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PROTESTANT EXPERIENCE AND CONTINUITY OF POLITICAL THOUGHT IN EARLY AMERICA, 1630-1789

A Dissertation

Submitted to the Graduate Faculty of the
Louisiana State University and
Agricultural and Mechanical College
in partial fulfillment of the
requirements for the degree of
Doctor of Philosophy

in

The Department of Political Science

by

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B.S., United States Military Academy (West Point), 2008

M.A., Louisiana State University, 2016, 2018

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Abstract

The debate on the continuity of American political thought from the 17th century Puritan settlements to the 18th century American founding assumes a bipolar spectrum, ranging from strong continuity to strong discontinuity. The degree that scholars recognize distinctively Christian, theological, or Protestant ideas operating in the founding era determines where they are placed on the spectrum. The most popular view today is the “amalgam” thesis, which is a moderate view, resulting from decades of debate. Amalgam theorists argue that the founders' political theory relied on a variety of sources, from classical to Protestant. The current debate centers on which tradition is predominant (and in what way) and whether the collection of sources is coherent. In this work, I question the framing of that debate.

Protestantism is not just another competing source or tradition among others in the founding era. Rather, it supplied the underlying principles of early American political thought. I argue that throughout the period in question (1630—1789) there was continuity as to immutable, fundamental, and necessary principles of political order, and these were distinctively Protestant principles. The apparent discontinuity in political thought was in the application of those principles. The same principles were applied differently, even in contrary ways, due to Protestant experience and changes in circumstances. There was principled discontinuity, meaning that discontinuity arose from the unfolding (but not the undermining) of Protestant principles over time. I conclude that the American founding was both harmonious with classical Protestantism and represents the culmination of American Protestant experience. To show this, I correct confusions in the scholarly literature on the Reformed tradition (particularly on natural law and natural theology), I challenge the common narrative on 17th century religious persecution in New England, and I demonstrate that the founding generation assumed Protestant principles as the basis for their political discourse and political theory.

Part I

Theological Foundations

1. Introduction

1. Introduction to Topic

Early in the first term of his presidency, George Washington wrote letters to three religious minority groups, each having sent him a letter of congratulations for his presidential election. Washington's letters represent the culmination of a century and a half of American Protestant experience with religious conflict and compromise. Each of the addressees—Baptists, Roman Catholics, and Jews—were once distrusted in the colonies for their alleged subversion or disloyalty. By the late 18th century, however, sentiment in America had shifted towards religious liberty. Expressing this sentiment, Washington writes in his letter to the Roman Catholics that “As mankind [has] become more liberal they will be more apt to allow that those who conduct themselves as worthy members of the community are equally entitled to the protection of civil government.” To the Baptists, he writes, “every man, conducting himself as a good citizen, and being accountable to God alone for his religious opinions, ought to be protected in worshipping the deity according to the dictates of his own conscience.”¹

Though many have celebrated the expansion of religious liberty expressed in these letters, most have missed the conditional nature of such liberty. In each letter, Washington states to the effect that “the Government of the United States...requires only that they who live under its protection should *demean themselves as good citizens* in giving it on all occasions their effectual support.” He tells the Roman Catholics that they must conduct “themselves as the faithful subjects of our free government.” The Baptists must be “faithful supporters of a free, yet efficient general government.” In other words, for equal protection with the majority, the minority must join the majority in equal loyalty to the civil

¹ George Washington, “Letters to Religious Associations,” *The American Republic: Primary Sources*, ed. Bruce Frohnen (Indianapolis: Liberty Fund, 2002), 69-71.

government. They must prove themselves to be safe for liberty and not to be subversive. Put simply, they must support the state. Of course, Washington shows no hint of doubt that all these groups had met this condition. Nevertheless, he reminds them of the great proviso of religious liberty, namely, that such liberty requires the recognition and fulfillment of civic duties and loyalty and that no religious practice subverts the good order of American civil society. Religious liberty is a conditional liberty.

This condition was ubiquitous in the founding era, but it was not new to that era. Indeed, even the New England Puritans of the 17th century, who were very willing to take action against dissenting and heretical religion, would insist that all civil action against religious dissidents have only civil, not spiritual, ends in view—to eliminate civil disturbances and public disorder caused by public religious dissent. The Puritans affirmed that the civil government could take action against dissenting religious belief *only if* that religious dissent in application and action harmed, in some substantive way, the good order, discipline, safety and peace of New England society. The use of civil power against such people had to be in the direct interest of some civil good. The Puritans applied the *same* condition of religious liberty as did later generations, only the Puritans applied it in more restrictive ways—in accordance with their own particular circumstances and experience.

Indeed, contrary to popular accounts, the New England Puritans did not pry into minds to uncover false or heretical beliefs. They did not (as least so they claimed) prosecute anyone simply for dissenting belief, nor did they deny that many dissenters had credible professions of faith. They even accepted dissenters as full members in their churches. They denied that civil action could change one's opinions and affirmed that religious toleration was at times necessary and proper. They did, however, think that religious toleration would be deleterious to their safety and security, especially when dissenting religious belief had direct political implications contrary to the New England civil authorities. The concern was not false belief

itself, but the way that those false beliefs in application threatened civil order.

If this account of the New England Puritans is true, then what changed with regard to religious liberty between the 17th century settlements and the 18th century American founding was not a change in principle, as most scholars believe. Rather, the same principle was applied differently in accordance with changes in circumstances (e.g., religious diversification) and the development of experience. The perceived possibilities of good civil order expanded or shifted; experience shaped the political imagination. What accounts for the clear discontinuity between the centuries is far more complex than the discovery of some enlightened or “sacred” natural right of conscience. The inviolability of conscience was uncontested in the Reformation era.² Even John Calvin (1509—1564) stressed the “liberty of conscience.”³ Rather, the expansion of religious liberty was the *unfolding* over time of capacious Protestant principles—principles that permitted experience to unveil possibilities of civil unity amid diversity. The same principles that restricted religious expression in one century justified the free expression of religion in the next.

But the expansion of religious liberty is only one expression (albeit the principal one) of a broader story on the evolution of American political thought up to the Founding. The emphasis on natural rights and the influence of various “secular” political traditions and sources show a kind of discontinuity and provide much to discuss. It is my contention that early American political thought—understood here as the “two foundings” ranging from the New England settlements in the 17th century to the founding of the American Republic—is fundamentally grounded in *Protestant* principles and the discontinuity in civil arrangements

² The Bern Synod (1532), an early Reformed confession of faith, states that “no magistrate should compel the conscience, or command and forbid with respect to anything more than what is outward.” See *Reformed Confessions of the 16th and 17th Centuries in English Translations* Vol. 1, ed. James T. Dennison, Jr. (Grand Rapids, MI: Reformation Heritage Books, 2008), 231.

³ See Calvin, *Institutes of the Christian Religion*, trans. Henry Beveridge (Grand Rapids, MI: Wm. B. Eerdmans Publishing Company, 2001), 3.19.16.

in that period are different applications of those same principles.

2. The Research Problem

The discontinuities between the two foundings are striking and obvious. One finds religious ends stated in the original charters, body of laws, compacts, and other political documents of the 17th century and the absence of such ends in both the Declaration of Independence and the United States Constitution. The Virginia Articles, Laws, and Orders of 1610-11, for example, called upon the “generals and governors” to have “principal care of true religion and reverence to God...for the glory of God.” This is part of their “sacred cause.”⁴ The Mayflower Compact, written and signed by Separatists in 1620 at Cape Cod, formed a civil community for the “furtherance” of “the glory of God and advancement of the Christian faith.” The subjects “covenant and combine” in “the presence of God.”⁵ In the Fundamental Orders of Connecticut, enacted in 1639, the community of New Haven “enter[ed] in combination and confederation together to maintain and preserve the liberty and purity of the gospel of our Lord Jesus which we now profess, as also the discipline of the Churches.”⁶ In The Laws and Liberties of Massachusetts, the Puritans considered it a divine “privilege” and “advantage” to “gather our churches” and “frame our civil polity and laws according to the rules of his most holy word whereby each do help and strengthen the other.”⁷ One could point to the religious tests for office, the appeals to scripture to frame and justify civil laws, and church establishment in several colonies, some lasting into the 19th century.

⁴ “Virginia Articles, Laws, and Orders of 1610-11,” in *The American Republic: Primary Sources* (Indianapolis: Liberty Fund, 2002), 4.

⁵ “Mayflower Compact, 1620,” in *The American Republic: Primary Sources*, 11.

⁶ “Fundamental Orders of Connecticut, 1639,” in *The American Republic: Primary Sources*, 12.

⁷ “Law and Liberties of Massachusetts,” in *Colonial Origins of the American Constitution: A Documentary History*, ed. Donald S. Lutz (Indianapolis: Liberty Fund, 1998), 96-7.

Even Pennsylvania, a colony known for its religious liberty, required civil officeholders to “possess faith in Jesus Christ” in the late 17th century.⁸ The religious ends of civil government were explicit and unmistakable.

The contrast between this era and the American founding era is significant. The Declaration of Independence, though it contains some theological language, says nothing of the Gospel, Christianity, religious worship, or any religious purpose of government or civil society. It connects “rights” only to a “Creator” and appeals only to “nature’s God,” not necessarily the God of Christianity. The preamble of the US Constitution, in which the Framers declared the reason for and purpose of the Constitution, says nothing explicit about religion, Christianity, the Gospel, etc., and Article VI forbids religious tests for any federal office. Famously, the only delegate to the Federal Convention (which produced the Constitution) who appealed to religion was Benjamin Franklin (1706—1790)—who doubted key doctrines of orthodox Christianity—and he merely called for a prayer at a moment of impasse during the debates, and his request was not heeded. From the 1780s into the next century, colonies and then states disestablished their churches, expanded religious toleration or liberty, and eliminated religious tests. Though most of the states continued to encourage religious piety in one form or another, none by the mid-19th century used the sort of religious language in their political documents that one finds in the 17th century.⁹

The discontinuity is undeniable. But what accounts for this change? What are the causes? What is the nature of the discontinuity and what remains in continuity with the 17th century and early centuries? What role did classical, Christian, and “Enlightenment” sources play in the founding era, particularly the founding of the American Republic? What role did Lockean

⁸ William Penn, “Frame of Government of Pennsylvania, 1682,” *Sacred Rights of Conscience*, eds. Daniel L. Dreisbach and Mark David Hall (Indianapolis: Liberty Fund, 2009), 118.

⁹ See John Fea’s discussion in *Was America Founded as a Christian Nation: A Historical Introduction* (Louisville: Westminster John Knox Press, 2016), 143-46.

natural rights play? Did reason triumph over faith and philosophy replace theology? Was the American founding a Christian or secular founding?

3. Statement of the Question

To clarify agreement and disagreement between myself and much of the scholarship on continuity, I will precisely state my research question. The question is not whether there was discontinuity in civil policy and civil arrangements between the two foundings, for I affirm that religious toleration in policy and cooperation grew throughout the period in question. This includes policies on religious toleration and religious liberty. The question is not whether the founders relied on a variety (or an amalgam) of sources for their political theory, for I affirm with most recent studies that the set of traditions from which they pulled was diverse. The question is not whether the founders made natural rights a necessary feature of their political theory, for I affirm that natural rights was a fundamental feature of the founders' political theory. Nor is the question whether the political theory of the founders was coherent, for I affirm that their political theory was, broadly speaking, coherent.

The question is whether the discontinuities in early American political thought between the two foundings constitute a substantive change in principle and end of civil government *or* a discontinuity only in the application of those principles. Most scholars affirm the former; I affirm the latter. That is, the underlying principles of the founding era are the same principles as those of 17th century Puritan England, and the discontinuity is in application of principles in consideration of circumstances and experience. I call this *principled discontinuity*. The founding of the American Republic was not a “secularist” or “Enlightenment” event; it was a *Protestant* event, being both grounded in classical Protestant assumptions and a product of Protestant experience. The American founding was a Christian event, for in it a Protestant nation arranged itself for its natural and spiritual good in accordance with the law of nature

and divine moral government.

4. Terminology

Throughout this work, I use the terms “classical Protestantism,” “Reformed tradition,” and “Puritanism.” These are not synonymous but move in order from generality to specificity. Classical Protestantism refers to a big-tent of Protestant theologies—including Calvinist (or Reformed), Lutheran, and Anglican theologies. These all share commitments to the formal and material causes of the Reformation, justification by faith alone and *sola scriptura*, but also two-kingdom political theology, the invisible/visible church distinction, the limitations of earthly power to affect the conscience, the rejection of any civil law-making authority of the church, classical theism (e.g., Nicene Trinitarianism, divine simplicity), natural law, and a commitment to catholicity. Classical Protestantism is usually distinguished from the Radical Protestants, such as the Anabaptist sects found mostly in continental Europe, who typically rejected two-kingdom theology and other catholic doctrines. The “Reformed tradition” is today typically distinguished from the Lutheran and Anglican traditions, though such distinctions (especially in the case of the latter) has recently been called into question. Divines of the English church, such as John Davenant (1572—1641), who called Calvin one of “our Reformed divines,” did not use these distinctions.¹⁰ But for our purposes, the Reformed tradition is a cluster of theologies that affirms the essential doctrines of classical Protestantism, yet are distinguishable by the following: 1) in denying that the civil magistrate can introduce rites and elements of worship in churches that are not commanded in scripture (i.e., the “regulative principles of worship”)¹¹ and 2) the emphasis on

¹⁰ John Davenant, *Baptismal Regeneration and the Final Perseverance of the Saints: A Letter of the Right Rev. John Davenant*, trans. J. Allport (London: William MacIntosh, 1864), 9. I thank Onsi Kamel for providing me this quote.

¹¹ Calvin writes, “Though any sort of religion pleased men, there is yet but one which is approved by God, even that which he himself has commanded.” *Commentary on the Book of the Prophet Jeremiah*

the separation of church and state, such that Christ is the sole head of the church.¹² For Reformed Christians, the civil magistrate can prevent impiety and religious dissent that might disrupt or harm Christian society, but he or she cannot use civil power to compel religious practices that are not divinely instituted. “Puritan” was a label of derision, and many whom we call Puritan today rejected that label. John Cotton (1585—1652), a first-generation New England minister, chided Roger Williams (1603—1683) for applying the label to himself.¹³ It is a misleading label, but I will follow convention and use it. Puritanism is a species of Reformed, which means that Puritans affirm the essential doctrines of Classical Protestantism and Reformed theology. Though the “regulative principle of worship” is distinctive to Reformed theology, the Puritans applied it rigorously. The Puritans also tended to be disciplinarians, which elevated both the standard for membership in churches and the activity of the church in regulating civil morals. This is important to understand how New England authorities justified their civil action against religious dissenters and why they rejected religious toleration. For them, the churches’ disciplinarian function was crucial for civil order in a small, fledgling society.¹⁴

and the Lamentations, Vol. 5, trans. John Owen (Grand Rapids: Baker Books, 2005), 213-4 (on Jer. 51:11).

¹² Calvin writes, “They who at first extolled Henry, King of England, were certainly inconsiderate men; they gave him the supreme power in all things: and this always vexed me grievously; for they were guilty of blasphemy when they called him the chief Head of the Church under Christ. This was certainly too much: but it ought however to remain buried, as they sinned through inconsiderate zeal.” See *Commentary on the Twelve Minor Prophets*, Vol. 2, trans. John Owen (Grand Rapids: Baker Books, 2005), 349 (on Amos 7:10-13).

¹³ See Chapter 3.

¹⁴ This delineation of labels is not precise, but it is adequate for the purposes of this work.

5. Literature Review

Framing

In the last few decades, the discussion of discontinuity has largely assumed a single bipolar spectrum with strong continuity on one end and strong discontinuity on the other. This is natural enough, since the terms are opposites: greater continuity means less discontinuity. Scholars are then placed along this spectrum, as Michael Zuckert does, according to their view on the degree of continuity.¹⁵ Since (according to most scholars) 17th century colonial political thought was theological (as to origin, principle, and ends) as opposed to philosophical, the spectrum measures the degree of continuity in political-theological thought into the 18th century founding era. Theology, faith, and scripture are on one end and philosophy, reason and nature are on the other.

The spectrum, however, makes a few crucial assumptions, particularly about Reformed Protestantism, and these assumptions pervade the literature. Most scholars have either explicitly or implicitly assumed that Reformed Protestants, especially the Puritan sort, considered grace to be in opposition to nature, for “nature” can no longer orient man to his natural end.¹⁶ Most assume that natural law and natural theology are Roman Catholic ideas, not Protestant ones. Divine grace is the sole source of truth, and faith is the only means to knowledge of civil justice and order. Indeed, many scholars assume that in Reformed theology (1) scriptural ethics supersede any supposed natural law, (2) theology undermines any need for philosophy, (3) revelation eliminates the need for reason, and (4) the “revealed

¹⁵ Michael P. Zuckert, “Natural Rights and Protestant Politics: A Restatement,” in *Protestantism and the American Founding*, eds. Thomas S. Engeman and Michael P. Zuckert. (Notre Dame, IN: University of Notre Dame Press, 2004), 261.

¹⁶ Zuckert writes, “The elevated appreciation for the fall and the loss of human powers through the fall that characterized all forms of early Protestantism contributed to the Protestant distrust of reason and of the ability or rightfulness of raising reason to a level of authority equal to scripture. See “Natural Rights and Protestant Politics,” in *Protestantism and the American Founding*, 44.

God” is opposed to “nature’s God.”¹⁷ The sole source—the only sure light—for the principles of political order and justice is scripture (viz. *sola scriptura*), which is in part a deposit of social ethics accessible only to the elect and the duties contained therein have no necessary correspondence to human nature or natural teleology.¹⁸

More precisely, the operative assumption is that “political theology” and “political philosophy” are not only two different *modes* of discovering truths of political order, which might lead to the same set of truths. Rather, each extends over different and only accidentally overlapping sets of suppositions.¹⁹ That is, political conclusions of scripture and those of nature are not co-extensive. Hence, scholars will say that the political thought of the 17th century was “political theology,” because it relied on a distinct set of “theological” suppositions found only in Scripture (and so exclusive to Christians), and the political thought of the 18th century was “political philosophy,” because it relied on suppositions that are universally accessible by natural reason. Only the former could frame a distinctively *Christian* political order with religious ends, for everything to which scripture extends is distinctively Christian, and such is not the case with nature, which concerns man as man.

¹⁷ Matthew Stewart, for example, states that “‘Nature’s God’ properly belongs to the radical philosophical religion of deism.” See *Nature’s God: The Heretical Origins of the American Republic* (New York: W. W. Norton, 2014), 7. Harvey Mansfield similarly writes, “Nature’s God’ was intended in contrast to a revealed god; so the Declaration (at least in Jefferson’s understanding) seems hostile to revealed religion.” See “Thomas Jefferson,” in *American Political Thought: The Philosophic Dimensions of American Statesmanship*, ed. Morton J. Fisch and Richard G. Stevens (New York: Scribner’s, 1971), 28.

¹⁸ Michael Walzer writes, “In fact, social order, command, and obedience were created by God for his own inscrutable reasons and were only incidentally useful to humanity.” See *Revolution of the Saints: A Study in the Origins of Radical Politics* (London: Harvard University Press, 1965), 36. Ralph Hancock writes, “Thus the authority of political rulers, according to Calvin, is not grounded in the good they are supposed to know and to represent but is a sheer right to command.” Ralph C. Hancock, *Calvin and the Foundations of Modern Politics* (Ithaca: Cornell University Press, 1989) 68.

¹⁹ Zuckert writes, for example, “Nothing is gained by blurring the distinction [between political theology and political philosophy] because the differences are so great between these two styles of political thinking. The first founders and their teachers look to revelation and base their political reasoning principles taken from sacred texts. The second founders and their teachers look to reason.” See “Natural Rights and Protestant Politics: A Restatement,” in *Protestantism and the American Founding*, 273.

Relying on these juxtapositions, scholars make their case for either the dominance of secular or Christian sources in the founding era.

The assumption that each mode of discovering truth has its own distinct set of suppositions or objects has led many to view Protestantism as just one source among an amalgam of sources. Protestantism operates in the founders' political theory alongside liberalism, republicanism, classical texts, etc. as just another set of ideas, distinguishable in kind by the mode or source of knowledge. In the end, the debate between those who see a Christian founding and those who see a secularist founding becomes a matter of counting references. Scholars who emphasize continuity and the religious nature of the founding will downplay the "secular" sources, such as Lockean liberalism, and elevate the Bible and the Protestant political tradition. The implicit assumption is that whichever is most prominent—Lockean ideas or orthodox Protestants ideas—determines the nature of the founding, whether it is a "secular" or Christian founding. This further assumes that if an Enlightenment thinker said it, then the idea is not Protestant or Christian. But if an orthodox Protestant said it, then it is Protestant or Christian, unless it was first articulated or formulated by an Enlightenment thinker. This framing is the result of assigning each mode of inquiry—faith or reason—with a different set of suppositions or objects. Zuckert claims, for example, that Locke is not a "Protestant political theologian" because he "does not look to specifically Christian or Protestant means to achieve the ends of political life."²⁰ Locke didn't look to scripture alone by faith and so his political philosophy is not Protestant. As we will see below and in the next chapter, Reformed theology has always claimed that both faith and reason are twin lights that produce, in principle, the *same* political conclusions. That is, in terms of politics, the objects of faith and reason are co-extensive.

²⁰ Zuckert, "Natural Rights and Protestant Politics: A Restatement," in *Protestantism and the American Founding*, 273.

In my view, the governing principle of the spectrum of continuity—that which establishes each scholar’s place on it—has not been well-articulated, permitting such qualifiers, in Zuckert’s account, as “evolutionary continuity,” “eclectic continuity,” and “amalgam.” Zuckert describes these labels, but it is not clear what principle distinguishes them along the spectrum.²¹ The lack of clarity in the scholarship is the result of widespread misunderstanding of the classical Protestant view of natural law, reason, philosophy, *sola scriptura*, and other things. If Protestantism affirms that the law of nature and nature’s God is the ground of political order, then the typical spectrum of continuity/discontinuity is faulty and misleading.

Continuity

The scholars on the continuity end of the spectrum tend to assume the traditional framing. The approach of Willmoore Kendall and George Carey, found in their book *The Basic Symbols of the American Tradition*, is Christian versus Enlightenment. They see substantive continuity, for example, between the Mayflower Compact and the Declaration of Independence, saying that the latter is a “remaking” of the Compact and is a “declaration of a religious people, of, more specifically, a *Christian* people...a people who wish to make clear above all else their commitment to work the will of God.”²² They also reject a Lockean reading of the Declaration and any Enlightenment influence. Agreeing with them, Donald Lutz finds a “very old tradition” at work in the founding era, one that stems from 17th century Christianity-influenced constitutionalism. “The Laws of Nature and Nature’s God” signals the continuation of the “religious grounding,” as Lutz puts it, found in the 17th century

²¹ Zuckert, “Natural Rights and Protestant Politics,” in *Protestantism and the American Founding*, 261.

²² Willmoore Kendall and George Carey, *The Basic Symbols of the American Political Tradition* (Washington, D.C.: The Catholic University of America Press, 1995 [1970]), 12.

political documents.²³ The assumption seems to be that if the Declaration is a Lockean document, then it is not Christian or even compatible with it. But since the Declaration is another version of the early compacts and so part of the religious tradition, its content is consistent with and the same in substance as the 17th century civil compacts.

The most obvious advocates of continuity are the so-called “Christian America” advocates, many of whom are not scholars and write for an American conservative audience hungry for such reading. Much of their work has been and can be ignored by scholars, largely because they are not scholarly. Indeed, some academics dismiss these works entirely, typically assuming the “consensus” that the United States was not founded as a Christian nation. They then proceed to explain when, where, and how the belief was “invented.”²⁴

In the last couple decades, however, a few scholars have mounted a decisive assault against this consensus, and to my mind have decisively undermined key elements of the “secular” America founding thesis. These scholars have renewed interest in the “forgotten” but highly influential founders, most of whom were both pious and orthodox Protestants. These scholars do not downplay the importance of the well-known founders, but they stress that many other founders were instrumental in formulating and articulating the political doctrines of the founding generation and the American Republic. Mark David Hall, a scholar who works on the American founding, has restored the importance of Roger Sherman and James Wilson,²⁵ two active and influential men of the founding era. Hall’s work also demonstrates that “Reformed political theory” had some influence on founding era ideas,

²³ Donald Lutz, *The Origins of American Constitutionalism* (Baton Rouge: Louisiana State University Press, 1988), 25.

²⁴ Kevin M. Kruse, *One Nation Under God: How Corporate America Invented Christian America* (New York: Basic Books, 2015).

²⁵ Mark David Hall, *Roger Sherman and the Creation of the American Republic* (Oxford: Oxford University Press, 2013); *The Political and Legal Philosophy of James Wilson 1742-1798* (Columbia, MO: University of Missouri Press, 1997).

particularly from the document, *Vindiciae, Contra Tyrannos*.²⁶

One of Hall's recent works, *Did America have a Christian Founding?*, though intended for a popular audience, exemplifies the conclusions of the continuity side. Hall does not frame his work in the terms of continuity, nor directly address the question of continuity. But his central contention—that “America's founders drew from their Christian convictions”²⁷ in founding the Republic—entails a type of continuity. Though I take no issue with the substance of Hall's argument, he does rely, at least in part, on the framing I described above. He argues that the founding was a Christian founding because Christian founders used distinctively Christian sources (e.g., the Bible) for Christian purposes. In short, the Founders' “faith influenced [their] political beliefs and action.”²⁸ After addressing whether the constitution is “godless,” he writes,

There is no good reason to accept the assertion that ‘many’ or ‘most’ of the founders were deists or even heterodox Christians, whereas there are excellent reasons to believe that they were influenced by the Bible and Christian political ideas. The constitutional order they designed...reflects their Christian commitments.²⁹

I agree to an extent, but it is important for our purposes to notice the juxtaposition.

Distinctively “Christian political ideas” are set against those of the deists and the heterodox.

Hall does acknowledge that the founders drew upon Locke and Montesquieu, but only because they articulated “ideas that were compatible with their Christian conviction.”³⁰ His chapter on the “godless” constitution is an attempt to distance the founders from “rationalist

²⁶ Mark David Hall, “*Vindiciae, Contra, Tyrannos*: The Influence of the Reformed Tradition in the American Founding,” in *Faith and the Founding of the American Republic*, eds. Daniel L. Dreisbach and Mark David Hall (Oxford: Oxford University Press, 2014).

