according to the mind of God.” After decades of permitting ministers to take exception to these statements in the Confession, American Presbyterians, meeting in Philadelphia in 1788, concluded that the civil government should not “in the least, interfere in matters of faith.”

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³ See, e.g., Acts 10: 34-35 (“Then Peter opened his mouth, and said, Of a truth I perceive that God is no respecter of persons: but in every nation he that feareth him, and worketh righteousness, is accepted with him.”) See, also, 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.”)

all under this most equitable condition, that every man who made a good use of these advantages suited to the peace of his mortal condition, should receive ampler and better blessings, namely, the peace of immortality, accompanied by glory and honour in an endless life made fit for the enjoyment of God and of one another in God; but that he who used the present blessings badly should both lose them and should not receive the others.⁴

This law of nature (i.e., natural religion, and (or) religion of nature), which Augustine here describes, is clearly tied to the soteriological concept of Christian justification and ultimate salvation in Christ (i.e., immortality and eternal life), thereby depicting this religion as “General Christianity,” and making Christianity a restatement or a republication of *natural religion*. Moreover, Augustine’s theological scheme ties all earthly kingdoms to the divine Providence of a sovereign God, who is the “Ordainer of all natures,”⁵ to wit:

Therefore that God, the author and giver of felicity, because He alone is the true God, Himself gives earthly kingdoms both to good and bad. Neither does He do this rashly, and, as it were, fortuitously— because He is God, not fortune— but according to the order of things and times, which is hidden from us, but thoroughly known to Himself; which same order of times, however, He does not serve as subject to it, but Himself rules as lord and appoints as governor.... And therefore earthly kingdoms are given by Him both to the good and the bad....⁶

In a word, human kingdoms are established by divine providence....⁷

God can never be believed to have left the kingdoms of men, their dominations and servitudes, outside the laws of His providence.⁸

American constitutional jurisprudence, via the natural law foundations in the Declaration of Independence (1776) and the United States Constitution (1787), certainly has these *Augustinian* foundations which constitute the essence of “General Christianity.” And

⁴ St. Augustine, *The City of God*, supra, pp. 690 - 691.

⁵ Ibid., p 691.

⁶ Ibid., p. 140.

⁷ Ibid., pp. 142-143.

⁸ Ibid., p. 158.

throughout the 18th-century American landscape, the evangelical ministry of itinerant preacher George Whitefield (1714 - 1770) help to shape this genre of “General Christianity”— evangelical Christianity— into the soul of American culture and ecumenical Christian conscientiousness.⁹

We have seen, in volume one, how the covenant of Nature and, in volume two, how general equity, comprise the foundations of the constitutional system in the United States, as follows:

Book Volume Number	Topic	Christian Principles for Civil Polity	U.S. Constitutional and Legal Doctrines: Implementation of Christian Principles
Volume One	“Covenant of Nature”	<ul style="list-style-type: none"> • God, or the First Cause of Creation (philosophy and science) • Laws of Nature (natural religion) • Jehovah; Trinity, as Creator of heaven and earth (Book of Genesis) • Divine Providence 	<p>Declaration of Independence (1776)</p> <ul style="list-style-type: none"> • “Laws of Nature and of Nature’s God” • “... All men are created equal....” • “... Inalienable rights to Life, Liberty and the Pursuit of Happiness....” • “...Supreme Judge of the world....” • “...divine Providence....”

⁹ See, generally, Arnold Dallimore, *George Whitefield: The Life and Times of The Great Evangelist of the 18th Century Revival* (Peoria, IL: Versa Press, Inc., 2019), Vol. II., p. 257, stating:

During his ministry in England in the years immediately after the controversy of 1741-1744, he had devoted himself largely to his own movement. Now, however, having severed his particular ties with one branch of the Revival he was free to assist it in all its branches. In later pages we shall see him preaching under the auspices of Independents, Presbyterians, Baptists and sometimes Quakers, and above all helping Wesley, and this was the work he began to undertake from this time.... [A]nd he defined the basis of his collaboration, saying: ‘I truly love all that love the glorious Emmanuel, and though I cannot depart from the principles which I believe are clearly revealed in the book of God, yet I can cheerfully associate with those that differ from me, if I have reason to think they are united to our common Head.

Volume Two	“General Equity”	<ul style="list-style-type: none"> • Justice and Judgment (Genesis 18:18-19) • Golden Rule (Matthew 7:12) • Natural Law and Natural Justice (Egyptians; Mesopotamia; Greco-Romans) <p>Source: Christian Principles for Civil Polity¹⁰</p>	<p>U.S. Constitution (1787):</p> <ul style="list-style-type: none"> • “Due Process of Law” • “Equal Protection of the Law” • “Privileges and Immunities Clause” <p>Federal Laws:</p> <p>Common Law- Equity Jurisprudence</p> <p>Court Procedural Law- merger of Law and Equity</p> <p>State Constitutions:</p> <p>State Laws:</p> <p>Common Law- Equity Jurisprudence</p> <p>Court Procedural Law- merger of Law and Equity</p>

¹⁰ **Christian Principles for Civil Polity:** Genesis 9:1-17 (the Noachic covenant); see, also, Genesis 18:18-19 (the Abrahamic covenant “to do justice and judgment”); St. Augustine, *The City of God*, supra, p. 678 (“justice, whose office it is to render every man his due”); and p. 699 (“a republic cannot be administered without justice”); 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.”). Although the primary source for this is the Holy Bible, there are very many secondary sources, perhaps the chiefest being Augustine of Hippo’s *The City of God*. See, e.g., St Augustine of Hippo, *The City of God*, supra, pp. 158, 319, and 476. (“[T]hat God can never be believed to have left the kingdoms of men, their dominions and servitudes, outside of the laws of His providence.”) See, also, Ruben Alvarado, *Calvin and the Whigs: A Study in Historical Political Theology* (The Netherlands: Pantocrator Press, 2017), pp. 7-8:

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In this volume, our objective will be to demonstrate precisely how the *law of Nature* and *general equity*, when combined, form the complete extent and basis for the system of “General Christianity” that comprise that constitutional system.¹¹ Stated differently, the American Declaration of Independence and the United States Constitution are “Christian” constitutional documents precisely because they were founded upon natural law principles and designed to implement general equity and justice.¹² In this system of “General Christianity,” the “deeds” of Christian charity, equity, and justice take priority over the “rituals” or liturgical rites of specific Christian denominations.¹³ Thus, it is the actual implementation and enforcement of Christian ideals and principles— to wit, due process of law, equal protection of the law, inalienable rights, privileges and immunities, equity, etc.— that make the United States’ constitutional documents fundamentally “Christian.” See, e.g.,

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

11 Jerold S. Auerbach, *Rabbis and Lawyers: The Journey from Torah to Constitution* (New Orleans, La.: Quid Pro, LLC, 2010), p. 11 (“[T]he 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”). The U. S. Supreme Court has endorsed this viewpoint in the cases of *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**”); and *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”). The Supreme Court of Pennsylvania has upheld the doctrine of “General Christianity” in *Updegraph v. Commonwealth*, 11 Serg. & Rawl, 394 P. (1824)(“Christianity, **general Christianity**, is, and always has been, a part of the common law of Pennsylvania; Christianity, without the spiritual artillery of European countries....”) See, also, **Appendix E**, “American Zionism: How the Puritans of Colonial New England inspired 20th Century Jewish Lawyers.” See, also, **Exhibit G**, President Abraham Lincoln’s 1863 Executive Orders, to wit: “Proclamation on National Humiliation, Fasting, and Prayer” (March 30, 1863) and “Thanksgiving Proclamation” (October 3, 1863). These two executive orders clearly and lucidly describes the “General Christian” which is the cornerstone of both the American Declaration of Independence (1776) and the United States Constitution (1787).

¹² *Ibid.*

¹³ See, e.g., Luke 10: 25 - 37.

Rev. Algernon Sidney Crapsey, “The American Church-State” in *Religion and Politics*, stating:

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*.¹⁴

Hence, for better or worse, and for whatever “General Christianity” is worth— whether one likes it or despises it— it was extracted from Augustinian theology and devised to formulate a coalition government primarily amongst fractured Protestant groups in colonial British North America, and to find common ground utilizing the following formula, to wit:

COVENANT OF NATURE + GENERAL EQUITY = GENERAL CHRISTIANITY¹⁵

General Christianity permits individuals and groups to hold any religious opinion and to exercise a freedom of religious thought and conscience— not just Christianity— but, at the same time, they may not disavow or violate the basic and core principles of “General Christianity” (e.g., “the Laws of Nature and of Nature’s God”), since these principles are the constitutional foundation for the secular civil polity. This was the only way to maintain a

¹⁴ Algernon Sidney Crapsey, “The American Church-State,” *Religion and Politics* (New York, N.Y.: Thomas Whittaker, 1905), pp. 297- 326.

¹⁵ See, e.g., Acts 10: 34-35 (“Then Peter opened his mouth, and said, Of a truth I perceive that God is no respecter of persons: but in every nation he that feareth him, and worketh righteousness, is accepted with him.”) See, also, 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.”)

unity or coalition government between so many diverse groups of Christians during the 18th century.

For instance, in colonial British North America, between the period 1701 and 1776, the Chesapeake colonies of Maryland and Virginia had 322 Anglican churches, 92 Baptist churches, 93 Presbyterian churches, 20 Roman Catholic churches, and 19 German Reformed churches.¹⁶ The New England colonies of Connecticut, Massachusetts, New Hampshire, and Rhode Island had 1,001 Congregational churches, 148 Baptist churches, and 40 Anglican churches.¹⁷ The Southern colonies of North and South Carolina and Georgia had 41 Anglican churches, 93 Baptist churches, and 83 Presbyterian churches.¹⁸ And the Middle colonies of New York, New Jersey and Pennsylvania had scores of unnumbered Mennonite churches, 88 Anglican churches, 114 Dutch Reformed churches, 136 German Reformed churches, 215 Presbyterian churches, 175 Lutheran churches, and 27 Baptist churches.¹⁹ This means that the predominant informal consensus among the American colonists was that only “Primitive or General Christianity”— and not the Christianity of any particular denomination— feasibly constitute the official form of Christianity in colonial British North America.

The Quakers and Pennsylvania a Model of General Christianity²⁰

In the colony of Pennsylvania, the Quakers originally adopted the concept of “General Christianity” as their official policy. See, e.g., the decision of the Pennsylvania Supreme Court in the case of *Updegraph v. Commonwealth*.²¹ The Quakers drew heavily from the Gospel of John, which is the fourth Gospel in the New Testament, which states:

¹⁶ Jeremy Gregory, *The Oxford History of Anglicanism: Establishment and Empire, 1662 - 1829* (Vol. II), supra, p. 169.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ See **Appendix F**, “The Quaker Influence Upon the U. S. Constitution: William Penn, Pennsylvania, and the English Common Law.”

²¹ *Updegraph v. Commonwealth*, 11 Serg. & Rawle 394 Pa. 1824 (“Christianity, general Christianity, is, and

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. In him was life; and the life was the *light of men*.... There was a man sent from God, whose name was John.... He was not that *Light*, but was sent to bear witness of that *Light*. That was the *true Light*, which *lighteth every man that cometh into the world*.²²

And, again, in the Gospel of Matthew, Jesus of Nazareth, our Lord and Savior, is reported to have said:

Ye are the *light of the world*. A city that is set on an hill cannot be hid. Neither do men *light* a candle, and put it under a bushel, but on a candlestick; and it giveth *light* unto all that are in the house. Let your *light so shine before men*, that they may see your good works, and glorify your Father which is in heaven.²³

In colonial British North America, particularly among the Quakers, these divine passages, as well as others from the Gospel, became politically explosive within the Anglo-American world.²⁴ For, as Max Weber has noted:

As a permanent possession, the Baptist sects retained from these dominating motives of their early period a principle with which, on a somewhat different foundation, we have already become acquainted in Calvinism, and the fundamental importance of which will again and again come out. They absolutely repudiated all idolatry of the flesh, as a detraction from the reverence due to God alone.... On the contrary, the continued life of the Word, not as a written document, but as the force of the Holy Spirit working in daily life, which speaks directly to any individual who is willing to hear, was the sole characteristic of the true Church.... From this idea of the continuance of revelation developed the well-known doctrine, later consistently worked out by the Quakers, of the (in the last analysis decisive) significance of the inner testimony of the Spirit in reason and conscience. This did away, not with the authority, but with the sole authority, of the Bible, and started a development which in the end radically eliminated all that remained of the doctrine of salvation through the Church; for the Quakers even with Baptism and the Communion.²⁵

always has been, a part of the common law of *Pennsylvania*; Christianity, without the spiritual artillery of *European* countries; for this Christianity was one of the considerations of the royal charter, and the very basis of its great founder, *William Penn*; not Christianity founded on any particular religious tenets; not Christianity with an established church, and tithes, and spiritual courts; but Christianity with liberty of conscience to all men....” See **Appendix F**, “The Quaker Influence Upon the U. S. Constitution: William Penn, Pennsylvania, and the English Common Law.”

22 John 1:1-9 (emphasis added).

23 Matthew 5:14-16. (emphasis added).

24 See, e.g., Max Weber, *The Protestant Work Ethic and the Spirit of Capitalism* (New York, N.Y.: Vigeo Press, 2017), pp. 100 -108.

25 *Ibid.*, pp. 102-103.

Hence, the Quakers believed in a doctrine of “*that of God in everyone*,”²⁶ which shook the foundations of the Kingdom of England and the orthodox Christianity of the Church of England.²⁷ In colonial British North America, Quaker doctrine became firmly implanted in the colonies of Pennsylvania and New Jersey. In essence, the Quakers gave the doctrine on the “priesthood of all believers” an extreme interpretation, which essentially made every human being a precious child of God who is capable of receiving on-going, direct revelation from God,²⁸ and who is deserving of not only deep and profound respect as human being, but also God-given natural rights.²⁹

And Quakerism’s chief Puritan influence was not through its numerical population or the founding of large numbers of churches, such as the Baptist and Methodist denominations accomplished after the American Revolutionary War. But rather Quakerism’s chief influence rest with its ideals and beliefs in the divine nature of the common man— i.e., human equality— whose “inner light” permitted him to have direct access to God without a human mediator. Quakerism’s belief that the foundations of civil polity rest in an Almighty God

26 See, e.g., Lewis Benson, “‘That of God in Every Man’—What Did George Fox Mean by It?” *Quaker Religious Thought*, Vol XII, No. 2 (Spring 1970). (“That Fox saw ‘that of God in every man’ **in the context of Romans 1** is evident from the following passage written in 1658: ‘**So that which may be known of God is manifest within people, which God hath showed unto them... and to that of God in them all must they come before they do hold the truth in righteousness, or retain God in their knowledge, or retain his covenant of light**’.... It is true that Fox’s starting point with non-Christians was usually the fact that there is that of God in them. But in his dealings with non-Christians his greatest concern is that the Gentiles should be fellow-heirs and partakers of God’s promise in Christ by the gospel”).

27 The Quakers believed that the ecclesiastical sacraments of Baptism and the Lord’s Supper were simply symbolic but unnecessary rituals; that “ministers, priests, and bishops” were unnecessary; and that every man, woman, and child had direct access to Christ and to God through an inner light that is within every person. See, e.g., Bell and Sumner, *The Reformation & Protestantism*, supra, pp. 223 (“The foundational belief of the Quakers is that God gives the individual divine revelation. Each and every person may receive the word of God internally, and each should endeavor to receive that word and heed it. The first Friends termed this revelation the ‘inward light,’ the ‘inner light,’ or ‘Christ within.’”).

28 See, e.g., Bell and Sumner, *The Reformation & Protestantism*, supra, pp. 223 (“The Quakers rejected the formal creeds and regarded each worshiper of God as a vessel of divine revelation. For that reason, there wasn’t the same need for paid clergy or priests to bring the Word to people.”)

29 Ibid. at 223 (“Quakerism also holds to the idea of human goodness, on the basis of the fact that there is something of God in each and every person. But it also recognizes the presence of evil in every human.”)

whose divine providence governs all the earth, belief that the legitimacy of civil government rests in the consent of the governed, and belief in religious liberty and the right of conscience were the most potent and powerful of political influences in 18th-century colonial British North America.³⁰

Although Quakerism was a traditionally Puritan theology, during the 18th-century it was viewed as unorthodox, radical, and even as unchristian.³¹ Nevertheless, the Quaker belief system became one of the major founding pillars of American constitutional law and, particularly, the American Declaration of Independence (1776). Arguably, Quaker beliefs were also not much different from certain orthodox Augustinian soteriology and theology as well.³² For instance, like Augustine's theology, the Quakers' interpretation of the "inward light" was perfectly aligned with Pauline theology, as well as with Greek and Roman philosophy on natural law and reason. The Apostle Paul's scriptural references regarding the Gentiles in his *Epistle to the Romans*,³³ together with Augustine's synthesis of pagan philosophy and Christian theology, later became the source of the "natural religion" and the

30 The potency of Quaker ideals and their influence within the key colonies of Pennsylvania and New Jersey resulted in Quaker ideals serving as the constitutional blueprint for the American Declaration of Independence (1776) and the American Bill of Rights (1789). See, e.g., David Yount, *How the Quakers Invented America* (Lanham, MD: Rowan & Littlefield Pub., 2007), pp. 77 – 85.

31 David Yount, *How the Quakers Invented America*, supra, at p. 223 (Traditional, orthodox Quakerism (i.e., Puritan Quakerism) "place great emphasis on living by Christian principles.... The Friends attempt to emulate Christ by avoiding excessive luxury and by dressing and speaking with simplicity.") See, also, "Religion and the Founding of the American Republic: America as a Religious Refuge: The Seventeenth Century, Part 2": ("Many scholars today consider Quakers as **radical Puritans**, because the Quakers carried to extremes many Puritan convictions.")

32 Ibid. at p. 223 ("Many of the doctrines of the Society of Friends were taken from the influence of earlier religious groups in England—particularly the Anabaptists and Independents—who believed in the leadership of laypeople, the independence of individual congregations, and the complete separation for church and state.")

33 See, e.g., 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...."); 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 Greek influence upon both the Apostle Paul and the Roman empire was profound. See, also, the Apostle Peter's statement in Acts 10: 34-35, to wit: ("Then Peter opened his mouth, and said, Of a truth I perceive that God is no respecter of persons: but in every nation he that feareth him, and worketh righteousness, is accepted with him.")

“laws of nature” of the latitudinarian Anglicans and the neo-orthodox Calvinists (i.e., Scottish Common-Sense Realists) during the 18th century, and, coincidentally, these doctrines were politically already being put into practice by the Quakers. The general argument of these latitudinarian theologians was that “Christianity is a republication of natural religion.” In other words, Puritan-Calvinistic-Lockean ideals of nature, natural law, social contract, and “consent of the governed” served as substitutes for the older Medieval schemes of Christian polity. In Pennsylvania and New Jersey, the Quakers were the first to apply these Puritan-Calvinistic-Lockean principles to their Christian polities.³⁴ The 18th-century American Revolutionary ideal and the American Declaration of Independence (1776) represent forms of natural religion— which some jurists have called “general Christianity” — which the Quakers had already put in place in the colony of Pennsylvania.³⁵

34 In Rhode Island, the Rev. Roger Williams and others had laid the foundation for religious freedom, but Rev. Williams, being an orthodox Calvinists with a worldview of the predestinated “elect,” could not embrace an idea such as “general Christianity.” In fact, Rev. Williams disagreed with, and vigorously debated, the Quakers. See, e.g., Robert J. Lowenherz, “Roger Williams and the Great Quaker Debate,” *American Quarterly*, Vol. 11, No. 2, Part 1 (Summer, 1959), pp. 157-165 (Published By: The Johns Hopkins University Press).

35 *Updegraph v. Commonwealth*, 11 Serg. & Rawl, 394 P. (1824)(“Christianity, general Christianity, is, and always has been, a part of the common law of Pennsylvania; Christianity, without the spiritual artillery of European countries....”) See **Appendix F**, “The Quaker Influence Upon the U. S. Constitution: William Penn, Pennsylvania, and the English Common Law.” See, also, **Exhibit G**, President Abraham Lincoln’s 1863 Executive Orders, to wit: “Proclamation on National Humiliation, Fasting, and Prayer” (March 30, 1863) and “Thanksgiving Proclamation” (October 3, 1863). These two executive orders clearly and lucidly describes the “General Christian” which is the cornerstone of both the American Declaration of Independence (1776) and the United States Constitution (1787).

Chapter Two

“Divine Providence and the Sovereignty of God”

Significantly, this postdoctoral study argues that one of the major duties of the churches of Jesus Christ— and especially Christian law students, lawyers, and judges— is to explain the meaning of “divine Providence” that is contained within the American Declaration of Independence (1776). Indeed, the churches of Jesus Christ— as a teacher of the nations³⁶— collectively constitute the “Restored Israel,”³⁷ whose Messiah the Prince,³⁸ as the son of man,³⁹ a prince of princes,⁴⁰ a king of kings,⁴¹ the word of God,⁴² and the expectation of the nations,⁴³ would reign sovereign over all the nations of the earth,⁴⁴ and establish social

³⁶ Matthew 28: 18-20; St. Augustine, *The City of God*, supra, p. 45 (“[l]et them name to us the places where such instructions were wont to be communicated... as we can point to our *churches built for this purpose* in every land where the Christian religion is received.”)

³⁷ See, e.g., St. Augustine, *The City of God*, supra, p. 658 (“... the true Israelites, the citizens of the country that is above.”); see, also, Ibid., p. 660 (“It was given as the chief and most necessary sign of His coming... that every one of them spoke in the tongues of all nations; thus signifying that the unity of the catholic Church would embrace all nations, and would in like manner speak in all tongues.”); and see, Ibid, 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 recognizing that, however various these are, they all tend to one and the same end of earthly peace.”) See, also, Jerold S. Auerbach, *Rabbis and Lawyers: The Journey from Torah to Constitution* (New Orleans, LA: Quid Pro Books, 2010), p. 7 (“the Christian church as the true, spiritual Israel”).

³⁸ Daniel 9:25-26; Hosea 2:4-5 (referenced in Romans 9:25-26); Amos 9:11 (a tabernacle of David).

³⁹ Daniel 7:13; Matthew 16:27-28; <https://www.gotquestions.org/Jesus-Son-of-Man.html> (“Jesus is referred to as the “Son of Man” 88 times in the New Testament. In fact, Son of Man is the primary title Jesus used when referring to Himself (e.g., Matthew 12:32; 13:37; Luke 12:8; John 1:51).”)

⁴⁰ Daniel 8:24-25; Daniel 9:25-26; Hosea 2:4-5 (referenced in Romans 9:25-26); Amos 9:11 (a tabernacle of David).

⁴¹ Revelation 19:16.

⁴² Revelation 19:13.

⁴³ Genesis 49: 2, 9-10; St. Augustine, *The City of God*, supra, p. 656; John Calvin’s *Commentaries on the Bible* (Genesis 49:10).

⁴⁴ Daniel 2:34-35; Daniel 2:44-45; Daniel 7:13-14; Isaiah 2: 1-2 (all nations); Isaiah 56: 6-8 (all nations).

justice.⁴⁵ And since this reign of the Messiah began upon the earth during the ministry of Jesus of Nazareth,⁴⁶ the Christian churches today carry the burden of administering (i.e., they are the “salt” of the earth, the “light of the world,” etc.)⁴⁷ an everlasting kingdom and are thus inherently political.

Accordingly, the doctrine of General Christianity hinges upon an ultimate faith in a higher power and in divine Providence— which literally means “God’s government.”

According to the Westminster Confession of Faith of 1647, divine Providence is defined as:

God the great Creator of all things doth uphold, direct, dispose, and govern all creatures, actions, and things, from the greatest even to the least, by his most wise and holy providence, according to his infallible foreknowledge, and the free and immutable counsel of his own will, to the praise of the glory of his wisdom, power, justice, goodness, and mercy.

Similarly, according to the *Stanford Encyclopedia of Philosophy*, divine Providence is defined as follows:

Traditional theism holds that God is the creator of heaven and earth, and that all that occurs in the universe takes place under *Divine Providence* — that is, under God’s sovereign guidance and control. According to believers, God governs creation as a loving father, working all things for good. Moreover, it is said, God is an absolutely perfect being. He is, first of all, omniscient or all-knowing: he knows of all truths that they are true, and of all falsehoods that they are false, whether they pertain to past, present or future. And God’s knowledge does not change. Nothing is learned or forgotten with him; what he knows, he knows from eternity and infallibly. Second, God is omnipotent or all-powerful: anything that is logically possible, he can do. Finally,

⁴⁵ The major problem or the major crisis in ancient Judaism was the failure to practice “holiness” or “righteousness” and to practice “social justice.” The Hebrew prophets had taught that social justice was far more important than religious or liturgical practices. See Micah 3:1-12; Amos 5:12-24; Hosea (Hosea 6:6-7); and Isaiah (Isaiah 1:11-17). Jesus of Nazareth promoted this same theological system in his teachings, e.g.: “Parable of the Rich Man and Lazarus” (Luke 16:19-31); “Parable of the Sheep and the Goats” (Matthew 25: 31-46); and “Parable of the Good Samaritan” (Luke 10: 25-37). See, also, Jerold S. Auerbach, *Rabbis and Lawyers: The Journey from Torah to Constitution* (New Orleans, LA: Quid Pro Books, 2010), pp. 3 - 27 (American Zion).

⁴⁶ Indeed, the churches of Jesus Christ represent the “restored Israel” of the Old Testament prophets which shall exercise rulership and jurisdiction over all the nations of the world. Here, I take the postmillennial position that Christ’s sovereign reign upon earth commenced with his birth 2,000 years ago, and that its reign continues through his visible and invisible church. See, also, Matthew 28:18-20; the Book of Revelation; see, also, St. Augustine, *The City of God*, supra, pp. 725-726 (“the Church even now is the kingdom of Christ, and the kingdom of heaven. Accordingly, even now His saints reign with Him....”); and, see, generally, William Goodell, *The Democracy of Christianity*, Vol. II, pp. 488 - 523. See, also, “Postmillennialism,” Wikipedia (online encyclopedia): [Postmillennialism - Wikipedia](#).

⁴⁷ Matthew 5: 13-16.

God is perfectly good: in all circumstances he acts for the best, intending the best possible outcome.⁴⁸

These two definitions are essentially the same definition of “divine Providence” that Dr. John Witherspoon (1723 - 1794) used in his course on moral philosophy at Princeton.⁴⁹ It has been suggested that it was Witherspoon who influenced the inclusion of the words “the protection of divine Providence” into that Declaration.⁵⁰ It has been suggested that it was Dr. Witherspoon who influenced the inclusion of the words “the protection of divine Providence” into that Declaration.⁵¹ We may reasonably draw this conclusion from historical evidence and commentary from Witherspoon’s contemporaries, that the American Founding Fathers adopted Dr .Witherspoon’s Calvinistic definition of divine providence:

This Judeo-Christian view of a providential God was widely recognized by and impacted early Americans of the revolutionary and founding eras, including many founders and congressmembers. For example, in his 1776 political sermon *The Dominion of Providence over the Passions of Men*, Declaration signer and Presbyterian minister John Witherspoon spoke of Providence as many colonists generally understood it, as a wise and directing presence in their lives. He preached, ‘He [God] overrules all his creatures, and all their actions. ...It is the duty of every good man to place the most unlimited confidence in divine wisdom, and to believe that those measures of providence that are most unintelligible to him, are yet planned with the same skill, and directed to the same great purposes as others....’ It was with this belief that the First and Second Continental

⁴⁸ “Divine Providence,” *Stanford Encyclopedia of Philosophy* (<https://plato.stanford.edu/entries/providence-divine/>).

⁴⁹ For a more definitive description of Witherspoon’s conception of “God,” see Lectures VI- VII, John Witherspoon, *Lectures on Moral Philosophy*, supra, pp. 36 - 52. (“The proofs of the being of God are generally divided into two kinds. (1.) A priori. (2.) A posteriori. The first is, properly speaking, metaphysical reasoning downward from the first principles of science or truth, and inferring by just consequence the being and perfections of God.... All things are possible with God— nothing can withstand his power.... The moral perfections of God are holiness, justice, truth, goodness, and mercy.”)

⁵⁰ <https://oll.libertyfund.org/page/1776-witherspoon-dominion-of-providence-over-the-passions-of-men-sermon>

Witherspoon’s *The Dominion of Providence Over the Passions of Men* caused a great stir when it was first preached in Princeton and published in Philadelphia in 1776, about a month before he was elected to the Continental Congress on June 22. He reminds his auditors that the sermon is his first address on political matters from the pulpit: ministers of the Gospel have more important business to attend to than secular crises, but, of course, liberty is more than a merely secular matter.

⁵¹ “Divine Providence in the Declaration of Independence” (September 26, 2019) <https://thefounding.net/americas-founding-with-a-firm-reliance-on-the-protection-of-divine-providence/>

Congresses sought God’s guidance and favor and encouraged the people to do the same during the Revolutionary War.⁵²

Here we may safely deduce that the constitutional foundations of the United States is not a godless, deistic, or atheistic foundation, but rather it is founded upon a conventional and traditional conception of divine Providence.

Divine Providence, as a constitutional idea, requires that all human actions— whether public law or private conduct— comport with the moral laws of God (i.e., the laws of Nature, justice, reason, and equity). This idea holds both civil magistrates and private individuals are vicegerents of God and accountable for violating the moral laws of God— such was the accusations set forth in the American Declaration of Independence (1776) against King George III. This idea of divine Providence also holds that the laws of Nature, justice, reason, and equity constitute “Higher Law” and should therefore constitute the fundamental law for the constitution of the civil polity. The constitutional idea of divine Providence does not, however, require that a person believe in a particular religion or specific type or version of Christianity— it only mandates that certain outward behaviors comport with what is known as “General Christianity.”

The constitutional doctrine of divine Providence and the Sovereignty of God is also a major political tenet of Augustinian- Calvinism.⁵³ In both Augustinism and Calvinism, this constitutional doctrine functionally divests earthly rulers— including popes, kings, bishops, governors, and parliaments— of having ultimate power or authority over human affairs. That ultimate authority and power belongs to God alone. The result, in practice, that the common man must have certain civil, constitutional, fundamental, or inalienable rights— otherwise

⁵² Ibid.

⁵³ See, e.g., St Augustine of Hippo, *The City of God*, supra, pp. 158, 319, and 476. (“[T]hat God can never be believed to have left the kingdoms of men, their dominions and servitudes, outside of the laws of His providence.”)

earthly rulers would not be held accountable. Christ has set the common men free, and made them “kings and priests.”⁵⁴

Within the church, constitutional doctrine of divine Providence divests popes, patriarchs, archbishops, bishops, presiding elders, priests, and pastors of the power to absolve a person of sin, to sentence them to purgatory or to hell, or to award them with eternal life. Since the Puritans felt that the hierarchy within the Roman Catholic and Anglican churches had these despotic tendencies, they developed forms of church polity— namely, the Congregational and Presbyterian polities— to invest democratic power into the hands of lay churchmen and to divest hierarchic church offices of their despotic powers. Divine Providence was one of the main theological justifications, in the mind of the Puritan and the Presbyterian, for making these changes. Only God has the power to save souls, to call forth men and women out of darkness, and to forgive sins— not popes, patriarchs, bishops, priests or pastors.

On the secular side of the equation, constitutional doctrine of divine Providence also divests kings, governors, civil magistrates and all rulers of despotic powers of their citizens and subjects. The Puritans and Presbyterians also felt that the monarchical civil polities of Western Europe suffered from the same despotic tendencies. The system of monarchs and noblemen throughout Europe often demonstrated the same despotic tendencies as the hierarchic clergymen within the church. Hence, the Puritans and Presbyterians devised the same remedies for the monarchical civil polity: democracy, separation of powers, checks and balances, and a republican form of government. Again, divine Providence— together with the plain example of ancient Israel— formed the primary justification, in the mind of the Puritans and Presbyterians, for the implementation of these radical changes. Thus viewed from this perspective, the kingdom of Great Britain and King George III represented an outdated type of Christian civil polity to the sophisticated Scottish Presbyterians, the latitudinarian

⁵⁴ Revelation 1:6 (“And had made us kings and priests unto God and his Father....”)

Anglicans, and the Puritans of colonial New England. In colonial British North America, the logic of the Puritan was wrapped up in this theology: “Christianity and Democracy demand and predict for him ‘his own vine and fig-tree, and none to make him afraid’.... Justice demands for all men their rights, not excepting their social, political, civil, and ecclesiastical rights. The general triumph of justice, so confidently and repeatedly predicted in the Scriptures, involves the restoration, in every particular, of man’s inalienable rights.”⁵⁵ Throughout the 17th and early 18th-centuries, the Puritans and the Presbyterians groped for some new type of civil polity that best reflected biblical ideals.

In the world of the Puritan, God calls individuals who must answer that calling within their own minds and in their own way, and they alone and with God’s grace must work out their own salvation.⁵⁶ “These were: (1) that the methodical development of one’s own state of grace to a higher and higher degree of certainty and perfection in terms of the law was a sign of grace; and (2) that ‘God’s Providence works through those in such a state of perfection,’ i.e., in that He gives them His signs if they wait patiently and deliberate methodically. Labor in a calling was also the ascetic activity par excellence A. H. Francke; that God Himself blessed His chosen ones through the success of their labours was as undeniable to him as we shall find it to have been to the Puritans.”⁵⁷ Divine Providence acknowledges God as king and ultimate ruler and governor over human affairs,⁵⁸ but it also, in turn, empowers the common man, so designated as “kings and priests”⁵⁹ in the New Testament.

[B]ut it is not so easy to measure the moral value and the spiritual potency of that conception of the state which looks upon it as the instrument of divine justice;

⁵⁵ William Goodell, *The Democracy of Christianity*, supra, p. 514.

⁵⁶ See, e.g., Max Weber, *The Protestant Work Ethic and the Spirit of Capitalism*, supra, pp. 89 -97.

⁵⁷ Ibid., p. 92.

⁵⁸ See, e.g., St Augustine of Hippo, *The City of God*, supra, pp. 158, 319, and 476.

⁵⁹ Revelation 1:6 (KJV).

which teaches that officers of the state are the vicegerents of God. Such a conception is the only one that can make the state other than a merciless machine. If the state is not divine it is brutal.

And when to this conception you join that other pregnant doctrine of which the Puritan was exponent, which declares the sacredness and the right of the common man; when you make every man's destiny an expression of the eternal will of God,— then you have a foundation for government which cannot be shaken. Every man in the Puritan conception is a church-state in himself. In the man the spiritual power must be supreme. Conscience, not interest, must be the guide of life. Each man is a divinely inspired, divinely guided, political and spiritual power, and the state is simply a federation of these political and spiritual units in a general government. Each man is to have his voice heard and his vote counted in the consideration and determination of the affairs of state. This union of Teutonism and Hebraism; this marriage of Mosaic theocracy to English democracy, is the contribution of English Puritanism to the political life of the world, and the modern state is the offspring of this union.⁶⁰

Reformed theologian John Calvin's *Institutes of the Christian Religion* promulgated a sort of restatement of the Apostle Paul's and Augustine of Hippo's classic and orthodox theologies of divine Providence and sovereignty of God. Significantly, in the *Institutes*, Calvin concluded that "justice" is one of God's "essential attributes."⁶¹ Calvin rejects randomness, inconsequential events, and the term "fate" as used by the Stoics;⁶² because, for Calvin, God maintains complete control over all events which culminate in divine justice. In other words, God's secret movements within human affairs inevitably culminate in His justice and just judgments. Calvin writes:

With regard to secret movements, what Solomon says of the heart of a king, that it is turned hither and thither, as God sees meet, certainly applies to the whole human race, and has the same force as if he had said, that whatever we conceive in our minds is directed to its end by the secret inspiration of God... because he bends them to execute his Judgment, just as if they carried their orders engraved on their minds.⁶³

⁶⁰ Algernon Sidney Crapsey, *Religion and Politics*, supra, pp. 242- 244.

⁶¹ John Calvin, *God The Creator, God the Redeemer: Institutes of the Christian Religion* (Gainesville, FL.: BridgeLogos, 2005), p. 20.

⁶² Ibid., p. 170 ("Those who would cast obloquy on this doctrine, calumniate it as the dogma of the Stoics concerning fate. The same charge was formerly brought against Augustine. We are unwilling to dispute about words; but we do not admit the term Fate, both because it is of the class which Paul teaches us to shun, as profane novelties (1 Timothy 6:20), and also because it is attempted, by means of an odious term, to fix a stigma on the truth of God.")

⁶³ Ibid., p. 195.

For this reason, Calvin concludes that wise legislation and good government can come about only through first consulting the counsel of God, ‘—since the will of God is said to be the cause of all things, all the counsels and actions of men must be held to be governed by his providence; so that he not only exerts his power in the elect, who are guided by the Holy Spirit, but also forces the reprobate to do him service.’⁶⁴

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64 Ibid., p. 197.

65 Ibid., p. 197.

66 Ibid., pp. 191 -192.

67 Ibid., p. 178.

68 Ibid., p. 172.

69 Ibid., p. 178.

according to the Law, and in some things be acted upon according to the Law, his Providence being a Law immutable.”⁷⁰

Calvin’s theology is undoubtedly derived from the theology of the Apostle Paul, which expressly purports the theological doctrine of the divine Providence of God —“there is no power but of God: the powers that be are ordained of God.”⁷¹ According to Paul, even the civil governments that had been established by the pagan Gentiles were both ordained and governed by the providence of God. And Augustine of Hippo reached the same theological conclusion in *The City of God*, stating “that God can never be believed to have left the kingdoms of men, their dominions and servitudes, outside of the laws of His providence.”⁷²

Within the system of English constitutional law, divine Providence is *sine qua non*.⁷³ For instance, as the “heirs of Rome,”⁷⁴ the ancient Anglo-Saxon and English monarchies were influenced by two powerful institutions: Roman law and the Western Church, which had incorporated this first moral principal on the Providence of God into its orthodox dogma.⁷⁵ Hence, “[f]or fifteen hundred years the institution of the monarchy has been an essential part of British polity.... Kings, weak or strong, had considerable moral power. They were often... frequently regarded as being hedged with divinity, first in a pagan and then in a Christian sense.... The coronation oath of Edgar (946) indicates the importance of the moral power and responsibility of the king: ‘In the name of the Holy Trinity I promise...that I urge and

70 Ibid., p. 179.

71 Romans 13:1

72 See, e.g., St Augustine of Hippo, *The City of God*, supra, pp. 158, 319, and 476.

73 See, generally, Goldwin Smith, *A Constitutional and Legal History of England* (New York, N.Y.: Dorset Press, 1990).

74 Ibid., p. 1.

75 See, e.g., St Augustine of Hippo, *The City of God*, supra, pp. 158, 319, and 476. (“[T]hat God can never be believed to have left the kingdoms of men, their dominions and servitudes, outside of the laws of His providence.”)

command justice and mercy in all judgments, so that the gracious and compassionate God who lives and reigns may grant us all His everlasting mercy.”⁷⁶

During the 18th century when the American Revolutionary War (1776 – 1783) was being fought, the theological concept of divine Providence was an important political and constitutional concept. For instance, Lord Blackstone describes “divine Providence” in his *Commentaries on the Laws of England* (1765), as follows:

This has given manifold occasion for the benign interposition of divine Providence, which, in compassion to the frailty, the imperfection, and the blindness of human reason, hath been pleased, at sundry times and in divers manners, to discover and enforce its laws by an immediate and direct revelation. The doctrines thus delivered we call the revealed or divine law, and they are to be found only in the holy scriptures. These precepts, when revealed, are found upon comparison to be really a part of the original law of nature, as they tend in all their consequences to man’s felicity. ...

As then the moral precepts of this law are indeed of the same original with those of the law of nature, so their intrinsic obligation is of equal strength and perpetuity.... Upon these two foundations, the law of nature and the law of revelation, depend all human laws; that is to say, no human laws should be suffered to contradict these.⁷⁷

It is within this Pauline, Augustinian, Calvinist, and Anglican theological conception of “divine Providence” that the American Founding Fathers likely utilized this term within the American Declaration of Independence (1776), to wit:

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.

⁷⁶ Goldwin Smith, *A Constitutional and Legal History of England*, supra, pp. 5-6.

⁷⁷ See, generally, William Blackstone, *Commentaries on the Laws of England* (1753), supra, pp. 27-28 (“This law of nature, being coeval with mankind, and dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe in all countries, and at all times: no human laws are of any validity, if contrary to this; and such of them as are valid derive all their force and all their authority, mediately or immediately, from this original.”)

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.

This post-doctoral study thus concludes that the orthodox Christian conception of “Nature’s God,” “Supreme Judge of the world,” and “divine Providence” was incorporated into the American Declaration of Independence (1776).⁷⁸ This certainly highlights both the Christian and general religious character of that solemn Declaration. It also seriously impugns the present-day dogma in colleges, universities, law schools and professional associations that insist upon misrepresenting and ignoring this Christian and religious character of that solemn Declaration.

Divine Providence is a key component of “General Christianity.” The United States is indeed a Christian nation because, through its Declaration of Independence (1776), it acknowledges divine Providence as a “Supreme Judge” upon whom it could petition for just relief against the injustices of King George III. This was not Deism, but it was the God of neo-orthodox Calvinism and latitudinarian Anglicanism. Christian constitutional lawyers, law professors, and judges who ignore or downplay this explicit reference to the Christian faith within the Declaration of Independence and, hence, within American constitutional law, have

⁷⁸ See, generally, William Goodell, *The Democracy of Christianity*, supra, pp. 29 – 39 (“Chapter II. The Supreme Authority and Moral Government of God—The Paramount Claims of His Law—His Justice, Equity, Mercy, Truth, and Love”) and pp. 40-48 (“Chapter III. Of The Paternal Character of God—His Superintending Providence”)

therefore demonstrated a callous rejection of the Great Commission (Matthew 28: 19-20) as well as their *solemn oaths*⁷⁹ to uphold and support the true meaning of the United States Constitution through advocacy, education, and practice. To allow, as many Christian lawyers and judges do, the argument that the “separation of church and state” doctrine makes the United States an officially irreligious nation to go unchallenged, certainly undermines the Christian foundations of the United States Constitution. Therefore, it is the stern duty of the several Christian churches, Christian judges, and Christian lawyers to propagate a working and common knowledge of “divine Providence” being a pivotal and important Christian pillar of American constitutional law and jurisprudence.

⁷⁹ 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

“Natural and Moral Law”

The Westminster Confession of Faith of 1647 sets forth a Calvinistic conception of “moral law” and “general equity” which are coterminous with the “law of Nature” and “natural law,”⁸⁰ which are terms used in other contexts by very many theological, legal, and political writers in the West. Therefore, in this postdoctoral study, the terms “moral law” and “general equity” also mean “natural law” or the “law of Nature,” and vice versa. Regardless of the nomenclature, each of terms are coterminous.

As previously mentioned in volume two, “equity” describes an intellectual exercise in “weighing and balancing” a given set of facts, in order to effectuate just and righteous judgments— it is an intellectual search for *truth* through the power of *reason*. The ancient Egyptians, Greeks, and Romans called this process of weighing and balancing various names, including *ma’ at*, *aequitas*, and natural law.⁸¹ This process of “weighing and balancing” and

⁸⁰ Westminster Confession of Faith, Chapter 19, “Of the Law of God.”

⁸¹ *Pomeroy’s Equity Jurisprudence* (Fifth Edition), Vol. 1, Sec. I, § 8 -- *Aequitas* as Embracing “*Jus Gentium*” and “*Lex Naturae*,” stating:

In their work of improving the primitive *jus civile*, the magistrates who issued edicts (who possessed the *jus edicendi*), and juris consults who furnished authoritative opinions (response) to aid the praetors (those who possessed the *jus respondendi*), obtained their material from two sources, namely: At first, from what they termed the *jus gentium*, the law of nations, meaning thereby those rules of law which they found existing alike in the legal systems of all the peoples with which Rome came into contact, and which they conceived to have a certain universal sanction arising from principles common to human nature; and at a later day, from the Stoic theory of morality, which they called *lex naturae*, the law of nature. The doctrines of this *jus gentium* and of this *lex naturae* were often identical, and hence arose the conception, generally prevalent among the juridical writers of the empire, that the ‘natural law’ (*lex naturae*) and the ‘law of nations’ (*jus gentium*) were one and the same; or in other words, that the doctrines which were found common to all national systems were dictated by and a part of this natural law. *The particular rules of the Roman jurisprudence derived from this morality, called the law of nature, were termed ‘aequitas,’ from aequum, because they were supposed to be impartial in their operation, applying to all persons alike.* The *lex naturae* was assumed to be the governing force of the world, and was regarded by the magistrates and jurists as having an absolute authority. They felt themselves, therefore, under an imperative obligation to bring the jurisprudence into harmony with this all-pervading morality, and to allow such actions and make such decisions that no moral rule should be violated. Whenever an adherence to the old *jus civile* would do a moral wrong, and produce a result inequitable (in *aequum*), the praetor, conforming his edict or his decision to the law of nature, provided a remedy by means of an appropriate action or defense. Gradually the cases, as well as the modes in which he would thus interfere, grew more and more common and certain, and thus **a body of moral principles** was introduced into the Roman law, which **constituted equity (*aequitas*)**. This resulting equity jurisprudence, **displacing**

establishing “justice and judgment” was early established as a divine mandate within the Law of Moses.⁸² Indeed, divine creation and divine purpose are implicated in the words “nature,” “law of nature,” and “natural law.” The Apostle Paul himself stated that this same “nature,” or “law of nature,” was the equivalent to the Decalogue in law of Moses, and had even been made manifest, as Paul argued, to the Gentiles who were without the law of Moses.⁸³ This is readily reflected in the general natural theology of diverse world religions and cultures, to wit:

“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 neighbor as thyself*. On these two commandments hang all the law and the prophets.” – Jesus of Nazareth (Second Temple Period)(*Matthew 22:37-40*.)