²⁷ Mark David Hall, *Did America Have a Christian Founding? Separating Modern Myth from Historical Truth* (Nashville: Nelson Books, 2019), xxii. See also David W. Hall, *The Genevan Reformation and the American Founding* (Lanham: Lexington Books, 2003).

²⁸ Hall, *Did America Have a Christian Founding?*, xxiv.

²⁹ Hall, *Did America Have a Christian Founding?*, 53.

³⁰ Hall, *Did America Have a Christian Founding?*, 31.

Enlightenment ideas” as much as possible. Hall does not question the Christianity-versus-Enlightenment framing. Indeed, his argument at times seems to assume that framing (though I suspect that Hall would agree with me that the traditional framing is problematic). He does not deny that other intellectual traditions, such as Whig, classical republican, and Scottish Enlightenment, were present in and shaped the founding, but he affirms that compatibility with the predominant tradition—Christian political thought—was the condition for accepting these traditions.³¹

Daniel Dreisbach is another important scholar on the continuity side. His work is similar to Hall’s, with whom he frequently collaborates; and like Hall, his work is compelling. Both want to uncover the Christian influences in the founding generation. In a recent work, Dreisbach shows that Donald Lutz’s well-known and controversial counting of citations was inaccurate, for he did not count the use of biblical phrases, words, and allusions that pervade the founding father’s writings and speeches. The Bible is cited far more often than we once thought. Dreisbach cites Benjamin Franklin, who recognized that the content of New England writing and speaking “appear[e]d very strange and awkward” in England and France, because they did not know the “verses and expressions [that were] taken from the sacred writings.”³² Biblical language set New England apart from Europe. The Bible was so well-known and so common in popular and elite discourse that no citations were needed when referring to it. It was simply part of the language.

But while this is important for several reasons, it could lead to some confusions on the question of continuity. The fact that the Bible was widely and extensively used in the

³¹ Hall, *Roger Sherman*, 26.

³² Daniel L. Dreisbach, *Reading the Bible with the Founding Fathers* (Oxford: Oxford University Press, 2016). See also Carl J. Richard, *The Founders and the Bible* (Lanham: Rowman & Littlefield, 2016) and Ellis Sandoz, *A Government of Laws: Political Theory, Religion, and the American Founding* (Baton Rouge: Louisiana State University Press, 1990), 128-31.

founding era does not necessarily point to continuity in political principles, nor to a commitment to distinctively Christian political ideas. One might say, for example, that the founding era's political sermons and the public use of scripture operated as spiritual cover for what were actually conclusions from reason, not revelation.³³ The ultimate "source," then, was not distinctively Christian, but non-Christian. The Bible was, in this view, a religious medium for a "secular" political philosophy. I discuss this reading of founding era political sermons in Chapter 7. To my mind, this reading betrays some confusion, but it highlights the sort of problems that arise when we lack clarity on the relationship of reason and revelation in classical Protestantism. Supporting a prior conclusion of reason with biblical evidence is not, in principle, a violation of classical Protestantism. Indeed, it follows a well-established principle—scripture *convinces* one of his political conclusions from reason and experience. As I explain in the next chapter, the moral law in scripture and the natural law are the *same in substance*, according to classical Protestantism. No sound conclusion from reason will contradict anything contained in scripture. Hence, there is nothing inconsistent with a preacher exegeting from the Biblical text some political theory developed in philosophy.

More to the point, however, it doesn't follow that a distinctively Christian mode of asserting political truth (i.e., *via* the Bible) will assert exclusively Christian political truths, for political principles contained in the Bible might be universal principles, viz. they apply to all mankind. Reformed Protestants ubiquitously affirmed that Biblical political principles are natural principles that have been inscripturated. In what sense, then, can "Christian" be predicated of *any* civil founding or order? Is the American founding a Christian founding because the founding generation frequently used a Christian mode of asserting universal principles? Similar questions arise when considering the use of extra-biblical Protestant

³³ See John Fea, *Was America Founded as a Christian Nation?*, 108-113.

sources, such as *Vindiciae Contra Tyrannos*. That work, though theological, seeks to describe the creational norms of civil order. Its author was a Christian who relied in part on Christian revelation, but he was trying to describe the nature of things. What makes this a “Protestant” or “Christian” source but not John Locke’s *Second Treatise*? Must the writer be an orthodox Protestant for a work to be Protestant political thought? Must he be an orthodox theologian, such as Samuel Rutherford (who also grounded political order in nature)? Furthermore, if an Enlightenment philosopher and a Reformed theologian have the same political conclusion, though the former asserts it by reason and the latter by revelation, what is the theological or religious status of that conclusion? All these questions point to the fact that showing continuity and discontinuity in early American political thought is not as simple as identifying Bible quotations and references, nor by juxtaposing “Protestant” and “Enlightenment” sources.

Discontinuity and the Amalgam Theory

Though the continuity side has its problems, the problems on the discontinuity side can be much worse. Certainly, there are legitimate questions about the lack of theological language in the “godless” US Constitution and the prohibition of a religious test for public office. But there is no question, as will be made obvious, that identifying the Christian God with the God of nature or “nature’s God” is perfectly consistent with Reformed theology. So too is the use of reason apart from revelation when directed at the proper questions (e.g., political questions). So too is the appeal to “natural right.” So too is the use of philosophy to answer political questions. But many discontinuity theorists egregiously *assume* that the shift from theology to philosophy, grace to nature, faith to reason, scripture to natural law, etc. must be a shift from orthodox Protestant Christianity to deism, “theistic rationalism,” godlessness, secularism or Enlightenment. Certainly, these shifts (however exaggerated) deserve an explanation. But pointing to the “God of nature” or the use of reason is not enough

to conclude discontinuity, especially when the principles of political order in classical Protestant political thought are *natural* and properly known by *natural reason*. The political sphere *is* secular and an object of reason in classical Protestantism. A few “secular America” theorists so profoundly misunderstand Reformed Protestantism that, upon correcting their errors, their conclusion is destroyed and unworthy of further consideration.³⁴ The more moderate discontinuity theorists, however, are worth considering in detail.

For decades, debates have raged over which political tradition or source most influenced the founding. The most significant dispute was between those who saw the predominance of classical republicanism and those who saw Lockean liberalism. But since the late 1990s, scholars have come to a consensus that there was an “amalgam” of traditions present in the Founders’ political theory. Today, this view is typically called the “Amalgam thesis.”³⁵ Prior to this consensus, scholars argued over which source most contributed in terms of total content to the founders’ political theory, but now the debate is centered on which tradition *formally* determined what was allowed in and what was left out. The question is no longer which tradition provided most of the ideas, but which source was the form that shaped the intellectual content. The question in scholarship now is, which source or tradition is that to which all other traditions must conform to make it in the founders’ political theory.

Given this form/content distinction, it is theoretically possible that ideas distinctive to Christianity could supply a majority of the political ideas and the Bible might even be the principal *mode* of asserting those ideas, and yet Christianity might not be the governing principle or form for the political theory as a whole. This is indeed one possible and effective reply to the recent continuity theorists: while the Bible and certain Christian ideas might be

³⁴ Stewart’s *Nature’s God* is, as Mark Hall kindly puts it, “uniformly bad.” See Hall’s review, “A Failed Attempt at Partisan Scholarship,” in *Christian Scholars Review* Spring 2015 (285-291).

³⁵ Alan Gibson summarizes recent scholarship in *Understanding the Founding: The Crucial Questions* 2nd Ed. (Lawrence, KS: University Press, of Kansas, 2010), 136-45.

prevalent among the founding generation, they are present only because they are consistent with the liberal (or republican) tradition. The continuity theorists are missing the point, so the argument would go. The Amalgam theorists might also say that liberalism in founding era political sermons only indicate that the prevailing source shaped biblical interpretation. For the discontinuity theorists, the prevalence of Biblical references, political sermons, and appeals to the Christian tradition does not in itself make Christianity the principal or governing tradition of the founding era.

Even among those who agree with an Amalgam thesis and affirm the dominance of liberalism or “natural rights”, there is disagreement over whether the collection of traditions in the amalgam is coherent—whether all these ideas are logically consistent with one another. Political theorist Michael Zuckert, who is likely responsible for solidifying the Amalgam theory, argues that the founders’ political theory had a “right infrastructure.” Ideas “could enter the amalgam only so far as they were compatible, or could be made so with natural rights.”³⁶ But Zuckert argues that there are tensions and even contradictions in the founders’ thought, specifically between Protestantism and their trust in reason and philosophy, and in their use of “secular” sources. Thomas West, in his recent work, *The Political Theory of the American Founding*, affirms a *coherent* Amalgam thesis. He writes, “The *form*, the natural rights theory....determined, more than anything else, which traditions would continue and which would be discarded as the new regime took shape under the ruling guidance of natural rights.”³⁷ West contends that the amalgam was coherent, because “Natural rights were in charge.” He sees coherence because he recognizes that Protestantism is compatible with natural law.³⁸

³⁶ Michael P. Zuckert, *The Natural Rights Republic: Studies in the Foundation of the American Political Tradition* (Notre Dame: University of Notre Dame Press, 1996), 95.

³⁷ Thomas G. West, *The Political Theory of the American Founding: Natural Rights, Public Policy, and the Moral Conditions of Freedom* (Cambridge: Cambridge University Press, 2017), 51.

³⁸ West, *Political Theory*, 82-3.

Arguments for discontinuity often point to the alleged importance of Locke in 18th century American thought. Zuckert, for example, argues that Lockean natural rights philosophy is at odds with basic principles of Reformed Protestantism. He provides a list of reasons why Locke was not a Protestant political theologian:

Locke's political philosophy breaks with all the elements most characteristic of Protestant political thought: it is not based on *sola scriptura*; Locke insisted instead that 'reason is our only star and compass.' He does not proceed via parsing out the implication of biblical texts; he does not set the furtherance of the Christian religion or Calvinism or any such thing as among the end of political life. His political principles do not apply to Christians of some specific sort, but to 'all men.' He does not look to specifically Christian or Protestant means to achieve the ends of political life.³⁹

For Zuckert, the universality of Locke's political philosophy—that it concerns humans, not merely Christians—is at odds with the divine civil order of New England Puritanism. Locke's civil government has only *natural* ends, and he relied on reason, which is inconsistent with *sola scriptural*. Zuckert concludes that though Protestantism influenced the political thought of the founding era, Lockean natural rights was the prevailing theory; and what governed the amalgam was not a *Protestant* natural rights doctrine, for the natural rights doctrine does not cohere with Protestantism.

6. The Problems in the Literature

The literature suffers from a lack of clarity on Protestant theology. Chapter 2 attempts to correct some of the false assumptions in the literature and provide a theological foundation by which we can read early American history. Here I will describe three general problems. Eliminating these problems not only undermines existing theories; it breaks open a new path for analysis and understanding of this period.

³⁹ See "Natural Rights and Protestant Politics: A Restatement," in *Protestantism and the American Founding*, 273.

Nature and Grace in Reformed Thought

The most consequential misunderstanding concerns the Reformed view of nature and grace. Many scholars of early America assume that Reformed Protestantism had either no category of “nature” or that it has an insignificant role in its theological system and ethics. Reformed Protestants relied exclusively on the Bible (so scholars claim), which contains *supernatural* precepts, given only for the elect by the God of scripture. Scripture, not nature, is the sole source for political principles and the sole ground of Christian political order and civil justice.

The problem is that Reformed Protestantism always and everywhere affirmed (until the 20th century) the complementarity of nature and grace. In Reformed theology, natural law grounds ethical duty, and scriptural ethics is natural law inscripturated. Calvin himself said, “The written law [in scripture] is just an attestation of the law of nature, through means of which God recalls to our memory that which he has previously engraved on our hearts.”⁴⁰ This means that, for Reformed theology, the principles and ends of civil government are natural, universal, and immutable, and that civil order is always fundamentally a *human* order. This one correction is immensely consequential for this topic and undermines, to my mind, a good deal of scholarship.

Capacious Protestant Political Theology

The second general misunderstanding concerns the capaciousness of Reformed political theory for a variety of legitimate regime-types, civil governments, and bodies of civil law. Reformed politics is not a matter of enacting a rigid set of divine commands for purely supernatural ends. It is not the brute implementation of a divine civil code that lacks any correspondence to human nature. Civil order is not an order or product of special grace.

⁴⁰ Calvin, *Commentary on the Book of the Psalms*, Vol. 4, trans. James Alexander (Grand Rapids: Baker Books, 2005), 438 (on Psalm 119:52).

Politics in Reformed thought involves the deliberation on natural principles to determine the best possible means that conduce to human ends. Civil arrangements (e.g., regime-type and civil laws) are means to or instruments for natural ends. Being subordinate to ends, civil arrangements must be suitable for those ends and so must fit the circumstances. While civil government has an indirect role in ordering society to man's supernatural end (viz. heavenly life), the set of *direct* objects for civil government are natural, universal, and human. Civil government is a human order for commodious civil fellowship to meet *secular* (or temporal) needs. How it meets these needs is a matter of deliberation on principles, ends, means, circumstances, and experience; and the best possible arrangements vary. Reformed political theory, therefore, is capacious, because it permits a variety of legitimate civil arrangements to meet the needs of a variety of possible circumstances. In this way, there can be continuity of principle with discontinuity of application.

Protestantism as a Source Among Sources

The third problem is treating Protestantism as just another source or a tradition of ideas among others. This misunderstands the Reformed Protestant tradition on natural law. Since the moral/political truths in the Bible are the same as to substance as the natural law, there is significant cross-division among the set of sources typically considered in the amalgam. Any principle of civil order contained in the Bible is a natural truth inscripturated, so it is *human* truth and another tradition likely articulates it. The fact that some political supposition is asserted via scripture does not make that supposition distinctively Christian. Hence, the Bible, as a Protestant source for principles of civil order, does not belong in a division containing liberalism, Whig political theory, republicanism, etc. It does not contain a set of political ideas that are distinct from those accessible by reason and philosophy. If republicanism, for example, is the only sound political theory, then the Bible should contain nothing but what confirms republicanism.

There are two ways, however, that Protestantism is a type of source for distinct ideas. The first is that Protestantism provided the *theological framework* of early American political thought. This framework is distinctively Protestant but only as a distinct set of claims concerning nature. The claims include two-kingdom theology, the role of civil government in religion, the nature and purpose of the church, the nature of human conscience, and the relationship of heavenly life and earthly life. Again, these are not adventitious suppositions (i.e., they are not above nature), but they are uniquely Protestant as Protestant claims concerning the nature of things. These require extensive discussion and so are best left to later chapters. The second way *does* make a supernatural claim; no other source in the amalgam could possibly supply this truth. The supposition is simply this: *Christianity is the true religion*. This supposition, however, is not a principle of civil order.

As I show in Part II, even the New England Puritans believed that all principles of civil order are natural and universal; none is distinctively and exclusively Christian. This might seem odd, since they were a Christian people who established a Christian civil order and installed Christian civil magistrates to order society to religious ends. But in doing so they simply followed *natural* principles, treating them as major premises of syllogisms. For example:

Major premise: *Civil government ought to act such that true religion flourishes.*

The Reformed tradition affirmed this major premise by appeal to scripture, nature, and even classical sources.⁴¹ It is natural (in origin), universally applicable, and universally accessible by reason alone. Prior to the covenant of grace, “true religion” was natural religion, which the Reformed tradition also affirmed is real, universal, and immutable. But “true religion” can be the middle term of a valid syllogism with the following *supernatural* minor premise:

⁴¹ See Francis Turretin, *Institutes of Elenctic Theology (IET)*, 3 Volumes, trans. George Musgrave Giger (Phillipsburg, 1992), 18.34.6. See also Chapter 2 of this work.

Minor premise: *Christianity is the true religion.*

This proposition is known only by faith (for it is not discoverable by reason) and is found only in Scripture.⁴² This produces a valid syllogism, giving logical force to the conclusion.

Conclusion: *Civil government ought to act such that Christianity flourishes.*⁴³

The minor premise here does not assert a principle of civil order, but in effect specifies and augments the proper object of the natural principle. Hence, civil governments that actively promote, support, and protect a supernatural religion are ultimately following a *natural* principle of political order. This means that Christianity, as a supernatural revelation of true religion, is not the ground, foundation, or basis of civil order, even for a Christian civil order. Hence, a *Christian* civil order based on natural principles alone is logically possible.

Moreover, “Christianity is the true religion” is the only supernatural proposition that shapes civil arrangements, and it is always the minor premise to a natural principle serving as the major premise. Only in this way is the Bible a supernatural source among the other sources. In other words, not only is the ground of civil order entirely natural, the storehouse of truths above nature supplies only *one* proposition that comes to shape civil arrangements. Even if the most noticeable feature of a Christian civil society is its Christianity, the fundamental principles remain natural. Furthermore, though the conclusion of the syllogism augments an end of government (requiring it to act in such a way that Christianity flourishes), it does not provide a set of means for civil government to act for that end. Deciding the best policies for such ends is a matter of deliberation and prudence.

⁴² The term “true religion,” which is the middle term, is not equivocal here, because Christianity does not extinguish or undermine natural religion but rather assumes and perfects it. “True religion” can be predicated of “Christianity” and “natural religion” without contradiction.

⁴³ In proper form, this syllogism is the following:
True religion is something for which civil government ought to act for its flourishing.
Christianity is the true religion.
Therefore, Christianity is something for which civil government ought to act for its flourishing.

7. Summary of the Argument

The broad claim of this work is that there is continuity in American political thought as to principles between the 17th and 18th centuries, and the apparent discontinuity is best explained as different applications of those same principles. Though I devote Part II exclusively to the Puritan era of New England, this work is ultimately about the philosophical, theological, and ultimately Protestant assumptions behind the American founding. But demonstrating continuity also requires me to show that the Puritans affirmed the natural law, natural religion, natural theology, and natural reason. Throughout the period in question—1630 to 1789—the ground of civil order was the law of nature and nature’s God; or, more precisely, civil society exists under the moral government of God as Creator and nations arrange themselves for their natural and spiritual good. Civil government acts upon civil society to establish and maintain the best possible outward conditions for people to procure both civil and spiritual good. My argument is that in the American founding a Christian nation founded a civil government for their own civil and spiritual good, and the founders relied on the same principles as their Puritan forefathers.

Discontinuity is a product of both changing circumstances and experience. “Circumstances” refers mainly to religious demographics (which increasingly diversified throughout this period) and to the political characteristics of the people and their own interrelations. National uniformity in religious confession and practice, even if desired, was not possible, given the religious diversity among the states. A federal civil arrangement, however, ensured that each state could regulate and support religion without the interference of the federal government and other states. “Experience” refers to the possibilities of civil order available to the political imagination—an imagination shaped and determined by personal experience with confessional diversity and by historical precedent and example. This explains the contrasting policies on religious toleration in the period in question. My

argument is that religious liberty in the founding era came not from the application of new principles but from an unfolding of Protestant principles—as experience with religious conflict shaped the imagined possibilities for civil stability amid religious diversity and for a pan-protestant political unity. Many in the founding era recognized that unity in the profession of faith, despite confessional diversity, was an essential element in American political unity under a federal system. I conclude that the American founding was the culmination of American Protestant experience. I also argue that federalism best explains the absence of Christian language in the US Constitution. Most of the Framers assumed not an anti-establishment principle; rather, they believed that religion was the sort of good best left to state regulation. The Federal government, therefore, *did* have a religious end in consequence of its design, though it served that end indirectly—by securing the states, which had a direct role in supporting religion. In this way, the Constitution established a civil government that serves both God as Creator and Christ the Redeemer, for it establishes and maintains both civil peace for the attainment of earthly good and ecclesiastical peace for the attainment of heavenly good.

8. Chapter Summary

Since there is considerable confusion in the literature on the American founding as it concerns Reformed theology, Chapter 2 attempts to clarify the Reformed theological tradition. It also establishes a framework and a set of assumptions from which to analyze the period in question. In Chapter 3, I discuss two first-generation New England Puritans, John Davenport (1597—1670) and John Cotton. I look closely at Davenport’s *Discourse about Civil Government*—a work that is crucial to understand the relationship of church and state in Puritan New England. Appealing to two-kingdom theology, Davenport emphasizes the importance of circumstances in determining suitable civil arrangements. I also discuss

Cotton's interaction with Roger Williams, showing that Cotton was more willing to affirm spiritual brotherhood with his theological opponents than was Williams. This points to the latent possibility of religious toleration and religious liberty in Reformed political theology and sets up my argument in Chapter 8 that religious liberty in the founding era is an application of the principles espoused by Protestants like Cotton. In Chapter 4, I introduce Samuel Willard (1640—1707), a second-generation New England Puritan minister, who wrote an extensive commentary on the Westminster Shorter Catechism. I discuss his theological anthropology using the classic creation/fall/redemption motif. I show that Willard, as a representative of the New England Puritans, affirmed the natural law and natural religion. Indeed, Willard repeatedly emphasizes the natural ground of both tables of the Decalogue (i.e., the Ten Commandments). Furthermore, Willard's work helps us understand what happened to man at the fall and what happens at redemption and why even fallen man can attain civic uprightness. I also discuss Willard's political theory, which grounds political order in nature and the nature of man. In Chapter 5, I discuss a few events in Puritan New England involving civil action against dissenters, including actions against Roger Williams, the Antinomians, the Quakers, and the Baptists. I show that in each case the Puritans justified their actions on civil grounds (viz. they claimed to have a civil interest in their actions) and denied that they persecuted conscience or on account of dissenting belief. They followed the basic Protestant principle that, while belief is a matter of persuasion and conscience and is outside the cognizance of civil authorities, *outward* conduct falls under civil jurisdiction and civil authorities can suppress conduct they consider injurious to the public. In Chapter 6, which is the first chapter of Part III, I show that the natural theology of 18th century America was consistent with the Reformed tradition. Indeed, Reformed orthodox theologians and philosophers regularly offered arguments for natural theology. The talk of "nature's God" and "natural religion" in the founding era is, for this reason, not evidence of discontinuity.

Chapter 7 shows that the use of reason in the founding era, particularly among Reformed ministers, was consistent with the Reformed tradition. I discuss the use of scripture to supplement conclusions of reason and the use of extrabiblical terminology in expositing scripture. Chapter 8 covers religious liberty in the founding era. I show that the discourse on religious liberty relied on distinctively Protestant principles and that the founders applied these principles upon consideration of Protestant experience and the circumstances of the founding era. In the final chapter, I argue that the American founding is a Protestant founding because its background assumptions are Protestant, and I argue that federalism explains why orthodox Christians displayed little concern over the lack of religious content in the Constitution.

2. Clarifying Reformed Theology

1. Problems in Scholarship

Before discussing continuity in early American political thought, we must first clarify key doctrines of the Reformed tradition. For decades, scholarship has suffered from a widespread misunderstanding of this tradition. Assumptions that are either false or poorly applied regularly appear in the literature, often as key premises for their conclusions. Much of the confusion centers on the Reformed position on reason and how it relates to revelation, though other errors are common as well. Even works that analyze Protestantism in the founding era provide little or no discussion on reason and revelation in that tradition.¹

Many of the key claims made about Reformed theology in this literature are either false or misleading. One scholar claimed, for example, that “the mere claim of harmony [of reason and revelation] is challenging to many versions of Protestant thought.”² Some radical Protestant sects, such as the Anabaptists, denied such harmony, but the harmony of reason and revelation is a fundamental position of classical Protestantism. Furthermore, it is false that the Reformed tradition treats reason as an utterly unreliable mode of acquiring knowledge of moral truths and natural human ends.³ Similarly, Reformed Protestants were

¹ Gregg Frazer has no discussion on the relationship of reason and revelation in the Protestant tradition in *The Religious Beliefs of America's Founders: Reason, Revelation, and Revolution* (Lawrence, KS: University Press of Kansas, 2012). He has two paragraphs on Thomas Aquinas's view of reason (4-15).

² Michael P. Zuckert, “Natural Rights and Protestant Politics,” in *Protestantism and the American Founding*, eds. Thomas S. Engeman and Michael P. Zuckert (Notre Dame, 2004), 44.

³ Zuckert, “Natural Rights and Protestant Politics,” in *Protestantism and the American Founding*, 45. Ralph Hancock relies on this assumption throughout *Calvin and the Foundations of Modern Politics* (Ithaca: NCROL, 1989), writing that Calvin had “hostility...to human rule according to the purposes of human reason” (166; cf. 68, 110). Hancock here follows Michael Walzer's influential book, *The Revolution of the Saints: A Study in the Origins of Radical Politics* (Cambridge, MA: Harvard University Press, 1965), which has similar problems. The Calvinists, Walzer claims, see the moral law of scripture as “beyond the limits of [fallen] human nature and human reason...a bridle entirely external” (36). Glenn Moots offers a brief corrective of this error in *Politics Reformed: The Anglo-American Legacy of Covenant Theology* (Columbia, MO: University of Missouri Press, 2010), 119.

(generally) not “hostile to efforts to discover principles of moral and political life on the basis of reason,” as one scholar claims.⁴ Nor does the doctrine of total depravity reject the accessibility of “truth about politics found in nature, via natural knowledge, the law of nature, and what concerns us ‘as men’ by reason apart from revelation.”⁵ Indeed, Reformed Christians affirmed that non-Christians know the principles of politics found in nature.⁶ Nor does total depravity preclude the possibility of non-Christian civic virtue. It is also false that traditional Protestant political theology is inherently inconsistent or irreconcilable with political philosophy.⁷ Nor does the doctrine of *sola scriptura* require that all “duties in the political sphere must be garnered from scripture alone.”⁸ Nor is it “rationalist” for one to use scripture to supplement and confirm conclusions of natural reason.⁹ The Reformed tradition

⁴ Zuckert, “Natural Rights and Protestant Politics: A Restatement,” in *Protestantism and the American Founding*, 272.

⁵ Zuckert, “Natural Rights and Protestant Politics,” in *Protestantism and the American Founding*, 41. See also Thomas L. Pangle, *The Spirit of Modern Republicanism: The Moral Vision of the American Founders and the Philosophy of Locke* (Chicago: University of Chicago Press, 1988), 22-24.

⁶ *Contra* Walzer, who claims that “society and state were not natural associations” for Calvinists due to their view of the fall. In other words, since the fall extinguished the possibility for humans to know natural principles of civil order, non-Christians could not know these principles. See *Revolution*, 32.

⁷ Zuckert, for example, states that the “differences are so great between these two styles of political thinking. The first founders and their teachers look to revelation and base their political reasoning on principles taken from sacred texts. The second founders and their teachers look to reason; although reason may teach them of nature’s God and his law, they do not confuse this God with the God as known through revelation.” See “A Restatement,” in *Protestantism and the American Founding*, 273.

⁸ Zuckert, “Natural Rights and Protestant Politics,” in *Protestantism and the American Founding*, 44. See also Frank Lambert, *Founding Fathers and the place of religion in America* (Oxford, 2006), 164-5. Perry Miller and Thomas H. Johnson write, “Reason does not discover fundamental principles in itself. The regenerate intellect does not fetch up truth from its own depths, like water from the well, but is filled with truth from the fountain of scripture.” *The Puritans: A Sourcebook of their Writings*, eds. Perry Miller and Thomas H. Johnson (Mineola, 2001), 54. This is an odd formulation of the Puritan view of reason, for “fundamental principles” are known innately in conscience in Reformed theology. Reason produces conclusions and determinations from these principles. See, for example, Francis Turretin in *Institutes of Elencitic Theology (IET)*, 3 Volumes, trans. George Musgrave Giger (Phillipsburg, 1992), (1.8.21) and Franciscus Junius, *The Mosaic Polity*, trans. Todd M. Rester (Grand Rapids, MI: P&R Publishing, 2015), 55-56. Turretin states that such principles are self-evident. See *IET*, 2.6.18.

⁹ See, for example, Frazer, *Religion Beliefs*, 20.

does not deny the natural law,¹⁰ natural theology,¹¹ natural religion, the complementarity of reason and revelation,¹² the legitimacy of appealing to classical and medieval sources,¹³ and the legitimacy of philosophical inquiry.¹⁴ These errors appear frequently in the scholarly literature on early American political thought and have harmed our understanding of that era.¹⁵

Nevertheless, these errors are understandable, given the state and trends of Protestant theology in the 20th century. A few key figures in the 20th century contributed to what became a sort of received view about Protestantism, particularly Reformed Protestantism. One was Karl Barth, who famously disputed with Emil Bruner over Bruner's call to return to "natural

¹⁰ John Fea argues that one should question whether John Witherspoon was truly a "Christian statesman" because he taught that "virtue could stem from natural sources." See *Was America Founded as a Christian Nation: A Historical Introduction* (Louisville: Westminster John Knox Press, 2016), 233. For an excellent study of natural law and Reformed tradition, see Stephen J. Grabill, *Rediscovering the Natural Law in Reformed Theological Ethics* (Grand Rapids, MI: Wm. B. Eerdmans Publishing, 2006). See also Andrew Forsyth, *Common Law and Natural Law in America: From the Puritans to the Legal Realists* (Cambridge: Cambridge University Press, 2019), 1-23.

¹¹ See Michael Sudduth, *The Reformed Objection to Natural Theology* (New York: Routledge, 2009) in which Sudduth shows that there was no "Reformed objection" to natural theology prior to the 20th century.

¹² Steven K. Green betrays a misunderstanding of Reformed reason/revelation complementarity in his *Inventing a Christian America: The Myth of the Religious Founding* (Oxford: Oxford University Press, 2015), 167-169, in which he distinguishes "Christian natural law philosophy" and the "reason-based understanding of natural law" in the Enlightenment philosophy. McMurry S. Richey's account of Samuel Clarke's and John Locke's view of reason and revelation, which he calls "Christian rationalism," is consistent with the standard Protestant view. See "Jonathan Mayhew: Christian Rationalism," in *A Miscellany of American Christianity: Essays in Honor of H. Shelton Smith*, ed. Stuart C. Henry (Durham, NC, 1963), 304.

¹³ See Moots, *Politics Reformed*, (p. 119) for a discussion on the Reformed use of classical sources.

¹⁴ Noll, for example, states that by conducting philosophical inquiry John Witherspoon "in practice denied that original sin harmed the ability to understand and cultivate natural virtue." See *Princeton and the Republic: 1768-1822, The Search for a Christian Enlightenment in the Era of Samuel Smith* (Princeton, 1989), 43.

¹⁵ See my critique of a few scholars' views on of religion and the American founding. "Reformed Natural Law Theory and the American Founding: A Critique of Recent Scholarship," in *For Law and for Liberty: Essays on the Trans-Atlantic Legacy of Protestant Political Thought*, ed. W. Bradford Littlejohn (Moscow, ID: Davenant Trust, 2016), 21-60.

theology.”¹⁶ Other Protestants, such as Carl F. H. Henry, Stanley Hauerwas, and Reinhold Niebuhr considered natural theology a distinctively Roman Catholic supposition.¹⁷ Roman Catholic scholars, such as Etienne Gilson, might have contributed to this assumption as well.¹⁸ Among conservative Presbyterians, Cornelius Van Til developed “presuppositionalism,” which rejected the “Romanist” use of natural reason.¹⁹ Certainly, the influence of Michael Walzer’s *Revolution of the Saints* helped perpetuate these assumptions into the second half of the 20th century among an important set of scholars.²⁰ The scholars on early America with whom I interact in this work largely operated with these assumptions, and many historians and political scientists continue to rely on them to this day. In the last two decades, however, theologians and historians have decisively challenged these assumptions by “rediscovering” natural law and natural theology in the Reformed tradition.²¹ In my view, this new body of work renders much of the scholarship on early American political thought obsolete or at least in need of revision. This study applies this “rediscovery” and reveals

¹⁶ Emil Brunner and Karl Barth, *Natural Theology: Comprising “Nature and Grace” by Professor Dr. Emil Brunner and the reply “No!” by Dr. Karl Barth*, trans. Peter Frankel (Eugene, OR: Wipf and Stock Publishers, 2002).

¹⁷ See Grabill, *Rediscovering the Natural law*, 38-40.

¹⁸ Gilson attributes the “idea of a Christian universal corrupted in its very nature by sin” to Calvin and Luther. See *The Spirit of Medieval Philosophy*, trans. A. H. Downes (Notre Dame: University of Notre Dame Press, 1991 [1936]), 122. In his *Institutes*, however, Calvin states, “The natural gifts which remained [in fallen man] were corrupted after the fall. Not that they can be polluted in themselves in so far as they proceed from God, but that they have ceased to be pure to polluted man.” *Institutes* 2.2.16.

¹⁹ See Cornelius Van Til, *Christian Apologetics* (Phillipsburg, NJ: P&R Publishing, 2003 [1976]).

²⁰ Walzer’s work influenced several studies. Following Walzer, Charles Taylor says in *Sources of the Self: The Making of the Modern Identity* (Cambridge: Harvard University Press, 1989) that Calvinists adopted an “instrumental stance towards the world,” treating “things of creation merely as instruments and not as ends valuable in themselves” (232). Hancock follows Walzer as well, stating that “For the factual [in Calvinism] is not an eternal and stable reality but a field of change.” See *Calvin and the Foundations of Modern Politics*, 76.

²¹ See Grabill, *Rediscovering the Natural Law*.

greater continuity in political thought, which was previously concealed by 20th century assumptions about Protestant theology.

Below I present the nuances and distinctions of Reformed orthodoxy, particularly the relationship of reason and revelation in that tradition, and I conclude with some important clarifications on two kingdom theology, Protestant ecclesiology, civil government, and related matters.

2. Reformed Orthodoxy

The theological progeny of the first generation of Protestant Reformers continued to develop, codify, and systematize Reformed doctrine, culminating in what theologians today call “Reformed orthodoxy”.²² These theologians, often referred to as “Reformed scholastics,” applied a rigorous and precise methodology for the formulation and codification of theological doctrine.²³ The Reformed scholastics dealt with problems and objections to Reformed theology and sought to achieve “catholicity” by bringing Reformed theology into discussion with the broader Christian theological tradition.²⁴ With precision, they formulated the relationship of reason and revelation, arguing that reason has an ancillary role in theology. It is an instrument in “judging the truth of connections and so contradictions” in the formulation and systematization of theological truth.²⁵ It is not, however, a rule or source of Christian divinity. Nevertheless, things properly of faith *assume* reason, and so nothing of

²² Richard A. Muller, *Post-Reformation Reformed Dogmatics: The Rise and Development of Reformed Orthodoxy, ca. 1520 to ca. 1725 (PRRD)*, 4 Volumes (Grand Rapids, 2003), I.45. Scholars also excessively rely on Calvin as the principal or sole codifier of Reformed theology. See Muller, *PRRD*, pp. I.33-43.

²³ See Muller, *PRRD*, pp. I.34-36. This methodology is often called “Protestant Scholasticism”.

²⁴ See *PRRD*, I.97.

²⁵ See Turretin, *IET*, 1.10.7, 8.

faith contradicts what is of reason. There is harmony and complementarity between reason and revelation.

Furthermore, Reformed theologians affirmed that reason apart from scriptural revelation, even for fallen man, was generally effective and useful when applied to the proper objects of reason, namely, *natural truths*, including political truths. For these theologians, natural truth (e.g., the existence of God and moral duty to neighbors) is not even the proper object of faith, since natural truth is innately known in conscience and properly acquired by reason. Faith provides “certainty” on natural truth—it is supplemental to it. The proper objects of faith are truths above reason, which are exclusively revealed and contained in scripture. It is difficult to find a Reformed theologian prior to the 20th century who argued that reason apart from revelation is useless, that natural law and natural theology are inaccessible by reason alone or abrogated by special revelation, or that philosophy is paganism. Indeed, we find quite the opposite.²⁶

Reformed theologians argued that reason apart from special revelation was sufficient, prior to the fall of Adam, for humanity to achieve righteousness before God and everlasting happiness.²⁷ Before the fall, God related to man solely as Creator, not as Redeemer, for man was not in need of redemption; and the Creator established at creation and imprinted upon

²⁶ See Muller, *PRRD*, I.143, 365-405.

²⁷ As Petrus van Mastricht states: “The Reformed do not deny that natural theology as it existed in the state of man as originally instituted, or in the state of integrity, was sufficient for the attainment of eternal life by the covenant of nature.”²⁷ *Theological-Practical Theology (TPT)*, 2 Volumes, trans. Todd M. Rester and Michael T. Spangler and ed. Joel R. Beeke (Grand Rapids: Reformation Heritage Books, 2018/19), 84. Calvin writes, “had no law been written, natural light was sufficient to teach the Jews that it was their duty to obey God....God then declares that he required nothing but what nature itself dictated.” See *Commentaries on Jeremiah*, Vol. 4, 318 (on Jer. 35:12-15). Many Reformed theologians did claim, however, that grace was necessary for righteousness even prior to the fall. See, for example, Franciscus Junius, *Mosaic Polity*, trans. Todd M. Rester, ed. Andrew M. McGinnis (Grand Rapids, MI: CLP Academic, 2015), 48.

man a natural, universal and immutable standard of righteousness—the natural law.²⁸ “There is a natural law,” writes Francis Turretin (1623-1687), “not arising from a voluntary contract or law of society, but from a divine obligation being impressed by God upon the conscience of man in his very creation.”²⁹ Conscience and the faculty of reason were the original means by which man would know and fulfill his moral obligations to the Creator.

However, the fall of Adam diminished man’s ability to reason properly, leaving him without hope for achieving the righteousness sufficient for eternal life. But God chose to inscripturate the standard of righteousness (at least in summary form) in the Mosaic Law and to reveal himself as the Redeemer in the person and work of Jesus Christ. To redeem man

²⁸ Turretin, *IET*, (11.1.9). Turretin states, “The moral law...ought to correspond with the eternal and archetypal law in God, since it is its copy and shadow, in which he has manifested his justice and holiness.” (11.2.16, 17). For a discussion on Calvin’s and Turretin’s views of natural law, see David VanDrunen, *Natural Law and the Two Kingdoms: A Study in the Development of Reformed Social Thought* (Grand Rapids, 2010), 67-118 and 155-159; and Grabill, *Rediscovering the Natural Law*, pp. 70-97 and pp. 151-174. Calvin affirmed the universality of the natural law. “Equity,” he writes, “because it is natural, cannot but be the same for all.” *Institutes*, 4.20.16. Stephen Charnock, a 17th century English Puritan, writes, “[A]ll creatures have a law imprinted on their beings; rational creatures have Divine statues copied in their heart: for men, it is clear (Rom. ii.14), every son of Adam, at his coming into the world, brings with him a law in this nature, and when reason clears itself up from the clouds of sense, he can make some difference between good and evil; discern something of fit and just. Every man finds a law within him that checks him if he offends it: none are without a legal indictment and a legal executioner within them; God or none was the Author of this as a sovereign Lord, in establishing a law in man at the same time, wherein, as an Almighty Creator, he imparted a being. This law proceeds from God’s general power of governing, as he is the Author of nature, and binds not barely as it is the reason of man, but by the authority of God, as it is a law engrained on his conscience.” *The Existence and Attributes of God* (Grand Rapids, MI: Baker Books, 2000 [1853]), I.388-89. Neils Hemmingson (1513-1600), a Danish Protestant theologian and philosopher, defines the natural law as the following: “The law of nature is a certain knowledge, imprinted on the minds of men by God, of the principles of knowing and of acting, and of the conclusions proved from these principles that are in agreement with the proper end of man. Reason constructs these conclusions from the principles by necessary consequence for the governing of human life, so that man may recognize, want, choose, and do the things that are right, and avoid their opposites; and God has bestowed on men the conscience as the witness and judge of all these things.” *On the Law of Nature: A Demonstrative Method*, trans. E. J. Hutchinson (Grand Rapids, MI: CLP Academic, 2018), 30. The introduction of human sin did not destroy the law, for “the perpetual law of nature is not subverted by the sins of men,” writes Calvin. See *Commentaries on the Four Last Books of Moses*, Vol. 3, trans. Charles William Bingham (Grand Rapids: Baker Books, 2005), 8 (on Exodus 20:12).

²⁹ Turretin, *IET*, 11.1.7. Muller considers Turretin’s work to be the “apex of the development of scholastic theology in the post-Reformation era.” See “Scholasticism Protestant and Catholic: Francis Turretin on the Object and Principles of Theology,” *Church History* 55, no. 2 (June 1986): 195.

from sin and eternal death, God had to supply an *additional* revelation and act of God, since the natural order lacks any inherent remedy for sin. The natural knowledge of God and the supernatural knowledge of God together constitute the “twofold knowledge” of God—the *duplex cognitio dei*. “[T]he Lord first appears, as well in the creation of the world as in the general doctrine of Scripture, simply as a Creator, and afterwards as a Redeemer in Christ—a twofold knowledge of him hence arises,” writes Calvin.³⁰

The moral law in the Bible is the same as to substance as the law of nature. That is, both in substance contain the same moral standard, and this had to be the case. The natural law is the only suitable rule for man to achieve his natural *telos* in accordance with his nature.

Turretin put it this way:

The moral law is the same as to substance with the natural, which is immutable and founded upon the rational nature; both because the sum of the law (which is exhausted by the love of God and of our neighbor) is impressed upon man by nature and because all its precepts are derived from the light of nature and nothing is found in them which is not taught by sound reason; nothing which does not pertain to all nations in every age; nothing which is not necessary for human nature to follow in order to attain its end.³¹

The only difference between the natural law and moral law of scripture is in the mode of delivery. The “book of nature” is innately known in conscience and acquired by reason, and scriptural law is known by faith in divine testimony.³² The same law, therefore, is known both by reason and faith. As Turretin writes, “it is not repugnant that one and same thing in a different relation should both be known by the *light of nature* and believed by the *light of faith*; as what is gathered from the one only obscurely, may be held more certainly from the

³⁰ Calvin, *Institutes*, 1.2.1.

³¹ Turretin, *IET*, 11.2.17. Franciscus Junius defines the natural law as “that which is innate to creatures endowed with reason and informs them with common notions of nature, that is, with principles and conclusions adumbrating the eternal law by a certain participation.” *Mosaic Policy*, 44.

³² As Calvin writes, “The written law is just an attestation of the law of nature, through means of which God recalls to our memory that which he has previously engraved on our hearts.” *Commentary on the Book of the Psalms*, 5 Volumes, trans. James Anderson (Grand Rapids, 2004), Volume 4, 38.

other. Thus, we know that God is, both from *nature* and from *faith*.”³³ Faith and reason are two means by which one can know the same body of natural revelation.

The knowledge of *God as Redeemer*, however, differs in species from natural knowledge. Knowledge of redemption, grace, the Trinity, the Incarnation, etc. is *added* (or adventitious) knowledge that is above reason; and, being beyond reason, it is deposited only in scripture and known only by faith.³⁴ But this adventitious revelation of God as Redeemer does not supersede, abrogate or contradict natural truths, for “light [does not] oppose light, nor truth oppose truth because God is the author of both,” says Turretin.³⁵ Still, this means that reason has limitations. It has a limited “storehouse”³⁶ of truths. It can discover only natural objects, which God revealed in creation. Therefore, “reason cannot and should not draw mysteries [of faith] from its own treasury,” states Turretin.³⁷ That is, reason alone cannot discover any truth that is above nature.

The *duplex cognitio dei* is not, to be clear, a division of scripture and nature, for both scripture and nature contain creational truths (viz. natural theology and natural law). Scripture and nature are two sources for truth, but their extensions overlap. The *duplex cognitio dei* refers to two distinct sets of truths—God as Creator and as Redeemer—or the two ways that God relates to man. All humankind relates to God as Creator, while some (viz. the elect)

³³ Turretin, *IET*, 1.3.10. Emphasis added. Calvin states that the moral law is “nothing else than a testimony of the natural law.” *Institutes*, 4.20.15.

³⁴ Turretin writes, “The mysteries of faith are beyond the sphere of reason to which the unregenerate man cannot rise.” *IET*, 1.8.5.

³⁵ Turretin, *IET*, 1.9.11. Calvin writes that the Old Testament prophets “drew the substance of their doctrine from the fountain of the Law, and, strictly speaking, brought forward nothing new, but accommodated the doctrine of Moses to the circumstances of the time in which each lived.” See *Commentary on Jeremiah*, Vol. 3, 443; on Jer. 29:19).

³⁶ Benedict Pictet (1655-1724), nephew of Turretin, stated, “Reason cannot and ought not to bring forth any mysteries, as it were, out of its own storehouse; for this is the prerogative of scripture only.” *Christian Theology*, trans. Frederick Reyroux (London, 1834), 59.

³⁷ Turretin, *IET*, 1.9.5.

relate to God as he is Creator *and* Redeemer. But as to the sets of knowledge and their acquisition, one can acquire knowledge of God as Creator by reason and faith (being two modes of knowing the same truths), but acquire knowledge of God as Redeemer only by faith (for reason cannot discover what is above nature).

But the addition of truths concerning God as Redeemer does not add, nor remove, any precept of the original standard of righteousness. As Calvin said in his commentary on the Sermon on the Mount, “we must not imagine Christ to be a new legislator, who adds any thing to the eternal righteousness of his Father. We must listen to him as a faithful expounder, that we may know what is the nature of the law, what is its object, and what is its extent.”³⁸ Turretin affirms that “nothing can be added to” the moral law. He attributes the opposite view to “the Socinians, Anabaptists, Remonstrants, and papists,” many of whom say that “Christ made the imperfect law perfect.”³⁹ Hence, the knowledge of God as Redeemer 1) pertains only to salvation, 2) is adventitious to creation, and 3) does not modify or abrogate that original standard of righteousness. Indeed, the intent of grace was in part to restore man *to* nature, not from it or out of it. We can conclude that natural law is not only fundamental to

³⁸ Calvin continues, “But nothing was farther from the design of Christ, than to alter or innovate any thing in the commandments of the law. There God has once fixed the rule of life which he will never retract.... That Christ, on the other hand, intended to make no correction in the precepts of the law, is very clear from other passages: for to those who desire to enter into life by their good works, he gives no other injunction, than to *keep the commandments* of the law, (Matthew 19:17.) From no other source do the Apostles, as well as Christ himself, draw the rules for a devout and holy life.... It is doing a grievous injury to God, the author of the Law, to imagine that the eyes, and hands, and feet alone, are trained by it to a hypocritical appearance of good works, and that it is only in the Gospel that we are taught to love God with the heart. Away, then, with that error, ‘The deficiencies of the law are here supplied by Christ.’” See *Commentary on a Harmony of the Evangelists, Matthew, Mark, and Luke*, Vol. 1, trans. William Pringle (Grand Rapids: Baker Books, 2005), 283-4 (Mt. 5:21). Calvin says the same of the Old Testament prophets: “God sent not his prophets to correct the Law, to change anything in it, to add or to take away.” Earlier in the text he writes, “Were God then to descend a hundred times from heaven, he would bring nothing but this message, that he has spoken what is necessary to be known, and that his Law is the most perfect wisdom.” See *Commentary on the Prophet Jeremiah and the Lamentations*, Vol. 3, trans. John Owen (Grand Rapids: Baker Books, 2005), 313-14 (on Jer. 26:4-6).

³⁹ Turretin, *IET*, 11.3.

Reformed theology as the standard from which man fell; it is the perpetual measure of *all* right conduct, including for the elect.⁴⁰

Reformed orthodox theologians unanimously affirmed that faith does not destroy reason. Faith assumes reason. They insisted that although supernatural truth is above reason, it does not violate the first principles of reason, such as the law of non-contradiction. That is, while the mysteries of faith can be incomprehensible to and undiscoverable by reason, no supernatural supposition can violate the basic principles of reason.⁴¹ The doctrine of the Trinity, for example, is incomprehensible, yet not impossible. Hence, the first principles of reason are principles for *all* truth, including truths above reason itself.⁴² Turretin concludes that “Reason is perfected by faith and faith supposes reason, upon which to found the mysteries of grace.”⁴³ With this formulation, Reformed theologians ensured that neither reason, nor faith, were undermined and that each has a distinct role in the evaluation of natural and supernatural truth. Contrary to expectations, the Reformed tradition takes a sort of middle position on the role of reason in revealed theology. Some truth is incomprehensible (and believed by faith), though no incomprehensible truth can violate basic principles of

⁴⁰ To be more precise, it is the standard for all conduct when excluding divine positive law. God has the right to place obligations upon man that are indifferent (though not contrary) to nature. Put negatively, divine positive law is not an obligation by nature. Cited examples of divine positive law often include God forbidding Adam and Eve to consume fruit from the Tree of the Knowledge of Good and Evil (Gen. 2:17) and God instituting the elements of worship for the New Testament church.

⁴¹ Turretin distinguishes between an “incomprehensible thing (which cannot be grasped)... [because] we have only an obscure and imperfect knowledge of them” and an “impossible thing (which cannot be conceived).” *IET*, 1.9.9.

⁴² Turretin writes, “For although we do not deny that the mysteries of faith are above reason, still we do not think that they are contrary to it; so that if their truth cannot be proved from reason, still their credibility may be sufficiently established by faith.” *Ibid*, (19.27.7). Miller and Johnson are wrong in their claim that a Calvinist could in principle believe by faith what is “absurd,” “contrary to,” and “against” reason. See *The Puritans*, 54.

⁴³ *IET*, 1.9.5. Many will see Thomism in this understanding of faith and reason. See *Summa Theologia* 1.1.8 r. 2. See Grabill, *Rediscovering the Natural Law*, 15-17 for a discussion on “Thomist trajectories” in Reformed Scholasticism.

reason. Reason alone can in principle demonstrate all natural truths, but it can only *refute* (not demonstrate) any supposed supernatural truth.⁴⁴

Philosophy

With the preservation of reason came a high regard for philosophy. The Reformed theologian Zacharias Ursinus (1534—1583) wrote, for example:

True philosophy, although it also differs very much from the doctrine of the church, yet, it does not array itself against it, nor is it a wicked fabrication, and device of Satan, as is true of the false doctrines of the Sects; but it contains truth, and is, as it were, a certain ray of the wisdom of God, impressed upon the mind of man in his creation. It is a doctrine that has respect to God and his creatures, and many other things that are good and profitable to mankind, and has been drawn out from the light of nature, and from principles in themselves clear and evident, and reduced to a system by wise and earnest men. It follows, therefore, that it is not only lawful, but also profitable, for Christians to devote themselves to the study of philosophy.⁴⁵

Several other Reformed theologians approved philosophical inquiry as well.⁴⁶ Turretin

⁴⁴ Reformed theologians used this view of faith and reason to refute Lutheran and Roman Catholic doctrines (especially their doctrines of the Eucharist), claiming that these doctrines contradict first principles of reason. Turretin argues, for example, that both the Roman Catholic and Lutheran views of the Eucharists are impossible and so false: “a twofold kind of presence with respect to Christ’s body...[is] impossible and contrary to the nature of a body...[A] true body ought to be visible and palpable, located, impenetrable and circumscribed; which is so in one place that it cannot be in another.” *IET*, 19.28.7-8.

⁴⁵ Zacharias Ursinus (1534-1583), *The Commentary of Dr. Zacharias Ursinus on the Heidelberg Catechism*, trans. G. W. Williard (The Synod of the Reformed Church in the United States, 2004), 37. See also Turretin, *IET*, 1.4.17 and 10.5.2, 6.