“Now this is the command: Do to the doer to cause that he do.” – Ancient Egyptian (Middle Kingdom)

“[T]hou shalt not hate thy brother in thine heart.... [T]hou shalt love thy neighbor as thyself....” – *Leviticus 19:17-18*

“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 7:12*

“Do not do to others what you would not like yourself. Then there will be no resentment against you, either in the family or in the state.” – Confucianism, *Analects 12:2*.

“Hurt not others in ways that you yourself would find hurtful.” – Buddhism, *Udana-Varga 5, 1*

“This is the sum of duty; do naught onto others what you would not have them do unto you.” – Hinduism, *Mahabharata 5, 1517*

what of the ancient system was arbitrary and unjust, and bringing the whole into an accordance with the prevailing notions of morality. In its original sense, *aequitas*, aequum, conveyed the conception of universality, and therefore of impartiality, and having regard for the interests of all whose interests ought to be regarded, as contrasted with having an exclusive or partial regard for the interest of some, which was the essential character of the old *jus civile*. At a later period, and especially **after the influence of Christianity had been felt**, the signification of *aequitas* became enlarged, and was made to embrace our modern conceptions of right, duty, justice, and morality.

⁸² Genesis 18: 18-19.

⁸³ 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”). See, also, the Apostle Peter’s statement in Acts 10: 34-35, to wit: (“Then Peter opened his mouth, and said, Of a truth I perceive that God is no respecter of persons: but in every nation he that feareth him, and worketh righteousness, is accepted with him.”)

“No one of you is a believer until he desires for his brother that which he desires for himself.” Islam, *Sunnah*

“What is hateful to you, do not do to your fellowman. This is the entire Law; all the rest is commentary.” Judaism, *Talmud*, “Shabbat” 31d

“Regard your neighbor’s gain as your gain, and your neighbor’s loss as your own loss.” – Taoism, *Tai Shang Kan Yin P’ien*

“That nature alone is good which refrains from doing to another whatsoever is not good for itself.” – Zoroastrianism, *Dadisten-I-dinik*, 94, 5

“One going to take a pointed stick to pinch a baby bird should first try it on himself to feel how it hurts.” – African Traditional (Nigeria)

“Respect for all life is the foundation.” “All things are our relatives; what we do to everything, we do to ourselves. All is really One.” “Do not wrong or hate your neighbor. For it is not he who you wrong, but yourself.” – Native American

“One who you think should be hit is none else but you. One who you think should be governed is none else but you. One who you think should be tortured is none else but you. One who you think should be enslaved is none else but you. One who you think should be killed is none else but you. One who you think should be killed is none else but you. A sage is ingenuous and leads his life after comprehending the parity of the killed and the killer. Therefore, neither does he cause violence to others nor does he make others do so. – Jainism

And so, “natural law,” “moral law,” or “natural moral law,” which also became uniquely associated with the canon laws⁸⁴ of the Roman Catholic Church, are ideas and terminology that predate Judaism or Christianity or any world religion. Accordingly, a brief review of moral law and natural law, as stated in the *Catechism of the Catholic Church*, is fully appropriate here:

84 See, e.g., John Witte, Jr. and Frank S. Alexander, *Christianity and Law: An Introduction* (Cambridge, UK: Cambridge University Press, 2008), p. 71, stating:

The law of the church is called the canon law. The term itself comes from a Greek word that means a measuring rod, taken figuratively in the West to be a measure of right conduct. In the broadest sense, canons are intended to lead men and women to act justly in the world so that they may ultimately stand before God unashamed.... The canon law has thus always been connected with the ‘internal forum’ of conscience.... By design, the canons create conditions that promote harmony within the church and freedom from interference from without. But this has never been their sole aim. The canon law has also aimed higher, assuming to provide salutary rules for the lives of ordinary Christians and to exert an influence on the content of temporal law.... Nothing less than leading men and women toward God and establishing a Christian social order.”

Catechism of the Catholic Church

ARTICLE 1

The Moral Law

§ 1950 The moral law is the work of divine Wisdom. Its biblical meaning can be defined as fatherly instruction, God's pedagogy. It prescribes for man the ways, the rules of conduct that lead to the promised beatitude; it proscribes the ways of evil which turn him away from God and his love. It is at once firm in its precepts and, in its promises, worthy of love.

§ 1951 Law is a rule of conduct enacted by competent authority for the sake of the common good. The moral law presupposes the rational order, established among creatures for their good and to serve their final end, by the power, wisdom, and goodness of the Creator. All law finds its first and ultimate truth in the eternal law. Law is declared and established by reason as a participation in the providence of the living God, Creator and Redeemer of all. "Such an ordinance of reason is what one calls law." ["Leo XIII, *Libertas praestantissimum*: AAS 20 (1887/88),597; cf. St. Thomas Aquinas, *STh I-II,90,1.*"]

Alone among all animate beings, man can boast of having been counted worthy to receive a law from God: as an animal endowed with reason, capable of understanding and discernment, he is to govern his conduct by using his freedom and reason, in obedience to the One who has entrusted everything to him. ["Cf. Tertullian, *Adv. Marc*, 2,4:PL 2,288-289."]

§ 1952 There are different expressions of the moral law, all of them interrelated: eternal law - the source, in God, of all law; natural law; revealed law, comprising the Old Law and the New Law, or Law of the Gospel; finally, civil and ecclesiastical laws.

§ 1953 The moral law finds its fullness and its unity in Christ. Jesus Christ is in person the way of perfection. He is the end of the law, for only he teaches and bestows the justice of God: "For Christ is the end of the law, that every one who has faith may be justified." [Rom 10:4.]

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. [Leo XIII, *Libertas praestantissimum*, 597.]

§ 1955 The "divine and natural" law [GS 89 § 1.] 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. [St.

Augustine, De Trin. 14,15,21:PL 42,1052.] 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.[St. Thomas Aquinas, Dec. præc. I.]

§ 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. [“Cicero, Rep. III,22,33.”]

§ 1957 Application of the natural law varies greatly; it can demand reflection that takes account of various conditions of life according to places, times, and circumstances. Nevertheless, in the diversity of cultures, the natural law remains as a rule that binds men among themselves and imposes on them, beyond the inevitable differences, common principles.

§ 1958 The natural law is immutable and permanent throughout the variations of history; [“Cf. GS 10.”] it subsists under the flux of ideas and customs and supports their progress. The rules that express it remain substantially valid. Even when it is rejected in its very principles, it cannot be destroyed or removed from the heart of man. It always rises again in the life of individuals and societies:

Theft is surely punished by your law, O Lord, and by the law that is written in the human heart, the law that iniquity itself does not efface. [“St. Augustine, Conf. 2,4,9:PL 32,678.”]

§ 1959 The natural law, the Creator's very good work, provides the solid foundation on which man can build the structure of moral rules to guide his choices. It also provides the indispensable moral foundation for building the human community. Finally, it provides the necessary basis for the civil law with which it is connected, whether by a reflection that draws conclusions from its principles, or by additions of a positive and juridical nature.

§ 1960 The precepts of natural law are not perceived by everyone clearly and immediately. In the present situation sinful man needs grace and revelation so moral and religious truths may be known "by everyone with facility, with firm certainty and with no admixture of error." [Pius XII, *Humani generis*: DS 3876; cf. *Dei Filius* 2: DS 3005.] The natural law provides revealed law and grace with a foundation prepared by God and in accordance with the work of the Spirit.

This uniquely Christian organization which the Roman Catholics gave to their system of law—including natural law— was *not* rejected by the Church of England or by most other Protestant churches which only slightly modified the Catholic conception of natural law.⁸⁵

⁸⁵ See, generally, Norman Doe, *Christianity and Natural Law* (Cambridge, U.K.: Cambridge University Press, 2017), to wit:

Chapter 1. R.H. Helmholz, “Natural Law and Christianity: A Brief History”

Chapter 2. Helen Costigane, “Natural Law in the Roman Catholic Tradition”

Chapter 3. Paul Babe, “Natural Law in the Roman Catholic Tradition”

But taken collectively, it is easy to see how the various Protestant sects' conception of natural law gave way to a generalized understanding of that term, — a generalized understanding which later formed “General Christianity.” The pagan doctrines of equity, nature, and natural law have thus been made “Christian” — as in “General Christianity” — over the centuries, through the writings of great Christian theologians and philosophers.⁸⁶ This is clearly seen in Augustine of Hippo who concisely explains the nature of this natural law or moral law in *Confessions*, 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. Such offenses, for example, were those of the Sodomites; and, even if all nations should commit them, they would all be judged guilty of the same crime by the divine law, which has not made men so that they should ever abuse one another in that way. For the fellowship that should be between god and us is violated whenever that nature of which he is the author is polluted by perverted lust. But these offenses against customary morality are to be avoided according to the variety of such customs. Thus, what is agreed upon by convention, and confirmed by custom or the law of any city or nation, may not be violated at the lawless pleasure of any, whether citizen or stranger. For any part that is not consistent with its whole is unseemly. Nevertheless, when god commands anything contrary to the customs or compacts of any nation, even though it were never done by them before, it is to be done; and if it has been interrupted, it is to be restored; and if it has never been established, it is to be established. For it is lawful for a king, in the state over which he reigns, to command that which neither he himself nor anyone before him had commanded. And if it cannot be held to be inimical to the public interest to obey him— and, in truth, it would be inimical if he were not obeyed, since obedience to princes is a general compact of human society— how much more, then, ought we unhesitatingly to obey God, the governor of all his creatures! For, just as among

Chapter 4. Will Adam, “Natural Law in the Anglican Tradition”

Chapter 5. Antti Raunio, “Natural Law in the Lutheran Tradition”

Chapter 6. John A. Harrod, “Natural Law in the Methodist Tradition”

Chapter 7. Mary Anne Plaatjies van Huffel, “Natural Law in the Reformed Tradition”

Chapter 8. Paul Goodliff, “Natural Law in the Baptist Tradition”

Chapter 9. LeoJ. Koffeman “Natural Law in the Ecumenical Movement”

Chapter 10. Norman Doe, “Natural Law in an Interfaith Context: The Abrahamic Religions”

Chapter 11. Owen Anderson, “Natural Law and Philosophical Presuppositions.”

Chapter 12. Russell Sandberg “Towards a Jurisprudence of Christian Law”

⁸⁶ Ibid.

the authorities in human society, the greater authority is obeyed before the lesser, so also must God be above all.⁸⁷

In Augustine, we see the hierarchy of natural moral law over all other human laws. This makes, in essence, the natural moral law a “Higher Law” or a “fundamental law” or a “constitutional law” — in addition to being “equity.” In *Confessions*, Augustine states that “we [ought] unhesitatingly to obey God,”⁸⁸ thus paraphrasing the Apostle Peter in the Book of Acts, who stated: “[w]e ought to obey God rather than men.”⁸⁹ Stated differently, the Christian church— and, indeed, all righteous men and women— ought to obey the secular rulers, but they ought to obey God above all else; and if those two commandments conflict with each other, then the Christian pathway is to “reign with Christ through the church” through passive resistance or lawful petitioners and appeals through the courts, in love, to establish justice, judgment, and equity. This is, in essence, what it means to be a “Christian” lawyer or a “Christian” judge— who are sworn officers who have been commissioned for that very purpose— in service to civil polity and to the public interest to establish ultimate justice.⁹⁰

Natural moral law is also an extension of divine Providence— God is the sovereign governor over human affairs— since his natural moral law keeps societies from falling apart.⁹¹

⁸⁷ St. Augustine, *Confessions*, supra, p. 36.

⁸⁸ Ibid.

⁸⁹ Acts 5: 29.

⁹⁰ See, e.g., St. Augustine, *The City of God*, supra, p. 682 (“[W]ill a wise judge take his seat on the bench or no? Beyond question he will. For human society, which he thinks it a wickedness to abandon, constrains him and compels him to this duty.”)

⁹¹ 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

According to Augustine of Hippo, the “law of nature” is preserved where there is “[p]eace between man and man [in] well-ordered concord.”⁹² It is the private law of human nature. Thus, St. Paul’s statement, “love is the fulfilling the law,”⁹³ applies to civil obligations, and means essentially that the “law of love” is the law of nature governing private civil law.⁹⁴ It applies to every facet of human endeavor, including business contracts, employment, and private transactions.⁹⁵

Natural Law (or Civil Law)	Second Table of Decalogue	Love (i.e., Agape)
The Golden Rule: “Do unto others as one would have others do to oneself.” 1. Laws protecting Property Rights	Romans 13: 9 9 For this, Thou shalt not commit adultery, Thou shalt not kill, Thou shalt not steal, Thou shalt not bear false	Romans 13:8, 10 8 Owe no man any thing, but to love one another: for he that loveth another hath fulfilled the

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....

92 St. Augustine, *The City of God*, supra, p. 690.

93 Romans 13:8, 10.

94 Robert F. Cochran, Jr. and Zachary R. Calo, *Agape, Justice and Law: How Might Christian Love Shape Law?* (Cambridge, United Kingdom: Cambridge University Press, 2017).

95 Roderick Ford, *Jesus Master of Law: A Juridical Science of Christianity and the Law of Equity* (Tampa, FL: Xlibris Pub., 2015), p. 520 (citing Friedrich Kessler & Edith Fine, *Culpa in Contrahendo, Bargaining in Good Faith, and Freedom of Contract: A Comparative Study*, 77 HARV. L. REV. 401 (1964)(tracing the concept of good faith and fair dealing through various doctrines in American contract law); Ralph A. Newman, *The Renaissance in Good Faith in Contracting in Anglo-American Law*, 54 CORNELL Rev. 553 (1969)(surveying the concept of good faith across different cultures). Several authors have traced the concept back to the Bible. For instance, one scholar cites the Old Testament, Leviticus 19:1 & --- “Thou shalt love thy fellow-man as thyself”—as an early reference to the obligation to act with good faith. Russell A. Eisenberg, *Good Faith Under the Uniform Commercial Code- A New Look at an Old Problem*, 54 MARQ. L. REV. 1, 10 (1971).

2. Laws protecting Contract Rights	witness, Thou shalt not covet; and if there be any other commandment, it is briefly comprehended in this saying, namely, Thou shalt love thy neighbour as thyself.	law.... 10 Love worketh no ill to his neighbour: therefore love is the fulfilling of the law.
3. Laws forbidding libel, slander, and false oaths		
4. Laws protecting Rights of Marriage, etc.		

Without question, in England, the body of jurisprudence which is called “equity” constituted these same Christian principles of good faith and agape, and they were designed to be applied to real-world situations,⁹⁶ as was expressed by constitutional historian Goldwin Smith, who wrote:

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.

In the sixteenth century Christopher St. Germain denounced what F.W. Maitland once called ‘the excessive veneration for prescriptive formulae of the common law courts.’ He wrote in his famous dialogue *Doctor and Student* (1523): ‘Conscience never resisteth the law nor addeth to it, but only when the law is directly in itself against the law of God or the law of reason.’ The snares of formalism, that eighth deadly sin, must sometimes be cut in the interests of the laws of God and of reason, which together mean equity. This is the corrective function of equity. This is the moderating, moral ideal and power that the Anglo-Saxons called ‘mildening law.’ If a student looks at W.P. Baildon’s edition of *Select Cases in Chancery* 1364-1471 he will see how frequently his eyes encounter the words “good faith,” “reason,” “conscience and law,” “law and right,” “reason and good faith.” The common law demanded certainty throughout its broad kingdom. Equity, on the other hand, demanded justice in individual cases.⁹⁷

96 Ibid.

97 Ibid.

Now there are various Christian approaches and interpretations of “equity,” “natural law” or “natural moral law,” with the Roman Catholic interpretation being the most predominant.⁹⁸ The 17th-Century Puritans, like most other sects of Protestant Christians, had a growing appreciation for “general equity” and the “law of nature.” This was the prevailing view of the Puritan theologians, clergymen, and political theorists during the period of the English Civil War (1642 – 1651), including those of Thomas Hobbes (1588 - 1679) wrote in *Leviathan*, that:

Natural law is the law of peace,⁹⁹ science,¹⁰⁰ and reason;¹⁰¹

98 See, generally, Norman Doe, *Christianity and Natural Law* (Cambridge, U.K.: Cambridge University Press, 2017).

99 Hobbes’ *Leviathan* is political science or an attempt to explain the foundations of natural justice, or peace. He opens this treatise stating, 99 *Ibid*.

99 See, generally, Norman Doe, *Christianity and Natural Law* (Cambridge, U.K.: Cambridge University Press, 2017).

99 Hobbes’ *Leviathan* is political science or an attempt to explain the foundations of natural justice, or peace. He opens this treatise stating, “Nature, the art whereby God hath made and governs the world, is by the art of man, as in many other things, so in this also imitated, that it can make an artificial animal.” Edwin A. Burt, *The English Philosophers From Bacon to Mill* (New York, NY: The Modern Library, 1967), p. 129.

99 “[S]cience is the knowledge of consequences, and dependence of one fact upon another: by which, out of that we can presently do, we know how to do something else when we will, out of that we can presently do, we know how to do something else when we will, or the like another time; because when we see how anything comes about, upon what causes, and by what manner; when the like causes come into our power, we see how to make it produce the like effects.” Edwin A. Burt, *The English Philosophers From Bacon to Mill* (New York, NY: The Modern Library, 1967), p. 146.

99 “[N]atural, wherein [God] governeth as many of mankind as acknowledge his providence, by the natural dictates of right reason....” Edwin A. Burt, *The English Philosophers From Bacon to Mill* (New York, NY: The Modern Library, 1967), p. 213.

99 “The laws of God therefore are none but the laws of nature....” “[W]hat are the Divine laws, or dictates of natural reason; which laws concern either the natural duties of one man to another, or the honor naturally due to our Divine Sovereign. The first are the same laws of nature, of which I have spoken already in the fourteenth and fifteenth chapters of this treatise; namely, equity, justice, mercy, humility, and the rest of the moral virtues.” Edwin A. Burt, *The English Philosophers From Bacon to Mill* (New York, NY: The Modern Library, 1967), pp. 214, 222, 225. “Nature, the art whereby God hath made and governs the world, is by the art of man, as in many other things, so in this also imitated, that it can make an artificial animal.” Edwin A. Burt, *The English Philosophers From Bacon to Mill* (New York, NY: The Modern Library, 1967), p. 129.

100 “[S]cience is the knowledge of consequences, and dependence of one fact upon another: by which, out of that we can presently do, we know how to do something else when we will, out of that we can presently do, we know how to do something else when we will, or the like another time; because when we see how anything comes about, upon what causes, and by what manner; when the like causes come into our power, we see how to make it produce the like effects.” Edwin A. Burt, *The English Philosophers From Bacon to Mill* (New York, NY: The Modern Library, 1967), p. 146.

101 “[N]atural, wherein [God] governeth as many of mankind as acknowledge his providence, by the natural dictates of right reason....” Edwin A. Burt, *The English Philosophers From Bacon to Mill* (New York, NY: The

Natural law is the law of God;¹⁰² and,

There should be no contradiction between natural law and the secular laws of nations.¹⁰³

And, similarly, Professor Kevan has noted in *The Grace of Law: A Study in Puritan Theology*, that:

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."¹⁰⁴

Modern Library, 1967), p. 213.

102 "The laws of God therefore are none but the laws of nature..." "[W]hat are the Divine laws, or dictates of natural reason; which laws concern either the natural duties of one man to another, or the honor naturally due to our Divine Sovereign. The first are the same laws of nature, of which I have spoken already in the fourteenth and fifteenth chapters of this treatise; namely, equity, justice, mercy, humility, and the rest of the moral virtues." Edwin A. Burt, *The English Philosophers From Bacon to Mill* (New York, NY: The Modern Library, 1967), pp. 214, 222, 225.

103 "And because he is a sovereign, he requireth obedience to all his own, that is, to all the civil laws; in which also are contained all the laws of nature..." "There can therefore be no contradiction between the laws of God, and the laws of a Christian commonwealth." "And when the civil sovereign is an infidel, every one of his own subjects that resisteth him, sinneth against the laws of God (for such are the laws of nature)..." Edwin A. Burt, *The English Philosophers From Bacon to Mill* (New York, NY: The Modern Library, 1967), pp. 225-226.

104 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).

And by the 18th-century, some Reformed Puritans, Presbyterians, and latitudinarian Anglicans were influenced by English jurisprudence in general, as reflected in Wood's *Institutes*, below:

Thomas Wood in *Institutes of the Laws of England* (1720)

“As Law in General is an Art directing to the Knowledge of Justice, and to the well ordering of civil Society, so the Law of England, in particular, is an Art to know what is Justice in England, and to preserve Order in that Kingdom: And this Law is raised upon . . . principal Foundations.

1. Upon the **Law of Nature**, though we seldom make Use of the Terms, The **Law of Nature**. But we say, that such a Thing is **reasonable**, or **unreasonable**, or against the . . .

2. Upon the revealed Law of God, Hence it is that our Law punishes Blasphemies, Perjuries, & etc. and receives the Canons of the Church [of England] duly made, and supported a spiritual Jurisdiction and Authority in the Church [of England].

3. The third Ground are several general Customs, these Customs are properly called the Common Law. Wherefore when we say, it is so by Common Law, it is as much as to say, by common Right, or of common Justice.

Indeed it is many Times very difficult to know what Cases are grounded on the Law of Reason, and what upon the Custom of the Kingdom, yet we must endeavor to understand this, to know the perfect Reason of the Law.

Rules concerning Law

The Common Law is the absolute Perfection of Reason. For nothing that is contrary to Reason is consonant to Law

Common Law is common Right.

The Law is the Subject's best Birth-right.

The Law respects the Order of Nature . . .”

Source: Thomas Wood, LL.D., *An Institute of the laws of England: or, the Laws of England in their Natural Order* (London, England: Strahan and Woodall, 1720), pp. 4-5.