⁴⁶ Sixteenth century Reformed theologian, Peter Martyr Vermigli (1499-1562), in his *Commentary on Aristotle’s Nicomachean Ethics*, states, “Since true philosophy derives from the knowledge of created things, and from these propositions reaches many conclusions about the justice and righteousness that God implanted naturally in human minds, it cannot therefore rightly be criticized: it is the work of God and could not be enjoyed by us without his special contribution....The goal of philosophy is that we reach that beatitude or happiness that can be acquired in this life by human powers.” (Kirkville: Truman State University Press, 2006), 13, 14. In another work, Vermigli writes, “All our knowledge is either revealed or acquired. In the first case it is theology, in the other, philosophy.” *Philosophical Works: On the Relation of Philosophy to Theology*, trans. and ed. By Joseph C. McLelland (Kirkville, MO: Sixteenth Century Essays & Studies, 1996), 6. Gisbertus Voetius (1589-1676) states, “The light of nature does not fight with the light of grace, nor philosophy with theology. Therefore, a-theological, and also doing injury to God and His truth, are those who condemn philosophy.” Translation of Voetius’s *Thersites* from Aza Goudriaan, *Reformed Orthodoxy and Philosophy, 1625–1750: Gisbertus Voetius, Petrus Van Mastricht, and Anthonius Driessen*, (Leiden: Brill, 2006), 30. Petrus van Mastricht (1630-1706) states that the “anabaptists,” not the Reformed, had a “hatred of philosophy.” *Theoretical-practical Theology*, 83. He further claims that Reformed theologians took a middle position between two extremes: on one side are those who reject natural theology, and on the other are those who “make so much of natural theology that it is seen as

devotes most of his discussion to the proper bounds of philosophy, stating that though God is the “author of philosophy and of natural reason...these should [not] be the interpreters of Scripture.”⁴⁷ Philosophy is useful in “convincing the Gentiles,” testifying to the “consent in things known by nature, by which (as from a twofold revelation) the truth and certainly of the things themselves may be better confirmed,” and preparing the “reception” of heavenly doctrine.⁴⁸ His concern is not with philosophizing as such but that “care...[is] taken that philosophical truths be not extended beyond their own sphere and ordinary powers of nature.”⁴⁹ Philosophy is a “measure” (or *regula*) for natural truth and is only a “servant” (or *ancilla*) for supernatural truth.⁵⁰ Turretin states that “the manner of dealing with [atheists can be] philosophical, so that by the principles of reason the prejudices against the Christian religion drawn from corrupt reason may be removed.” Reformed philosopher, Johann Heinrich Alsted (1588-1638), published *Theologia Naturalis* in 1615, in which he wrote that

sufficient for salvation” (83). He goes on to argue that natural theology is useful for refuting atheists, for demonstrating a deity, for some kind of worship of God (Rom. 1:19-20), and for rendering the pagans, including the philosophers, without excuse” (83-84), but it is not sufficient for salvation. Another Reformed theologian, Girolamo Zanchi, writes, “Scripture bequeaths that which is above the capacity of the human mind, and the causes of which we are unable to perceive. Philosophy, in fact, wants all things to be perceived by the human mind, and to be known by way of [their] causes.” Girolamo Zanchi, *Aristotelis de naturali auscultatione, seu de principiis*, (Strasbourg: Rihelius, 1554), fol. 13v.

⁴⁷ Turretin, *IET*, 1.13.10.

⁴⁸ Turretin even permits “the philosopher...to begin with a doubt in order to [conduct] a safer investigation of natural things.” *IET*, 1.13.14.

⁴⁹ Turretin, *IET*, 1.13.13.

⁵⁰ Philip Melanchthon states, “The Gospel is the teaching of spiritual life and of justification in the eyes of God; but philosophy is the teaching of the corporeal life [*doctrina vitae corporalis*], just as you see that medicine serves health, the turning points of storms serve navigators, civil conduct serve the common peace of all men. The use of philosophy in this way is very necessary and approved of by God; as Paul says in many places, that creatures of God may use it with thanksgiving.” Cited and Translated in Sachiko Kusukawa, *The Transformation of Natural Philosophy: The Case of Philip Melanchthon* (Cambridge: Cambridge University Press, 1995), 66. Melanchthon does not limit philosophy’s use only to civil conduct. In his *De Platonis*, for example, he praises Plato’s natural theology. See *Orations on Philosophy and Education*. ed. Sachiko Kusukawa, trans. Christine F. Salazar (Cambridge: Cambridge University Press, 1999), 194, 202, 220.

“the foundation of natural theology is threefold: reason, universal experience, and sacred scripture.”⁵¹

Pagan Virtue

Reformed writers universally acknowledged that non-Christians (or “pagans” or “heathen,” as they often called them) could know and externally act in accordance with the natural law.⁵² They often possessed outward and even a degree of inward virtue. Peter Martyr Vermigli wrote, for example, “It is true that our nature, in its present state, is suited to and capable of receiving the virtues, if we are speaking of the civil and moral kind.”⁵³ Nineteenth century Dutch theologian Herman Bavinck states that Reformed theologians “have always fully acknowledged the existence and moral value of [pagan civil action].” Bavinck goes on to argue, that

Since after the fall people have remained human and continue to share in the blessings of God’s common grace, they can inwardly possess many virtues and outwardly do many good deeds that, viewed through human eyes and measured by human standards, are greatly to be appreciated and of great value for human life.⁵⁴

⁵¹ Johann Heinrich Alsted, *Theologia Naturalis* (Antonius Hummius, 1615). “*Fundamentum theologiae naturalis est triplex, ratio, experientia universalis, et scriptura sacra.*” In the same work, Alsted distinguishes between the book of nature and book of scripture. He writes, “The law of homogeneity requires that no more be declared in the system of natural Theology than what can be demonstrated from the book of nature. Therefore mysteries which are sought from the book of Scripture should not be arrived at in precepts and rules by means of natural Theology.” Translated by Eric Parker in “Johann Heinrich Alsted: Natural Theology in the Reformed Tradition,” at The Calvinist International (website), available at <https://calvinistinternational.com/2013/12/17/johann-heinrich-alsted-natural-theology-reformed-tradition/> (accessed 5/26/2020).

⁵² Vermigli writes, “We accept that much knowledge of honest things remains in the human mind through the kindness of God.” See *Commentary on Aristotle’s Nicomachean Ethics*, 285.

⁵³ Vermigli, *Commentary on Aristotle’s Nicomachean Ethics*, 296.

⁵⁴ Herman Bavinck, *Reformed Dogmatics*, vol. 4, trans. John Vriend (Grand Rapids, 2008), 256-7. He also wrote, “The doctrine of the incapacity for good is a religious confession. In light of the standard people usually follow in their daily life or in philosophic ethics, one can wholeheartedly admit that much of what people do is good and beautiful” *Reformed Dogmatics*, vol. 3, 123. Turretin states, “Some strength still remains in man after the fall as to those external and civil good works, so that he can exercise justice and temperance, put forth acts of mercy and charity, abstain from theft and homicide, and exhibit the operations of similar virtues, with the antecedent concurrence and general help of God, to which the virtues of the heathen belong; but the question is about spiritual and supernatural good, pleasing and acceptable to God.” *IET*, 10.4.3.

Reformed theologians relied on “consent of the nations” arguments, which pointed to ubiquitous pagan laws and practices as proper or expedient applications of the natural law or as poor applications of true principles. Calvin himself said, “As some principles of equity and justice remain in the hearts of men, the consent of nations is as it were the voice of nature, or the testimony of that equity which is engraven on the hearts of men, and which they can never obliterate.”⁵⁵

Reformed Theological Anthropology

Reformed theological anthropology makes possible this praise for outward virtue. Calvin distinguishes “earthly” objects (“matters of policy and economy, all mechanical arts, and liberal studies”) and “heavenly” objects (“true righteousness and future blessedness”). Though man “lost all understanding”⁵⁶ on heavenly matters at the fall, he did not lose all understanding on things pertaining to earthly life. Man is “very acute and clear-sighted in the investigation of inferior [earthly] things,” though not on heavenly things.⁵⁷ Political questions were not heavenly things. When focused on the “inferior things,” man can achieve “some result,” proving that “some principle of civil order is impressed on all. And this is ample proof that...no man is devoid of the light of reason.”⁵⁸ Man’s “supernatural” virtues—those which relate to heaven and the eschaton, such as “the light of faith and righteousness”—were “withdrawn” in the fall, but the natural virtues were only “partly weakened and partly

⁵⁵ Calvin, *Commentary on the Twelve Minor Prophets*, Vol. 4, trans. John Owen (Grand Rapids, 2005), 92-93 (Habakkuk 2:6). He also appealed to the “general consent of all nations” for support that “God ought to be worshipped by sacrifices.” *Commentaries on the Four Last Books of Moses: Arranged in the Form of a Harmony*, Vol. 3, trans. Charles William Bingham (Grand Rapids: Baker Books, 2005), 350 (on Deut. 32:16).

⁵⁶ John Calvin, *Commentary on the Book of the Prophet Isaiah*, volume 2 (Grand Rapids, 2004), Ch. 44, v. 18.

⁵⁷ Calvin, *Institutes*, 2.2.15.

⁵⁸ Calvin, *Institutes*, 2.2.13.

corrupted,” ensuring that “nothing, indeed, is more common, than for man to be sufficiently instructed in a right course of conduct by natural law.”⁵⁹ This is possible because “one of the essential properties of our nature is reason” and the “natural gifts can[not] be polluted in themselves.”⁶⁰ Thus, the Reformed tradition affirms that fallen man knows the principles of civil order, can reach sound conclusions on natural duties, and can act upon those conclusions.⁶¹

Even with these capabilities, however, man is far below the righteousness that God requires for eternal life. Uprightness before fellow man cannot be confused with sufficient righteousness before God. This is the classic distinction between man *coram hominibus* and *coram deo*. God requires both outward and inward submission; and having lost that original righteousness orienting man to heavenly things but having retained the natural means to a commodious earthly life, man can outwardly conform to the natural law while inwardly failing to act to the glory of God. Using the “heavenly judgment of Christ” and “earthly judgments,”⁶² Reformed theologians can consistently offer negative and positive assessments of man in a fallen state. Though fallen man lacks anything resembling true righteousness before God, he can achieve a considerable degree of civic uprightness.⁶³ With this distinction,

⁵⁹ See Calvin, *Institutes*, 2.2.22.

⁶⁰ Calvin, *Institutes*, 2.2.16. The full quote is, “Not that [the natural gifts] can be polluted in themselves in so far as they proceed from God, but that they have ceased to be pure to polluted man.”

⁶¹ See Grabill, *Rediscovering*, 96. See also my essay, “Francis Turretin on the Possibility of Pagan Virtue,” in *Beyond Calvin: Essays on the Diversity of the Reformed Tradition* (Moscow, ID: Davenant Trust, 2017).

⁶² Calvin says that “earthly judgments” is often an “outward mask of holiness or uprightness [that] is of no avail in [God’s] presence.” See *Commentary on the Book of the Prophet Isaiah*, Vol. 1, 377 (on Isaiah 11:3).

⁶³ But such works ultimately do not please God. As Ursinus writes, “The excellent virtues and deeds of renown, which are found among heathen nations, belong, indeed, to the vestiges or remains of the image of God, still preserved in the nature of man; but there is so much wanting, to constitute that true and perfect image of God, which was at first apparent in man, that these virtues are only certain shadows of external propriety, without the obedience of the heart to God, whom they neither know nor worship. Therefore, these works do not please God, since they do not proceed from a proper

Johannes Althusius (1563-1638) can write, “In political life even an infidel may be called just, innocent, and upright.”⁶⁴ Similarly, the Canons of Dordt (1619), a major statement of Reformed theology states that fallen man “shows some regard for virtue and for good outward behavior” (3/4.4).⁶⁵

Natural Religion

The importance of worship in Reformed orthopraxis offers further clarification on the *coram deo/hominibus* distinction. Calvin said that “The chief part of righteousness and holiness consists in the true worship of God.”⁶⁶ It is “the chief object of life.”⁶⁷ Worship here refers both to an internal and private worship and to public worship in the instituted church. In terms of outward conduct, fallen man is incapable of pure worship. Calvin famously said that man is a “forge [or factory] of idols.”⁶⁸ Since worship is the principal part of holiness,

knowledge of him, and are not done with the intention of glorifying him.” See *Commentary on Heidelberg Catechism*, 87.

⁶⁴ Johannes Althusius, *Politica: An Abridged Translation of Politics Methodically Set Forth and Illustrated with Sacred and Profane Examples*, ed. and trans. Frederick S. Carney (Indianapolis: Liberty Fund, 1964), 147. In another work, Althusius affirmed that all humankind were inclined towards the natural law. He writes, “Thus, there is a knowledge and natural inclination for this law in the human heart. Because of it, a person knows what is just and is urged by the hidden impulse of nature to do what is just and to not do what is unjust.” *On Law and Power*, trans. Jeffrey J. Veenstra (Grand Rapids, MI: CLP Academic, 2013), 9.

⁶⁵ Quoted in Grabill, *Rediscovering*, 8. Turretin argues for the existence of the natural law by citing the “consent of the nations, among whom...some law of the primitive nations obtains, from which even without a teacher they have learned that God should be worshipped, parents honored, a virtuous life be led and from which as a fountain have flowed so many laws concerning equity and virtue enacted by heathen legislators, drawn from nature itself.” *IET*, 11.1.13.

⁶⁶ Calvin, *Commentary on the Twelve Minor Prophets*, Vol. 5, trans. John Own (Grand Rapids: Baker Books, 2005), 620 (Malachi 4:2). Elsewhere, Calvin writes, “As the name of God is more excellent than any thing in the whole world, so the worship of him ought to be regarded as of more importance than all those duties by which we prove our love towards men.” *Commentary on the Twelve Minor Prophets*, Vol. 3, trans. John Own (Grand Rapids: Baker Books, 2005), 343-4 (on Micah 6:8).

⁶⁷ “Since the chief object of life is to acknowledge and worship God, (which alone is our principal distinction from the brutes,) we ought to prefer it to all things, even to the most valuable, so as to direct to him all our prayers, and, in a word, all the thoughts of our heart.” *Commentary on the Prophet Isaiah*, Vol. 3, trans. William Pringle (Grand Rapids: Baker Books, 2005), 368-9 (on Isaiah 44:9).

⁶⁸ See Calvin, *Institutes*, 1.11.8.

the failure to worship is egregious sin. The civilly upright pagan has little to brag about, since he does not give God his due. He offers God only *splendida peccata*.⁶⁹ “Hence, it is that no work,” writes Calvin, “however right and perfect before men, deserves this distinction and honour before God.”⁷⁰

Nevertheless, the Reformed tradition does affirm natural religion. The duties of natural religion are inscripturated in the First-Table (the first four commandments) of the Ten Commandments. These govern the principles of natural worship and serve as the ground for *instituted* worship, which is divine positive law pertaining to authorized outward ceremonies. Reformed worship is ultimately natural worship *via* divinely instituted elements of worship.⁷¹ Furthermore, in principle, every element of natural religion is accessible by reason, and Reformed theologians (even Calvin) acknowledged that pre-Christian peoples demonstrate some knowledge or sense of the principles of religion.⁷² Of course, Reformed theologians rejected “pagan theology,” calling it *theologia falsa*, but they saw in it a “seed of religion implanted in us by nature.”⁷³ This matters not because Reformed theologians borrowed much

⁶⁹ Calvin writes, “That men are naturally careful and provident in worldly matters, but altogether blind in the worship of God, proceeds from no other cause than that they are abundantly attentive to their individual interests, but are not moved by any anxiety about the heavenly kingdom.” See *Commentary on the Prophet Isaiah*, Vol. 3, 378 (on Isaiah 44:19). “Nothing is indeed so precious as his [God’s] worship,” writes Calvin in *Commentaries the Twelve Minor Prophets*, Vol. 5, 490 (on Malachi 1:6-8). “Nothing is so much valued and approved by God as a sincere attention to real piety,” states Calvin in *Commentaries on the Book of the Prophet Jeremiah*, Vol. 3, 248 (on Jer. 25:6). “Impiety is indeed more detestable than inhumanity, inasmuch God is far above all mortals.” (Vol. 2, 422; on Jer. 18:20).

⁷⁰ See *Commentaries on the Twelve Minor Prophets*, Vol. 5, 609 (on Malachi 3:17).

⁷¹ I discuss this further in Chapter 4.

⁷² Calvin writes, “A sense of Deity is inscribed on every heart.” See *Institutes*, 1.3.1.

⁷³ Calvin writes, “As there is a seed of religion implanted in us by nature, so we are constrained, even against our will, to entertain the belief of some superior being who excells all things; and no man is so mad as to wish to cast down God from his throne; for we are instructed by nature that we ought to worship and adore God. Hence also the Gentiles, though they were ignorant of God, rendered worship to their idols.” See *Commentary on the Prophet Isaiah*, Vol. 2, trans. William Pringle (Grand Rapids: Baker Books, 2005), 444-5 (on Isaiah 14:14).

from the particularities of pagan theology, but because Reformed theologians saw in pagan religion clear evidence for natural theology and natural religion.

Classical Sources

Along these lines, Reformed writers frequently cited classical, non-Christian sources. Classical authors were treated as authorities, especially on civil and ethical matters but also on natural theology.⁷⁴ Reformed intellectuals in the 16th and 17th centuries were exceptionally well-educated, capable scholars, and Christian humanists. Historian Margo Todd writes, “scholars have failed to see the puritans as the heirs of a complex intellectual legacy—classical, medieval, and Renaissance humanist as well as Reformed.” The Puritans, for example, were “heavily Erasmian”: they went back to the sources, including pagan sources. This explains why “we find their social and political treatises citing Xenophon and St Paul in the same breath, Erasmus and Zanchius in the same marginal note.”⁷⁵ Richard Tuck said that “The Calvinist was generally...a much better humanist [than the Roman Catholic].”⁷⁶

Sola Scriptura

What then of the doctrine of *sola scriptura*? Doesn’t “scripture alone” make the Bible the sole source for Christian duty? No Reformed theologian, prior to the 20th century, believed that Scripture is the sole source for Christian duty. The doctrine of *sola scriptura* is principally about locating the sufficient and exclusive source for *articles of religion*. As English divine Richard Hooker stated, *sola scriptura* in effect excludes “traditions as a part of

⁷⁴ Girolamo Zanchi, for example, cites Cicero’s *On the Nature of the Gods*: “This worship of the gods is best and also most holy and more pure of piety that we always venerate the gods with pure, whole, untarnished heart and voice.” *On the Law in General*, 21.

⁷⁵ Margo Todd, *Christian Humanism and the Puritan Social Order* (Cambridge: Cambridge University Press, 1987), 16.

⁷⁶ Richard Tuck, *Natural Rights Theories: Their Origin and Development* (Cambridge: Cambridge University Press, 1979), 32.

supernatural necessary truth” for salvation.⁷⁷ *Sola scriptura* is the following: Scripture is the *exclusive* and *sufficient* source for all supernatural truths necessary for salvation. Genevan theologian Bénédict Pictet (1655-1724) put it this way: “This perfection [of scripture] is confined to those things which are necessary to salvation, for it was not God’s design, in giving us the scripture, to make us philosophers.”⁷⁸ The doctrine of *sola scriptura* does not say that the Bible is the exclusive, nor even the sufficient source for all particular civic and moral duties.⁷⁹ Though the moral law is summarized in the Ten Commandments and explicated throughout Scripture, Scripture is complete only in those things necessary for salvation.

In summary, the types of truths contained in scripture are the following (see figure 1): 1) what is adventitious to nature (viz. supernatural truths, which pertain to salvation) and 2) what is original to nature (viz. natural theology, natural religion, and natural law). The latter can be sub-divided into a) *obscured* natural truth (which is clarified by scripture) and b) *confirmed* natural truth (for which Scripture supplements common knowledge).⁸⁰

⁷⁷ Richard Hookers formulates *sola scriptura* in the following way: “The principle intent of scripture is to deliver the laws of duties supernatural....Albeit scripture do profess to contain in it all things which are necessary unto salvation; yet the meaning cannot be simply of all things that are necessary, but all things that are necessary in some certain kind or form; as all things that are necessary, and either could not at all, or could not easily be known by the light of natural discourse; all things which are necessary to be known that we may be saved.... It sufficeth therefore that nature and scripture do serve in such full sort, that they both jointly and not severally either of them be so complete, that unto everlasting felicity we need not the knowledge of anything more than these two, may easily furnish our minds with on all sides, and therefore they which add traditions as a part of supernatural necessary truth, have not the truth but are in error.” *Laws of Ecclesiastical Polity*, Book 1, Ch. 14.1-4.

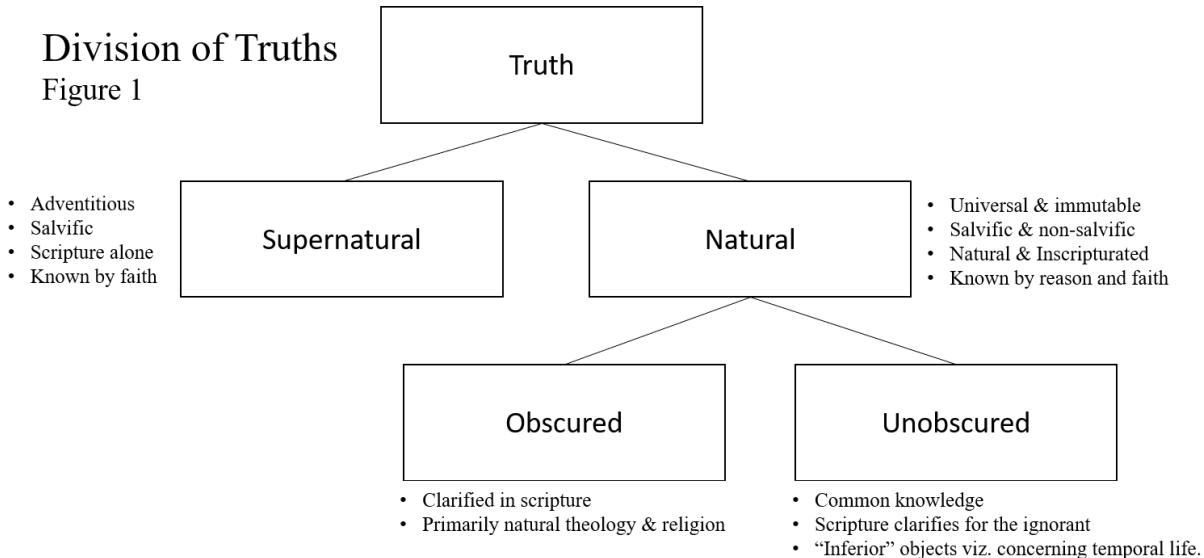
⁷⁸ Pictet, *Christian Theology*, 50-51.

⁷⁹ *Contra*, Zuckert who states that *sola scriptura* is “the notion that the truths about religion, including one’s religiously underwritten duties in the political sphere, must be garnered from scripture alone.” See “Natural Rights and Protestant Politics,” in *Protestantism and the American Founding*, eds. Thomas S. Engeman and Michael P. Zuckert. (Notre Dame, IN: University of Notre Dame Press, 2004), 44.

⁸⁰ On this sub-division, Pictet writes, “There are some things necessary to salvation which are naturally known to all, as the existence of God, the immortality of the soul, etc., it is not necessary that these truths should be professedly taught in the scriptures. They must be taken for granted, and not proved, although they are found and confirmed in scripture; because though they ought to be

Division of Truths

Figure 1



Faith and Reason

Though I have touched already on the distinction between faith and reason, further clarification will help distinguish each one's role and set of objects. Charnock helpfully wrote,

For God, in regard of his existence, is not only the discovery of faith, but of reason....[I]t is a discovery to our reason, as shining in the creatures; and [it is also] an object of our faith as breaking out upon us in the Scriptures: it is [therefore both] an article of our faith and an article of our reason. Faith supposeth natural knowledge, as grace supposeth nature. Faith indeed is properly of things above reason, purely depending upon revelation. What can be demonstrated by natural light, is not so properly the object of faith; though in regard of the addition of a certainty by revelation it is so.⁸¹

Faith and reason differ in mode and object. As to mode, faith is an act of resting on divine testimony alone—an appeal to divine authority. Faith is suitable for “invisible things,” as Calvin said: “Faith, indeed, has also its eyes, but they are such as penetrate into the invisible

known to us by nature, yet we must confess that some of them are obscure, and appear doubtful to some persons.” *Christian Theology*, 43. Turretin wrote, “Although various practical notions have been obscured after sin and for a time even obliterated, it does not follow either that they were not entirely extinguished or that they never existed at all. For the commonest principle (that good should be done and evil avoided) is unshaken in all, although in the particular conclusion and in the determinations of it good men may often err because vice deceive us under the appearance and shadow of virtue.” *IET*, 11.1.20.

⁸¹ Stephen Charnock, *The Existence and Attributes of God*, I.27.

kingdom of God, and are contented with the mirror of the Word; for it is the demonstration of invisible things.”⁸² Everything in scripture is an object of faith, for Scripture is divine testimony both to the supernatural and natural truths contained therein. But the principal objects of faith are truths above reason; these are most fitting to it. Still, faith provides an “addition” of “certainty” for natural truths. That is, faith, as a mode of knowledge, *confirms* what nature already dictates, though it can reveal what the fall has obscured (See Figure 1). Reason is a mediate mode of knowledge, for the reasoner must reflect upon the nature of things. The proper objects of reason are natural truths, and reason is suitable for the discovery of such truths. But it is unable to discover or comprehend anything adventitious to nature, for such truths are not in reason’s storehouse; reason is not a suitable mode for acquiring such knowledge. Therefore, both faith and reason can independently come to the same conclusions when the object is natural, for both are instruments for knowledge of natural truths. But their sets of truths are not coextensive, for scripture contains what reason cannot reach.

Divine Voluntarism

Scholars often think that Reformed theology is committed to divine voluntarism. In its simplest form, divine voluntarism is the idea that good and evil are designated as such merely by divine declaration or will and not by the nature of things in themselves. There are more sophisticated ways to put it, but that is unnecessary here. It is false that the Reformed tradition generally affirmed divine voluntarism, nominalism, or William of Ockham’s philosophy generally, though this error is at the level of received knowledge in certain segments of academia.⁸³ As John Patrick Donnelly has written, “The striking thing about the

⁸² John Calvin, *Commentaries on the Catholic Epistles*, trans. John Owen (Grand Rapids, 2005) 34-35.

⁸³ See, for example, Gillespie, *Theological Origins of Modernity* (Chicago: University of Chicago Press, 2009), who implicated Protestant nominalism in the rise of modernity, though Gillespie focuses on Martin Luther. On the use of Luther’s rejection of Aristotle, Manfred Svensson writes, “Early Roman Catholic polemicists...made [Luther’s] rejection of Aristotle and Aquinas a quite central feature of their own polemics. But in this matter, they may have taken Luther more seriously than

rise of Reformed scholasticism is that its roots in medieval scholasticism run heavily to Thomism, hardly at all to nominalism.”⁸⁴ Turretin himself said that the “more common opinion of the [Reformed] orthodox” was in agreement with “Thomas Aquinas”: that “the moral law...is simply indispensable because it contains the intrinsic reason of justice and duty; not as proceeding from the law, but as founded on the nature of God.”⁸⁵ Turretin not only rejects divine voluntarism, he states that those who believe it are motivated “by the power which they claim for their pope of dispensing with the precepts of God.” In his view, it is a Roman Catholic tendency. Calvin wrote that “it is never lawful to separate his wisdom and justice from his power” and “God never so acts by his absolute power as to separate it from his justice.”⁸⁶ Petrus van Mastricht (who heavily influenced Jonathan Edwards) states that only “one or perhaps two” Reformed theologians followed Ockham and the rest affirmed, largely in agreement with Aquinas, that “every natural moral good depends not upon God’s will as such, as a positive good, but upon his nature, as he is God.”⁸⁷ This rebuts the common charge that the Reformed tradition denied “teleological Christian morality,” as

Protestants themselves did. For in these issues teachers in Protestant institutions definitively looked for guidance from Melancthon rather than Luther. Luther’s anti-Aristotelianism must unequivocally be described as a minority position.” See “The Use of Aristotle in Early Protestant Theology,” in *Without Excuse: Scripture, Reason, and Presuppositional Apologetics*, ed. David Hanes (Davenant Press, 2020),

⁸⁴ John Patrick Donnelly, *Calvinism and Scholasticism in Vermigli’s Doctrine of Man and Grace* (Leiden: E. J. Brill, 1976), 204-205.

⁸⁵ Turretin, *IET*, 11.2.10.

⁸⁶ See Calvin, *Commentary on the Book of the Prophet Isaiah*, Vol. 2, 152 (on Isaiah 23:9) and *Commentaries on Jeremiah*, Vol. 5, 192 (on Jer. 50:45).

⁸⁷ Petrus van Mastricht, *TPT*, 1.2.15.XXXI. G. W. Leibniz likewise said, “the Reformed theologians of today usually reject this teaching [whether justice and goodness are arbitrary]....All our theologians, therefore, and most of those of the Roman church, as well as the ancient Church Fathers and the wisest and most esteemed philosophers, have favored the second view, which holds that goodness and justice have grounds independent of will and of force.” Gottfried Wilhelm Leibniz, *Philosophical Papers and Letters*, trans. and ed. Leroy E. Loemker, 2nd ed. (Dordrecht: Kluwer Academic, 1989), 561-2. This is not to say that nominalism (and Scotism) had no influence in 16th and 17th century Reformed theology. But as to the question of divine voluntarism, Reformed theologians tended to side with what might be called a modified Thomism.

Brad Gregory claimed.⁸⁸ The Reformed tradition stresses that the Gospel *restores* man to nature, including to the natural law and man's original, teleological end. Bavinck states, "Grace serves, not to take up humans into a supernatural order, but to free them from sin. Grace is opposed not to nature, only to sin.... Grace restores nature and takes it to its highest pinnacle."⁸⁹

3. Reformed Political Theory

Two Kingdom Theology

Reformed orthodox theology embraced the old idea of the "two ends of man"—earthly life (temporal) and heavenly life (eternal).⁹⁰ These ends were original to man's creation, and if Adam continued in his state of integrity, he would have met the divine condition for heavenly life by his own merit. The fall of man, however, almost entirely obliterated the knowledge of and the way to heavenly life. But Christ, the second Adam, achieved that way on man's behalf and thereby secured for the elect the admission to man's original, higher destination. In this way, Christ *restored* nature and reestablished and fulfilled the way to eternal life. Christianity, therefore, does not replace any end of man, but rather introduces a remedy (viz. the person and work of Christ) to make possible the attainment of man's original

⁸⁸ Brad S. Gregory, *The Unintended Reformation: How a Religious Revolution Secularized Society* (Cambridge, Mass: Belknap Press, 2012), 207. Jordon Bailor, in his review of the book, rightly says that Gregory's "approach, abstracted from concrete texts and contexts, often reads like a kind of history of ideas at its worst that is used to conform the historical realities to a distorted intellectual paradigm." *Calvin Theological Journal* 47/2 (2012), 352-53.

⁸⁹ Herman Bavinck, *Reformed Dogmatics, Vol. 3: Sin and Salvation in Christ*, ed. John Bolt, trans. John Vriend (Grand Rapids, MI: Baker Academic, 2006), 577.

⁹⁰ Turretin writes, "The received opinion among the [Reformed] orthodox is that the promise given to Adam was not only of a happy life to be continued in paradise, but of a heavenly and eternal life." *IET*, 5.12.3.

and ultimate end.⁹¹

After the fall, man's self-wrought merit is no longer the condition for heavenly citizenship. The new covenant requires an active trust in Christ's person and meritorious work. This trust is the "faith" in the doctrine of justification by faith alone. Rightness before God as judge, therefore, is not conditioned on participation in a sacramental system or on good works or inherent holiness, but on an *internal* faith in a righteousness *extra nos*. One's faith is visible alone to God, who confronts man immediately in his conscience. As Calvin said, "Our consciences have not to do with men but with God only."⁹² To be sure, Reformed Protestants still affirm the sacramental nature of baptism. But while the rite of baptism grants one the *outward* sign of conversion and membership in the outward covenant of grace and its outward administration, it does not, by the act itself, produce saving, internal faith.⁹³

Internal faith as the sole instrument of justification gave rise to the Protestant distinction between the visible and invisible church. Only those with true, genuine faith (viz. the elect) are in the invisible church, and they constitute the true, eternal church of God. Members of the visible church are treated *as if* they are part of the invisible church, though not all members of the visible church are true members of the invisible church. The visible/invisible distinction does not constitute two different churches but the same church viewed differently.⁹⁴ However, the church of God as to essence is the invisible church, for only those

⁹¹ Dutch Reformed Theologian, Herman Bavinck writes, "[Grace] does not grant anything beyond what Adam, if he had remained standing, would have acquired in the way of obedience. The covenant of grace differs from the covenant of works in the road, not in its final destination. The same benefits are promised in the covenant of works and freely given in the covenant of grace. Grace restores nature and raises it to its highest fulfillment, but it does not add a new, heterogeneous component to it." See *Reformed Dogmatics: Sin and Salvation in Christ*. Vol. 3. trans. John Vriend and ed. John Bolt (Grand Rapids, MI: Baker Academic, 2006), 577.

⁹² Calvin, *Institutes*, 4.10.5. Calvin calls it the "forum of conscience."

⁹³ Admittedly, this is a simplistic way to put it, for the Reformed tradition does hold (though not all agree on the specifics) on the efficacy of baptism.

⁹⁴ See Chapter 3.

with true, internal faith are spiritually united to and secured in Christ.

The invisible church is the *spiritual kingdom of God*, the sole forum in which Christ mediates salvific grace to this people.⁹⁵ This kingdom is “placed in the soul or inward man, [and] relates to eternal life,” writes Calvin.⁹⁶ Elsewhere, he writes, “Christ’s kingdom only begins *in us* here.”⁹⁷ Though the visible church is the outward manifestation of the kingdom of Christ, its principal role, as an institution, is the heaven-oriented worship of God and the administration of word and sacrament. The spiritual kingdom of Christ in itself, therefore, is invisible, eschatological, and heavenly, and composed solely of the elect.

The second kingdom, often called the kingdom of nature or civil kingdom, is different in kind from the spiritual kingdom. It is external, visible, temporal, and earthly, composed of the elect and the non-elect alike, and concerns external, earthly things. The natural kingdom is the realm of family, kin, nation, and civil government (and all the hierarchies therein). Common grace, though non-salvific, maintains this kingdom, preserving it in accordance with earthly, natural principles and ends (viz. natural law). The natural kingdom of God has earthly mediators, such as the civil magistrates, who serve as vicars of God, mediating divine rule over civil affairs. But their jurisdiction is over secular matters, not sacred ones; they can

⁹⁵ More specifically, the invisible church refers to the *people* of the spiritual kingdom of Christ.

⁹⁶ Calvin, *Institutes*, 4.20.1.

⁹⁷ John Calvin, *Commentary on the Prophet Jeremiah*, Vol. 3, 83 (on Isaiah 31:12). Emphasis is mine and clarifies Calvin’s meaning in context. In his commentary on Isaiah, Calvin writes, “We must observe the analogy between the kingdom of Christ and its qualities; for, being spiritual, it is established by the power of the Holy Spirit. In a word, all these things must be viewed as referring to the inner man, that is, when we are regenerated by God to true righteousness. Outward righteousness indeed follows afterwards, but it must be preceded by that renovation of the mind and heart. We are not Christ’s, therefore, unless we follow what is good and just, and bear on our hearts the impress of that righteousness which hath been sealed by the Holy Spirit.” See *Commentary on the Book of the Prophet Isaiah*, Vol. 1, trans. William Pringle (Grand Rapids: Baker Books, 2005), 316 (on Isaiah 9:7).

compel the body, not the soul.⁹⁸

These two kingdoms, spiritual and natural, are complementary.⁹⁹ The natural kingdom is ordered to the spiritual kingdom—what is lower serving what is higher. The natural kingdom provides the best possible outward conditions for the pursuit of eternal life and complete happiness in God. Though complementary, they must be kept strictly separate, for they are essentially different. The nature of one should (and indeed cannot) invade the nature of the other. As Calvin writes:

Regarding our eternal salvation it is true that one must not distinguish between man and woman, or between king and a shepherd, or between a German and a Frenchman. Regarding policy however, we have what St. Paul declares here; for our Lord Jesus Christ did not come to mix up nature, or to abolish what belongs to the preservation of decency and peace among us....Regarding the kingdom of God (which is spiritual) there is no distinction or difference between man and woman, servant and master, poor and rich, great and small. Nevertheless, there does have to be some order among us, and Jesus Christ did not mean to eliminate it, as some flighty and scatterbrained dreamers believe.¹⁰⁰

⁹⁸ Matthew Tuininga describes Calvin's two-kingdom doctrine as the following: "the kingdom of Christ is a fundamentally spiritual (or eschatological) reality, one that inaugurates the restoration of the entire creation through the regeneration of human beings by Christ's word and Spirit. The location where this restoration has begun is the church, and Calvin sharply distinguished the church, as such, from the temporal and political affairs of life....Calvin sharply differentiated a 'twofold government in man': one government that has the power to restore human to spiritual righteousness, true virtue, and eternal life, and one that can only establish outward, civil, and temporal versions of the same." See *Calvin's Public Theology and the Public Engagement of the Church: Christ's Two Kingdoms* (Cambridge: Cambridge University Press, 2017, 1-2.

⁹⁹ On the two kingdoms, Calvin writes, "in man government is twofold: the one spiritual, by which the conscience is trained to piety and divine worship; the other civil, by which the individual is instructed in those duties which, as men and citizens, we are bold to perform. To these two forms are commonly given the not inappropriate names of spiritual and temporal jurisdiction, intimating that the former species has reference to the life of the soul, while the latter relates to matters of the present life, not only to food and clothing, but to the enacting of laws which require a man to live among his fellows purely honorably, and modestly. The former has its seat within the soul, the latter only regulates the external conduct. We may call the one the spiritual, the other the civil kingdom. Now, these two, as we have divided them, are always to be viewed apart from each other. When the one is considered, we should call off our minds, and not allow them to think of the other. For there exists in man a kind of two worlds, over which different kings and different laws can preside." *Institutes*, 3.19.15.

¹⁰⁰ John Calvin, *Men, Women and Order in the Church: Three Sermons*, trans. Seth Skolnitsky (Dallas, TX: Presbyterian Heritage Publications, 1992), 19.

The hierarchy of the spiritual kingdom of God, which remains invisible and unknown until the second coming of Christ, is a spiritual order, not a natural order. Hence, those who are first in the spiritual kingdom of God are not necessarily suitable to be first in the natural kingdom; the principles of order are different. The Gospel, therefore, does not disrupt or subvert natural order; grace does not destroy nature. Furthermore, since the spiritual kingdom is invisible (or yet-to-be-visible), there is no outward, two-tiered spiritual order on earth. The Gospel did not introduce a distinguished holy class of people among the people of God.

In summary, the two kingdoms are not, precisely speaking, church and state; rather, they refer to the inward, invisible, heavenly, and eschatological kingdom and the outward, visible, earthly, and temporal kingdom; and each is different in essence. The former concerns eternal life and the latter concerns temporal life. The elect are the people of the spiritual kingdom, over which Christ reigns as sole mediator. The chief instrument for the natural kingdom is civil government, which mediates divine civil rule and directs man outwardly to his human ends.

Civil and Ecclesiastical Administrations

Reformed theologian Franciscus Junius (1554-1602) defines the political (or civil) and ecclesiastical administrations as the following:

The political administration [is] a human order appointed by God to men for a civil society of human things....[and] the ecclesiastical administration is nothing but a divine order appointed to the faithful for a holy communion of holy things.¹⁰¹

The institutional church is not an assembly ground for the implementation of some heavenly civil order. It is not an alternative political order; it is not a new *polis*. Rather, it ministers to another world. The principal role of the church officer is the administration of holy things for the good of the soul unto eternal life. As Calvin said, “the ministers of the

¹⁰¹ Franciscus Junius, *Ecclesiastici sive de natura et administrationibus ecclesiae Dei: libri tres* (Frankfurt: Andrean Wechelum 1581), 186. Translation mine.

word...have no external power, and exercise no civil government.”¹⁰² Churches have no civil or temporal power and jurisdiction. They exist *in* civil society, not as an alternative to one, and only the civil government can secure its outward peace.

Given each one’s principal end—the good of the body and good of the soul—the civil and ecclesiastical administrations are complementary. Together they completely serve the whole man, composed of body and soul. Though both administrations are outward and temporal, the ecclesiastical serves what is inward—the spiritual kingdom—and the civil serves what is outward. Furthermore, they are equal as to the exclusivity of each one’s principal end (earthly and heavenly), independent as to the derivation of their powers and right to operate, and separate as to each one’s right and duty to order itself for its end according to its divine mandate. Yet they are mutually supporting: the civil government provides outward security for the church and the church admonishes its people to obey civil authority.

For these reasons, there is no necessary tension or clash between the civil and ecclesiastical authorities over property, taxes, civil law, or outward jurisdiction. To a great extent, the Reformation resolved the disputes over civil authority and power. Civil authority and civil power do not originate in the ecclesiastical order. By the law of nature alone, nations have the right and duty to arrange themselves for their good. The Reformers rejected all versions of papal and ecclesiastical supremacy over the temporal realm as found in *Unam Sanctum*: “the temporal sword is in the power of Peter....in the power of the Church.”¹⁰³ The church minister has no unique insight into politics.¹⁰⁴ Church leaders have no authority to

¹⁰² Calvin, *Commentary on the Prophet Isaiah*, Vol. 1, 385 (on Isaiah 11:8).

¹⁰³ Boniface VIII, “Unam Sanctam (1302),” in *Reformation Theology: A Reader of Primary Sources with Introductions*, eds. Bradford Littlejohn and Jonathan Roberts (The Davenant Institute, 2018), 9.

¹⁰⁴ As Calvin writes, “Piety and spiritual doctrine do not confer a knowledge of human arts.” See *Commentary on the Epistles of Paul the Apostle to the Corinthians*, Vol. 1, trans. John Pringle (Grand Rapids: Baker Books, 2005), 200 (on 1 Cor. 6:2).

“depose” rulers¹⁰⁵ or to command subjects/citizens to disobey rulers.¹⁰⁶ Civil governments serve the spiritual kingdom of Christ, not by submitting to an earthly ecclesiastical institution but by providing churches safe residence in civil society to effectively administer the things of Christ’s kingdom.

Inward Faith and Religious Liberty

Since in Protestantism genuine faith is not a matter of institutional alignment and since the communion of true believers is spiritual and other-worldly, determining whether another is a member of the kingdom of Christ (viz. that he is of the elect) is not a matter of identifying his institutional affiliation. As Calvin said,

We do not obtain salvation either because we are prepared to embrace every dictate of the Church as true, or leave to the Church the province of inquiring and determining; but when we recognize God as a propitious Father through the reconciliation made by Christ, and Christ has given to us for righteousness sanctification, and life. By this knowledge, I say, not by the submission of our understanding, we obtain an entrance into the kingdom of heaven....Faith consists in the knowledge of God and Christ, not in reverence for the Church.¹⁰⁷

Salvific faith is not, in principle, a product of receiving the right baptism, from the right minister, and from the right religious organization. Formal, outward submission to an outward institution is not a sufficient reason to conclude that one is among the kingdom of

¹⁰⁵ *Dictatus Papae* (1075) states that popes can “depose emperors” and that “All princes shall kiss the feet of the Pope alone.” Pope Pius V deposed Queen Elizabeth I in 1570, saying “(we declare) her to be deprived of her pretended title to the...crown and of all lordship, dignity and privilege whatsoever.” See *Regnans in Excelsis* (1570) found at <https://www.papalencyclicals.net/Pius05/p5regnans.htm> (accessed 6/5/2020). Massachusetts Bay Colony, in its 1641 “Body of Liberties,” declares that “No church censure shall degrade or depose any man from any civil dignity, office, or authority he shall have in the commonwealth.” See “Massachusetts Body of Liberties,” in *Colonial Origins of the American Constitution: A Documentary History*, ed. Donald S. Lutz (Indianapolis: Liberty Fund, 1998), 78.

¹⁰⁶ As late as 1805, Pope Pius VII ordered that “all property possessed by heretics” is confiscated and “that the subjects of princes, manifestly heretical, are released from all obligation to him, dispensed from all allegiance and all homage.” See Hallifield C. O’Donnoghue, *The History of the Church and Court of Rome: From the Establishment of Christianity under Constantine to the Present Time* Vol. II (London: Longman, Rees, Orme, Brown and Green, 1830), 447-48.

¹⁰⁷ Calvin, *Institutes*, 3.2.2, 3.

Christ, for the kingdom is heavenly, not earthly. Saving faith is personal and inward assent and trust, and the outward mark of true faith is a credible outward profession. Due to the nature of faith in Protestantism, there can be unity in *profession* of faith amid diversity in *confession* of faith. That is, disagreements in second-order doctrines and even the incompatibility of churches (e.g., Presbyterian and Baptist churches) do not preclude the mutual recognition of spiritual brotherhood in Christ. Such recognition is not determined by institutional affiliation, for it is based in something prior to (or higher than) institutions. It is a spiritual and heavenly unity achieved by the sole mediator of grace—Jesus Christ in heaven—and the work of the Holy Spirit. The reason for this is two kingdom theology: the kingdom of Christ is not, as to essence, an outward institution and so outward alignment cannot be a sufficient condition for belonging to that kingdom. Even the New England Puritans in the 17th century spoke of other legitimate “denominations.” For example, Samuel Willard said, “There may be different sects in [Christian] religion, and yet men may be saved in them....professors of Christianity have been of diverse opinions in many things; and their difference has occasioned several denominations; but while they agree in the foundations, they may be saved.”¹⁰⁸ Again, differing confessions do not preclude unity in profession. In the 17th century, an English Congregationalist, Jeremiah Burroughs, said that “The difference of opinion and the unity of believers is not inconsistent.”¹⁰⁹

Since those with credible professions of faith are entitled to all the benefits of the ecclesiastical administration (viz. the minister of word and sacrament), Protestant civil communities must find ways either to accommodate dissenters in the established churches or

¹⁰⁸ Samuel Willard, *A Complete Body of Divinity in Two Hundred and Fifty Expository Lectures on the Assembly’s Shorter Catechism*, Kindle edition, ed. Mike Christian in 2015 (Boston: Green and Kneeland, 1726), loc. 1714.

¹⁰⁹ Jeremiah Burroughs, *Irenicum: Healing Divisions Among God’s People*. (Robert Davvman, 1653).

extend toleration for dissenters to form their own churches. Or the civil community could unite around their common Protestant profession. I discuss accommodation and tolerance with more detail in Chapters 5 and 9. It is enough to say here that the nature of saving faith, being an inward, non-institutional reality, opens up the theoretical possibility of religious toleration or religious liberty in a Protestant commonwealth. As I argue later, the religious liberty that expanded in early America, from the 17th to the 18th centuries, was an unfolding of Protestant doctrine and principles in application under pressure from circumstances and experience.

Nature, Politics and Reason

In Reformed theology, a redeemed human remains a human and so he remains obligated to fulfill all human duties in accordance with the demands of God revealed as Creator. A redeemed man is a Christian human being. Franciscus Junius writes,

For to the extent that we may be Christians, we do not cease being humans, but we are Christian human beings. So also we must state that therefore we are bound by Christian laws, not that we are consequently released from human ones. For grace perfects nature; grace does not, however abolish it.¹¹⁰

Grace does not fundamentally transform or replace the natural principles and ends of human society. In this sense, the Gospel is not political; it is mainly about eternal life, not earthly life. These “Christian laws” concern the “communion and possession of heavenly life,” not how to arrange civil society.¹¹¹ Calvin said that “God...has nothing else in view by calling us to himself, but to make us partakers of eternal life and salvation.”¹¹² For a Christian, the source and foundation of the principles and ends of human society remain the natural law,

¹¹⁰ *Mosaic Polity*, 38. The “Christian laws” mentioned by Junius are divine laws that “advene to nature....for the purpose of a supernatural end” (48-9).

¹¹¹ Junius, *Mosaic Polity*, 38.

¹¹² Calvin, *Commentary on the Prophet Jeremiah and the Lamentations*, Vol. 2, trans. John Owen (Grand Rapids: Baker Books, 2005), 208 (on 23:34).

and the Gospel adds no moral principle.¹¹³ As Reformed philosopher Bartholomew Keckermann wrote, “Nature entirely determines [*constituit*] that which is necessary and useful in human society.”¹¹⁴

The early Reformer Philip Melanchthon explicitly rejected the idea that the Gospel is political.¹¹⁵ He writes, “Christ did not come into the world to teach precepts about (civic) morals, which man already knew by reason, but to forgive sins, in order that he may give the Holy Spirit to those who believe in him.”¹¹⁶ Similarly, in his *Defense of the Augsburg Confession*, he states

Neither does the Gospel bring new laws concerning the civil state, but commands that we obey present laws, whether they have been framed by heathen or by others, and that in this obedience we should exercise love....They were in the error that the Gospel is an external, new, and monastic form of government, and did not see that the Gospel brings eternal righteousness to hearts (teaches how a person is redeemed, before God and in his conscience, from sin, hell, and the devil), while it outwardly approves the civil state.¹¹⁷

¹¹³ Matthew Tuininga rightly argues that “Calvin’s practical political judgment were not derived from his theology. Rather, they were Calvin’s best efforts at interpreting the practical implications of natural law for his own time and place based on reason, the laws of nations, and pagan political philosophy.” See *Calvin’s Political Theology and the Public Engagement of the Church: Christ’s Two Kingdoms* (Cambridge: Cambridge University Press, 2017), 3-4.

¹¹⁴ Keckermann, *Synopsis Prudentiae Oeconomicae* (Hanover, 1608), 49. “Quod est necessarium et utile in humana societate, id omnino constituit natura.”

¹¹⁵ Though Melanchthon was not “Reformed” in the strict sense, he was highly regarded among the Reformed. Calvin, who regularly corresponded with Melanchthon, dedicated his commentary on Jeremiah to Melanchthon after his death, praising him for his “deep piety” and calling for him to be “remembered by all ages.” See *Commentary on the Prophet Jeremiah*, Vol. 1, xxi.

¹¹⁶ Philip Melanchthon, *In Aristoteles Ethica Commentarii* (Argentoratum, 1535). Quoted and translated by Eric Parker and available at <https://epistole.wordpress.com/2009/06/20/on-the-difference-between-philosophy-and-theology-from-philip-melanchthons-commentary-on-aristotles-ethics> (accessed 5/27/2020). Martin Luther similarly said that the Word of God “is not here to teach a maid or a servant how to...earn his bread...it neither gives nor shows temporal goods for the preservation of this life, for reason has already taught all this to everyone. But it is intended to teach us how we are to come to that other life.” *Luther’s Works*, Vol. 21: *Sermon on the Mount and the Magnificat* (Concordia Publishing House, 2007), 9. Onsi Kamel brought this quote to my attention.

¹¹⁷ Philip Melanchthon, *The Defense of the Augsburg Confession*, XVI. Samuel Willard states, “Christ did not come to destroy the [civil] order which God sat up among mankind.” See *A Complete Body of Divinity in Two Hundred and Fifty Expository Lectures on the Assembly’s Shorter Catechism*, Kindle edition, ed. Mike Christian in 2015 (Boston: Green and Kneeland, 1726), loc. 39913.

Of course, Melancthon also believed that civil government must promote the Gospel and the work of the church. The civil magistrate had to be a nursing father to the church. But the Gospel did not introduce this civil function.

Since Christian civil order is fundamentally a human order, it is governed by natural law and so it is regulated by reason.¹¹⁸ Civil laws are determinations from reasoning on natural principles. As Turretin writes,

Civil power is earthly and natural, reaching only the external man; but ecclesiastical power is spiritual, regarding the internal man and the conscience. The latter is not regulated by natural reason, civil laws and human statutes, *by which states are governed*; but by the word of God alone and the canon of the Scriptures dictated by the Holy Spirit.¹¹⁹

Scripture is the exclusive source for the regulation of ecclesiastical power, but not for civil order. Natural reason and civil law regulate civil order and power, though scripture can supplement the dictates of reason and experience. An important quote, which I will repeat in this work, comes from Reformed philosopher Johann Alsted. He writes, “All political conclusions are resolved by these three principles: reason dictates, experience confirms, and scripture convinces.”¹²⁰ This captures the Reformed orthodox position on the relationship of reason, experience, and scripture in political matters. Scripture’s function is to convince, not dictate or confirm political conclusions.

Early in the Reformed tradition, Reformed authors based their political theory on reason and experience. Keckermann, whose works appear in New England curricula,¹²¹ cites

¹¹⁸ Vermigli writes that “Everyone should...see to it that he conforms to the dictates of reason.” *Commentary on Aristotle’s Nicomachean Ethics*, 297.

¹¹⁹ Turretin, *IET*, 18.29.16.

¹²⁰ Johann Heinrich Alsted, “Politicae” in *Encyclopaediae* (Herborne, 1630), 1389. “Nam omnes conclusiones politicae resolvuntur in haec tria principia: ratio dictat, experientia confirmat, scriptura convincit.”