Indeed, the American Declaration of Independence (1776) exemplified this very orthodox Christian conception of natural law and (or) the “Laws of Nature and of Nature's God.” In modern American jurisprudence, this natural moral law is implemented through, inter alia, “equity jurisprudence”— both at the constitutional-law level and statutory- or procedural-law levels of court administration. In present-day law and jurisprudence of the United States, that duty is called equity, represents that “General Christianity” which the American colonists

inherited from Great Britain.¹⁰⁵ For as Professor Auerbach 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.”¹⁰⁶ The United States Supreme Court has likewise confirmed this viewpoint. See, e.g., *Terrett v. Taylor*, 13 U.S. 43 (1815);¹⁰⁷ *Vidal v. Girard’s Executors*, 2 How. 127 (1843)¹⁰⁸; *Holy Trinity v. United States*, 143 U.S. 457 (1892);¹⁰⁹ and *United States v. Macintosh*, 283 U.S. 605 (1931).¹¹⁰ Hence, the argument that the “separation

¹⁰⁵ See, generally, John Norton Pomeroy, LL.D., *A Treatise of Equity Jurisprudence: As Administered in the United States of America* (San Francisco, CA: A.L. Bancroft and Co., 1881), pp. 2-10, 53 discussing “Aequitas in the Roman Law,” stating:

The growth and functions of equity as a part of the English law, were anticipated by a similar development of the same notions in the Roman jurisprudence. In fact, the equity administered by the early English chancellors, and the jurisdiction of their court, were confessedly borrowed from the *aequitas* and judicial powers of the Roman magistrates.... The particular rules of the Roman jurisprudence derived from this morality, called the law of nature, were termed ‘*aequitas*,’ from *aequum*, because they were supposed to be impartial in their operation, applying to all persons alike. The *lex naturae* [law of nature] was assumed to be the governing force of the world, and was regarded by the magistrates and jurists as having an absolute authority. They felt themselves, therefore, under an imperative obligation to bring the jurisprudence into harmony with this all-pervading morality, and to allow such actions and make such decisions that no moral rule should be violated. Whenever an adherence to the old *jus civile* would do a moral wrong, and produce a result inequitable (*inaequum*), the praetor, conforming his edict or his decision to the law of nature, provided a remedy by means of an appropriate action or defense. Gradually, the cases, as well as the modes in which he would thus interfere, grew more and more common and certain, and thus a body of moral principles was introduced into the Roman law, which constituted equity (*aequitas*)....

The moral law, as such, is not an element of the human law. Whatever be the name under which it is described—the moral law, the natural law, the law of nature, the principles of right and justice—this code, which is of divine origin, and which is undoubtedly compulsory upon all mankind in their personal relations, is not *per se* or *ex proprio vigore* a part of the positive jurisprudence which, under the name of the municipal law, each independent state has set for the government of its own body politic.... It is also true that human legislation ought to conform itself to and embody these jural precepts of the moral code; every legislator, whether he legislate in a Parliament or on the judicial Bench, ought to find the source and material of the rules he lays down in these principles of morality; and it is certain that the progress towards a perfection of development in every municipal law, consists in its gradually throwing off what is arbitrary, formal, and unjust, and its adopting instead those rules and doctrines which are in agreement with the eternal principles of right and morality.

¹⁰⁶ Jerold S. Auerbach, *Rabbis and Lawyers: The Journey from Torah to Constitution* (New Orleans, La.: Quid Pro, LLC, 2010), p. 11. See, also, **Appendix E**, “American Zionism: How the Puritans of Colonial New England inspired 20th Century Jewish Lawyers.”

¹⁰⁷ *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**”).

¹⁰⁸ *Vidal v. Girard’s Executors*, 2 How. 127 (1843)(the United States is “**a Christian country.**”)

¹⁰⁹ *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.**”)

¹¹⁰ *United States v. Macintosh*, 283 U.S. 605, 625 (1931) (stating that [w]e are a **Christian people** (*Holy*

of church and state” doctrine officially makes the United States of America an irreligious nation is a dangerous misconception American constitutional jurisprudence. This misconception undermines the true meaning— which is deeply tied to natural religion and natural law— of the Declaration of Independence and the United States Constitution. This misconception has also divested the Christian churches of their rightful obligation and duty to hold civil magistrates to account for the failure to administer and to establish justice, judgment, and equity in the body politic. Therefore, it is the stern duty of Christian theologians, lawyers, and judges to reject the misconception outright and to educate the body politic about the corrective truth that “General Christianity” (i.e., natural religion or the Law of Nature) is both the official religion of the United States and the foundation of American constitutional law and jurisprudence. In short, an American Christian church, for instance, which lacks the capacity to write and file a *persuasive appellate brief* within the state and federal courts of law— i.e., the ability to hold an intelligent conversation with the chief magistrates of a body politic— has *lost* its ability to avail itself of its fundamental right of petition that is guaranteed in the First Amendment, and thereby lost its ability to advocate for the application of “General Christianity,” or the general Christian principles of equity, equality, due process, and inalienable rights of all mankind.

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.”)

Chapter Four

“Law of Reason or The Word (*Logos*) of God”

“General Christianity” traces its roots to the theological idea that Christ himself speaks and works, as a part of the Godhead, within the Old Testament; and, indeed, that Christ himself also speaks to the *conscience* of all mankind.¹¹¹ Hence, “General Christianity” traces its roots to the idea of *Logos*, or to reason, and to the idea that the Christian religion is the “religion of the Logos”¹¹² and “a republication of natural religion.”¹¹³ When we say that the

¹¹¹ Romans 10: 4-9, 18 (NOTE: this Pauline Scripture clearly identifies Christ as being the Logos of God. It references both Deuteronomy 30: 11-14 and Psalm 19 and identifies Christ with being the “word of God” appertaining to both Scriptures.) 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”); Romans 3: 28-30 (“Therefore we conclude that a man is justified by faith without the deeds of the law. Is he the God of the Jews only? Is he not also of the Gentiles? Yes, of the Gentiles also: seeing it is one God, which shall justify the circumcision *by faith*, and the uncircumcision *through faith*. Do we then make void the law through faith? God forbid: yea, we establish the law.”)

¹¹² 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.”). This is distinguished from the “Cult of Reason” which grew out of the French Revolution, and which the American Founding Fathers rejected.

See, also, Westminster Confession of Faith, Chapter 8, “Christ the Redeemer,” describing the two natures of Christ as well as His presence and revelation to all mankind even prior to his birth in the flesh, stating: “Although the work of redemption was not actually wrought by Christ till after His incarnation, yet the virtue, efficacy, and benefits thereof were communicated unto the elect, in all ages successively from the beginning of the world, in and by those promises, types, and sacrifices, wherein He was revealed, and signified to be the seed of the woman which should bruise the serpent’s head; and the Lamb slain from the beginning of the world; being yesterday and today the same, and forever.”

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

¹¹³ 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

¹¹³ 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*

United States is a “Christian” nation, what we mean fundamentally and essentially is that it is a nation that has made “reason” its fundamental law, or the cornerstone of all of its jurisprudence.¹¹⁴ This fundamental conception of the public and private laws of the United States as being founded upon “reason” is not simply the dogma of High Church Anglicans and Roman Catholics but “reason” was also the primary catapult of Protestant thought and accountability. The Calvinistic theologians likewise conceptualized Christ himself as the *Logos* of God, as expressed in the Westminster Confession of Faith of 1647, in this way:

Although the work of redemption was not actually wrought by Christ till after his incarnation, yet **the virtue, efficacy, and benefits thereof were communicated unto the elect, in all ages** successively from the beginning of the world, in and by those promises, types, and sacrifices, wherein **he was revealed**, and signified to be the seed of the woman which should bruise the serpent’s head; and the Lamb slain from the beginning of the world; being yesterday and today the same, and forever. **Christ, in the work of mediation, acts according to both natures**, by each nature doing that which is proper to itself; yet, by reason of the unity of the person, that which is proper to one nature is sometimes in Scripture attributed to the person denominated by the other nature.¹¹⁵

The Puritan divines also held “reason” to be of divine essence and origin, and the Puritan-Baptist theologian Roger Williams (1615 - 1691), who co-founded the first Baptist Church in

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).

¹¹⁴ Certain 18th-century Frenchmen devised a “Cult of Reason” that was secular, humanistic, godless, and anti-Christian. This version of “reason” — humanistic reason— is not how the word “reason” is utilized in this postdoctoral study. Rather, “reason” denotes God’s natural laws as reflected in Psalms 19: 1-5 and Romans 10:18, as well as the *Logos* of God (John 1: 1-3) and the writings of Augustine, Aquinas, Calvin, Wesley, etc.

¹¹⁵ Westminster Confession of Faith of 1647, Chapter 8, “Of Christ the Mediator.” See, also, **Appendix C**, “Jesus Christ, the *Logos* of God, and the Foundation of Anglo-American Civil Law and Secular Jurisprudence.”

North America, insisted that “reason” must be the foundation of civil authority, law, and jurisprudence.¹¹⁶

Indeed, the modern and popular depiction of “reason” as somehow being in conflict with the Christian “faith” is a misrepresentation of how the Early Church understood the relationship between reason and faith.¹¹⁷ The Early Church’s first major theologians, from Origen, Athanasius, Tertullian, Justin Martyr, Jerome, Augustine of Hippo, the Cappadocian fathers, etc., understood that everything made has been designed and orchestrated by God and his divine Providence, and that Christ, as the second person of the Godhead, was the Word or *Logos* of God, thus making him the essence of “truth” and “reason.” Throughout the Middle Ages, in Europe and England, churchmen such as St. Anselm of Canterbury, John of Salisbury, Henry de Bracton, and Thomas Aquinas identified the canon law of the church as the ultimate measure of God’s moral law, which is manifest through “reason.”¹¹⁸

In juridical terms, this means that Jesus Christ (i.e., *Logos* or “reason”) was also the very essence of “general equity.” Perhaps it is for this purpose that historian Goldwin Smith has stated:

¹¹⁶ For Rev. Williams, the “Second Table” of the Decalogue was both secular and sacred; and it was both Christian and non-Christian, at the same time. Whether the civil magistrate be Christian or non-Christian, or whether or not the tribunal be ecclesiastical or temporal, Rev. Williams held that the same duty and authority under the “Second Table” of the Decalogue” was precisely the same. For this reason, according to Rev. Williams, all of the world’s governments (i.e., magistrates) were bound by this same universal law. In *The Bloody Tenet of Persecution* (Miami, FL.: HardPress, 2019). p. P. 158. “And therefore it is the duty of the magistrate,” wrote Rev. Williams, “in all laws about indifferent things, **to show the reasons**, not only the will [i.e., the authority].... For we conceive in laws of this nature, it is not the will of the lawgiver only, but the reason of the law which binds.” *Ibid.*, p. 220.

¹¹⁷ See, e.g., “Principles of Sufficient Reason.” *Wikipedia* (online encyclopedia).

¹¹⁸ See, also, “Aquinas on Law,” <https://people.wku.edu/jan.garrett/302/aquinlaw.htm> (where Saint Thomas Aquinas describes law as “a certain rule and measure of acts whereby man is induced to act or is restrained from acting.” (q90, a1) Because **the rule and measure of human actions is reason, law has an essential relation to reason**; in the first place to **divine reason**; in the second place to **human reason**, when it acts correctly, i.e., in accordance with the purpose or final cause implanted in it by God.”)

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.'¹¹⁹

Within English law, “reason,” and “equity” and “natural law had become interchangeable terminology, and Jesus Christ, as the *Logos* of God, was their singular theological manifestation. This classical Christian legal theory was incorporated into England jurisprudence through the Church of England,¹²⁰ as reflected in Dr. Richard Hooker's *Of the Laws of Ecclesiastical Polity* (1594), and it was also thoroughly woven into the English Common Law. For example, in the celebrated *Dr. Bonham's Case*, 8 Co. Rep. 107; 77 Eng. Rep. 638 (1610), Chief Justice Edward Coke ruled that “[r]eason is the life of the law; nay, the common law itself is nothing else but reason... The law, which is [the] perfection of reason.” This “reason,” which Justice Coke held was the “life of the law,” is same *logos* of Greek philosophy (i.e., reason)¹²¹ and the same *Logos* of the Christian New Testament.¹²²

119 Goldwin Smith, *A Constitutional and Legal History of England* (New York, N.Y.: Dorset Press, 1990), pp. 208-209.

120 This philosophy and theology were sewn into Anglo-American law. Indeed, “[i]t has been often said, indeed, that Christianity is part of the common law of England, and this is due in great measure to the authority of Sir Matthew Hale (*King v. Taylor*, 1 Vent. 293, 3 Keble 507), Blackstone and other writers, while Lord Mansfield held (*Chamberlain of London v. Evans*, 1767) that the essential principles of revealed religion are part of the common law.” See, e.g., John Marshall Guest, “The Influence of Biblical Texts Upon English Law” (An address delivered before the Phi Beta Kappa and Sigma Xi Societies of the University of Pennsylvania on June 14, 1910)(pages 15-34), p. 16.

121 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.”). See, also, **Appendix C**, “Jesus Christ, the *Logos* of God, and the Foundation of Anglo-American Civil Law and Secular Jurisprudence.”

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

The Apostle Paul is perhaps the first Christian theologian to identify Jesus Christ with being the incarnate *Logos* of God.¹²³ This was a major theological achievement, because the *Logos* of God had already been identified by several ancient nations as early as the Old Kingdom of ancient Egypt.¹²⁴ In the Judea-Christian theological heritage, both Moses and Plato were the earliest exponents of the *Logos* of God, and both of these men have been described as having learned from the Egyptians.¹²⁵ But, as we have previously acknowledged,

123 Significantly, in Romans, Chapter 10, the Apostle Paul also identifies Christ with being Word or *Logos* of God.

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, Philo of Alexandria (20- 50 A.D.), *Who is the Heir of Divine Things*, [ancient text: citation omitted], stating:

And the Father who created the universe has given to his archangelic and most ancient Word a pre-eminent gift, to stand on the confines of both, and separated that which had been created from the Creator. And this same Word is continually a suppliant to the immortal God on behalf of the mortal race, which is exposed to affliction and misery; and is also the ambassador, sent by the Ruler of all, to the subject race. (206) And the Word rejoices in the gift, and, exulting in it, announces it and boasts of it, saying, "And I stood in the midst, between the Lord and You;"{69}{Numbers 16:48.} neither being uncreate as God, nor yet created as you, but being in the midst between these two extremities, like a hostage, as it were, to both parties: a hostage to the Creator, as a pledge and security that the whole race would never fly off and revolt entirely, choosing disorder rather than order; and to the creature, to lead it to entertain a confident hope that the merciful God would not overlook his own work. For I will proclaim peaceful intelligence to the creation from him who has determined to destroy wars, namely God, who is ever the guardian of peace.

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

124 Ancient Egypt’s *The Book of the Dead*, which dates to circa 2400 BC, reads: “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....” These words, which depict the *Logos*, were penned more than a thousand years before the birth of Moses. See, e.g., “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 ...

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

125 Regarding Moses, the Book of Acts states (Acts 7:21-22): “Moses was learned in all the wisdom of the Egyptians, and was mighty in words and in deeds”). And, regarding Plato, Augustine of Hippo, in *The City of God*, supra, p. 247, states: “[Plato] learned from the Egyptians whatever they held and taught as important....”

the Greek philosophers attained the greatest notoriety in the ancient world, and hence the idea of logos or *Logos* have been largely accredited to the Greeks. In any event, for the purpose of our general discussion, it is important to note that the *Logos* of God (i.e. “reason”) is of pagan origin that predates conventional Hebrew and Christian religion by more than a thousand years. And it is upon this major pillar that this post-doctoral study makes that claim that 18th-century latitudinarian Anglican and Protestant thought absorbed this expansive conception of *Logos* (i.e., the God of Reason or the God of Nature) into both Christian theology and secular jurisprudence.

In his Epistle to the Romans, Paul concluded that Moses’ usage of the term “the word” in the Book of Deuteronomy¹²⁶ should be literally translated to mean the person of Jesus Christ, who is the incarnate *Logos*, to wit:

For Christ is the end of the law for righteousness to every one that believeth.

For Moses describeth the righteousness which is of the law, That the man which doeth those things shall live by them.

But the righteousness which is of faith speaketh on this wise, Say not in thine heart, Who shall ascend into heaven? (that is, to bring Christ down from above:)

Or, Who shall descend into the deep? (that is, to bring **up Christ again from the dead.**)

But what saith it? The **word is nigh thee, even in thy mouth, and in thy heart:** that is, the word of faith, which we preach;

That if thou shalt confess with thy mouth the Lord Jesus, and shalt believe in thine heart that God hath raised him from the dead, thou shalt be saved....

126 Deuteronomy 30:11-14, to wit:

For this commandment which I command thee this day, it is not hidden from thee, neither is it far off.

It is not in heaven, that thou shouldest say, Who shall go up for us to heaven, and bring it unto us, that we may hear it, and do it?

Neither is it beyond the sea, that thou shouldest say, Who shall go over the sea for us, and bring it unto us, that we may hear it, and do it?

But the word is very nigh unto thee, in thy mouth, and in thy heart, that thou mayest do it.

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.¹²⁷

And what is rather striking about Pauline theology is his numerous descriptions of the accessibility of the “word” to the Gentiles or the Greeks, who did not have access to the written Sacred Scriptures (i.e., the Law of Moses).¹²⁸ Pauline theology clearly demonstrates that Christ, as *Logos*, was already universally present among all nations and races of men throughout the world even before his birth in the flesh.¹²⁹

In the *Gospel of John*, we find also a clear reference to Jesus Christ as the divine *logos* of God, to wit:

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. In him was life; and the life was the light of men.¹³⁰

127 Romans 10: 4-9, 18 (NOTE: this Pauline Scripture clearly identifies Christ as being the Logos of God. It references both Deuteronomy 30: 11-14 and Psalm 19 and identifies Christ with being the “word of God” appertaining to both Scriptures.)

128 See, e.g., 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”); Romans 3: 28-30 (“Therefore we conclude that a man is justified by faith without the deeds of the law. Is he the God of the Jews only? Is he not also of the Gentiles? Yes, of the Gentiles also: seeing it is one God, which shall justify the circumcision *by faith*, and the uncircumcision *through faith*. Do we then make void the law through faith? God forbid: yea, we establish the law.”) 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.”) See, also, the Apostle Peter’s statement in Acts 10: 34-35, to wit: (“Then Peter opened his mouth, and said, Of a truth I perceive that God is no respecter of persons: but in every nation he that feareth him, and worketh righteousness, is accepted with him.”)

129 Romans 10: 4-9, 18 (NOTE: this Pauline Scripture clearly identifies Christ as being the Logos of God. It references both Deuteronomy 30: 11-14 and Psalm 19 and identifies Christ with being the “word of God” appertaining to both Scriptures.)

130 John 1:1-4. See, also, Philo of Alexandria (20 B.C. – 50 A.D.), *Who is the Heir of Divine Things*, [ancient text: citation omitted], stating:

The Apostle John later drives home the point the Jesus was himself the same *Logos* which the Greeks themselves had long sought after, where in the same Gospel, he writes:

And there were ***certain Greeks*** among them that came up to worship at the feast: The same came therefore to Philip, which was of Bethsaida of Galilee, and desired him, saying, Sir, ***we would see Jesus.***

Philip cometh and telleth Andrew: and again Andrew and Philip tell Jesus. And Jesus answered them, saying, The hour is come, that the Son of man should be glorified. Verily, verily, I say unto you, Except a corn of wheat fall into the ground and die, it abideth alone: but if it die, it bringeth forth much fruit.... Now is the judgment of this world: now shall the prince of this world be cast out. And I, if I be lifted up from the earth, will draw all men unto me.¹³¹

Throughout the period of Hellenic Greece, the word *logos* (i.e., reason and rational discourse) was given a uniform or similar interpretation by the several schools of Greek philosophers (e.g., the Ionic school) that were established during this period. By the time of Plato and Aristotle, which saw the dawning of the empire of Alexander the Great, the *logos* was associated with law and justice. “The law is reason free from passion,” wrote Aristotle, “Man, when perfected, is the best of animals, but when separated from law and justice, he is the worst of all.” Aristotle, thus, looked upon the law as “Reason unaffected by Desire.”¹³² We may thus deduce from Aristotle’s erudite philosophy that “law,” as the *logos* (i.e., reason), was something which existed wholly independent from human creativity, ingenuity, and

And the Father who created the universe has given to his archangelic and most ancient Word a pre-eminent gift, to stand on the confines of both, and separated that which had been created from the Creator. And this same Word is continually a suppliant to the immortal God on behalf of the mortal race, which is exposed to affliction and misery; and is also the ambassador, sent by the Ruler of all, to the subject race. (206) And the Word rejoices in the gift, and, exulting in it, announces it and boasts of it, saying, "And I stood in the midst, between the Lord and You;"^{{69}{Numbers 16:48.}} neither being uncreate as God, nor yet created as you, but being in the midst between these two extremities, like a hostage, as it were, to both parties: a hostage to the Creator, as a pledge and security that the whole race would never fly off and revolt entirely, choosing disorder rather than order; and to the creature, to lead it to entertain a confident hope that the merciful God would not overlook his own work. For I will proclaim peaceful intelligence to the creation from him who has determined to destroy wars, namely God, who is ever the guardian of peace.

131 John 12: 20-24; 31-32.

132 Luis Kutner, *Legal Philosophers: A Trilogy on Great Philosophers and the Law: Plato and Aristotle: Precursors of the Human Rights of World Habeas Corpus*, 55 Marq. L. Rev. 255 (1972).

contrivances. Indeed, for Plato, Aristotle, and other Greek philosophers, “law” pre-existed the creation of the earth.¹³³ And no human being could rightly understand what “law” is without first attaining a love of wisdom, which Aristotle called “right reasoning.” John Locke’s conception of the “law of reason,” which he claimed governed the “state of nature,” was precisely the same as Aristotle’s conception of “reason.” To that end, we find a linear connection in the line of thought linking pre-Christian philosophy to the political philosophy of the 18th-century Enlightenment.

Both Plato and Aristotle adopted a form of natural law or natural justice that was universal and applicable in every nation and time. But Aristotle also developed three other more refined types of law: *distributive justice*; *corrective justice*; and *equity*.¹³⁴ Distributive justice addressed political rights of various classes of Greek citizens. Corrective justice dealt with the application of laws to conflicts between citizens, including criminal justice.¹³⁵ And equity was conceptualized as an elastic form of justice that permitted a tribunal to fashion an appropriate remedy that is appropriate for unique factual circumstances that may arise from time to time and which were not previously addressed in written laws.¹³⁶

Both Plato and Aristotle believed in, above all, the excellence of reason. This belief bespoke a certain faith in the worth of the individual—a faith which prompted these Greek philosophers to give the basis of reason to the law and, thus, perform an everlasting service. It was Plato who introduced the qualities of “reason” into the law through his writings, wherein justice under law was associated with the ‘Good, the True and the Beautiful.’...

133 Ibid. (“[T]he writings of Plato and Aristotle have long provided a source of wisdom from which great jurists have drawn, either directly or indirectly. Specifically, in the area of human rights there is surely agreement with the premise that to understand oneself as a human person one must see what he ought realize in order to actualize himself as a person in his free acts—both internal and those affecting the world. Perhaps John Stuart Mill best summarized the contribution the Greek philosophers made to mankind when he characterized “the source of equality” as emanating from “the lofty inspiration of Plato and the judicious utility of Aristotle.”)

134 Ibid.

135 Ibid.

136 Ibid. (“Recognizing that no system was perfect, Aristotle realized that to overcome imperfections in the law a principle of equity was required so that each individual case got its right.”)