¹²¹ See Perry Miller, *The New England Mind: The Seventeenth Century* (New York: The MacMillan Company, 1939), 102, 336-337. Referring to Keckermann’s *Systema Rhetoricae*, Miller writes, “Keckermann’s source is evidenced by incessant citation of Aristotle.”

Aristotle and other classical authors to support his first canon of “politics in general.” He writes, “The origin of political society derives from God and the nature of man, to which man is driven by the law of nature and instinct.”¹²² Instead of citing scripture in support, he cites Aristotle’s *Politics*—*Natura homo est animal politicum*. He cites Cicero’s *De Naturam Deorum*. He cites Augustine’s *City of God* and Daneus’s *Politicus Christianae*.¹²³ He rarely cites scripture in this text. Keckermann also classifies politics as a sub-topic of “practical philosophy,” not divinity or theology. Althusius, in *Politica*, also relies heavily on numerous classical, medieval, and Reformational texts. Neils Hemmingson, a Danish Protestant, cites dozens of classical texts in his *On the Law of Nature*.¹²⁴ The appeal to non-scriptural sources to build one’s political theory has strong precedent in the Reformed tradition.

There is, however, some disagreement early in the tradition on this approach. Under the influence of Peter Ramus, who challenged the ascendancy of Aristotelianism in the late 16th century, some Reformed theologians questioned the heavy use of classical sources. The dispute was over the proper division of the disciplines. To put it simply, Ramus rejected the division of divinity, ethics, rhetoric, etc. into separate disciplines, arguing instead that they should all flow from divinity. Ramist theologian William Ames, who influenced the New England Puritans, states in his *Marrow of Sacred Divinity*,

That which is said to be right reason, if absolute rectitude be looked after, it is not elsewhere to be sought for then where it is, that is, in the Scriptures....Therefore there can be no other discipline of virtue then divinity, which delivers the whole will of God revealed, for the directing of our reason, will, and life.¹²⁵

¹²² Bartholomäus Keckermann, *Systema disciplinae politicae* (Hanover, 1608), 9.

¹²³ Keckermann, *Systema disciplinae politicae*, *passim* (e.g., 9-12).

¹²⁴ Hemmingson, *On the Law of Nature*.

¹²⁵ William Ames, *The marrow of sacred divinity* (London: Edward Griffin, 1642), 226. Ames follows this with his translation of Ramus: “If I should wish for that which I would obtain, I had rather that this learning of philosophy were delivered to children out of the Gospel, by some Divine that is learned, and of approved manners, then out of Aristotle by a Philosopher. A child will learn many impieties out of Aristotle, which it is to be feared, that he will forget too late. That the beginning of blessedness, doth arise out of men; that the end of blessedness is bounded in man: that all virtues are

Cotton Mather expresses a similar view, who was influence by both Ramus and Ames.¹²⁶

This quote and others could lend support to what I'm seeking to refute in this chapter. But

Ames does affirm the natural law, stating in the same text that the "law of nature, or moral law...is not abrogated" and that "the law of nature [is] common to all things, which is a certain participation of the law, and will of God, put into all things from the beginning."¹²⁷

For Ames, scripture is the only reliable way to know the law of nature. More importantly,

however, Ames' voice represents only one strain of the Reformed tradition. The Reformed tradition is a capacious tradition and has allowed in its share of deviants.¹²⁸ Also, some of the

most important Reformed authors in the 17th century accepted the classical division of topics.

Keckermann wrote separate treatises on household economics, ethics, and politics.¹²⁹ Alsted

and Vermigli follow the same division.¹³⁰ Junius and Althusius even call for theologians to

focus on theology and leave political theory to the political theorists and civil law to the

jurists.¹³¹ All these authors, especially Keckermann and Alsted, were respected and studied

wholly contained in man's power, that they are obtained by man's nature, art, and industry. That though these works, are great and divine, yet that God is never used to them, either as an aider, or workman: that divine providence is removed from this theatre of humane life: of divine justice, that there is not a word spoken: that man's blessedness is placed in this frail Life, etc." (227).

¹²⁶ See Chapter 5.

¹²⁷ Ames, *Marrow*, 294.

¹²⁸ See Oliver D. Crisp, *Deviant Calvinism: Broadening Reformed Theology* (Minneapolis, MN: Fortress Press, 2014).

¹²⁹ See Keckermann's *Systema Ethicæ*, *Systema disciplinae politicæ*, and *Synopsis disciplinae oeconomicae*.

¹³⁰ Vermigli, *Commentary on Aristotle's Nicomachean Ethics*, 9.

¹³¹ Junius writes, "For the goal that has been set forth for the magistrate is that he ought to look after human society and the common good with respect to a person in their earthly and temporal affairs. However, the goal set forth for a theologian is that he ought to care for the society of the pious, which we have called the communion of saints, and for their salvation, in heavenly and eternal matters pertaining to God." *Mosaic Polity*, 25. Althusius writes, "Where the moralist leaves off, there the theologian begins; where the physicist ends, the physician begins; and where the political scientist ceases, the jurist begins. For reasons of homogeneity, we must not leap readily across boundaries and

in 17th century New England.¹³²

Religion and Civil Stability

Though religion primarily concerns heavenly things, Reformed authors unanimously affirmed that religious practice is good and even necessary for stable and just civil societies. Turretin, for example, writes that pagan religion is a “bond of external discipline among men to prevent the world from becoming utterly corrupt.”¹³³ Turretin quotes Plato (religion “is appointed the bond of society and pillar of just law”) and Cicero (religion is “the foundation of human society”).¹³⁴ Pictet argued that the “natural knowledge of God” found in pre-Christian societies “form a bond of society, and prevent men from becoming prey to each other.”¹³⁵ Althusius says that “a sound worship and fear of God in the commonwealth is the cause, origin, and fountain of private and public happiness.”¹³⁶ Religion in the Reformed tradition, though oriented to heaven, is critical to earthly civil peace and justice. For this reason, civil governments have an interest in preserving, supporting, and protecting it. Even erroneous religion is effective in stabilizing society. Calvin recognized, for example, that superstitious religion (involving idols) was “more tolerable” than atheism, because at least

limits, carrying from cognate arts what is only peripheral to our own.” See “Preface to the First Edition (1603),” *Politica*. Keckermann distinguishes theology and ethics: “Theologiae autem finis bonum gratiae; finis autem ethicae est bonum morale seu civile.” See *Systema Ethicae* (London: Nortoniana, 1607), 4.

¹³² Perry Miller writes, “Either Keckermann’s complete works or copies of separate works appear in almost all New England lists.” See *The New England Mind: The Seventeenth Century* (New York: The Macmillan Company, 1939), 510.

¹³³ Turretin, *IET*, 1.4.4.

¹³⁴ Turretin, *IET*, 18.34.6.

¹³⁵ Pictet, *Christian Theology*, 22.

¹³⁶ Althusius, *Politica*, 28.8.

worship involving idols assumes that “honour and worship are due to God.”¹³⁷

I have reserved a few other important clarifications for later chapters. This chapter has, to my mind, laid important groundwork for reconstructing a more continuity-affirming theory of early American political thought.

¹³⁷ Cavin, *Commentary on the Twelve Minor Prophets*, Vol. 4, 129 (on Habakkuk 2.20). See also Calvin’s discussion on the necessity of religion as a restraint on the possible excesses when in a state of civil liberty in *Commentaries on Jeremiah*, Vol. 4, 13-14 (on Jer. 30:9).

Part II

Puritan New England

Scholars often separate the New England Puritans of the 17th and early 18th centuries into generations. The “first generation” are those who were born in the Old World, usually in England, and who experienced the troubles of religious conformity and decided to risk the voyage and settle in a foreign land to worship and live as they saw fit. Subsequent generations, born largely in New England, faced their own pressures to adopt and conform to the strict pieties and religious zeal of their fathers. They also contended with increasing religious diversity and calls for toleration both from within and from abroad.

In the next few chapters, I identify the principles of early New England political thought and how the first three generations applied them. As early as the second generation, we see evidence of changing applications of the same principles. Indeed, we see how Protestant experience began shaping the imagination. Chapter 3 describes and explicates the theology of Congregationalist ministers John Davenport and John Cotton, both prominent clergymen of the first generation. In Chapter 4, I discuss the work of Samuel Willard, a second-generation Congregationalist minister and one of the first systematic theologians of New England. In Chapter 5, I discuss key events of religious strife and civil action in New England and the principles applied by the New England authorities. The purpose of these three chapters is to explicate the political principles of New England Puritanism to establish a base for comparison in Part 3, which covers the late 18th century American founding era.

3. The First Generation: John Davenport and John Cotton

1. Introduction

It is widely acknowledged today that the label “Puritan” often obscures more than it clarifies. Few in New England called themselves “puritans”; most considered it a derogatory term. In the first half of the 17th century, the immigrants to New England left to erect “unpolluted” churches, but most were unwilling to declare their own churches “pure” or faultless. The Cambridge Platform of 1648 says, for example, that “the purest churches under heaven are subject both to mixture and error.” Indeed, early disputes, particularly with Roger Williams, reveal that many New England ministers rejected the relentless pursuit of church purity. It leads to “sectarianism”, i.e., the production of endless divisions.

New England ministers agreed that the established churches in England needed reformation in their worship and membership standards. Nonetheless, they still considered them true churches with true ministers that preached the Gospel. This is precisely what John Cotton, a prominent New England minister, says in opposition to Roger Williams. The question—whether the established English church was a true church—is what primarily distinguished the “separatists” and the “non-conformists.” Most ministers of Massachusetts Bay Colony were non-conformists. The “separatists,” exemplified by Williams’ ministry and writing, refused to recognize the English Church as a true church and so decried any formal connection or alignment with these churches and called for the repentance of anyone who attends their worship services.

The non-conformist/separatist divergence is important for a proper understanding the rise of religious liberty in early American history. The popular narrative of American history usually casts Williams as the protagonist and the “Puritans” or the “Calvinists” as the antagonists: Williams was an advocate for extensive religious liberty and the New England ministers opposed toleration; but while this narrative is understandable, it is, in my view,

illusory. Though Williams' arguments for religious liberty resemble some found in the 18th century, most American Protestants in his day *and* in the founding era denied many of Williams' key assumptions and conclusions. As I attempt to prove in Part 3, the New England states of the founding era retained the same principles as their Puritan forefathers, though circumstances and experience shaped their application.

The New England authorities who banished Williams were more willing than he was to recognize spiritual brotherhood with those whom they disagreed. Indeed, Williams was banished in part because he insisted that the colony's churches were polluted for their fellowship with the established English church. Much of the Williams/Cotton correspondence, which I discuss below, is on this and other ecclesiological issues. Williams called for religious liberty not from a principle of spiritual brotherhood, but from a principle of separatism, viz. a purist ecclesiology. Cotton rejected separatism and unequivocally declares that the churches of England are genuinely Christian.

I argue in this work that the spirit of religious toleration in the founding era of the 18th century was primarily a product of the very principles that led New England in the 17th century to deny tolerance. To show this, I must discuss these principles, which is the purpose of this (and the next) chapter. I first discuss Davenport's *Discourse about Civil Government* and then John Cotton's correspondence with Williams.

2. Civil Government in a New Plantation

One of the most insightful political-theological documents of early Puritan New England is Davenport's *A Discourse about Civil Government in a New Plantation* (shortened here to *Discourse*).¹ In it, he responds to a critic of New England's voting laws, which permitted only

¹ John Davenport, "A Discourse about Civil Government (1637-39)" in *The Sacred Rights of Conscience: Selected Readings on Religious Liberty and Church-State Relations in the American Founding*, eds. Daniel L. Dreisbach and Mark David Hall (Indianapolis: Liberty Fund, 2009), 133-

church members to vote in civil elections and hold public office. This voting limitation itself is not relevant here, but the political theology applied to justify it is relevant. The authorship of this document is disputed. Most attribute it to John Cotton and a few others to Davenport. Whether Cotton or Davenport wrote it does not matter for our purposes, but Bruce Steiner convincingly demonstrates that Davenport is the likely author.²

State of the Question

Davenport first tries to determine “the true state of the Question,” for he thinks that the “Question is misstated” by his critic. The critic’s question is, “Whether the right and power of choosing civil magistrates belongs unto the church of Christ?” Davenport “utterly dislike[s] two things” about this question. First, his critic assumes that the religious composition of the people is irrelevant as to who should exclusively choose civil magistrates. Davenport points out that many circumstances preclude this possibility. “No man,” he writes, “holdeth or imagineth, that a Church of Christ hath power and right to choose all civil magistrates through the world.” Davenport gives four types of circumstances that would preclude this possibility: 1) countries with only a few Christians; 2) countries where Christians face persecution; 3) when Christians are foreigners but tolerated and protected by law yet not “capable of Magistracy”; and 4) when several nations are “mingled” together, each having the power to install magistrates in its own locality, but not in the others. In the fourth situation, despite being part of the “same general Country,” Christians in one district do not have the power to choose Christian magistrates in another. He cites the English colonists’ relationship with “nations of Indians [that] dwell near them.” No nation has the “right and

146. The editors identified John Cotton as the author, but I’ve concluded that the author is John Davenport. See footnote 2.

² Bruce E. Steiner, “Authorship and Setting of a Discourse about Civil Government in a New Plantation Whose Design is Religion,” *The New England Quarterly* Vol. 54, No. 1 (Mar., 1981), 14-32. David D. Hall identifies Davenport as the author as well. See *A Reforming People: Puritanism and the Transformation of Public Life in New England* (New York: Alfred A. Knopf, 2011), 117.

power” to choose the civil magistrates of another, even if they are in some way connected in the same “country.”³

For Davenport, therefore, the question was not whether Christians should *in every circumstance* establish Christian magistracy. The question is whether Christians should establish Christian magistracy when circumstances afford such an opportunity. In making the question more precise, Davenport emphasizes their unique situation in the New World: a likeminded religious people had the opportunity to establish an entirely new commonwealth. The religious composition of the people created rare possibilities for civil arrangements. The people were “free to choose” their own “form of government” for the “common welfare of all.”⁴

What sort of civil arrangements should they enact? Davenport writes,

That form of government wherein the best provision is made for the good both of the church and the civil state, is the best form of government in a Christian communion, and which men that are free to choose (as in new plantations they are) ought to choose.⁵

This is Davenport’s principle, namely, that a nation ought to choose the form of government in which the best provision is made for the church and state. Circumstances determine the possible forms of government. When Davenport finally provides the “true state of the question,” he begins with their unique situation: “Whether a new plantation, where all or the most considerable part of free planters profess their purpose and desire of securing in themselves and to their posterity, the pure and peaceable enjoyment of Christ’s ordinances...” In his view, limiting the franchise to male church members best secures for the people the natural and spiritual goods for which they have compacted together.

Davenport states that the “end of civil government and administrations” is the “common

³ Davenport, *Discourses*, 133-4.

⁴ Davenport, *Discourses*, 140.

⁵ Davenport, *Discourses*, 141.

good.” This common good is composed of...

Natural [good], as in the preservation of life and safety; or *moral* [good], as justice and honesty in human societies; or *civil* [good], as peace, liberty of commerce; or *spiritual* [good], as to protect the church in spiritual, though outward, order and administrations in peace and purity. And this last is principally to be attended unto...as far as [civil magistrates] are enabled by their civil power.⁶

The ultimate end of civil government, therefore, is spiritual good and it accomplishes this end in part by providing outward peace for church ministry. John Cotton, in his *Abstract of the Laws of New England*, likewise writes that “All civil affairs are to be administered and ordered, so as may best conduce to the upholding and setting forward of the worship of God in church fellowship.”⁷

The means to ecclesiastical peace, however, varies with circumstances, for not every means to civil and ecclesiastical peace is possible in every circumstance. The civil arrangements of New England might approach, to the mind of Davenport, the best regime for this end—for the peaceful administration of spiritual good. But such arrangements were possible because of New England’s situation. In different circumstances, perhaps in cases of religious diversity, these civil arrangements would be wholly unsuitable and would likely fail to achieve peace—it would disrupt the procurement of spiritual good by forcing upon an unwilling people an unsuitable set of arrangements. In such circumstances, the same principle would demand different applications to achieve its end.

Two-Kingdom Theology

Davenport also disliked the critic’s question for his apparent failure to distinguish the twofold aspect of man—the inward and outward man—as it relates to church membership. Davenport first points out that the Church in itself is a “spiritual political body,” which consists “of diverse members male and female, bond and free; sundry of which are not

⁶ Davenport, *Discourses*, 141.

⁷ John Cotton, “Abstract of the Laws of New England,” in *Theonomy in Christian Ethics* ed. Greg L. Bahnsen (Phillipsburg, NJ: Presbyterian and Reformed Publishing Company, 1977), 562.

capable of magistracy, nor of voting in the choice of magistrates.” He goes on to write,

The members of the church of Christ are considerable under a twofold respect answerable to the twofold man, which is in all members of the church whilst they are in this world, *the inward and the outward man*. Whereunto the only wise God hath fitted and appointed two sorts of administrations, *ecclesiastical* and *civil*. Hence they are capable of a twofold relation, and of action and power suitable to them both; viz. civil and spiritual, and accordingly must be exercised about both in their season, without confounding those two different states, or destroying either of them, whilst what they transact in civil affairs is done by virtue of their civil relation, their church state only fitting them to do it according to God.⁸

Since man is composed of both body and soul, God has provided two administrations. The ecclesiastical administration ministers to the spiritual, inward aspect of man and the civil administration has the power to direct only the outward man, or body. The administrations are not naturally opposed or in conflict; they are complementary, each serving one part of man’s twofold being.

Two-kingdom theology is in the background here. Classical two-kingdom theology, as I described in Chapter 2, is fundamentally a distinction between invisible and visible, inward and outward, heavenly life and earthly life, etc. As Calvin wrote, “The nature of [Christ’s] kingdom...is not external, but belongs to the inner man; for it consists of a good conscience and uprightness of life, not what is so reckoned before men, but what is so reckoned before God.”⁹ The two kingdoms are not *magisterium* and *ministerium*, nor ecclesiastical and civil. One is the *spiritual* kingdom—the “invisible kingdom of God”—composed of true believers in Christ (i.e., the elect), and the other is the outward, temporal, and natural kingdom.¹⁰ The natural kingdom extends to outward relations in churches, for the institutional church is an

⁸ Davenport, *Discourses*, 134.

⁹ Calvin, *Commentary on the Prophet of Isaiah*, Vol. 3, 287 (on Isaiah 42.1). It is the “spiritual and internal kingdom of Christ” See *Institutes*, 4.20.2.

¹⁰ Calvin, *Commentaries on the Catholic Epistles*, trans. John Owen (Grand Rapids: Baker Books, 2005), 35 (on 1 Peter 1:8).

outward visible institution.¹¹ For Davenport, the question is not whether “churches of Christ” have the “power of choosing civil magistrates,” for not every church member is “capable of magistracy, nor of voting in the choice of magistrates.” Church members retain their outward social relations, despite being spiritually equal and equal citizens of heaven. By appeal to these outward relations, Davenport justifies why some church members, and not all, are granted voting privileges. In clarifying the question, he shows that these arrangements are based in prudential reasoning and not in some strict and inflexible rule of scripture, nor in some politics of grace. Davenport’s argument is that, given the *end* in view—“the pure and peaceable enjoyment of Christ’s ordinance”—the most suitable arrangement is that only “free burgesses...in fellowship of the Church” can vote. Free burgesses in the church are most suitable because their concern would be for both the state *and* the church.

Two-kingdom theology is crucial to understand how the Gospel in the Reformed tradition affects natural social relations. The inward, spiritual relations between the elect is one of equality. The order or hierarchy of heavenly life is not based in gender, vocation, or any natural relation. But since this heavenly order is confined to the spiritual kingdom, it does not undermine, nor alter natural social relations in the natural kingdom. Grace does not destroy, undermine, or modify the natural social order. As Calvin states in his *Institutes*, “political and outward order is widely different from spiritual government.” The Gospel did not inaugurate a social project, nor a new civil order based in grace. The work of the saints is

¹¹ However, it is inaccurate to say that the institutional church is fundamentally a part of the natural kingdom, for the visible church is not a different church than the invisible church; both refer to the same church. Turretin helpfully explains: “Hence it is evident that the distinction of visible and invisible [church] is not a division of genus into species, as if we formed two churches in species opposed to each other (as our opponents slander us); but is only a limitation of the subject according to its various relations. As the same man numerically can be said to be invisible and visible in different respects Thus the same church is rightly said to be visible as to external form and invisible as to internal.” *IET*, 8.7.4. Turretin also writes “Now although the word ‘church’ popularly speaking denotes an external and visible assembly, it does not on that account follow (speaking accurately of the church of Christ) that its proper and natural signification implies simply a visible assembly or a simple external profession: for a spiritual and internal communion constitutes its essence” (*IET*, 18.6.4).

not the immanentization of Christ's spiritual kingdom on earth. The spiritual kingdom, as the "heavenly kingdom in us,"¹² will be invisible until the final consummation of heaven and earth (i.e., the second coming of Christ). As John Cotton writes, "The [spiritual] Church and Common-wealth are still distinct Kingdoms, the one of this world, the other of heaven: and yet both of them from Christ."¹³ Davenport's civil arrangements assume the radical difference between the two kingdoms. The natural kingdom is a realm of human decision and prudence in establishing the best possible outward conditions for the procurement of spiritual good, which is a good of the spiritual kingdom administered by the ecclesiastical administration.

Distinctions

With these clarifications, Davenport proceeds with a series of distinctions. His first set of distinctions concern the general nature (or the form), the efficient causes, the ends, subjects, and objects of the two administrations. He relies on the work of the Reformed theologian Franciscus Junius (1545–1602), a French theologian who studied under Calvin and Theodore Beza (1519—1605) and was widely read in both England and the European continent. Much of Davenport's *Discourse* is taken directly from one of Junius's work on ecclesiastical polity.¹⁴ Davenport is not offering an innovative or "Puritan" account of these administrations. These are standard distinctions in Reformed theology.

Davenport first defines the ecclesiastical and civil orders. Translating directly from Junius' Latin text, he writes, "Ecclesiastical administrations, *are a divine order appointed to*

¹² Calvin, *Institutes*, 4.20.2.

¹³ John Cotton, *Bloudy tenant washed and made white in the blood of the lamb* (Quinta Press, 2009 [1647]), I.92. This text has two parts—*Bloudy tenant* and *A Reply*. The latter is a response to Roger Williams' reply to *Bloudy tenant washed*. I discuss their interaction in the next section and in Chapter 5.

¹⁴ This shows the trans-Atlantic characteristics of New England Puritan political theology. See Franciscus Junius, *Ecclesiastici sive de natura et administrationibus ecclesiae Dei: libri tres* (Frankfurt: Andrean Wechelum, 1581).

believers for holy communion of holy things [and] civil administrations, *are a humane order appointed by God to men for civil fellowship of human things.*” These are species to the same genus, “Christian communion.” Hence, both share the features that constitute Christian communion, and the same people (considered outwardly) submit to both orders. But they are different, and Cotton explains their differences by going through each part of his definition.¹⁵

For the general nature (or form) of each administration, Davenport states that while the civil and ecclesiastical orders agree in the need for order, ministers do not have “despotical” power, but only “economical power.”¹⁶ The ecclesiastical is a ministerial order, not a magisterial one; the church officer does not mediate divine rule, viz. he lacks the authority to declare his own laws in the church. He must implement only the laws of Christ, for “Christ alone [is] *head of the Church.*” It is a *divine* order, per the definition. Hence, no canon law, no unauthorized rites, no non-scriptural restrictions on clergy (e.g., celibacy), etc. are authorized. In the civil realm, however, the state has “power, authority, and dominion”; it is a human order and civil leaders have magisterial authority.¹⁷ They are mediators of God’s rule over civil order, having extensive power, within a realm of human decision and prudence, to formulate, enact, and enforce civil law conducive to the common good. As Junius states in another work, “The magistrates construct general and specific conclusions from natural principles....adapted to human society and order....exercis[ing] his own rule in human affairs both from and by his own authority.”¹⁸ But magistrate cannot be the head of the church (as

¹⁵ Davenport, *Discourses*, 134.

¹⁶ Calvin states that church ministers “are so to rule over the Church as not to exercise their own power, but to govern the Church according to what God has prescribed, and in such a manner that God himself may always rule through the instrumentality of men.” *Commentaries on the Twelve Minor Prophets*, Vol. 5, trans. John Owen (Grand Rapids: Baker Books, 2005), 93 (on Zechariah 3:7).

¹⁷ Davenport, *Discourses*, 135.

¹⁸ Franciscus Junius, *Mosaic Polity*, trans. Todd M. Rester, ed. Andrew M. McGinnis (Grand Rapids, MI: CLP Academic, 2015), 23.

the monarch is head of the English church), for the Christ alone is the head of the church.

As to subject, Davenport affirms that “man is the common subject” of both the civil and the ecclesiastical administrations. Man is subject to the civil power because he “by *nature* being a reasonable and sociable creature [is] capable of civil order” and “the outward man of church-member is subject to civil power in common with other men.” But “man by *grace* called out of the world to fellowship with Jesus Christ...is the only subject of church-power” and the “inward man [alone] is subject of spiritual order and administration.” Notice the nature/grace distinction. *All* men, being naturally sociable and with reason, are capable of civil order. But only those of “grace”, who are called to other-worldly fellowship, are subject to church-power. Grace neither destroys nature nor makes civil order possible; it grants citizenship in the heavenly kingdom.¹⁹ Later in the text, Davenport affirms that there are “civilly honest” and “morally just...heathen men,” and when the church is a minority a “heathen man or meet civil politician will be good enough to be their magistrate.”²⁰

As for the efficient cause, Davenport states “that God is the efficient and author” of both the ecclesiastical and civil administrations. He affirms that “God as the Creator [not as the Redeemer] and Governor of the world is the Author of civil order and administrations.” The civil magistrate as such serves God revealed as Creator, not God revealed as Redeemer. To be sure, the magistrate still serves the Christian God, for the God of nature *is* the Christian God. But the God of nature refers only to natural knowledge disclosed at creation. The principles of civil order originate in creation itself and are, therefore, *natural* and *universal*. God is the Creator of all, but he is not the Redeemer of all. And Christ, “as the essential Word and Wisdom of God creating and governing the world,” is the head of all earthly kingdoms.

¹⁹ Davenport, *Discourses*, 135.

²⁰ Davenport, *Discourses*, 143.

He is “the efficient and fountain of civil order.”²¹ However, Christ relates to civil order not as mediator, but as the Son of God, the eternal creative Word. As for the ecclesiastical administration, “God as in covenant with his people in Christ, is the Author of church-administrations,” and Christ “establishes ecclesiastical order” as “Mediator of the New Covenant and Head of the Church.” The new covenant, also known as the “covenant of grace,” is not a civil covenant. God instituted the church to administer the holy things of this salvific covenant.²²

Though Christ is the “fountain of civil order,” recognizing him as such is not necessary for a civil government to have legitimate authority. As Cotton writes,

[Government is] as true and lawful in those nations that never heard of the true God, or of his holy son Jesus, yet it was from the guidance and appointment of God in the very light of nature, that such actions did erect such and such governments, and governments for the good of human society, and that not only in worldly matters, but in matters of religion.²³

Civil legitimacy is not based in the recognition of civil authority’s ultimate source, because the civil magistrate is in possession of temporal authority. As Calvin states, “the Lawgiver himself puts the sword into the hands of his [civil] ministers.”²⁴ Christ’s rule over the temporal (or natural) kingdom is mediated. In other words, civil leaders are not mere instruments in implementing some prescribed divine law. They possess the power to craft,

²¹ Turretin states, “That dominion [kingdom of nature] is called natural and essential to distinguish it from the economical [kingdom of grace] which belongs to Christ (Phil. 2:9) and differs from it in many respects:....With regard to the objects—the kingdom of nature is universal, embracing all creatures; the kingdom of grace is especially terminated on the church, whence by a peculiar reason he may be called the King and Lord of the church....With regard to administration; that is, exercised by Christ as God together with the Father and the Holy Spirit—whence it is called essential because common to the whole divine essence; but this is exercised by him as Mediator and God-man (theanthrōpō)—whence it is called personal because it pertains to the person of the Son and is appointed to his economy” (*IET*, 3.22.3).

²² Davenport, *Discourses*, 135.

²³ Cotton, *Bloudy tenant washed*, I.117.

²⁴ Calvin, *Institutes*, 4.20.10.

enact, and enforce laws from natural principles that are suitable for the particularities their civil societies. Though a minority of Reformed Christians would disagree (e.g., the Scottish Covenanters),²⁵ the acknowledgement of Christ's kingship over the temporal kingdom is non-essential for legitimate civil authority. Also notice that, for Cotton, non-Christians erected governments for good "in matters of religion." This is a natural principle of civil government, and is no different than the major premise of the syllogism I offered in Chapter 1. When civil government promotes the Christian religion, it follows a natural principle, namely, that civil government ought to promote true religion.

However, no church is a true church without recognizing Christ as head of the church, for only through Christ's mediation of grace can the ecclesiastical administration achieves its principal end, namely, the worship of God in Christ and the administration of holy things unto eternal life. One must honor the civil magistrate as the embodiment of divine authority in civil life, for as Calvin states, "when good magistrates rule, we see God, as it were, near us" and "The more eminent any one is, the nearer, we know, he is to God."²⁶ But in the church, the worshiper fixes his eyes on Christ in heaven, not through natural eyesight, but by the eyes of faith. The minister directs away the eyes of men from the world, that they might look up to heaven.

Davenport next distinguishes the ends of the civil and ecclesiastical administration. Both have the glory of God as their ultimate end, but the civil administration has as its penultimate end the "preservation of human societies in outward honor, justice, and peace" and the ecclesiastical has as its penultimate end the "salvation of souls" and "peace with God."²⁷ The

²⁵ Joseph S. Moore, *Founding Sins: How a Group of Antislavery Radicals Fought to Put Christ into the Constitution* (Oxford: Oxford University Press, 2016).

²⁶ See Calvin, *Commentary on the Prophet Isaiah*, Vol. 2, 135 (on Isaiah 22:21) and *Commentaries on the Twelve Minor Prophets*, Vol. 5, 396 (on Zechariah 13:7).

²⁷ Junius, *Mosaic Polity*, 25.

civil is concerned with “civil fellowship of human things” i.e., the “things of this life,” not “the holy communion of holy things.” Civil rulers exercise dominion not over the conscience or salvation, but over “goods, lands, honour, the liberties and peace of the outward man.”²⁸ As Calvin said, the civil laws enacted by civil magistrates do not “reach to the internal government of the soul.”²⁹ Civil action can only extrinsically and indirectly procure man’s spiritual good, having the preservation of “outward peace and purity” and “public order” as its direct object. This ensures, as Calvin argued, that “a public form of religion may exist among Christians, and humanity among men.”³⁰

The emphasis on peace is important. Calvin himself said that the magistrate’s “only study [is] to provide for the common peace and safety”³¹ His “direct object [is] to preserve mutual equity between men.”³² Cotton likewise insists that the magistrate’s chief duty is the cultivation of civil peace, and he affirms (in another work) that the “establishment of pure Religion, and the reformation of corruptions in Religion, do much concern the civil peace...[for] where Religion rejoiceth, the civil state flourisheth.”³³ The civil magistrate has an interest in protecting and supporting religion, because religion contributes to civil peace.

Lastly, Davenport speaks of the *objects* of each administration. While both orders seek the “common welfare for their aim and scope,” the objects of civil power are “bodies” such as “goods, lands, honor, the liberties and peace of the outward man.” But the objects of “church power” are “things of God” such as the “souls and consciences of men, the doctrine

²⁸ Davenport, *Discourses*, 135.

²⁹ Calvin, *Institutes*, 4.10.5.

³⁰ Calvin, *Institutes*, 4.20.2.

³¹ Calvin, *Institutes*, 4.20.9.

³² Calvin, *Commentaries on the Four Last Books of Moses*, Vol. 2, trans. Charles William Bingham (Grand Rapids: Baker Books, 2005), 100 (on Deut. 20:1-4).

³³ John Cotton, *Of the Keys of the Kingdom* (Boston: Tappan and Dennt, 1843 [1648]), 96.

and worship of God, the communion of the saints.”³⁴ Davenport finishes this section by stating that two “extremes” must be avoided: that the “spiritual power, which is proper to the church, [is given] into the hand of the civil magistrate” and that “civil power” is given to church officers. This will ensure that a “just harmony may be kept between these two different orders and administrations.”³⁵

3. Civil Suppression of Dissent and Heresy

Though in *Discourses* Davenport does not discuss civil action against religious dissenters, this is a good place to discuss the general principles of such action. To this end, I analyze John Cotton’s interactions with Roger Williams.

Civil action in the classical Protestant tradition is effective only on “bodies” or the outward man, as we saw above. It cannot, by itself, produce a spiritual effect. “In vain,” Calvin writes, “will the magistrate employ the sword, which undoubtedly he must employ, to restrain wicked teachers and false prophets...unless this sword of the word go before.”³⁶ The weapon of the magistrate lacks power over what Calvin calls “forum of conscience.”³⁷ Cotton agrees with Calvin: civil action against heretical teaching is “merely civil.”³⁸ The

³⁴ Davenport quotes from Franciscus Junius’, *Ecclesiastici sive de natura et administrationibus ecclesiae Dei: libri tres* (Frankfurt: Andrean Wechelum, 1581) throughout the text, specifically from Book 3, Chapters 4 and 5.

³⁵ Davenport, *Discourses*, 135.

³⁶ Calvin, *Commentary on the Book of the Prophet Isaiah*, Vol. 1, trans. William Pringle (Grand Rapids: Baker Books, 2005), 381 (on Isaiah 11:4). Similarly, Althusius writes, “Those who err in religion are therefore to be ruled not by external force or by corporal arms, but by the sword of the spirit, that is, by the Word and spiritual arms through which God is able to lead them to himself. They are to be entrusted to ministers of the Word of God for care and instruction. If they cannot be persuaded by the Word of God, how much less can they be coerced by the threats or punishments of the magistrate to think or believe what he or some other person believes?” *Politica*, 172-3.

³⁷ Calvin, *Institutes*, 3.19.15, cf. 4.10.3-5.

³⁸ Cotton, *Bloudy tenant washed*, I.69.

magistrate's power is limited and weak with regard to heavenly things. The Gospel is a matter of persuasion, not of coercion, for the instrument of salvation is an inward faith, which requires both the reception of knowledge and an active trust. Since the Word of God is the sword of spiritual persuasion, the preaching of the Gospel is first in the correction of theological error. And even if that proves to be unsuccessful, the civil magistrate punishes only if the heretic "breaks forth further, either into blasphemy, or Idolatry, or seducement of others to his heretical pernicious ways."³⁹

The suppression of heresy by civil power cannot correct theological error. Cotton writes, "Nor doth the civil state in such punishments attend so much how to procure the conversion of heretics, or apostates, or such like scandalous turbulent offenders: as how to prevent the perversion of their sounder people."⁴⁰ The civil government's object is the public suppression of what hinders the "prosperity of religion" and the promotion of "spiritual helps". He continues,

So civil-governors, though to them be chiefly committed the bodies and goods of the people (as their adequate object) yet in order to this, they may and ought to procure spiritual helps to their souls, and to prevent such spiritual evil, as that the prosperity of religion amongst them might advance the prosperity of the civil state.⁴¹

The direct object of civil action regarding religion ought only to be the implementation of the *best possible external conditions* conducive to the promotion of internal, spiritual good.

Notice also that one purpose for promoting religious prosperity is the promotion of civil prosperity. The civil government, for this reason, has an interest in promoting true religion.

Cottons lays out the distinctions quite nicely in the following:

Civil weapons are indeed improper, and unfitting in spiritual matters, to wit, in the dispensing, and pressing of spiritual matters for the immediate producing of spiritual ends, as for a magistrate to draw his sword to compel all his subjects to the obedience

³⁹ Cotton, *Bloudy tenant washed*, I.27.

⁴⁰ Cotton, *Bloudy tenant washed*, I.20.

⁴¹ Cotton, *Bloudy tenant washed*, I.68.

of the faith of Christ, and to the profession of it. But it is not unfitting nor improper, that a magistrate should draw his sword, though not *in* matters spiritual, yet *about* matters spiritual to protect them in peace, and to stave off the disturbers, and destroyers of them. It were improper and unfitting, for carpenters to bring their axes and hammers to build up the spiritual kingdom and church of Christ. But yet their tools are fitting to build up scaffolds, that the people may draw near to hear the word and by hearing be brought on to faith and salvation.⁴²

There are a few important takeaways from this quote. The limits of civil action regarding religion are those things “about” spiritual matters.⁴³ Civil government can act upon external conditions for spiritual good, but it is not sufficient in itself for the “immediate producing of spiritual ends.” We also see that the “spiritual kingdom” is not visible. Nor does the civil establishment of true religion make the civil government a kingdom of God. The spiritual kingdom of God advances by the conversion of souls—by making citizens of heaven. Civil government is, therefore, not an object of redemption. It is an instrument in promoting, within the limits of its power, the advancement of the other-worldly, redemptive kingdom. In this way alone do the “kingdoms of the earth become the kingdoms of the Lord.” Cotton continues, “It is not by making Christ a temporal king, but by making temporal kingdoms nursing fathers to his Church.”⁴⁴ A civil government is Christian civil government not by declaring itself as such but by *acting* for the good of the Church.

Cotton condoned religious persecution in two situations. The first are the cases when one both “fundamentally” and “obstinately” errors in the “principles of Christian religion,” which Cotton identifies as doctrines necessary for salvation. The “obstinate” are those who persist, after spiritual admonition, to publicly display these errors, which are in themselves disruptive of a Christian society. The second case is when one holds “other errors (though not

⁴² Cotton, *Bloudy tenant washed*, I.94-5.

⁴³ As Turretin says, “Because [the magistrate] ought to procure all the good for the subjects for whose sake he has been constituted and to render an account of it to God; now religion and things pertaining to it are without controversy the principal good of these.” *IET*, 18.34.6.

⁴⁴ Cotton, *Bloudy tenant washed*, I.92.

fundamentally subverting religion, yet fundamentally subverting church-order, and civil order) and that in a turbulent and factious manner.”⁴⁵ Both cases concern the outward disturbance of both civil and ecclesiastical orders. Cotton says that even those who are orthodox in theology are subject to civil suppression: “If a man holds forth truth in some boisterous and arrogant way...he may in so doing disturb the civil peace, and for such disturbances justly punished.”⁴⁶

Cotton denies that civil magistrates have an absolute duty to act against all heretics. In two situations, a civil magistrate can lawfully “tolerate notorious evil,” including “notorious seducing false teacher[s].”⁴⁷ The first is when the “magistrate’s hand is too weak and feeble and the offender’s adherents so great and strong that justice cannot be done upon him without manifest peril to the whole state.” That is, it is better to tolerate certain evils that society might not descend into anarchy. The second justification for tolerating certain evils is “to prevent other greater evils.” So, for Cotton, preserving the commonwealth has precedence over suppressing heresy or dissent. If suppression of heresy would destroy the commonwealth, then civil authorities should not suppress heresy. The church is a guest, or resident, of civil government (for it lacks civil power to secure itself outwardly), and so its peace depends upon the peace of civil society.⁴⁸ If religious tolerance best protects the church, then religious tolerance is the best civil policy. Of course, Cotton denied that toleration is the best policy for New England, but this conditional is consistent with his principle, and as time went on Americans came to affirm the antecedent.

⁴⁵ Cotton, *Bloudy tenant washed*, I.119-20.

⁴⁶ Cotton, *Bloudy tenant washed*, I.36-7.

⁴⁷ Cotton, *Bloudy tenant washed*, I.113.

⁴⁸ As Johann Alsted states, “*Politia est hospitium ecclesiae et illam defendit gladio seculari.*” [“Politics is the lodging of the church and defends it with the secular sword].

Non-Conformism and Separatism

In one important section of his *Bloudy Tenent Washed*, Cotton discusses the differences between his non-conformism and Roger Williams' separatism. Cotton defines the separatist as one who separated from established English churches because they believed them to be "altogether false, in their constitutions, ministry, worship."⁴⁹ Cotton states, however, that only a "strong efficacy of delusion" could "prove all this out of the principles and grounds" of non-conformity.⁵⁰ The "non-conformists," with whom he identifies, resisted the English church not because they considered it a false church. Cotton affirms that it is a true church: "fellowship with God" was "held of them, not only inwardly and secretly, but also outwardly and visibly: not only inward conversion and conviction, but also in outward and visible reformation."⁵¹ He dissented from the "corruptions in the order and dispensations of these things"⁵² and was unwilling, by appeal to good conscience, to conform to them. But Cotton repeatedly argues that the established churches of England had true ministers of the Gospel and were full of true Christians.⁵³ Williams, however, denounces England as a "Babylon". Again, Cotton denies it: "No voice of Christ hath declared the Churches of England to be

⁴⁹ Cotton, *Bloudy tenant washed*, I.121.

⁵⁰ Cotton attacks the label "puritan," saying that it was "devised" by Jesuits "to cast a reproach upon the persons and way of reformers, to render them suspicious and odious to the state." *Bloudy*, II.119.

⁵¹ Cotton, *Bloudy tenant washed*, I.7. According to Cotton, these corruptions in worship did not make their worship false. He writes, "it is not every corruption in worship, that denominates the worship to be false....False worship (to speak properly) is as good as no worship. Nor is the God of Truth wont to accept that which is false. But there may be many aberrations in the manner of worship, when yet both the object of the worship is the true God, and the substance of the worship is true worship. And God may accept that which is truth, from an honest and true heart, and pass by many aberrations, (as infirmities) and not reject all as falsities." Cotton, *Bloudy tenant washed*, II.84.

⁵² Cotton, *Bloudy tenant washed*, I.7.

⁵³ Cotton writes, "We are far from that supercilious, and pharisaical arrogancy, as to condemn [the English churches] for false ministers, in whom we find truth of godliness, truth of ministerial gifts, truth of election and acceptance unto office by true churches of Christ, truth of sound and wholesome, and soul-saving doctrine, and truth of holy and exemplary conversation." *Bloudy tenant washed*, II.82.

false churches.”⁵⁴ Cotton accuses Williams (and those like him) of “rigid separation.” He is a sectarian, being quick to equate impurity with false Christianity. Cotton then warns Williams: “They that separate from their brethren further then they have just cause, shall at length find cause...just enough to separate one from another.”⁵⁵

Despite popular narratives about the New England Puritans and Williams, it was Cotton the religious persecutor, not Williams the hero of religious liberty, who affirmed the spiritual brotherhood of institutionally incompatible churches. Cotton could do this, because he affirmed the classical Protestant distinction between the invisible and visible church. An internal faith sufficient for salvation and spiritual unity among the faithful does not manifest itself visibly in purity. This is evident in Congregationalist confessions, such as the *Cambridge Platform*, which New England ministers composed in 1648. It states that the “catholic or universal church” is the “invisible” church and “consists of the whole number of the elect.” The “visible catholic church,” however, is the “whole body of men throughout the world, professing the faith of the gospel...not destroying their own profession by any errors everting the foundation.” This visible church as such “is not entrusted with any officers to rule or govern over the whole body.” In other words, the visible church is nothing but the people of God around the world, having a common profession of faith as to foundational doctrines, though not united around perfect doctrinal unity, nor around a global, ecclesiastical institution. And local, true churches are “subject both to mixture and error.”

Since there is no global and centralized ecclesiastical structure that maintains a global, institutional communion and since the visible catholic church contains doctrinal and institutional diversity, the foundation is laid for religious liberty or toleration within any given civil jurisdiction. How can Christians affirm spiritual brotherhood and forbid their

⁵⁴ Cotton, *Bloudy tenant washed*, II.91.

⁵⁵ Cotton, *Bloudy tenant washed*, II.121.

fellow Christians from the full benefits of church membership and from forming their own (true) churches? This question highlights the practical tension in Protestant theology that eventually unfolded into religious liberty. It led New England, from its beginning, to permit religious toleration for “dissenters, as vary either in [religious] matters of less weight, or of fundamentals, yet not out of willful obstinacy, but out of tenderness of conscience,” writes Cotton.⁵⁶ Presbyterians were permitted to have their own churches. Even “Anabaptists” and “Antinomians” were granted full membership in the established churches, says Cotton—a fact that Cotton Mather will repeat decades later.⁵⁷ Increase Mather (Cotton Mather’s father) later speaks of those under the “antipaedobaptistical persuasion” as “brethren, whom I love,”⁵⁸ though their fitness for toleration was conditioned on, as Cotton Mather would say, “reserving their particular opinion unto themselves.”⁵⁹

Of course, some Anabaptists and Antinomians were persecuted in the mid-17th century. But, as I show in chapter 5, the New England authorities, in every case, denied that dissenting belief itself motivated their actions against them. Rather, they acted against the perceived civil disruption and subversion inherent in these dissenting beliefs or evident in the manner by which the dissenters expressed them. The Antinomians, for example, publicly and obstinately denied the salvation of most of the civil and ecclesiastical ministers (viz. claiming

⁵⁶ Cotton, *Bloudy tenant washed*, II.89. Cotton also states that those who “come not to our assemblies by reason of the distance of their dwellings from us...have the liberty of public prayer and preaching of the word amongst themselves, by such as themselves choose, with disturbance.” *Bloudy tenant washed*, I.149.

⁵⁷ See Chapter 5.

⁵⁸ See Increase Mather’s preface, “To the Reader,” in Samuel Willard’s *Ne sutor ultra crepidam* (Boston: Sam Philips, 1681). Mather refers here to Particular Baptists, often today called “Reformed Baptists,” who adhere to the 1689 London Baptist Confession of Faith, which is largely in agreement with the Westminster Confession of Faith, except on the sacrament of Baptism and related matters (e.g., covenant theology). New England ministers often distinguished “anabaptists” and “antipaedobaptists,” extending much warmer affections toward the latter.

⁵⁹ Cotton Mather, *Magnalia Christi Americana: Or, the Ecclesiastical History of New-England*, 2 Volumes (Hartford: Silas Andrus, 1820 [1702]), II:459.

that they are under the covenant of works, not the covenant of grace). The leaders of a small Christian community, such as New England, might consider such accusations subversive and damaging to the commonwealth. The importance here is that the doctrine of the invisible church, which permits spiritual brotherhood amid confessional diversity, confirms that New England ministers did not deny the salvation of all religious dissenters. Nor did action against dissenters necessarily indicate a judgment on their salvation.

What Really divides Cotton and Williams

One of my claims in this work is that there are two different sources or theoretical streams for the expansion of religious liberty in early American political thought, and Williams and Cotton each represent one. Cotton's, to my mind, dominates until the 19th century, though many of the sources emphasized in anthologies reflect Williams' position. The exchange between Williams and Cotton helps us distinguish the two and clarify precisely what divides them.

Both agree that the objects of civil power are bodies, or the outward man, and that the end of civil power is civil peace. They *seem* to disagree on liberty of conscience, but this is not the case, despite the insistence of Williams. No classical Protestant ever claimed that civil action can strike at and reform the soul; only the spiritual sword—the Word of God—can do that. Both Cotton and Williams agree that the magistrate has, as Cotton says, “no power over faith and conscience.” Cotton insists, however, that civil rulers have a “lawful power to punish such evil doers in their bodies and good, as do seduce his people to make shipwreck of faith.”⁶⁰ Though the teaching of heretics aims to persuade the mind, teaching itself is an *outward* act. Since all outward acts of evil are, at least in principle, appropriate objects of civil action, the civil magistrate can act to prevent such evil. So, both agree that the

⁶⁰ Cotton, *Bloudy tenant washed*, I.163.

conscience is free from external coercion in belief, but they disagree on whether the civil government can act to suppress the public expression of belief deemed civilly dangerous.

Nor do they differ on whether the civil government can compel people to attend worship, despite Williams' accusations to the contrary. Cotton denies that civil law in Massachusetts "compels" worship and the profession of faith. His denial is worth quoting in full:

Nor is it true, that we suffer no man of any different conscience or worship to live in our jurisdiction. For not to speak of Presbyterians, who do not only live amongst us, but exercise their public ministry without disturbance, there be Anabaptists, and Antinomians tolerated to live not only in our jurisdictions, but even in some of our churches....I cannot say, nor do I believe, that any man is compelled to come to our church, against his conscience. Nay we are so far from that...that our churches do not expostulate with our members who hear in England, no not then, when there was more difference from us in manner of worship, then now (through the mercy of God) now there is....I cannot call to mind that...any man in this country was ever compelled to hear the word of God, in any of our churches, in this country.⁶¹

Presbyterians had their own authorized assemblies, and Anabaptists and Antinomians were both tolerated and permitted full membership in the established churches. Furthermore, no one is compelled against conscience to attend established religious services.

Cotton and Congregationalists generally had stricter requirements for church membership than the Presbyterians and the established churches in England, but they rejected "severity of examination," as states the Cambridge Platform. Even "the weakest measure of faith is to be accepted...because weak Christians, if sincere, have the substance of that faith, repentance and holiness which is required in church members....and such the most need of the ordinances."⁶² Williams questioned the purity of many New England churches because ministers admitted into membership those who, in Williams eyes, had not sufficiently repented of their former polluted worship while in England. Prospective members must "be enlightened and called out from such captivity before they can be nextly fitted and prepared

⁶¹ Cotton, *Bloudy tenant washed*, I.165.

⁶² "The Cambridge platform of church discipline" (Boston: Perkins & Whipple, 1850 [1648]), 69.

for the true church, worship, etc.,” claims Williams.⁶³ Cotton responds, saying that one may not have “discerned”⁶⁴ every sin and so should be objects of “charity and tenderness,” as the Cambridge Platform puts it.

Cotton’s position reflects the distinction between the visible and invisible church. True (internal) faith might not manifest outwardly in purity, but nevertheless someone with true faith is in the spiritual kingdom of God and is, therefore, a spiritual brother and worthy of and has a right to receive the full benefits of church membership. The institutional church is the ordinary, outward means to aid one in the “confirmation and growth in grace.”⁶⁵ The admission of “weak Christians” was a logical consequence of the invisible/visible church distinction. These (relatively) looser requirements for membership, however, also meant that some church members will be merely “moral Christians,” lacking true faith. Samuel Willard admits to this possibility in his writings against the Quakers: “there may be a true visible church, though many in it are not of the true *invisible* church.”⁶⁶

Cotton considers the church, outwardly speaking, to be a porous entity. It is not in itself the heavenly kingdom; it is just as outward and temporal as civil order. As such, it is not uniquely protected from external disturbance, decay, corruption, etc. It contains, as it were, both sheep and goats (Mt. 25:32); and even the sheep are prone to drift off by neglect or false teaching. Churches also lack any formal means to suppress civil disturbance. The spiritual and heavenly peace of the invisible church is not to be confused with the outward peace of the visible church. As Cotton writes, “Though the inward peace of the church be spiritual and

⁶³ Roger Williams, *The Bloody Tenent of Persecution for Cause of Conscience Discussed* (London: J. Haddon, Castle Street, 1848 [1644]), 395.

⁶⁴ Cotton, *Bloudy tenant washed*, I.45.

⁶⁵ Cambridge Platform, 69.

⁶⁶ Samuel Willard, *The principles of the Protestant religion maintained*, (Boston: Richard Pierce, 1690), 132.

heavenly, yet there is an outward peace of the church due to them.”⁶⁷ The church resides in and depends upon the state.

The central disagreement between Cotton and Williams was, in my view, on *ecclesiology*—their theologies of the church. Williams accuses the New England church of being “coloured over with varnish,”⁶⁸ because it permitted its members, when visiting England, to “hear the word in the parishes of England,” as Cotton relates the argument. Williams made similar claims when he was the minister at Salem. As Cotton recalled, he “sometimes endeavored to draw away the Church of Salem...from holding communion with all the churches in the Bay” on account of this impurity. When one attends worship in the churches of England, so reasoned Williams, they give assent to the corruptions of their churches. Cotton, along with other prominent ministers, responded that if the word of God is taught, the hearing of it does not constitute a “church-relation” but simply a relation of teacher to hearer. This response assumes standard Protestant ecclesiology, namely that the “visible catholic church,” consisting of all those on earth who profess the true Gospel, is prior and foundational to any particular church or ecclesiastical organization. Though divine law regulates the office of teacher in the context of the instituted church, proclaiming and hearing the word of God in the context of the people of God does not originate with the instituted office. As Cotton put it, “This spiritual communion is not between hearer and the minister, in respect of his office, but in respect of his gifts, and of the power of the spirit of grace breathing in the dispensation of his gifts, to which respect this communion doth not amount to church-communion.” Thus, hearing another teacher does not necessarily entail a formal relation with his ecclesiastical polity.⁶⁹

⁶⁷ Cotton, *Bloudy tenant washed*, I.13.