Plato and Aristotle adopted an ‘essentialist,’ rationalist approach which concerned itself not with the subjective living person but, rather, with the objective ‘nature,’ ‘idea,’ ‘form’ or ‘essence of things.’ For example, Plato dealt with the idea of law in that realm it abided, and Aristotle spoke of *reason* as a part of the essence of man. Moreover, the Platonic-Aristotlian tradition was particularly concerned with the ‘essence’ of the law and the natural and conventional law in terms of right by nature I right by custom or legislation, to preserve the social status quo. The entire purpose was to create ‘systematic’ order from a world of apparent chaos.¹³⁷

The Greeks, therefore, considered “reason” itself to be a divine gift—something which God gives to human beings, thus elevating them above the irrational animals, and drawing humans in communion with the Supreme Good. This “reason” was called the “logos.” Logos was bifurcated into two components: divine mind (i.e., *Logos*), which is a sort of Platonic perfection and virtue (or Goodness) that is beyond the grasp of human understanding; and human logos, or reasoning that allows human beings to engage with the divine logos and to communicate, analyze the natural world, remember, discover truth, and retain knowledge. The divine logos is also the instrument whereby God communicates with, and acts upon, human beings. Hence, *thinking* is a part of the life force of the divine logos. Animals also think, albeit with a lower form of thought, and thus are part of the logos.

In Greek thought, the divine mind (i.e., the *logos*), however, is not the Supreme Good or First Cause. The *logos* is a *means* whereby humans accumulate knowledge, understand that knowledge, and make moral assessments as to right or wrong, truth and untruth, good and evil.¹³⁸ This *logos* links our conception of the eternal, unchangeable God, as the great *I*

137 Ibid.

138 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**....”)

AM,¹³⁹ to our fundamental conception of ourselves as rational souls, to wit: “*I think, therefore I am.*”¹⁴⁰ The act of “thinking” thus constitutes the immaterial soul:

The principle is the understanding of man, the rational soul; and it is certainly not a body, since that similitude of a body which it beholds and judges of is itself not a body. The soul is not a body, how should God, its Creator, be a body?¹⁴¹

In other words, both God and the rational human soul (i.e., “thinking”) are incorporeal and without substance— they are both incorporeal spirits whose essence is wholly immaterial. The *logos* connects human beings to God (i.e., truth), through enlightening the human mind (i.e., the soul) with an understanding of truth (i.e., God). Hence, the *logos* is the light in the world which enlightens the human understanding with *truth*.¹⁴² The *logos* is thus the very act of “thinking” itself (i.e., moral, analytical, and logical reasoning).¹⁴³ And, as the Quakers believe, the *logos* is that “inward light” and “that of God” which is inside of all mankind.

Now, to understand “God,” in the Christian sense, it is extremely helpful to understand “God” in the natural, philosophical, Greek, or the Platonic sense. According to Plato, God is the “first form” which is “not to be found in those things whose form is changeable.”¹⁴⁴ And

139 Exodus 3:14 (And God said unto Moses, **I AM THAT I AM**: and he said, Thus shalt thou say unto the children of Israel, **I AM** hath sent me to you.”) St. Augustine says that the Greek philosophers grasped this idea of the I AM, since it denotes God’s eternal, unchangeable essence: “They have seen also that, in every changeable thing, the form which makes it that which it is, whatever be its mode or nature, can only **be** through Him who **truly is**, because He is unchangeable.” *The City of God*, p. 250.

140 Rene Descartes has coined the phrase “I think therefore I am.” With this thought, Descartes associates the very essence of man’s existence in his “thoughts” or his “thinking.” But if we consider that the Creator of “thoughts” and “thinking” is a God (i.e., “I AM”), then we must conclude that God is also the Supreme Mind or Reason (*Logos*).

141 St. Augustine, *The City of God*, p. 250.

142 John 1: 3-4 (“In him was life; and the life was the light of men. And the light shineth in darkness; and the darkness comprehended it not.”). See, also, St. Augustine, *The City of God*, p. 645 (“For by consulting the Gospel we learn that Christ is the Truth.”) See, also, **Appendix C**, “Jesus Christ, the Logos of God, and the Foundation of Anglo-American Civil Law and Secular Jurisprudence.”

143 It may very well be, that when we “think,” we do not talk to ourselves alone, but to God. See, e.g., Revelation 3: 20 (“Behold, I stand at the door, and knock: if any man hear my voice, and open the door, I will come in to him, and will sup with him, and he with me.”)

144 *Ibid.*, p. 251.

so, God is the first Form that is unchangeable and eternal; whereas His creations are themselves changeable, corruptible forms: to this, St. Augustine expounds in great detail.¹⁴⁵ But the *logos*, as previously mentioned, is deeply-rooted in the very act of thinking, contemplating, rationalizing, and reasoning—i.e., “philosophizing.” To thus philosophize is to engage in deep, contemplative thoughts and deliberations in search after truth and morality.¹⁴⁶ The *logos* enlightens the human mind (i.e., the incorporeal soul) during this act

145 Ibid., pp. 250-251:

[The Greeks] have seen also that, in every changeable thing, the form which makes it that which it is, whatever be its mode or nature, can only *be* through Him who truly *is*, because He is unchangeable.

And therefore, whether we consider the whole body of the world, its figure, qualities, and orderly movement, and also all the bodies which are in it; whether we consider all life, either that which nourishes and maintains, as the life of trees, or that which, besides this, has also sensation, as the life of beasts; or that which adds to all these intelligence, as the life of man; or that which does not need the support of nutriments, but only maintains, feels, understands, as the life of angels—all can only be through Him who absolutely *is*....

[The Greeks] have understood, from this unchangeableness and this simplicity, that all things must have been made by Him, and that He could Himself have been made by none. For they have considered that whatever is is either body or life, and that life is something better than body, and that the nature of body is sensible, and that of life intelligible. Therefore they have preferred the intelligible nature to the sensible. We mean by sensible things such things as can be perceived by the sight and touch of the body; by intelligible things, such as can be understood by the sight of the mind....

Since, therefore, [the Greeks] saw that body and mind might be more or less beautiful in form, and that, if they wanted form, they could have no existence, they saw that there is some existence in which is the first form, unchangeable, and therefore not admitting of degrees of comparison, and in that they most rightly believed was the *first principle* of things, which was not made, and by which all things were made.

Therefore **that which is known of God He manifested in [the Greeks] when His invisible things were seen by [the Greeks], being understood by those things which have been made; also His eternal power and Godhead by whom all visible and temporal things have been created.** [Here, St. Augustine is paraphrasing Romans 1: 19-20].

But St. Augustine also concluded that the “wise men and philosophers among all nations” – whether they be “Atlantics, Libyans, Egyptians, Indians, Persians, Chaldeans, Scythians, Gauls, Spaniards, or of other nations” -- and not simply those wise men or philosophers who were among the Greeks, had received from God the knowledge of “invisible things... being understood by those things which have been made; also His eternal power and Godhead by whom all visible and temporal things have been created.” Ibid., pp. 251, 254.

See, also, the Apostle Peter’s statement in Acts 10: 34-35, to wit: (“Then Peter opened his mouth, and said, Of a truth I perceive that God is no respecter of persons: but in every nation he that feareth him, and worketh righteousness, is accepted with him.”)

146 St. Augustine, *The City of God*, pp. 252-253. (“But the true and highest good, according to Plato, is God, and therefore he would call him a philosopher who loves God; for philosophy is directed to the obtaining of the blessed life, and he who loves God is blessed to the enjoyment of God.”)

of philosophizing.¹⁴⁷ For, to philosophize, is to love wisdom¹⁴⁸; and wisdom is God¹⁴⁹; and, therefore, by definition, the philosopher is a lover of God.¹⁵⁰ And, significantly, according to St. Augustine, such philosophers could be found among all nations—not just among the ancient Greeks or Hebrews.¹⁵¹

In the ancient and modern Jewish traditions, the Torah was the law or *Logos* of God. Hence, it is not coincidental that, in orthodox Judaism, the Jewish lawyer is called “mishpatan,”¹⁵² from the biblical duty to do “Tzedek and Mishpat” (i.e., justice and judgment).¹⁵³ Similarly, in ancient Greece, the name for the Greek lawyer was called “logographer,” from the divine act of “reason,” or persuasive reasoning through engaging *Logos*, the foundation of Greek, and later Roman, jurisprudence.¹⁵⁴ Greek logography (i.e., rhetoric) is also the historical foundation of western political discourse, persuasive oratory, legal advocacy, and law practice in the western world. Significantly, Augustine of Hippo, one of the great fathers of the western church and an admirer of Cicero,¹⁵⁵ was trained as a master

147 Ibid.

148 Ibid., p. 244 (“a philosopher, that is, a student or lover of wisdom”).

149 Ibid., pp. 603-604. (“Christ was the Wisdom of God”). See, e.g., Revelation 3: 20 (“Behold, I stand at the door, and knock: if any man hear my voice, and open the door, I will come in to him, and will sup with him, and he with me.”)

150 Ibid., p. 253 (“Therefore he did not doubt that to philosophize is to love God, whose nature is incorporeal. Whence it certainly follows that the student of wisdom, that is, the philosopher, will then become blessed when he shall have begun to enjoy God.... But the true and highest good, according to Plato, is God, and therefore he would call him a philosopher who loves God....”)

151 St. Augustine also concluded that the “wise men and philosophers among all nations” – whether they be “Atlantics, Libyans, Egyptians, Indians, Persians, Chaldeans, Scythians, Gauls, Spaniards, or of other nations”-- and not simply those wise men or philosophers who were among the Greeks, had received from God the knowledge of “invisible things... being understood by those things which have been made; also His eternal power and Godhead by whom all visible and temporal things have been created.” *The City of God*, pp. 251, 254.

152 See, “Mishpat,” *The Jewish Chronicle* (“*Mishpat* is today the modern Hebrew word for law. A *mishpatan* is a lawyer.”) <https://www.thejc.com/judaism/jewish-words/mishpat-1.8055>

153 Genesis 18:18-19.

154 One of the primary objectives of Oxford Methodism is reveal to lawyers and judges the very presence of Christ, as the divine *Logos*, within very essence of the practice of law.

155 St. Augustine, *Confessions*, supra, p. 31 (“I was delighted with Cicero’s exhortation, at least enough so that I

of this discipline.¹⁵⁶ Indeed, there is great symbiosis between the Western Christian lawyers,¹⁵⁷ especially the Puritan lawyers,¹⁵⁸ and the Greek logographers, because each of these groups of “law” professionals were concerned with the divine nature of the administration of practical justice.

For perhaps this is why Augustine of Hippo held both Plato and Cicero in very high regards and considered these two men to be examples of virtuous pagan philosophers who had attained the knowledge of the true God. Augustine defended these Greco-Roman philosophers against biased Christians who otherwise concluded that the Greeks who had never heard the name Christ were ungodly pagans. In *The City of God*, Augustine says:

Then, that [a Christian man] may not suppose that all philosophers are [deceptive and worldly], he hears the same apostle say concerning certain of them, ‘Because that which is known of God is manifest among them, for God has manifest it to them. For His invisible things from the creation of the world are clearly seen, being understood by the things which are made, also His eternal power and Godhead.’¹⁵⁹ And, when speaking to the Athenians, after having spoken a mighty thing concerning God, which few are able to

was stimulated by it, and enkindled and inflamed to love, to seek, to obtain, to hold, and to embrace, not this or that sect, but wisdom itself, wherever it might be.”)

156 Importantly, Augustine of Hippo described his own training in rhetoric (i.e., logography) in his masterpiece *The Confessions*, supra, pp. 20, 30, to wit:

[M]y family took no care to save me from ruin by marriage, for their only care was that I should learn how to make a powerful speech and become a persuasive orator....

Those studies I was then pursuing, generally accounted as respectable, were aimed at distinction in the courts of law—to excel in which, the more crafty I was, the more I should be praised. Such is the blindness of men that they even glory in their blindness. And by this time I had become a master in the school of rhetoric, and I rejoiced proudly in this honor and became inflated with arrogance.

157 Goldwin Smith, *A Constitutional and Legal History of England* (New York, N.Y.: Dorset Press, 1900) supra, p. 205 (“Whenever the modern scholar studies the world and the Middle Ages he is profoundly aware of the medieval concern with the nature and meaning of the law.”)

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

159 Here, St. Augustine is citing Romans 1:19-20.

understand, ‘In Him we live, and move, and have our being,’ he goes on to say, ‘As certain also of your own have said.’¹⁶⁰

For, indeed, when we consider Plato’s rendition of Socrates’ apology¹⁶¹ before the Athenian court¹⁶² which condemned him to death, we are undoubtedly confronted with the *logos*— a “spirit of truth”—that is similar to the true essence of the Holy Ghost that is described in the Christian religion. This *logos* – this philosophy of Socrates – was also at the foundation of the court system of ancient Greece; and centuries later, it would also define the Christian political discourse and jurisprudence of western Europe and many other places where Greco-Roman culture left its imprint.¹⁶³

Hence, the *logos* was not simply contemplative or theoretical, but instead it was also active analytical reason with the objective of finding knowledge about the truth and solutions to practical human problems. The *logos* was meant to be shape current events and to give meaning to Greek life. Greek social behavior, Greek law, and Greek governmental functions must conform to the *logos* (i.e., natural law and natural justice). As such, a group of professionally trained Greek *logos* practitioners emerged in ancient Greece. Dubbed “logographers,” these men were named after the *logos*. These men were professional speechwriters—but more than that, they were experts in the natural moral law, natural justice, psychology, rhetoric, and eloquence. Their main mission was to help their clients persuade the Athenian courts and judges to render favorable and just decisions.¹⁶⁴

160 St. Augustine, *The City of God*, (New York, N.Y.: The Modern Library, 1950), p. 254.

161 https://en.wikipedia.org/wiki/Trial_of_Socrates

162 “The Apology of Socrates” by Plato. <http://classics.mit.edu/Plato/apology.html>

163 See, e.g., the “Socratic Method,” which is the standard teaching method in American law schools, at Wikipedia Encyclopedia (On-line): https://en.wikipedia.org/wiki/Socratic_method.

164 The title of logographer (from the Ancient Greek λογογράφος, logographos, a compound of λόγος, logos, 'word', and γράφω, grapho, 'write') was applied to professional authors of judicial discourse in Ancient Greece. The modern term speechwriter is roughly equivalent. Logographers played a pivotal role in the larger interactions of the Athenian court system. Athenian courts differ from modern examples of legal systems in several significant ways. In Classical Athens, no class of legal experts existed. The absence of prosecution and

In every Western country where the Roman Catholic Church left its imprint, the legal profession inherited the legacy of the Greek logographers who were perhaps the first class of professionals who functioned like lawyers. To be sure, the fact that Christ was associated with the *logos* of Greco-Roman philosophy had a profound influence upon Roman Catholic jurisprudence, its systems of equity and justice, and its conceptualization of natural law as the “law of reason” (i.e., *logos*).¹⁶⁵ To the ancient Greeks, the very act of reasoning, and particularly of the very act of persuasive, rhetorical reasoning, had divine implications, since the goal was to find either truth or justice. (Here we clearly see the legal implications of Christ as *Logos*: every word uttered by Christ, as recorded in the New Testament, would later been deemed to be the “fundamental law” of Christendom. This Christian conceptualization of “law” became deeply rooted in Anglo-Saxon customary law, English common law, and British law of equity. The goal of ascertaining truth in order to attain justice was an important objective of Christian jurisprudence).

In the *Book of Revelation* (i.e., the *Apocalypse of St. John*) we find the person of Jesus Christ designated as “the Word of God.”¹⁶⁶ The Apostle John also describes Christ as “the

defense attorneys meant cases were decided mainly upon the basis of the speeches given by plaintiff and defendant. Litigants were expected to deliver their own speeches in court, but often relied on professional speech writers to craft their words. To support the arguments made in these speeches, the parties involved in litigation often produced several witnesses. In Classical Athens, the social status, wealth, and esteem of a witness determined the strength and potential impact of his (typically a male's) testimony and not necessarily the accuracy of his account. Unlike in modern legal systems, these "character witnesses" wielded considerable influence over juries. The Athenian court system was characterized by a lack of state intervention. Pursuing litigation, collecting evidence, and prosecuting were all functions of the legal process left to the responsibility of the litigant. The juries which decided the outcome of these cases were large assemblies of Athenian citizens, not state-appointed judges. [https://en.wikipedia.org/wiki/Logographer_\(legal\)](https://en.wikipedia.org/wiki/Logographer_(legal))

165 See 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.”

166 Revelation 19:13.

Word” (i.e., the *logos*), the “light of men,”¹⁶⁷ “the way,”¹⁶⁸ “the truth,”¹⁶⁹ and “the life.”¹⁷⁰ In the *Gospel of St. John*, Christ says, “[a]nd ye shall know the truth, and the truth shall make you free”¹⁷¹; and “the Spirit of truth... will guide you into all truth”¹⁷²; and “I am...the truth.”¹⁷³ Thus absorbing the Greek worldview, the *Gospel of St. John* describes Christ’s position as the co-eternal Godhead, as the co-eternal Word and unchangeable Truth—the First Cause. This Truth reflects the mind of God. And this Truth is God. What this means, then, is that the literal words of Jesus of Nazareth, as recited in the Four Synoptic Gospels, were considered to be the literal law of God (i.e., the “law of Christ”)¹⁷⁴ by the entire Christian church.¹⁷⁵ And there is also the third person in the Godhead known as the Comforter, or “the Spirit of Truth,”¹⁷⁶ which will “guide [Christians] into all truth.”¹⁷⁷ As Augustine has written, “[i]n your *eternal reason* where nothing begins or ceases... this is your *word*, which is also ‘the beginning,’ because it also speaks to us. Thus, in the gospel, he spoke through the flesh.... In this beginning, God, you have made heaven and earth—through your *word*, your *son*, your

167 John 1: 4-5.

168 John 14:6.

169 Ibid.

170 Ibid.

171 John 8:32.

172 John 16:13.

173 John 14:6.

174 Indeed, the Law of Christ is to “love ye one another” (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3). See also “Parable of the Good Samaritan,” Luke 10: 25-37; see, also, Robert F. Cochran, Jr. and Zachary R. Calo, *Agape, Justice, and Law: How Might Christian Love Shape Law?* (Cambridge, United Kingdom: Cambridge Univ. P., 2017).

175 Ibid.

176 John 14: 16, 26; John 15:26; John 16:7, 13.

177 John 16:13.

power, your wisdom, your truth: all wondrously speaking and wondrously creating.”¹⁷⁸

Indeed, and for this reason, in the Christian world, which had absorbed Greek philosophy since the days of the first apostles, Christ himself was considered to be the *Logos*, i.e., the co-eternal truth and eternal law.¹⁷⁹

In conclusion, the *Logos* of God, which is the “light” of men, or, as the Quakers would say, the “inward light” of all mankind, is Christ himself. This *Logos* is called reason, agape, the golden rule, natural law, equity, and the “law of Christ.”¹⁸⁰ Seldom do we associate this *Holy Ghost* or the Spirit of Truth with *analytical* or *logical reasoning*—or with high powered *legal reasoning*, or with accurate and clear thinking, or with the veracity of scientific truth-gathering. But lest we wholly and completely deny that God is Himself the Creator of all things, and that all human laws are subordinate to his will (i.e., that laws which he hath input into all His creations), then we cannot deny the fact that *the services of the bar and bench are in nature divine service* as “the minister of God.”¹⁸¹

Indeed, the Holy Ghost is none other than the Spirit of Truth, which is of this same *logos* that renowned English philosopher John Locke (1632 - 1704) has described as that “law that was to govern Adam was the same that was to govern all posterity, the law of reason.”¹⁸² Similarly, Locke goes on to state that “[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

178 St. Augustine, *Confessions*, supra p. 190.

179 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.”)

180 The Law of Christ is to “love ye one another” (John 15:12); see, also, Robert F. Cochran, Jr. and Zachary R. Calo, *Agape, Justice, and Law: How Might Christian Love Shape Law?* (Cambridge, United Kingdom: Cambridge Univ. P., 2017).

181 Romans 13: 4, 6.

182 Edwin A. Burt, *The English Philosophers from Bacon to Mill* (New York, NY: The Modern Library, 1967), p. 424.

harm another in his life, health, liberty, or possessions. For men being all the workmanship of one omnipotent and infinitely wise Maker—all the servants of one sovereign Master, sent into the world by His order, and about His business—they are His property... and being furnished with like faculties, sharing all in one community of nature, there cannot be supposed any such subordination among us, that may authorize us to destroy one another, as if we were made for one another's uses, as the inferior ranks of creatures are for ours.”¹⁸³ And finally, Locke states that “[h]e that would seriously set upon the **search of truth**, ought in the first place to **prepare his mind with a love for it**. For he that loves it not, will not take much pains to get it, nor be much concerned when he misses it.”¹⁸⁴ Thus, in Lockean terms, the “law of reason” should be the primary tool which lawyers and judges should utilize in order to attain justice, and Christian lawyers and judges especially should not reject the aid of the Spirit of Truth (i.e., the Holy Ghost) with assisting and elevating their power of reason, while engaging in their professional work.

As such, lawyers and judges who have been trained in the western tradition— i.e., the Roman Catholic canon and civil law or the English common law traditions— are essentially *logographers*, and this is especially true in Great Britain and the United States where the English Common Law tradition¹⁸⁵-- which is founded upon “reason,” “natural law,” “equity,” “due process of law” and the “reasonable person standard”¹⁸⁶— is strong. This English Common Law tradition, which represents Reformed and Protestant constitutional ideals, is still fundamentally Christian. Wherefore, the “General Christianity” of the United States is

183 Ibid, p. 405.

184 Ibid., p. 396.

185 For example, in the celebrated *Dr. Bonham's Case*, 8 Co. Rep. 107; 77 Eng. Rep. 638 (1610), Chief Justice Edward Coke ruled that “[r]eason is the life of the law; nay, the common law itself is nothing else but reason... The law, which is [the] perfection of reason.”

186 See, generally, “Reasonable Person,” https://www.law.cornell.edu/wex/reasonable_person.

manifest in the theological concept of the *Logos* (i.e., Christ) as “reason,”¹⁸⁷ and in the “reasonable person standards”¹⁸⁸ which secular jurisprudence imposes upon society through the “law of reason” and “equity” that is inherent in its constitutional law, statutory law, and common law.

¹⁸⁷ 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.’

¹⁸⁸ See, e.g., “Reasonable Person Standard.” *Wikipedia* (online encyclopedia).

Chapter Five

“Influence of the Jewish Synagogue Upon the Early Church”

The concept of “General Christianity” may be appropriately understood, even within an Augustinian context,¹⁸⁹ as a global religion of nature with local expression, rather than as a culturally-unique expression that was once unique to Western Europeans.¹⁹⁰ According to church historian Vince L. Bantu, “Christianity is not becoming a global religion. It has always been a global religion. The early Christian movement spread from Jerusalem in every direction, taking on local cultural expression all around the ancient world.”¹⁹¹ Addressing such topics as “the Christianization of the Roman Empire,” “the christological schism between the church of Europe and the church of Africa and Asia,” “the formation of Islamic and European Christian empires,” “early Christianity in... Africa— specifically North Africa and the Nile Valley kingdoms of Egypt, Nubia, and Ethiopia,” “the Syriac-speaking Christian communities of Syria, Lebanon, and Arabia,” the “Caucasian Christianity in Armenia and Georgia,” and “Syriac-speaking Christianity as it spread throughout... India, Central Asia, and China,”¹⁹² Dr. Bantu concludes that, globally and outside the jurisdiction of the Pope at Rome, there had always been autonomous Christian churches and culturally— and linguistically-unique expressions of the Christians faith— thus making the Christian religion truly “catholic” and yet simultaneously united under one head, the Lord Jesus Christ. In many respects, the type of “General Christianity” that reflects the culturally-diverse and global

¹⁸⁹ 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.”)

¹⁹⁰ The Westminster Confession of Faith of 1647 conceptualizes a type of “general Christianity,” but it seemingly would restrict that to certain well-recognized Protestant denominations.

¹⁹¹ Vince L. Bantu, *A Multitude of All Peoples: Engaging Ancient Christianity’s Global Identity* (Downers Grove, Illinois:InterVarsity Press, p. 2020), p. back cover.

¹⁹² *Ibid.*, pp.6-7.

nature of the Christian religion¹⁹³ — rather than simply its Western, Roman Catholic, and Anglican pedigree— is thoroughly reflected in the democratic structure of the ancient *Hebrew synagogues* of first-century Egypt and Judea, which the Calvinists embraced and held dear; and later, through the Puritans of colonial New England, those same Calvinists (i.e., New England Puritan-Congregationalists and the Scottish Presbyterians) bequeathed a *covenant theology* which became the foundation of the American Declaration of Independence (1776) and the United States Constitution (1787).¹⁹⁴

In Great Britain and colonial British North America— which is the geographical locus for this postdoctoral study— the juridical idea of “General Christianity” was extracted out from the blood, sweat, and struggle of the Protestant Reformation and protest against the Roman Catholic Church and the Church of England. (Significantly, during the late 19th- and early 20th centuries, European Jews immigrated to the United States and tacitly reinforced the same convergence of latitudinarian and neo-orthodox Christianity with their reformed Jewish theology to create a general consensus of a Judea-Christian American constitutional

¹⁹³ Ibid. Dr. Bantu’s research is of critical important to Christians of color who are seeking to “purify” churches in the West from racist and biased ecclesiastical doctrines and practices. For one thing, it is not clear whether the doctrines of Luther or Calvin, for example, would develop in the historical contexts in which they did, without the Roman Catholic Church and its brutal force serving as the catalyst and background for the Protestant movement. This does not mean that the core concepts of the Christian faith would differ from one nature or culture to the next, but instead it does mean that certain theological emphasis upon certain doctrines may be relevant in one cultural context, but totally irrelevant in another context. For example, the “sale of indulgences” and the corruption of certain clergymen that was prevalent in the days of Luther may not have been an issue in the Christian churches in, say, India or Ethiopia during that same period. On the other hand, it is important to note, that although important theological and ecclesiastical principles may have originated in a particular locality, such as, in the case of Lutheranism, central Germany, there is no rule of reason that mitigates against the cultural borrowing of those new and innovative principles in other parts of the world, such as in South Africa and India, where many church denominations have rightfully adopted, without compromising their own cultural identities, Western European styles of church governance and structures. This cultural diversity is what makes the Christian church “catholic,” and the concept of “General Christianity” permits the widest latitude for this cultural diversity within the churches.

¹⁹⁴ See, generally, Jerold S. Auerbach, *Rabbis and Lawyers: The Journey from Torah to Constitution* (New Orleans, LA: Quid Pro Books, 2010)(describing how European Jews who immigrated do the United States during the late 19th-century found an affinity with the Puritans of colonial New England); and 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)(describing the great debt which Great Britain and the United States owed to the English Puritans).

heritage).¹⁹⁵ The writings of Augustine of Hippo (354 - 430 A.D.) and the rediscovery of the ancient Greco-Roman classics (i.e., the 16th-century Renaissance) ushered in a shift in thought throughout Western Christendom— a shift that brought superstition and certain church practices into question. Everywhere in Europe men were reading and analyzing the Greco-Roman classics, and the writings of Augustine of Hippo. Two of the Reformation's foremost leaders— Luther and Calvin— adopted the theological viewpoints of Augustine.¹⁹⁶

Luther and Calvin reverted to Saint Augustine, retaining, however, only that part of his teaching which deals with the relation of the soul to God, not the part which is concerned with the Church. Their theology was such as to diminish the power of the Church. They abolished purgatory, from which the souls of the dead could be delivered by masses. They rejected the doctrine of Indulgences, upon which a large part of the papal revenue depended. By the doctrine of predestination, the fate of the soul after death was made wholly independent of the actions of priests. These innovations, while they helped in the struggle with the Pope, prevented the Protestant Churches from becoming as powerful in Protestant countries as the Catholic Church was in Catholic countries.¹⁹⁷

From Luther and Calvin came the primary Protestant themes that fueled both ecclesiastical reformation and political revolution in Europe. This legacy resulted in the history that led to the American Revolutionary War (1775 – 1783) which revolved largely around the Puritan-Presbyterian and Protestant revolt against the hierarchical authority of archbishops (i.e., the

¹⁹⁵ Jerold S. Auerbach, *Rabbis and Lawyers: The Journey from Torah to Constitution* (New Orleans, LA: Quid Pro Books, 2010), pp. 55- 102.

¹⁹⁶ 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 Calvinistic, that John Calvin referred to himself as an Augustinian theologian. Augustine’s theology was dominant in the church for a millennium.”) See, also, Bertrand Russell, *A History of Western Philosophy* (New York, N.Y.: Touchstone, 2007), p. 523 (“Luther and Calvin reverted to Saint Augustine, retaining, however, only that part of his teaching which deals with the relation of the soul to God, not the part which is concerned with the Church. Their theology was such as to diminish the power of the Church. They abolished purgatory, from which the souls of the dead could be delivered by masses. They rejected the doctrine of Indulgences, upon which a large part of the papal revenue depended. By the doctrine of predestination, the fate of the soul after death was made wholly independent of the actions of priests. These innovations, while they helped in the struggle with the Pope, prevented the Protestant Churches from becoming as powerful in Protestant countries as the Catholic Church was in Catholic countries.”)

¹⁹⁷ Ibid.

Church) and monarchies (i.e., the State). The American Declaration of Independence (1776) and the United States Constitution (1787) were the natural results of that revolt; and, as a consequence, the political and theological settlements that are reflected in these two constitutional documents became known as “General Christianity.”¹⁹⁸

The Apostle Paul- A Jewish Emissary to the Gentiles

To the Calvinists, the life’s work and theology of the Apostle Paul revealed no nexus between the Roman Catholic regime and the Christianity of the New Testament. And so, the Calvinists’ conception of “General Christianity” certainly has much to do with everything Paul did and wrote in his several epistles to the Early Church. Notably, Jesus Christ himself sent Paul of Tarsus to the Greeks (i.e., the Gentiles). When the Apostle Paul spoke about the Gentiles in his Epistle to the Romans and in other letters, he often meant the Greeks. Thus, in perhaps Paul’s most important letter, he wrote, “I am debtor both to the Greeks, and to the Barbarians.... For I am not ashamed of the gospel of Christ: for it is the power of God unto salvation to every one that believeth; to the Jew first, and also to the Greek.”¹⁹⁹ The Apostle Paul, who had been a Pharisee and former student of the Rabbi Gamaliel, also reconciled the Greek idea of *logos* (i.e., word) with the Hebrew scriptures. In his landmark Epistle to the Romans, Paul went so far as to state that God had already plainly revealed sufficient

198 Jerold S. Auerbach, *Rabbis and Lawyers: The Journey from Torah to Constitution* (New Orleans, La.: Quid Pro, LLC, 2010), p. 11 (“[T]he 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”). The U. S. Supreme Court has endorsed this viewpoint in the cases of *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**”); and *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”). The Supreme Court of Pennsylvania has upheld the doctrine of “General Christianity” in *Updegraph v. Commonwealth*, 11 Serg. & Rawl, 394 P. (1824)(“Christianity, **general Christianity**, is, and always has been, a part of the common law of Pennsylvania; Christianity, without the spiritual artillery of European countries....”) See **Appendix F**, “The Quaker Influence Upon the U. S. Constitution: William Penn, Pennsylvania, and the English Common Law.”

199 Romans 1:14-16.

theological knowledge to the Gentiles (i.e., all nations of the world, other than Israel), having written:

“[T]hat which is known of God is manifest among them, for God has manifested it to them. For His invisible things from the creation of the world are clearly seen, being understood by the things which are made, also His eternal power and Godhead.’²⁰⁰

In this epistle, Paul paraphrased Psalm 19, which speaks of God’s declaration of his will and law through the works of his creation, “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.”²⁰¹ This, says Paul, demonstrates that even the Gentiles have already heard the “word of God,”²⁰² who is Jesus Christ,²⁰³ even without having first heard the Gospel or having received the Law of Moses.²⁰⁴

It is for this reason that Paul concluded that, “by nature,” the Gentiles were capable of fulfilling the requirements of the Mosaic law, to wit:

For when the Gentiles, which have not the law, do by nature the things contained in the law, these, having not the law, are a law unto themselves: which shew the work of the law written in their hearts, their conscience also

200 Romans 1:19-20.

201 Psalm 19:2-4.

202 Romans 10:17-18. Here, the universal moral law means the two-fold duty to honor or obey God and love neighbor.

203 Romans 10:5-9. (For Moses describeth the righteousness which is of the law, That the man which doeth those things shall live by them. But the righteousness which is of faith speaketh on this wise, Say not in thine heart, Who shall ascend into heaven? (that is, to bring Christ down from above:) Or, Who shall descend into the deep? (that is, to bring up Christ again from the dead.) But what saith it? The **word is nigh thee, even in thy mouth, and in thy heart**: that is, the word of faith, which we preach; That if thou shalt confess with thy mouth the **Lord Jesus**, and shalt believe in thine heart that God hath raised him from the dead, thou shalt be saved.”)

204 Ibid.

bearing witness, and their thoughts the mean while accusing or else excusing one another....²⁰⁵

Hence, we are to conclude that the words “by nature” denotes natural religion or natural philosophy, but not a complicated body of knowledge which only a Greek genius such as Aristotle might understand, but rather a simple knowledge that is readily accessible to the common man. The Apostle Paul went on to found several churches in Greece or amongst the Greeks, including churches in Philippi,²⁰⁶ Thessalonica,²⁰⁷ Corinth,²⁰⁸ and Ephesus.²⁰⁹ We might safely conclude, then, that the Early Christian Church, began as a sort of cultural fusion between both Jews and Greeks (i.e., Gentile) within the Jewish synagogue.²¹⁰

This is readily apparent in the Book of Acts, where Paul preached the Gospel to both Jews and Greeks, and when the Jews themselves often rejected the Gospel, great multitudes

205 Romans 2:14-15. See, also, the Apostle Peter’s statement in Acts 10: 34-35, to wit: (“Then Peter opened his mouth, and said, Of a truth I perceive that God is no respecter of persons: but in every nation he that feareth him, and worketh righteousness, is accepted with him.”)

206 “Philippi,” *Wikipedia Encyclopedia* (Online): <https://en.wikipedia.org/wiki/Philippi> (“Philippi ... a major Greek city northwest of the nearby island, Thasos. Its original name was Crenides (Greek: Κρηνίδες, Krenides "Fountains") after its establishment by Thasian colonists in 360/359 BC. The city was renamed by Philip II of Macedon in 356 BC....”). See, also, “Epistle to the Philippians,” *Wikipedia Encyclopedia* (Online): https://en.wikipedia.org/wiki/Epistle_to_the_Philippians (“The Epistle to the Philippians is a Pauline epistle of the New Testament of the Christian Bible. The epistle is attributed to Paul the Apostle and Timothy is named with him as co-author or co-sender. The letter is addressed to the Christian church in Philippi. Paul, Timothy, Silas (and perhaps Luke) first visited Philippi in Greece (Macedonia) during Paul's second missionary journey from Antioch, which occurred between approximately 49 and 51 AD. In the account of his visit in the Acts of the Apostles, Paul and Silas are accused of "disturbing the city").

207 Thessalonica is located in Greece. “Thessalonica,” *Wikipedia Encyclopedia* (Online): <https://en.wikipedia.org/wiki/Thessaloniki>. See, also, “Epistle to the Thessalonians,” *Wikipedia Encyclopedia* (Online): https://en.wikipedia.org/wiki/First_Epistle_to_the_Thessalonians (“The First Epistle to the Thessalonians is a Pauline epistle of the New Testament of the Christian Bible. The epistle is attributed to Paul the Apostle, and is addressed to the church in Thessalonica, in modern-day Greece. It is likely among the first of Paul's letters, probably written by the end of AD 52, though some scholars believe the Epistle to Galatians may have been written by AD 48.”).

208 Corinth is located in south-central Greece. “Corinth,” *Wikipedia Encyclopedia* (Online): <https://en.wikipedia.org/wiki/Corinth>. See, also, “Epistle to the Corinthians,” *Wikipedia Encyclopedia* (Online): https://en.wikipedia.org/wiki/First_Epistle_to_the_Corinthians. (Paul’s Epistle “addresses various issues that had arisen in the Christian community at Corinth, and is composed in a form of Koine Greek.”)

209 Ephesus was a city in Greece. “Ephesus,” *Wikipedia Encyclopedia* (Online): <https://en.wikipedia.org/wiki/Ephesus>

210 The Apostle Paul was a Jewish Pharisee, nevertheless he wrote in Romans 1:14-15 that “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.”

of the Greeks received it.²¹¹ For it was then when the Apostle Paul, a cosmopolitan Jew, was able to speak to the Greeks in their own tongue, and to synchronize many of the Greek pagan beliefs and customs with the Gospel of Jesus Christ, to wit:

211 See, e.g., Acts 17: 1-28, stating:

Now when they had passed through Amphipolis and Apollonia, they came to Thessalonica, where was a synagogue of the Jews:

2 And Paul, as his manner was, went in unto them, and three sabbath days reasoned with them out of the scriptures,

3 Opening and alleging, that Christ must needs have suffered, and risen again from the dead; and that this Jesus, whom I preach unto you, is Christ.

4 And some of them believed, and consorted with Paul and Silas; and of the devout Greeks a great multitude, and of the chief women not a few.

5 But the Jews which believed not, moved with envy, took unto them certain lewd fellows of the baser sort, and gathered a company, and set all the city on an uproar, and assaulted the house of Jason, and sought to bring them out to the people.

6 And when they found them not, they drew Jason and certain brethren unto the rulers of the city, crying, These that have turned the world upside down are come hither also;

7 Whom Jason hath received: and these all do contrary to the decrees of Caesar, saying that there is another king, one Jesus.

8 And they troubled the people and the rulers of the city, when they heard these things.

9 And when they had taken security of Jason, and of the other, they let them go.

10 And the brethren immediately sent away Paul and Silas by night unto Berea: who coming thither went into the synagogue of the Jews.

11 These were more noble than those in Thessalonica, in that they received the word with all readiness of mind, and searched the scriptures daily, whether those things were so.

12 Therefore many of them believed; also of honourable women which were Greeks, and of men, not a few.

13 But when the Jews of Thessalonica had knowledge that the word of God was preached of Paul at Berea, they came thither also, and stirred up the people.

14 And then immediately the brethren sent away Paul to go as it were to the sea: but Silas and Timotheus abode there still.

15 And they that conducted Paul brought him unto Athens: and receiving a commandment unto Silas and Timotheus for to come to him with all speed, they departed.

16 Now while Paul waited for them at Athens, his spirit was stirred in him, when he saw the city wholly given to idolatry.

For as I passed by, and beheld your devotions, I found an altar with this inscription, TO THE UNKNOWN GOD. Whom therefore ye ignorantly worship, him declare I unto you.... For in him we live, and move, and have our being; as certain also of your own poets have said, For we are also his offspring.²¹²

Here we see plainly that Paul acknowledges that even within the Greek pagan customs and religions, there had been some vague acknowledgment of the one true God (i.e., “THE

17 Therefore disputed he in the synagogue with the Jews, and with the devout persons, and in the market daily with them that met with him.

18 Then certain philosophers of the Epicureans, and of the Stoicks, encountered him. And some said, What will this babbler say? other some, He seemeth to be a setter forth of strange gods: because he preached unto them Jesus, and the resurrection.

19 And they took him, and brought him unto Areopagus, saying, May we know what this new doctrine, whereof thou speakest, is?

20 For thou bringest certain strange things to our ears: we would know therefore what these things mean.

21 (For all the Athenians and strangers which were there spent their time in nothing else, but either to tell, or to hear some new thing.)

22 Then Paul stood in the midst of Mars' hill, and said, Ye men of Athens, I perceive that in all things ye are too superstitious.

23 For as I passed by, and beheld your devotions, I found an altar with this inscription, To The Unknown God. Whom therefore ye ignorantly worship, him declare I unto you.

24 God that made the world and all things therein, seeing that he is Lord of heaven and earth, dwelleth not in temples made with hands;

25 Neither is worshipped with men's hands, as though he needed any thing, seeing he giveth to all life, and breath, and all things;

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;

27 That they should seek the Lord, if haply they might feel after him, and find him, though he be not far from every one of us:

28 For in him we live, and move, and have our being; as certain also of your own poets have said, For we are also his offspring.

212 Acts 17: 23, 28.

UNKNOWN GOD”), which acknowledgment was sufficient for Paul to lay a cornerstone for the further preaching of the Gospel.

Now this “UNKNOWN GOD” (or unnamed God) is where many of the 18th-century, neo-orthodox Calvinists and Anglicans, including many of the American Founding Fathers, such as Thomas Paine and Thomas Jefferson, wanted to settle the theological disputes in colonial British North America— Paine and perhaps Benjamin Franklin being self-avowed Deists; John Adams and John Witherspoon being Calvinists; Thomas Jefferson and several others being latitudinarian Anglicans who were ever evolving.²¹³ Wherefore, this postdoctoral study argues that **the “Supreme Judge of the world,” “divine Providence” and “Nature’s God,” who is mentioned in the American Declaration of Independence (1776), is the same “UNKNOWN GOD” whom Paul mentions in the Book of Acts**— He is the same trinitarian God of the New Testament. This circumstantial conclusion is a logical and reasonable one, because the writings of men like Jefferson and Witherspoon, that have been previously referenced, fully supports it.

The Jewish Synagogue- A Model for the Early Christian Church

The other major influence upon the tendency towards “General Christianity” was the Congregational and Presbyterian forms of church government. Plural church structures among the Protestant denominations led to a general consensus about the essentials elements of the Christian faith, and the unnecessary artillery of the established churches. Again, the Holy Bible provided the Protestant Reformers with their primary models— and those were the Jewish synagogues of the first century, A.D.

Now when the Jewish synagogue emerged several centuries after the nation-state of Israel had collapsed, it was utilized primarily as an instrument of cultural preservation and survival, as “little sacred republics.”²¹⁴ “Since the liturgy has no sacrifice, *no priesthood is*

²¹³ See, e.g., **Appendix D**, “Of Thomas Jefferson and the Jeffersonians.”

²¹⁴ William Goodell, *The Democracy of Christianity, or; An Analysis of the Bible and its Doctrines in Their*

required for public worship [in the synagogue]. Because each synagogue is *autonomous*, its erection, its maintenance, and its rabbi and officials reflect the desires of the *local community*.”²¹⁵ And only 10 Jewish laymen were needed to found a local synagogue or *minyan*.²¹⁶ The sacred offices of Prophet and Priest and King— three of the most important functions within the constitution of ancient Israel— were not contained within the ancient Jewish synagogue. Instead, those synagogues were *democratically administered* and led by *common laymen* known as Israel’s ruling elders or presbyters. These were the same genre of men—i.e., men of integrity, honor, and leadership— whom Moses had relied upon when designating the *judges of Israel*²¹⁷ and when appointing the *70 elders* of ancient Israel.²¹⁸

These honored men, who were the elders of ancient Israel, were concerned with, among other things, the administration of the “**moral laws**” of the Decalogue, as well as the “**judicial laws**” of ancient Israel. Judaism thus became deeply concerned with the rule of law.²¹⁹ Its religion was lawyerly.²²⁰ Its Rabbis tended to be “lawyers” as well as theologians,

Relation to the Principles of Democracy (New York, N.Y.: Cady and Burgess, 1852), p. 468.

215 “Synagogue,” <https://www.britannica.com/topic/synagogue>.

216 “Minyan,” Wikipedia (online encyclopedia) <https://en.wikipedia.org/wiki/Minyan>; “Minyan,” <https://www.jewishencyclopedia.com/articles/10865-minyan>.

217 Exodus 18:25-26.

218 Numbers 11: 16-30; Deuteronomy 1: 10-18.

219 See, e.g., Jewish and Harvard law professor Alan M. Dershowitz’s *Abraham: The World’s First (But Certainly Not Last) Jewish Lawyer* (New York, N.Y.: Schocken Books, 2015), p. 28 (“God the Divine Teacher for His student and messenger Abraham in order to prepare him to **‘instruct’ his progeny to do justice.**” And, see, *Ibid*, pp. 122-123, stating “Our Torah commands us to pursue justice (**‘Justice, justice shall thou pursue’**) and not stand idly by the blood of our neighbor. Our Talmud is the first religious compendium to preserve a record of legal arguments—with dissenting and concurring opinions. We fought against persecution, discrimination, and victimization for millennia. Our rabbis have served as advocates, judges, and lawmakers, resolving disputes among quarrelling Jews for centuries.”

220 See, e.g., Rabbi Jonathan Sacks, “Why are there So Many Jewish Lawyers?” <https://www.rabbisacks.org/covenant-conversation/devarim/why-are-there-so-many-jewish-lawyers/>, stating:

At the beginning of the book of Devarim, Moses reviews the history of the Israelites’ experience in the wilderness, starting with the appointment of leaders throughout the people, heads of thousands, hundreds, fifties, and tens. He continues:

I charged your judges at that time: “Hear the disputes among your people and judge fairly, between one person and another, whether the case is between two Israelites or between an Israelite and a foreigner residing among you. Do not show partiality in judgment: listen equally to the small and the great. Do not be intimidated by any man, for judgment belongs to God. Any case that is too difficult for you, bring to it me and I will hear it.

Deut. 1:16-17

Thus at the outset of the book in which he summarised the entire history of Israel and its destiny as a holy people, he already gave priority to the administration of justice: something he would memorably summarise in a later chapter (Deut. 16:20) in the words, “Justice, justice, shall you pursue.” The words for justice, *tzedek* and *mishpat*, are repeated, recurring themes of the book. The root *tz-d-k* appears eighteen times in *Devarim*; the root *sh-f-t*, forty-eight times.

Justice has seemed, throughout the generations, to lie at the beating heart of Jewish faith....

Three features mark Judaism as a distinctive faith. First is the radical idea that when God reveals Himself to humans He does so in the form of law. In the ancient world, God was power. In Judaism, God is order, and order presupposes law. In the natural world of cause and effect, order takes the form of scientific law. But in the human world, where we have freewill, order takes the form of moral law. Hence the name of the Mosaic books: *Torah*, which means ‘direction, guidance, teaching,’ but above all ‘law.’ The most basic meaning^[5] of the most fundamental principle of Judaism, *Torah min haShamayim*, ‘Torah from Heaven,’ is that God, not humans, is the source of binding law.

Second, we are charged with being interpreters of the law. That is our responsibility as heirs and guardians of the *Torah she-be-al peh*, the Oral Tradition. The phrase in which Moses describes the voice the people heard at the revelation at Sinai, *kol gadol velo yasaf*, is understood by the commentators in two seemingly contradictory ways. On the one hand it means ‘the voice that was never heard again’; on the other, it means ‘the voice that did not cease,’ that is, the voice that was ever heard again.^[6] There is, though, no contradiction. The voice that was never heard again is the one that represents the Written *Torah*. The voice that is ever heard again is that of the Oral *Torah*.

The Written *Torah* is *min ha-shamayim*, “from Heaven,” but about the Oral *Torah* the Talmud insists *Lo ba-shamayim hi*, “It is not in Heaven.” Hence Judaism is a continuing conversation between the Giver of the law in Heaven and the interpreters of the law on Earth. That is part of what the Talmud means when it says that “Every judge who delivers a true judgment becomes a partner with the Holy One, blessed be He, in the work of creation.” (*Shabbat* 10a)

Third, fundamental to Judaism is education, and fundamental to education is instruction in *Torah*, that is, the law. That is what Isaiah meant when he said, “Listen to Me, you who know justice, the people in whose heart is My law; do not fear the reproach of men, nor be afraid of their insults.” (*Is.* 51:7)....

This is what Josephus meant when he said, nineteen hundred years ago, “Should any one of our nation be asked about our laws, he will repeat them as readily as his own name.” The result of our thorough education in our laws from the very dawn of intelligence is that they are, as it were, engraved on our souls. To be a Jewish child is to be, in the British phrase, “learned in the law.” We are a nation of constitutional lawyers.

Why? Because Judaism is not just about spirituality. It is not simply a code for the salvation of the soul. It is a set of instructions for the creation of what the late Rabbi Aharon Lichtenstein *zt”l* called “societal beatitude.” It is about bringing God into the shared spaces of our collective life. That needs law: law that represents justice, honouring all humans alike regardless of colour or class; law that judges impartially between rich and poor, powerful and powerless, even in extremis between humanity and God; law that links God, its Giver, to us, its interpreters, the law that alone allows freedom to coexist with order, so that my freedom is not bought at the cost of yours.

Small wonder, then, that there are so many Jewish lawyers....

and its scholars were “doctors of the law.”²²¹ There were several scriptural references to the duty of judges to serve nobly, honorably, and justly when discharging their duties and functions, such as:

Exodus 23: 6-9	Judges; Duty to Judge Honestly and Fairly; Equality before the Law; Protect against Oppression of the Poor and Strangers
Leviticus 19:15, 35-37	Judges; Duty to Judge Honestly and Fairly; Equality before the Law; Protect against Oppression of the Poor and Strangers
Deuteronomy 16:18-20	Judges; Duty to Judge Honestly and Fairly; Equality before the Law; Protect against Oppression of the Poor and Strangers

For example, in Exodus, chapter 18, it is reported that:

And Moses chose able men out of all Israel, and made them heads over the people, rulers of thousands, rulers of hundreds, rulers of fifties, and rulers of tens. And they judged the people at all seasons: the hard causes they brought unto Moses, but every small matter they judged themselves.²²²

With no modern-day legal or constitutional doctrine of “church-state” separation, the diasporic Jews perpetuated their cultural and religious traditions of living under, and applying, the Torah to their everyday lives. For this reason, both “civil law” and the Torah played a central role in the administration of the synagogue.

As the rabbinic class rose in power, criteria that may be deemed ‘non-religious’ began to fall under the control of the rabbis, and therefore, the “religious” domain. In terms of legal matters, Tannaitic cases may relate to settlements for divorce/widowhood, damages for public shaming, deeds dating on the Sabbath, and so on. Despite the fact that other venues were available for resolving legal matters, the rabbinic judges served as an alternate, and seemingly popular, venue. Generally, rabbinic legal activity revolved around property and family issues, which occasionally intersected with ritual law such as in Deut. 5-10 and *halîsâ*, a ceremony concerning the obligation of a man to marry his brother's childless widow. Quite simply, aside from the reading and studying of

221 See, e.g., references to the “doctors of the law” in the New Testament in Luke 5:17; 7:30; 11:45-46, 52; 14:3; Acts 4:5; 1 Tim. 1:7.

222 Exodus 18:25-26. See, also, Deuteronomy 1: 16-17.

the Torah, the separation of religious and non-religious functions is not as clear as one may assume in terms of the activities performed in the ancient synagogue. Whether separate or not, both religious and non-religious activities attributed to the synagogue originated in response to communal requirements, differing in distribution throughout the ancient world with the exception of the study of the Torah, around which the synagogue's ultimate purpose revolved....²²³

The Jewish rabbis were, among other things, theologians, pastors, administrators, judges, and lawyers.²²⁴ The Jews of Jesus' day were well-versed in Torah, not only as religion but also as the constitutional law of the nation-state of ancient Israel. The office of "doctor of law" was very prominent amongst their elders and within the Jewish synagogue.²²⁵ Hence, the Jewish rabbis were the presbyters or the elders who prefigured their Christian counterparts; and the Jewish synagogues prefigured the future Christian churches. The Apostle Paul, who was a Jewish Pharisee, continued to teach and preach amongst the Jews in the synagogues, and his model for the organization of the local Christian churches was the Jewish synagogue.

Notably, the Jewish synagogue arose up in response to, and as a remedy for, the collapse of ancient Israel's and ancient Judah's constitutions. Such episodes of collapse were usually preceded by either a moral decline or political subjugation to foreign powers. Thus, the Jewish synagogue functioned as a "mini" civil government—as a "mini" republic. In other words, the Jewish nation-state—which had collapsed or come under the dominance of foreign powers— was folded down and repackaged in the form of the Jewish synagogue, without priest or prophet or king! Priests and prophets joined the synagogues, but the synagogues remained, fundamentally, "lay" Jewish organizations. And, here, it will not be inappropriate

²²³ "The Ancient Synagogues, A.D. 1st Century" <https://factsanddetails.com/world/cat55/sub351/entry-5718.html>.

²²⁴ Jerold S. Auerbach, *Rabbis and Lawyers: The Journey From Torah to Constitution*, supra, pp. 38, 45 ("rabbis— superseding priests, prophets, judges, and kings— became the law men of Judaism, the judges 'that shall be in those days'.... The rabbi remained the law man of Judaism....")

²²⁵ See, e.g., references to the "doctors of the law" in the New Testament in Luke 5:17; 7:30; 11:45-46, 52; 14:3; Acts 4:5; 1 Tim. 1:7.

to note that the churches of Jesus Christ— as the *ecclesia*— stepped into the shoes of the ancient Jewish synagogue and assumed the same status of the “mini” republic within ancient Judea, northern Africa, Asia minor, and throughout the Greco-Roman world,²²⁶ following the collapse of the Second Temple in 70 AD. Whereas the Jewish synagogue was primarily Jewish, the Christian church-synagogues tended to be much more multilingual, multicultural, and cosmopolitan. The Jewish synagogues were inward looking and ethnically provincial, but the Christian church-synagogue was outward looking and invited converts from all nations.

Nevertheless, like their Jewish counterparts, the Christian church-synagogue upheld high moral and ethical standards that were, ultimately, an affront to Greco-Roman civilization. In its primitive form, the Christian church-synagogue-- from which Protestant congregationalism and “presbyterian” models²²⁷ were later derived-- represented the “triumph of Christianity... the triumph of moral over physical force... a victory for all time and for all the world.”²²⁸ From the period 34 A.D. to 381 A.D. the “Early Church” church clearly

226 See, e.g., “The Church,” *New Advent* <https://www.newadvent.org/cathen/03744a.htm>, stating:

In order to understand the precise force of this word, something must first be said as to its employment by the Septuagint translators of the Old Testament. Although in one or two places (Psalm 25:5; Judith 6:21; etc.) the word is used without religious signification, **merely in the sense of "an assembly"**, this is not usually the case. Ordinarily it is employed as the Greek equivalent of the Hebrew *qahal*, i.e., **the entire community of the children of Israel viewed in their religious aspect**. Two Hebrew words are employed in the Old Testament to signify the congregation of Israel, viz. *qahal 'edah*. In the Septuagint these are rendered, respectively, *ekklesia* and *synagogue*. Thus in Proverbs 5:14, where the words occur together, "in the midst of the church and the congregation", the Greek rendering is *en meso ekklesias kai synagogues*. The distinction is indeed not rigidly observed — thus in Exodus, Leviticus and Numbers, both words are regularly represented by *synagogue* — but it is adhered to in the great majority of cases, and may be regarded as an established rule. In the writings of the New Testament the words are sharply distinguished. With them *ecclesia* denotes the Church of Christ; *synagogue*, the Jews still adhering to the worship of the Old Covenant. Occasionally, it is true, *ecclesia* is employed in its general significance of "assembly" (Acts 19:32; 1 Corinthians 14:19); and *synagoga* occurs once in reference to a gathering of Christians, though apparently of a non-religious character (James 2:2) But *ecclesia* is never used by the Apostles to denote the Jewish Church. The word as a technical expression had been transferred to the community of Christian believers.

227 Algernon Sidney Crapsey, *Religion and Politics*, supra, p. 114 (“[e]ach of these societies was under the presidency of a bishop chosen by itself and was advised by a council of elders taken directly from the people.”)

228 *Ibid.*, p. 116.

functioned under a primitive house-church system that was similar to the Jewish synagogue. “And when the new religion was torn from its Jewish origin and became the property of the Greco-Roman world then the Greco-Roman world transformed that religion into its own likeness.”²²⁹

And so, from 313 A.D., after Constantine's Edict of Milan decriminalized the Christian religion, up through the next two centuries, the “Early Church” became less Jewish and more “Romanized.”²³⁰ According to one Protestant theologian, “[v]ast numbers of pagans

²²⁹ Ibid., p. 128.

²³⁰ It should be stated here that “Reformed Protestant Theology” was a reaction to the theology of the Roman Catholic Church as it existed during the mid-sixteenth- and seventeenth centuries. The Protestant Reformers wished to return to the true, authentic church—to the Early Church! This required the Protestant Reformers to review Roman Catholic theology, philosophy, and liturgy, and to cull out all of the papists’ false doctrines. Rev. Martin Luther led the way, but Rev. John Calvin seemed to have reached the pinnacle of reformed theological analysis and critic of Roman Catholicism in his path-breaking book, *Institutes of the Christian Religion*. In general, the Protestant Reformers rejected all of the Roman Catholic councils that occurred after the Council of Chalcedon in the year 451, A.D. Thus, the Protestant Reformers accepted only four of the first nineteen ecumenical councils, as follows:

- 1. First Council of Nicaea in 325**
- 2. First Council of Constantinople in 381**
- 3. Council of Ephesus in 431**
- 4. Council of Chalcedon in 451**
5. Second Council of Constantinople in 553
6. Third Council of Constantinople from 680-681
7. Second Council of Nicaea in 787
8. Fourth Council of Constantinople in 869
9. First Lateran Council in 1123
10. Second Lateran Council in 1139
11. Third Lateran Council in 1179
12. Fourth Lateran Council in 1215
13. First Council of Lyons in 1245
14. Second Council of Lyons in 1274
15. Council of Vienne from 1311-1313
16. Council of Constance from 1414-1418
17. Council of Basle/ Ferrar/ Florence, 1431-1439
18. Fifth Lateran Council from 1512-1517
19. Council of Trent from 1545-1563

The Protestant Reformers also adopted the first three major creeds (i.e., the “Ecumenical Creeds”) of the Christian Church—the Nicene Creed of 325 A.D.; the Apostle’s Creed of 341 A.D.; and the Athanasian Creed (4th century, A.D.—which were promulgated during the period of the first four ecumenical councils, up through the beginning of the fifth century, A.D. The sixteenth-century Protestant Reformers thus rejected the other remaining fifteen ecumenical councils—from the Second Council of Constantinople up through the Council of Trent. For this reason, the Council of Trent (1545-1563), which had been held in response to the work and doctrines held by Martin Luther and other Reformers, was designed to formulate a response to the Protestant Reformation, which the Roman Catholics called the “Counter-Reformation.” It thus should here be noted that the Protestant Reformers largely embraced only the imminent Western and Eastern Catholic divines who lived

conformed to Christianity without understanding its principles, or believing in its way of life, and these new adherents transformed the faith of Christ into the likeness of the ancient religion of Greece and Rome. They paganized and imperialized the church of Jesus.”²³¹

The Roman College of Pontiffs (Pagan) - A Model for the Early Church

The Protestant Reformation actually began during the 4th century, A.D., when a few stragglers began to protest the major changes in church liturgy and structure after it became Roman. But this ecclesiastical change was natural and difficult to curtail, and it was not all negative or counterproductive, because it was necessary to fundamentally change to foundations of the constitutional law of the state, incorporating the “law of Christ” as the Higher Law of Rome and, subsequently, the Higher Law of all of Western Christendom. The Protestant Reformation, from which the American Declaration of Independence (1776) emerged, was merely the normal and natural progression in the long evolutionary process of the Christian church-state civil polity.

When the Apostle James and the early counsel of the Apostles who met in Jerusalem to discuss whether uncircumcised Gentiles should be admitted into the Early Church,²³² as recounted in the Book of Acts, they did not likely anticipate that, at some future date, the entire Roman empire would convert to the Christian faith and incorporate their church into the official arms of that empire. But when the Emperor Constantine decriminalized the Christian religion in 313 A.D., and after Emperor Theodosius I made Christianity the official religion of the Roman empire in 381 A.D., there were no rules or guidelines to state which Roman (i.e., “Gentile”) practices should be incorporated into the Early Church, and which

before the year 500 A.D.—men such as Jerome, Augustine, Theodore of Mopsuesitia and John Chrysostom—after which period (i.e., the fifth century, A.D.), according to the Protestant Reformers, the Western and Eastern Churches has spiraled out of control, and fallen into a downward spiritual decline of doctrinal heresy and internal corruption. The Protestant Reformers thus sought to extract the historical ancient church of the first century, A.D., from the grip of teachings of the Medieval papists. (Although Henry VIII’s Church of England did not make so clean a break from Roman Catholic rituals and practices as did the Lutherans and the Calvinists).

²³¹ Algernon Sidney Crapsey, *Religion and Politics*, supra, p. 127.

²³² Acts 15: 1-41.

such practices should be rejected. (Note: centuries later, much of Luther’s and Calvin’s writings dealt with this very subject matter. Notably, as Rev. Goodell has pointed out his work, *The Democracy of Christianity* (1853), there had always been “protestants” and “puritans” under various names within the Roman Catholic Church, since at least the fourth century). The Early Church (or the New Testament churches) had to contend with the laws and government of the Roman empire, and both Apostles Peter and Paul admonished the early Christians to maintain due allegiance to their Roman overlords.

Ancient Laws of the Roman Empire 50 B.C. to 325 A.D.
<p style="text-align: center;">Human Law (Civil Law)</p> <ul style="list-style-type: none"> • First Tier- Edicts of Caesar, the Roman Emperor • Second Tier – Laws and protocols of the Roman Senate • Third Tier—Laws of the Roman Magistrates, Prefects, Governors, etc.
<p style="text-align: center;">Eternal or Divine Law (i.e., Natural Law or Equity)</p> <ul style="list-style-type: none"> • Edicts of Caesar, the Roman Emperor (<i>Pontiff Maximus</i>), were divine decrees.

Eventually, the official adoption of Christianity into the Roman empire in 381 A.D. was by all accounts a watershed moment in the history of Christianity and the world. The Christian religion adopted many of the laws, customs, habits, and traditions of the Roman empire (both secular and sacred).

The metropolitan bishop at Rome was soon elevated to the imperial status of the pagan Roman pontiff; and the lower-ranking bishops throughout the Roman empire were soon organized into a pontifical college that was modeled after the pagan Roman College of Pontiffs.

The *pontifex maximus* (Latin for "supreme pontiff") was the chief high priest of the College of Pontiffs (Collegium Pontificum) in ancient Rome. This was the most important position in the ancient Roman religion, open only to patricians

until 254 BC, when a plebeian first occupied this post. Although in fact the most powerful office in the Roman priesthood, the *pontifex maximus* was officially ranked fifth in the ranking of the highest Roman priests (*ordo sacerdotum*), behind the *rex sacrorum* and the flamines maiores (Flamen Dialis, Flamen Martialis, Flamen Quirinalis).

A distinctly religious office under the early Roman Republic, it gradually became politicized until, beginning with Augustus, it was subsumed into the position of emperor in the Roman imperial period. Subsequent emperors were styled *pontifex maximus* well into Late Antiquity, including Gratian (r. 367–383), but during Gratian's reign the phrase was replaced in imperial titulature with the Latin phrase: *pontifex inclytus* ("honourable pontiff"), an example followed by Gratian's junior co-emperor Theodosius the Great and which was used by emperors thereafter including the co-augusti Valentinian III (r. 425–455), Marcian (r. 450–457) and the augustus Anastasius Dicorus (r. 491–518). The first to adopt the *inclytus* alternative to *maximus* may have been the rebel augustus Magnus Maximus (r. 383–388).

The word *pontifex* and its derivative "pontiff" became terms used for Christian bishops, including the Bishop of Rome. The title of *pontifex maximus* was applied to the Roman Catholic Church for the pope as its chief bishop and appears on buildings, monuments and coins of popes of Renaissance and modern times. The official list of titles of the pope given in the *Annuario Pontificio* includes "supreme pontiff" (Latin: *summus pontifex*) as the fourth title, the first being "bishop of Rome."²³³

“The gifts which the Emperors bestowed upon the clergy,” wrote Rev. Crapsey, “the immunities which he granted them, soon directed the ambition of the average Christian entirely to ecclesiastical dignities. The bishop was changed at once from a hero to a sycophant. He was willing then, as he has, alas, been only too willing since, to condone every crime in the person of the ruler who was able to promote him to places of honor.”²³⁴ According to the Calvinistic, Lutheran, and general Protestant perspectives, the Roman or Latin church corrupted the Christian faith. According to Rev. William Goodell’s *Democracy of Christianity* (1852), “[a]t the accession of Constantine, in the beginning of the fourth century, the great Roman empire became nominally Christianized.... Christianity, in its social manifestations, had become, substantially, heathenized.... We need not expatiate upon the

²³³ “Pontifex Maximus,” Wikipedia (online encyclopedia): https://en.wikipedia.org/wiki/Pontifex_maximus

²³⁴ Algernon Sidney Crapsey, *Religion and Politics*, supra, p. 130.

commonplace fact that the hierarchies of Christendom, in the middle ages, with the corruptions and abuses identified with them, were, for the most part, borrowed from the priesthoods of heathenism.”²³⁵ Rev. Goodell informs us that “the celibacy, the vestal

²³⁵ The primary source here is Lord Chancellor Peter King’s 1691 publication, *Primitive Christianity*, republished in 1841, to wit: Peter King, *An Inquiry Into the Constitution, Discipline, Unity, and Worship of the Primitive Church* (New York, N.Y.: Lane & Sanford Pub., 1841). This work is extensively cited in the following text: 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), p.420. See, also, pp. 425 - 427, stating:

The bishops of the first three centuries were only pastors of local churches, and nothing resembling diocesan episcopacy made its appearance till near the close of that period, during which the people at large, or common brotherhood of the churches, retained more or less of participancy in the management of church business. These facts have been fully established by Lord King, (a communicant of the Church of England,) in his ‘Primitive Church,’ first published A.D. 1691, and fortified by abundant quotations from the writers of the ancient church. A few quotations from this author must suffice, in this place.

‘The ancient diocese,’ says Lord King, ‘are never said to contain churches in the plural, but only a church, in the singular. So they say, the church of the Corinthians, the church of Smyrna, the church of Laodicea, the church of Philadelphia, the church of Antioch, and so of any place whatsoever, the church of or in such a place.’ (P.30).

‘As for the word diocese, by which the bishop’s flock is now usually expressed, I do not remember that I ever found it used in this sense by any of the ancients; but there is another word, still retained by us, by which they frequently denominated the bishop’s cure, and that is parish; so, in the synodical Epistle of Irenaeus to Pope Victor, the bishoprics of Asia are twice called parishes. And in Eusebius’s Ecclesiastical History, the word is so applied in several hundred places. It is usual there to read of the bishops of the parish of Alexandria, of the parish of Ephesus, of the parish of Corinth, of the parish of Athens, of the parish of Carthage, and so of the bishops of the parishes of several other churches, by that term denoting the very same that we now call a parish... having one bishop, pastor, or minister set over them, with whom they all meet at one time, to worship and serve God.’ (.32).

(2) The writer cites Justin Martyr and Ignatius in proof of this. ‘There is but one altar,’ says Ignatius, ‘as there is but one bishop.’ So writes Cyprian: ‘We celebrate the sacrament, the whole brotherhood being present.’ Justin Martyr says: ‘The bishop’s whole diocese met together on Sunday, when the bishop gave them the eucharist, and if any were ‘ he sent it to them by the deacons.’ (Pp. 33,34).

(3) ‘The other sacrament of baptism was generally administered by the bishops alone within their respective dioceses. So saith Tertullian: “Before the bishop we renounce the devil and the world.”’

(4) ‘The church’s charity was deposited with the bishop.’

(5) ‘All the people of a diocese were present at church censures, as Origen describes an offender as ‘appearing before the whole church.’” Clemens Romanus and Cyprian are quoted to the same effect.

(6) ‘No offenders were restored again to the church’s peace without the knowledge and consent of the whole diocese. So Cyprian writes, that before they were received to communion, they were to plead their cause before all the people.’ (P. 37)

(7) ‘When the bishop of a church was dead, all the people of the church met together, in one place, to choose a new bishop. So Sabinus was elected bishop of Emerita by the suffrage of the whole brotherhood, which was also the custom throughout all Africa, for the bishop to be chosen in the

arrangements, the awful mysteries of priestly mummery, magic, incantation, and imposture, the exclusive prerogatives of a self-erected and lordly caste, all these, as is well known, grew out of compromising compliances with heathenism, and an ambitious desire to rival the heathen priesthood....”²³⁶ “[T]hat corruption of Christianity,” Rev. Goodell explains, “which transformed its simple memorials to ‘mysteries’ was connected with the very appropriate monopoly of those mysteries by the initiated few.”²³⁷ “[W]hen the office of a bishop (i.e. pastor),” he explains, “became desirable as a source of pecuniary revenue and ecclesiastical power, there would spring up a desire to draw a wide line of distinction between the clergy and the laity, by restricting, as much as possible, the functions of preaching and baptizing to the former.”²³⁸ From that this point forward, the bishops and the priests soon dominated the church. “[T]he brotherhood of the church,” wrote Rev. Goodell, “were debarred from exercising their rights in Christian assemblies. The ministers monopolized these, and in turn were prohibited from secular employments, and afterwards condemned to celibacy. The distinction between clergy and laity was thus matured under these influences through which

presence of the people. (Cyprian) And so Fabianus was chosen to be bishop of Rome, by all the brethren who were met together in one place, for that very end.’ (Cyprian).

(8) “... And bishop Cyprian writes from his exile to all the people of his diocese, that it had been his constant practice, in all ordinations, to consult their opinions, and by their common counsels to weigh the manners of every one, therein imitating the example of the apostles and apostolic men, who ordained none but with the approbation of the whole church.’ (P. 38)....

(10). ‘Lastly, the whole diocese of the bishop did meet together to manage church affairs.... Nothing was done in the diocese without the consent of the people.....’

See, also, Ibid. at p. 429 (In the Early Church, writes Rev. Goodell, the **applications to the priesthood** were made not a bishop or to a council or synod, but rather to “**the ‘presbytery of the parish where he dwelt;**’ that is, to **the plurality of elders** or **presbyters** which were found in each local church.”

See, also, Ibid. at pp. 430-431 (“ ‘The whole church were the judges that composed the ecclesiastical consistory. The executive power was lodged in the clergy, and the legislative both in clergy and laity....The people, in some cases, had power to depose their bishops.’ (P. 98.)”)

²³⁶ Ibid.

²³⁷ Ibid., p. 423.

²³⁸ Ibid.

the decline of pure religion and of democratic equality went hand in hand.”²³⁹ The invention of the synods and the transfer of bishops from the local church to upper-level ecclesiastical bodies commenced the despotic corruption of the church, perhaps during the late third and early fourth centuries.²⁴⁰ Thus quoting Lord Hale on this point, Rev. Goodell writes, “Another way in which these synods corrupted the original order of the churches was, by taking to themselves a legislative and judicial authority. It was natural that the churches should pay great deference to the opinions and decisions of those bodies, composed, as they usually were, of the bishops of an entire province; and it was not at all strange that their decisions should gradually assume the form of canons or rules, for the government of the represented churches; for rulers, ecclesiastical as well as civil, will generally assume authority as fast as the people will yield it.”²⁴¹ The result of these ecclesiastical synods, and the arrogation of power in the hands of bishops and senior clergy, resulted in the feudalistic, Medieval Western Church, and thus “the ministers of religion... converted the gospel into a system of tyranny, and an engine of cruelty.”²⁴²

The primary mistake, says Rev. Goodell, is when the Early Church began to model its system of clergy after the Aaronic priesthood of ancient Israel, rather than the lay elders of the Jewish synagogues. “If the clergy were the successors of the Jewish priests, why, then, of

²³⁹ Ibid., p. 424.

²⁴⁰ Ibid., pp. 434 - 435, stating:

The preceding records may be better appreciated by remembering the dates at which the authors cited may be supposed to have written. The period of Clemens Romanus may be put down at anno 70; Dionysius, 172; Tertullian, 200; Origen, 203; Cyprian and Firmilian, 250. It is instructive to notice how the democratic principle struggled for existence during the period of spiritual and moral declension, and while the elements of superstition and spiritual despotism were gradually but steadily making advances upon the liberties of the church, and the rights of the common brotherhood. This evinces not only the manifest existence, but the controlling power and vital energy for a long time, of the democratic element, in the churches planted by the apostles, that could so long resist such an onset of opposite influences and elements....

²⁴¹ Ibid., p. 450.

²⁴² Ibid., p. 453.

course, a resemblance between the two was to be looked for. The bishops, or presiding elders, were made to answer to the high priest, the presbyters or elders to the priests, and the deacons to the Levites. ‘This idea,’ says Mosheim, ‘being once introduced and approved, drew after it many errors.’ Among which was, that it gave an official elevation and sacredness to the clergy, which Christ never authorized.”²⁴³

As the Catholic Church became less Jewish and more Roman, and perhaps more pagan, dissenters arose up inside of it, beginning with Tertullian (155 - 220 A.D.) who “quitted the church for these reasons, about the year 200, or half a century before there was any organized body of dissenters.”²⁴⁴ Afterwards, Novatian (200-258 A.D.) became “the first who appears to have succeeded in withdrawing larger numbers from the dominant ecclesiastical organizations, A.D. 251, ‘not for a reason of faith,’ ‘but on ground that the Catholic Church had corrupted herself by admission of unworthy members, and that her churches were no longer entitled to the name of Christian churches.”²⁴⁵ The Novatianists “continued, under various names, down to the times of the Lutheran Reformation.... The Novatianists were stigmatized as puritans. The same name was applied to non-conformists in England, in the 17th century, and these again were stigmatized as Donatists and Novatianists!... In other words, the Protestant Reformation, or, quite as properly, the Puritan Secession, commenced with Novatian, A.D. 251, and under the various names of Donatists, Aerians, Paulicians, Albigenses, Waldenses, Vaudois, Lollards, &c., &c., has continued down to our own times.”²⁴⁶

Hence, the Protestant Reformation that was led by Martin Luther (1483 - 1546), Ulrich Zwingli (1484 - 1531), John Calvin (1509 -1564), and, a century later, by John Wesley

²⁴³ Ibid., p. 455.

²⁴⁴ Ibid., p. 464.

²⁴⁵ Ibid.

²⁴⁶ Ibid., p. 467.

(1703 - 1791),²⁴⁷ revolved largely around the rejection of the imperial majesty and corruptions of the Papacy, the Roman Catholic Church (or the Church of England) and a preference for the egalitarian church-synagogues of the New Testament Early Church.²⁴⁸

The Catholic Church was derived from three sources. Its sacred history was Jewish, its theology was Greek, its government and canon law, at least indirectly, Roman. The Reformation rejected the Roman elements, softened the Greek elements, and greatly strengthened the Judaic elements. It thus co-operated with the nationalist forces which were undoing the work of social cohesion which had been effected first by the Roman Empire and then by the Roman Church. In Catholic doctrine, divine revelation did not end with the scriptures, but continued from age to age through the medium of the Church, to which, therefore, it was the duty of the individual to submit his private opinions. Protestants, on the contrary, rejected the Church as a vehicle of revelation; truth was to be sought only in the Bible, which each man could interpret for himself. If men differed in their interpretation, there was no divinely appointed authority to decide the dispute. In practice, the State claimed the right that had formerly belonged to the Church, but this was a usurpation. In Protestant theory, there should be no earthly intermediary between the soul and God.²⁴⁹

The Roman Catholic Church had incorporated many of the ancient laws and customs of the Roman empire, thus making the Catholic Church the universal church of the Roman empire, to wit:

Roman Catholic Church as Heir of the Roman Empire

CAESAR	CHRIST
Human Law Eternal or Divine Law Natural Law	Revealed Religion
Greece-Roman Philosophy; Roman Law	The Sacred Scriptures

²⁴⁷ In an introduction to an 1841 edition of Lord Chancellor Peter King’s *Primitive Church*, supra, p. 3, the editor wrote:

In this Journal for January 20, 1746, Mr. Wesley says, ‘I set out for Bristol. On the road I read over Lord King’s account of the primitive church. In spite of the vehement prejudice of my education, I was ready to believe that his was a fair and impartial draught; but if so, it would follow that bishops and presbyters are (essentially) of one order; and that, originally, every Christian congregation was a church independent on all others.’

²⁴⁸ William Goodell, *The Democracy of Christianity*, supra, pp. 419 -435 (Chapter II, “Traces of the Democratic Principle in Churches of the First Three Centuries”).

²⁴⁹ Bertand Russell, *A History of Western Philosophy*, supra, p. xx.

And for many centuries, from the 4th century, A.D., until the 17th century, the Roman Catholic Church reigned as the singular and supreme social and political organization in the West. The Pope ruled the kings and princes of Europe as the new Caesar.

But there had always been powerful and vociferous dissent from within, and by the 16th century, Protestant Reformer Martin Luther (1483 - 1546) had begun to argue against the Roman Catholic Church's priestly caste system, its soteriological system of justification through good works, its priestly authority to absolve sin, its restriction of the Eucharist to priests, its sale of indulgences, its the belief in Purgatory, and very many other Roman Catholic practices.

Similarly, in his *Institutes of the Christian Religion*, John Calvin (1509 -1564) also attacked many of the Roman Catholic liturgical practices as heretical, idolatrous, and unchristian. And according to the Protestant reformers, and to several generations of Protestants after them,²⁵⁰ the Roman Catholic Church²⁵¹ and the High Church Anglican²⁵²

²⁵⁰ William Goodell, *The Democracy of Christianity, or; An Analysis of the Bible and its Doctrines in Their Relation to the Principles of Democracy*, supra, p. 467 ("In other words, the Protestant Reformation, or, quite as properly, the Puritan Secession, commenced with Novation, A.D. 251, and under the various names of Donatists, Aeriens, Paulicians, Albigenses, Waldenses, Vaudois, Lollards, &c., &c., has continued down to our own time. Varieties are indeed to be recognized among these, and greater or less departures from the corruptions and usurpations of the Catholic or general Church.")

²⁵¹ Ibid., pp. 468-469 ("[T]he principle of autocracy and the usages of hierarchical and priestly domination have been an element of corruption in the church, a mildew upon her good fruits, and incubus upon her bosom, a cancer upon her vitals, from the second century to the present hour. The moral causes at work in the second and third centuries were such as could scarcely fail to produce the results witnessed in the fourth, fifth, and sixth. The synodical system gave rise to the metropolitan, the patriarchal; and the Papacy was only one step beyond, a mere incident in the workings of the previously existing clerical power.... Not only were tendencies to the Papacy at work in the third century, but even the future seat of that power was half revealed in the priority conceded by Cyprian to the Bishop of Rome, about the time that Novatian raised the standard of separation. Not too soon was that separation matured and set forward. A remnant might not otherwise have been preserved. The union of the civil with the ecclesiastical power, under Constantine, is justly regarded as marking a significant era in the history of Christianity and of the church. A new element, or at least a new form of corruption and tyranny, was, no doubt, then introduced, and a precedent established that has been a fruitful source of persecution ever since. Quite remarkable is it that the period in which the persecuting power of Pagan Rome was overthrown, should be the same period in which the persecuting power of nominally Christian Rome was established in its stead, to do essentially the same work-- to make war upon the saints, upon the usages of apostolic church order and discipline, and, of course, upon the principles and the usages of democratic equality and liberty among Christians.")

²⁵² Ibid., p. 464 ("In respect to the results of the same efforts in England, the testimony of Hume (who pretended no friendship either for democracy or Christianity) assures us that for the sum total of all their liberties, both political and religious, the people of Great Britain are indebted to the Puritans.")

model had deviated much too far from the original church model that had been established in the New Testament.²⁵³ And much of this deadly conflict between them revolved around the theological question of “merit,” or “What must a man do to merit or attain eternal salvation?”

Roman Catholic Church on “Grace, Justification, and Merit”²⁵⁴

<p>I. Grace</p> <p>II. Justification Protestants’ Agree on “Grace and Justification”</p>	<p>Human beings’ evil qualities can be overcome through the redemptive power of God’s grace: Human beings need the redemptive power of Christ’s crucifixion and must be truly “born again.”</p>
<p>III. Merit</p> <p>Most Protestants Christians disagree with the doctrine of “Merit”</p>	<p>Next, upon receiving God’s grace, human beings’ evil qualities can be absolved or alleviated through human merit: four cardinal virtues; three theological virtues; plus, education, cultivation, moral hygiene, and the pursuit of excellence and moral virtue.</p>

A fundamental reason that the Reformed theologian John Calvin rejected the Roman Catholic Church was his belief that this church’s liturgical practices constituted idolatry—that is to say, that it substituted God (including Christ) with statutes, symbols, holidays, and the veneration of the Virgin Mary and other saints. Calvin believed that, as a consequence, the Roman mass forced the human mind into superstition and thus tainted what he called “pure religion.”

For Calvin, “pure religion” is rooted in reason and is the mirror of reality itself, which is the mind of God. “[P]ure religion,” wrote Calvin, “differs from superstition...”;²⁵⁵ “superstition seems to take its name from its not being contended with the

²⁵³ Ibid., pp. 436- 460 (Chapter III, “Elements and Progress of Religious Declension and of Spiritual Despotism in the First Three Centuries”) and pp. 461 – 487 (Chapter IV, “The Struggles of Christianity and Democracy Against Spiritual Wickedness in High Places”).

²⁵⁴ *Catechism of the Catholic Church* (New York, N.Y.: Doubleday, 1995), pp. 258 -259.

²⁵⁵ John Calvin, *God The Creator, God the Redeemer: Institutes of the Christian Religion* (Gainesville, FL.: Bridge# Logos, 2005), p. 87.

measure, which reason prescribes...”²⁵⁶ Superstition is thus the enemy of reason. “[R]eligion is vitiated and perverted whenever false opinions are introduced into it...”²⁵⁷ Calvin concluded that “unless everything peculiar to divinity is confined to God alone, he is robbed of his honor, and his worship is violated.”²⁵⁸ Calvin also argued that “if we would have one God, let us remember that we can never appropriate the minutest portion of his glory without retaining what is his due.”²⁵⁹ He based this position upon his understanding of the First Commandment (i.e., in the Ten Commandments). This First Commandment says:

I am the LORD your God, who brought you out of the land of Egypt, out of the house of bondage. You shall have no other gods before me. You shall not make for yourself a graven image, or any likeness of anything that is in heaven above, or that is in the earth beneath, or that is in the water under the earth; you shall not bow down to them or serve them.

According to Calvin, the Catholic mode of worship, which placed great veneration upon the Virgin Mary and scores of Christian saints, was dangerously sacrilegious. He believed that the Catholic mass created “a tribe of minor deities, among whom it portions out his peculiar offices.”²⁶⁰ This Catholic mass “dissected” “the glory of the Godhead,” and allocated to lesser deities a “share with the supreme God in the government of heaven and earth.”²⁶¹ Thus, the Catholic mass tended to cause Christians to be “deluded by these entanglements” and to “go astray after diverse gods,”²⁶² wrote Calvin, because “it is plain that the worship which Papists

²⁵⁶ Ibid., p. 88.

²⁵⁷ Ibid.

²⁵⁸ Ibid.

²⁵⁹ Ibid., p. 90.

²⁶⁰ Ibid., p. 88.

²⁶¹ Ibid.

²⁶² Ibid.

pay to saints differs in no respect from the worship of God.”²⁶³ Calvin cites the following examples from the Bible:

When Paul reminds the Galatians of what they were before they came to the knowledge of God he says that they ‘did service unto them which by nature are no gods’ (Galatians 4:8)... When Christ repels Satan’s insulting proposal with the words, ‘It is written, Thou shalt worship the Lord thy God, and him only shalt thou serve’ (Matthew 4:10), there was no question of latria. For all that Satan asked was *proskunesiV* (homage). In like manners when the angel rebukes John for falling on his knees before him (Revelation 18:10; 22:8,9), we ought not to suppose that John had so far forgotten himself as to intend to transfer the honor due to God alone to an angel.²⁶⁴

Even today, the differences between the Roman Catholic mass and liturgy and most mainstream Protestant services are remarkably unchanged since the days of John Calvin. For example, the contemporary Roman Catholic Church continues to embrace the same theology from the Second Council of Nicea of 787 A.D.²⁶⁵ Simultaneously, the contemporary Protestant

²⁶³ Ibid., p. 89.

²⁶⁴ Ibid.

²⁶⁵ In 787 A.D., the Roman Catholic Church held the Second Council of Nicaea, at which it set forth its official position on the use of “holy images”-- such as art, architecture, stained-glass windows, and statues-- in church. The modern-day second edition of the Catechism of the Catholic Church continues to incorporate the official views of the Second Council of Nicaea, to wit: “ The sacred image, the liturgical icon, principally represents Christ. It cannot represent the invisible and incomprehensible God, but the incarnation of the Son of God has ushered in a new ‘economy’ of images: ‘ Previously God, who has neither a body nor a face, absolutely could not be represented by an image. But now that he has made himself visible in the flesh and has lived with men, I can make an image of what I have seen of God... and contemplate the glory of the Lord, his face unveiled.’ [St. John Damascene, *De imag.* 1, 16: PG 96:1245-1248. Christian iconography expresses in images the same Gospel message that Scripture communicates by words. Image and word illuminate each other: ‘We declare that we preserve intact all the written and unwritten traditions of the Church which have been entrusted to us. One of these traditions consists in the production of representational artwork, which accords with the history of the preaching of the Gospel. For it confirms that the incarnation of the Word of God was real and not imaginary, and to our benefit as well, for realities that illustrate each other undoubtedly reflect each other’s meaning.’ [Council of Nicaea II (787): COD 111.] All the signs in the liturgical celebrations are related to Christ: as are sacred images of the holy Mother of God and of the saints as well. They truly signify Christ.... Following the divinely inspired teaching of our holy Fathers and the tradition of the Catholic Church (for we know that this tradition comes from the Holy Spirit who dwells in her) we rightly define with full certainty and correctness that, like the figure of the precious and life-giving cross, venerable and holy images of our Lord and God and Savior, Jesus Christ, our inviolate Lady, the holy Mother of God, and the venerated angels, all the saints and the just, whether painted or made of mosaic or another suitable material, are to be exhibited in the holy churches of God, on sacred vessels and vestments, walls and panels, in houses and on streets. [Council of Nicaea II (787): COD 111.] ‘The beauty of the images moves me to contemplation, as a meadow delights the eyes and subtly infuses the soul with the glory of God.’ [St. John Damascene, *De imag.* 1, 16: PG 96:1245-1248.] Similarly, the contemplation of sacred icons, united with meditation on the Word of God and the singing of celebration so that the mystery celebrated is imprinted in the heart’s memory and is then expressed in the new life of the faithful. *Catechism of the Catholic Church*, (New York, N.Y.: Doubleday, 1995), pp. 328-329.

Church continues to reject the Second Council of Nicea's position on the use of idols and its interpretation of the First Commandment. The twenty-first century Roman Catholic Church, however, continues to hold to its original position, since 787 A.D., to wit, that "[t]he veneration of sacred images is based on the mystery of the Incarnation of the Word of God. It is not contrary to the first commandment."²⁶⁶ Simultaneously, twenty-first century Protestant churches continue to embrace John Calvin's vociferous and forceful disagreement with the Roman Catholic Church's interpretation of this divine First Commandment.

Therefore, the Protestant Reformers rejected much of the Greco-Roman heritage of the Roman Catholic Church. And according to many of those early Protestants, the proper biblical model for the Christian churches was the ancient Jewish synagogue-- not the model of the Jewish Second Temple priesthood or the model of the pagan Roman College of Pontiffs.²⁶⁷ Influenced greatly by the example of Augustine of Hippo and the early churches of the New Testament, these Protestants insisted upon a new and radical doctrine called the "Priesthood of All Believers,"²⁶⁸ and from this doctrine flowed a radical re-evaluation and re-

266 Ibid., p. 574.

267 Ibid., pp. 425-430 (quoting Lord High Chancellor of England Peter King's *An Inquiry Into the Constitution, Discipline, Unity, and Worship of the Primitive Church* (1691), republished for the Methodist Episcopal Church in the United States of America in 1841, as a vindication of certain theological positions taken by the Rev. John Wesley. Significantly, the 1841 edition states, as p. 9, that Lord Chancellor Peter King was "famous for his ecclesiastical learning, as well as for his knowledge in the law." Mr. George Peck, who is the Editor to the 1841 edition, p. 8, writes, "[b]ut the divine right of episcopacy, as an order superior to the presbytery, is wholly without sanction either from Scripture or primitive practice.")

268 For general Augustinian theology on the "priesthood of all believers," see, e.g., St. Augustine of Hippo, *The City of God*, (Book XVII)("I desire to be a member, no matter what, or how small, of Thy priesthood. By the PRIESTHOOD he here means the PEOPLE ITSELF, of which He is the Priest who is the Mediator between God and men, the man Christ Jesus. This people the Apostle Peter calls 'a holy people, a royal priesthood"); (*The City of God*, Book XVII)("Put me in a part of Thy priesthood, to eat bread,' is ... the Word of God who dwells in the HEART of ONE WHO BELEIVES"); and (*The City of God*, Book XX)("For we see that priests and Levites are now chosen, not from a certain family and blood, as was originally the rule in the priesthood according to the order of Aaron, but as befits the new testament, under which Christ is the High Priest after the order of Melchizedek, in consideration of the merit which is bestowed upon each man by divine grace. And these priests are not to be judged by their mere title, which is often borne by unworthy men, but by that HOLINESS which is not common to good men and bad.")

interpretation of the Sacred Scriptures and, hence, of political power and democracy in both ecclesiastical and secular institutions.²⁶⁹

The general effects of orthodox Calvinism (followed by neo-orthodox Calvinism and latitudinarian Anglicanism) was to convert the entire secular state into a sort of “Reformed, Republican, and Presbyterian” monastery; and to make every common man and woman (i.e., the private citizen) into a sort of lay priest or lay monk; and-- through *Christian asceticism* (i.e., a secular discipline and a Protestant work ethic)-- to make all common labor a dignified and divine “calling from God.”²⁷⁰ The history and legacy of the kingdoms of England and Great Britain and of the American Revolutionary War (1775 – 1783), revolved largely around the Puritan-Presbyterian and Protestant revolts against the hierarchical authority of archbishops (i.e., the Church) and monarchies (i.e., the State), and the American Declaration of Independence (1776), which describes a system of natural religion or General Christianity, was the natural consequence of that revolt. This was the primary effect of the multi-denominational Christian polities that flourished in colonial British North America— it produced “General Christianity” as its official religion!²⁷¹ And this “General Christianity” was the plain heritage of the Apostle Paul’s epistles to the Early Church and to the *democratically-structured Jewish synagogues*— needing *only ten Jewish laymen* to

²⁶⁹ See, generally, Max Weber, *The Protestant Work Ethic and the Spirit of Capitalism* (New York, N.Y.: Vigeo Press, 2017).

²⁷⁰ Ibid.

²⁷¹ The U. S. Supreme Court has endorsed this viewpoint in the cases of *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**”); and *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”). The Supreme Court of Pennsylvania has upheld the doctrine of “General Christianity” in *Updegraph v. Commonwealth*, 11 Serg. & Rawl, 394 P. (1824)(“Christianity, **general Christianity**, is, and always has been, a part of the common law of Pennsylvania; Christianity, without the spiritual artillery of European countries....”) See **Appendix F**, “The Quaker Influence Upon the U. S. Constitution: William Penn, Pennsylvania, and the English Common Law.”

establish, and all *existing autonomously* from one another, while yet expounding upon the same Torah— that served as the model for the first-century Christian churches; and, later, as the model for the 16th century Protestant Reformers, the Presbyterians of Scotland, and the Puritans and Presbyterians of colonial British North America.²⁷²

— END OF VOLUME THREE —

²⁷² Ibid.

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