⁶⁸ Williams, *Bloudy Tenent of Persecution*, 173.

⁶⁹ Cotton, *Bloudy tenant washed*, II.78.

Though this might seem like a minor and technical disagreement, it is crucial for this study. In Protestantism, the visible catholic church on earth are a people, not an institution, and these people, in their localities, erect churches for their spiritual good. Underlying this visible church is the true *universal* church, which is invisible. Williams seems to believe in a sort of anabaptist ecclesiology, which tends to blur or eliminate the lines between the visible and invisible church. In his conflict with Anabaptists, Willard expressed bewilderment over how easily they “confound the mystical invisible church with the visible” when his opponents asserted that “the work of conversion wrought by the Spirit in the hearts of God’s elect...[is] the true gathering of the visible church.”⁷⁰ Williams was not, strictly speaking, an Anabaptist, but his ecclesiology is similar to that of the Anabaptists’.

Williams insisted upon a rigorous examination of all potential church members. The visible church must be unpolluted, “to consist only of holy and godly persons” and “free from ceremonies, commonprayer, etc,” he writes.⁷¹ Practically speaking, Williams gave the institutional church the power to declare who is and who is not in the kingdom of God, effectively eliminating the visible/invisible distinction. Put differently, Williams set the standard of membership not at *credible* profession of faith, but at a *genuine* profession of faith. When combined with the traditional Calvinist doctrines of predestination and perseverance of the saints, this standard renders the church entirely secure, needing no help from the civil government. That is, it is not porous. The visible church members were visible saints, elected from the foundation of the world, and kept by the power of God for salvation. Being the closest possible approximation of a society of the elect, the local church assembly is spiritually secure and requires no civil support and promotion.

Moreover, there was no need for the civil authorities to ensure outward ecclesiastical

⁷⁰ Samuel Willard, *The principles of the Protestant religion maintained*, 133.

⁷¹ Williams, *Bloudy Tenent of Persecution*, 394.

peace, for the church has a “peace spiritual...being of a higher and far different nature from the peace of the place or people, being merely and essentially civil and human,” Williams write.⁷² Since the inward, heavenly peace of the invisible church is practically identified with the outward peace of the church, the civil magistrate has nothing to contribute. The peace of a city, therefore, is “essentially distinct” from the Christian religion or any religion. Spiritual peace contributes nothing to civil peace, and civil peace contributes nothing to the outward peace of the church. Williams has fused together inward/outward and spiritual/temporal.

Williams’ view, in effect, denies classical two-kingdom theology. He denies that the lower, temporal realm (which includes both the civil government and the instituted church) is ordered to the higher, eternal realm. The civil administration takes no part in promoting man’s ultimate *telos*. Nor do the civil and ecclesiastical administrations provide mutual aid within the limits of each one’s power. The church is a self-contained, self-sufficient quasi-*polis*. The church is adequately equipped to resist and overcome all outside and internal corruptions and seductions. It is a heavenly body; it is not of this world.

Williams seems to make the two kingdoms the instituted church and civil government, which would separate civil government from heavenly ends. In classical two-kingdom theology, the outward—which includes both the civil and ecclesiastical administration—serves the inward, heavenly kingdom, one indirectly and the other directly. Each is oriented and ordered towards man’s ultimate end by serving body and soul. But for Williams the instituted church has a sort of self-sufficiency that prevents the state from having any cognizance of man’s ultimate end. The state acts as if the church is just another civil association and takes no particular interest in the church. In the eyes of the state, man is nothing but an earth-bound being.⁷³ Religious liberty, for Williams, is a consequence of the

⁷² Williams, *Bloudy Tenent of Persecution*, 46.

⁷³ Philip Hamburger writes, “So severe was William’s division between the spiritual and the worldly that they seemed almost irrelevant to each other, leaving worldly activities—or at least those so

state entirely lacking any cognizance of man's eternal end and his ultimate *telos*. His political theory is political atheism or, put differently, a political atheology.

4. Conclusion

This chapter, most generally, has shown that Reformed theology is both flexible and capacious as to possible civil arrangements conducive to the common good. This is a theme throughout Part II and is essential to continuity in early American political thought. More specifically, this chapter provides some important distinctions between church and state in Reformed theology, which shed light on the relationship of nature and grace, civil and ecclesiastical power, and temporal and spiritual good. Furthermore, the two-kingdom theology of the New England Puritans refutes the claim that they sought to bring heaven to earth. Davenport defended New England's civil arrangements by arguing that they were most suitable for the good of the church and state. Moreover, the doctrine of the invisible church led the New England ministers to affirm the spiritual brotherhood of dissenters in New England as well as the ministers and worshipers of the established churches in England. Dissenters whom the ministers deemed credible in faith were permitted as full members of the established churches based on this doctrine.

The combination of Protestant ecclesiology and the capaciousness of Protestant political theology is what set the conditions for the rise of religious liberty in early American political thought. In Chapter 8, we will see that New England in the founding era affirmed the same theology and the same principles and had extended religious toleration for all peaceful Protestant denominations.

specialized as to seem secular—unburdened by spiritual concerns.” See *Separation of Church and State* (Cambridge, MA: Harvard University Press, 2002), 42.

4. Samuel Willard

1. Introduction

Before Jonathan Edwards, New England had only two systematic theologians. Samuel Stone (1602-1663) and Samuel Willard (1640-1707).¹ Neither is well-known today, and Stone less so than Willard. This is a shame, especially in the case of Willard, whose *A Complete Body of Divinity* (published posthumously in 1726) is a marvelous theological work on the Westminster Assembly's Shorter Catechism.² Indeed, this work, which contains over 900 folio pages, is likely the most complete and comprehensive work on the Reformed faith and practice by a New England author in the 18th century and maybe beyond. Willard's only rival is Samuel Hopkins' *A System of Doctrines* published in 1793, which is smaller, less comprehensive, and less consistent with the Reformed tradition.³

Scholars have paid little attention to Willard's work. I found only one work devoted to his theology and one biography, both from the 1970s.⁴ Historians, such as Perry Miller, considered him one of the great lights of the New England Puritans,⁵ and a few recent

¹ Samuel Stone finished his *Whole Body of Divinity* in 1656, but he never published it. It circulated in manuscript form for the rest the century. The only complete copy available today was transcribed by Samuel Willard, who completed the transcription in 1697. An edition of Stone's work, edited by Baird Tipson, is now available at http://www.congregationallibrary.org/sites/all/files/Stone_Samuel_Whole_Body_of_Divinity.pdf. (accessed February 22, 2020).

² Samuel Willard, *A Complete Body of Divinity in Two Hundred and Fifty Expository Lectures on the Assembly's Shorter Catechism*, Kindle edition, ed. Mike Christian in 2015 (Boston: Green and Kneeland, 1726).

³ Samuel Hopkins, *The System of Doctrines Contained in Divine Revelation, Explained and Defended* (Boston: Thomas and Andrews, 1793). Jonathan Edwards produced several important theological works, and he was certainly a systematic thinker who had a systematic theology, but he never wrote a system of divinity.

⁴ Ernest Benson Lowrie, *Shape of the Puritan Mind* (Yale University Press, 1974). Seymour Van Dyken, *Samuel Willard, 1640-1707: Preacher of Orthodoxy in an Era of Change* (Grand Rapids: William B. Eerdmans Publishing Company, 1972).

⁵ See Perry Miller, *The New England Mind: The Seventeenth Century* 2nd edition (Harvard University Press, 1954).

historical works include a chapter or two on him.⁶ Historical theologians, however, have shown little interest, partly because New England theologians are rarely included in the so-called “high Reformed orthodox” of the 17th century (until recently)⁷ and far greater interest is shown to Jonathan Edwards, whose influence greatly exceeds any New England theologian prior to him. Willard is almost entirely absent from works by political theorists, which is not surprising: Willard did not write a political treatise. But his *Body of Divinity* is both precise and accessible, making it a useful source to understand New England Puritan theology, which is necessary to understand New England Political thought.

To be sure, Willard did write on political theory, as New England ministers often did in election sermons. Willard’s most systematic presentation of political theory is in his exposition of the Fifth Commandment in *Body of Divinity*. I discuss this in the second half of this chapter. We first must grasp Willard’s theological anthropology, which provides us precise and accessible formulations for many assumptions behind Christian political order. In the previous chapter, I covered ecclesiology, political theology, and religious liberty. One purpose for this chapter is to complete my presentation of New England theology, which I began with Davenport and Cotton, as it pertains to the question of this work. Following a biographical sketch, I discuss Reformed theological anthropology and how it relates to the three theological states of man: pre-lapsarian, post-lapsarian, and post-redemption.

2. Biographic Sketch

Samuel Willard was born in Concord, Massachusetts, which his father Simon co-founded. Not much is known of Samuel’s early years, except that he entered and graduated

⁶ See Mark Valeri, *Heavenly Merchandise: How Religion Shaped Commerce in Puritan America* (Princeton University Press, 2014), 1-10.

⁷ Adriaan Cornelis Neele, *Before Jonathan Edwards: Sources of New England Theology* (Oxford: Oxford University Press, 2019), 9-27.

from Harvard with a Bachelor of Arts in 1659. Soon he would become the minister in Groton, a small town on the frontier. The town was almost destroyed in 1676 when around 400 natives set fire to the town. His family survived the raid and they moved to Boston.⁸ In 1678, he became the pastor of South Church in Boston, a position he held to his death. Through his second marriage, he became well connected with Boston's prominent families. Alongside Increase Mather, Willard was involved in most of the major political and religious controversies that occurred while he lived in Boston. He is probably most famous for his criticism of the witch trials in Salem.⁹ He was also a major participant in the Reforming Synod of 1679 that adopted the Savoy Declaration of 1658 as "the creed of the Massachusetts churches." Most important for us is his dispute with the anabaptists, which I will discuss in Chapter 5. In 1701, he became the acting president of Harvard and died in 1707, after baptizing a newborn named Benjamin Franklin.¹⁰ At Willard's funeral, fellow preacher and friend Ebenezer Pemberton said of Willard: "The God of nature was pleased with a liberal hand to bestow on him those natural intellectual endowments, which laid the foundation of great improvement in knowledge."¹¹

Beginning in 1688, Willard began a monthly public lecture series, delivered on Tuesday afternoons. The series was on the Westminster Shorter Catechism, and he continued this series to his death, nearly completing his exposition of the Catechism. In 1726, his former students and friends, Thomas Prince and Joseph Sewall, published his 250 lectures as A

⁸ Ebenezer Pemberton saw "providence" in the disaster at Groton, because "it made way for the translation of this bright star to a more conspicuous orb; where his influence was more extensive and beneficial; and in this it was a great blessing to this congregation, to this town, nay, to all New England." Quoted in Lowrie, *Shape of the Puritan Mind*, 14.

⁹ Van Dyken, *Samuel Willard*, 181-86.

¹⁰ Lowrie, *Shape of the Puritan Mind*, 228. See Willard's *Some Miscellany Observations on our present Debates respecting Witchcrafts, in a Dialogue* (Philadelphia: William Bradford, 1692).

¹¹ Lowrie, *Shape of the Puritan Mind*, 9.

Complete Body of Divinity. Numerous men, including ministers, businessmen, and civic leaders, received copies (some received multiple copies) of the book at its publishing.¹² Perry Miller called it “a magnificent summation of the Puritan intellect” by an “absolute master of the vast body of Protestant learning.”¹³ It is “unequalled in scope until after the [American] Revolution,” according to Ernest Lowrie.¹⁴ One could find copies in many New England ministers’ library, including Jonathan Edwards’¹⁵ and in New England colleges, such as Yale and Harvard.¹⁶ The extent of Willard’s influence has not been studied, and it is likely that his influence quickly waned due both to the force and originality of Jonathan Edwards and the arrival of works by Continental Reformed writers, such as Petrus van Mastricht and Francis Turretin, who wrote sophisticated polemical works against non-Reformed theological systems, such as Arminianism and Socinianism.¹⁷ Willard rarely engaged in such controversies in these lectures; it simply wasn’t necessary in his context, and the emergence of these controversies in the New World likely made Willard’s work less useful to advanced students of theology.¹⁸

¹² The book contains a list of “subscribers” totaling in the hundreds.

¹³ Lowrie, *Shape of the Puritan Mind*, vii.

¹⁴ Lowrie, *Shape of the Puritan Mind*, 2.

¹⁵ Though rare, Edwards did cite Willard in his published writings. See Jonathan Edwards, “A Humble Inquiry,” *Ecclesiastical Writings* (WJE Online Vol. 12) ed. David D. Hall, [1737], 259. He also owned a copy of Willard’s *Body of Divinity*. See *Catalogues of Books* (WJE Online Vol. 26), ed. Peter J. Thuesen, [1743]. He lent out his copy. See “Account books,” in *Autobiographical and Biographical Documents* (WJE Online Vol. 40), ed. Jonathan Edwards Center, [1743].

¹⁶ In 1743, for example, Willard’s *Complete Body of Divinity* was one of two commentaries on the Westminster Confession of Faith that were in these college’s libraries, alongside Thomas Ridgley’s (1667-1734). See Neele, *Before Jonathan*, 13, 18-19.

¹⁷ Nevertheless, Prince and Seward claim in the preface that the desire for the publication of the lectures “strangely rather increased than declined” in the eighteen years after Willard’s death. “Hardly any book has been more passionately wished for,” they claimed. (Loc. 298).

¹⁸ Willard rarely quoted even Reformed theologians. There is no mention of Calvin, for example, in his entire *Body of Divinity*. The editors admit that Willard’s style and philosophical assumptions were already out of fashion. (Loc. 375).

But the extent of his influence is irrelevant to our question. Willard gave these lectures not in the interest of offering new theological formulations, nor to provide novel counter-arguments against Reformed theology's opponents of whom the Bostonian public was largely unaware. Rather he sought to give intellectually challenging but publicly accessible and practical lectures to a late 17th century Bostonian audience. The resulting systematical divinity is the best and most complete presentation of New England Puritan theology ever produced and a superb non-scholastic and non-polemical work of Reformed divinity. There is no better source for understanding the minds of the New England clergy and civic leaders prior to the Old/New Light controversy that arose in the mid-18th century.

3. Reformed Theological Anthropology

I have organized the presentation of Willard's thought using a familiar Christian motif: creation/fall/redemption. Generally, the question for each (respectively) is: what is true of man in relation to nature at creation; what was lost at the fall of man (and what remained); and what is restored by redemption? Answering these questions goes a long way in showing just how fundamental the law of nature is to Reformed theology.

Pre-lapsarian Man

Willard's doctrine of pre-lapsarian man, or man in the state of integrity, is consistent with the Reformed tradition, as expressed from Calvin to the 19th century.¹⁹ Willard affirms that man's "essential constituting parts"²⁰ are body and soul, and so both are essential to man *as man*. The body is "fitted with suitable organs for the operations of the reasonable soul."²¹ Its purpose is facilitating the "nobler part" and "head"—the rational soul, an "immortal spirit

¹⁹ See Chapter 1 and Calvin, *Institutes* 2.2.12-13.

²⁰ Willard, *Body of Divinity*, 8239.

²¹ Willard, *Body of Divinity*, 8292.

of life, endowed with understanding and will.”²² The soul of man allows him to “see into the nature of things, to discern the beams of divine wisdom shining in the frame of the world, and treasure up the knowledge of it within itself.”²³ The rational soul makes man “a cause by counsel,” i.e., he can “deliberate with himself about” means and ends that concern him and “follow the dictates of his own understanding.”²⁴ This reasonable soul sets man apart from the rest of creation.

Having a rational soul, man is not only under the “common government” of God with the rest of creation; he is under a “special government.” Both refer to God’s right, as Creator, to direct creatures to their ends by means of a rule. But having the faculty of reason, man can follow a *moral* rule, and so man is “under a duty”—something no other earthly creature is under. Only man can discern duty, which Willard defines as an “obligation...in equity and by force of a precept.”²⁵ Man’s constitution permits (and obliges) him to *actively* mirror God by “actual service done to God, [which] is voluntary and upon choice.”²⁶ This moral rule is exclusive to man, for only this rule provides the suitable means, given his nature, for man to attain his natural end. I discuss the moral rule in detail later in the chapter.

But while the body and the faculties of the soul are essential to man as man, they are insufficient when alone for man’s perfection. Willard writes, “The perfection of a thing is, when it is made completely fit to attain its end.”²⁷ The highest end of man is “an everlasting

²² Willard, *Body of Divinity*, 8326.

²³ Willard, *Body of Divinity*, 8354.

²⁴ Willard, *Body of Divinity*, 8364.

²⁵ Willard, *Body of Divinity*, 30370.

²⁶ Willard, *Body of Divinity*, 30400.

²⁷ Willard, *Body of Divinity*, 8456.

state of happiness,” which is a *heavenly* end, not an earthly end.²⁸ But this end is not attainable merely by the constitutive elements of earthly creation, which are principles of nature and orient only to earthly things, which are inferior to heavenly things. For this reason, man requires a sort of gracious perfection, often called by Reformed theologians the “moral image,” or “divine image,” or “the image of God.” Reformed theologians disagreed on what the “image of God” precisely refers to, but that disagreement is not important here. The Reformed consensus was that man’s moral integrity at creation involved both essential, constitutive properties and accidental, perfective properties. The former includes reason, understanding, and natural free will and the latter is what Reformed (and non-Reformed) theologians almost universally called “original righteousness.”²⁹ Willard’s view is that the “image of God” in man was man’s “original righteousness.”

Original righteousness supplied a “gracious principle” that made man fit for communion with God.³⁰ The gracious principle provides not the ability to perform the “matter of duty” (or the substance of right action), but to perform the moral law in the proper “manner” viz. having the proper “heart with which it is done.”³¹ Hence, original righteousness did not make possible the outward conformity to the moral law, but the *inward* conformity to the necessary internal principle, manner, and end—out of love for God, with the proper disposition for God, and to the glory of God. In other words, it ensures that man was able to be righteous *coram deo*.³²

²⁸ Willard, *Body of Divinity*, 9940.

²⁹ Jonathan Edwards would later defend the Reformed doctrine of original righteousness. See Edwards, *Original Sin* (Boston: S. Kneeland, 1758), 139-155.

³⁰ Willard, *Body of Divinity*, 12455.

³¹ Willard, *Body of Divinity*, 12456.

³² This perfective addition supplies “knowledge, righteousness, and holiness.” The knowledge is “sanctified understanding,” consisting of a “spiritual discerning of all that was needful to his happiness.” Holiness and righteousness refer to the “whole man” and empowers man to “close in with

To be clear, Willard is not saying that the image of God is a superadded substance laid upon nature in a state of purity—as a “golden bridle”—to repress the waywardness of man in his purely native state. Willard rejected this Roman Catholic position, arguing that man does not only *tend* or fall toward unrighteousness when lacking original righteousness.³³ Rather, the very *lack of it* constitutes unrighteousness, for a creature is perfect only if fit for its end. Indeed, natural fittingness for man’s *telos* is a fundamental concept in Reformed theology. Original righteousness is a necessary element for man to achieve his highest end, and so God had to create man with original righteousness as a native gift. Willard writes, “It is contrary to the wisdom of God, to make a creature for an end, and not to fit it to serve thereunto.”³⁴ Original righteousness is not, strictly speaking, adventitious to nature. It is “concreated” or “connatural.”³⁵ Nevertheless, it is an “adjunct perfection” and it is not natural to man in the same way that rationality is natural to man. As Willard writes, the image of God

was then a stamp and character of divine goodness left upon the nature of man, making him able to perform the service that was required of him: and it was not implanted by the rule of nature, but by the rule of divinity; neither was it from the principles of nature, for then it was inseparable. Hence it may in some sense be called natural, in another supernatural; natural, as it is due to the nature of man made for such an end, without which he could never have attained it; and supernatural, being a more glorious excellency than the bare principles of nature can exert.³⁶

Hence, it is necessary as an essential element of man’s perfection (and so naturally perfective), but it is not essential to man as man (and hence it is supernatural vis-à-vis man’s

God entirely as his chief good and last end.” It ensured 1) that man chooses “the good, and refuse the evil, by a free, full and perfect elicited act,” 2) that “rational powers were fit for their business, and 3) that there was no pravity or disorder in this whole.” In short, it is necessary for moral rectitude and integrity.

³³ This position was advanced by Roman Catholic theologians, such as Bellarmine, though Thomas Aquinas rejected it. See *Summa Theologica*, I-II.82.1 and also Turretin, *IET* 9.11.13.

³⁴ Willard, *Body of Divinity*, 8470.

³⁵ Willard, *Body of Divinity*, 26975.

³⁶ Willard, *Body of Divinity*, 8474.

constitutive nature).³⁷ These distinctions are theologically technical but important to understand man's condition after his fall, as we see later in the chapter.

To summarize, man in his pre-lapsarian state possessed both essential and accidental features and both are native gifts. The former includes reason, understanding, and will, and the latter is true righteousness and holiness. Man required the perfective feature—original righteousness—not to bridle his constitutive nature, but to make it possible for man to act in grace (viz. inwardly before God) and thereby in a heavenly manner (viz. transcending earthly life). Grace does not repress some weakness of nature; it completes nature. For this reason, God supplied the divine image, which perfects man and provides what is needed to attain his end of everlasting happiness. But being naturally *perfective* and not naturally *constitutive*, it is accidental to man as man and so can be lost without destroying man. In that loss, however, man is impure simply by virtue of its absence, and in *consequence* humankind manifests various disorders, most radically in the soul. The principal effect of the fall was the disordering of man's thoughts and actions away from God and his everlasting kingdom and toward a feverish lust after earthly interests and concerns, many of which are real goods but are lesser goods in comparison to life eternal. The implications for this will become apparent in the next section. But first we must discuss the moral law.

Willard affirms that the moral law, which he also calls the "law of nature," was given to Adam immediately at this creation. He writes, the "law to regulate [man's] life and action by....[is] natural" having been "imprinted on the heart of man in his creation, and he was able

³⁷ Turretin lists four ways one can use the term "natural" (5.11.2): "Natural is taken in four ways: (1) originally and subjectively, drawn from nature and concreated or born together with it and most deeply implanted in it (which is opposed to the adventitious); (2) constitutively and consecutively, constituting the nature of the thing or following and flowing from the principles of nature (as such as are the essential part or properties of a thing which is opposed to the accidental); (3) perfectly, agreeing with the nature and adorning and perfecting it (opposed to that which is against nature); (4) transitively, which ought to be propagated with nature" *IET*, 5.11.2.

to read them by the light of nature, which was at first put into him.”³⁸ He defines the moral law as “a divine unchangeable rule given to man, and accommodated to his nature, as he was created by God, obliging him to serve to God’s glory as his last end.”³⁹ First, we should notice that it is “unchangeable.” In previous chapters, I’ve shown that Reformed theologians, contrary to non-Reformed theological systems, denied that the natural law was abolished, added to, or modified by the Gospel and by Christ himself. The natural law is the perpetual and immutable standard of righteousness. Christ, as Calvin said, was only a “faithful expositor” of the law. Willard states, Christ “came not to abolish the *moral* law, or law of *nature*...but confirmed it.” He continues:

Whereas the moral law took place as soon as man was made, and continues to the end, without any alteration. The same that it was, when given to Adam in integrity, the same it was when renewed on Mount Sinai, and is still the same in the days of the gospel.⁴⁰

Second, it is a “rule.” This simply means that it is a medium for an end, “to direct us in our action by showing what is right and what is wrong.”⁴¹ Third, it is a rule of “man.” The natural law is the standard of righteousness for all of humanity, regardless of one’s spiritual state. It is the universal rule for reasonable creatures to attain happiness. Fourth, it is “accommodated” to man’s nature. It was both “adapted to his powers” and a “suitable medium to his great end.”⁴² Willard writes, “It is fitted for the regulating of man in all the actions of his will, both elicit and imperate. And by his obedience to it, he should have attained everlasting felicity.”⁴³ Since the natural law is the only suitable rule for man, it

³⁸ Willard, *Body of Divinity*, 12433.

³⁹ Willard, *Body of Divinity*, 30640.

⁴⁰ Willard, *Body of Divinity*, 30685.

⁴¹ Willard, *Body of Divinity*, 30650.

⁴² Willard, *Body of Divinity*, 30711.

⁴³ Willard, *Body of Divinity*, 30714.

cannot be arbitrary; it is not a system of morality distinct from, opposed to, or indifferent to man's nature. He writes, "the law of nature, or those rules imprinted on the natures of things, was most harmonious and agreeable to their natures."⁴⁴ Their natures were "put into the things themselves by the God of nature."⁴⁵ Conformity to this law is good not only because it conforms to the divine will, but because it is good for man according to his nature. Lastly, it is to the glory of God. As a moral rule, it requires active, conscious, voluntary, and deliberate conformity. Only a moral, rational being, endowed with original righteousness, can achieve this end, and the glory of God is the ultimate end of moral duty.

Willard's exposition of the Decalogue shows how fundamental natural law is to Reformed theology. Consistent with the Reformed consensus, Willard states that the Decalogue is a summary of the "moral law," which is "the law given to man in his creation, and was the rule of righteousness, and true holiness....[The Decalogue is] the same for substance with the law of nature, and is therefore of personal force, having mankind for the subject of it."⁴⁶ Hence, a Reformed explication of the Commandments is an explication of natural duty. Reformed theologians in this era applied certain "rules" in their interpretation of these commands. The following are the most pertinent from Willard: "that every command has something distinct from every other"; "that both affirmative and negative are included in every precept"; and "that where anything is commanded or forbidden, it extends to every kind and degree relating thereto."⁴⁷ For example, the Fifth Commandment, which is "honor your father and mother," is understood synecdochically, meaning that it explicitly states only

⁴⁴ Willard, *Body of Divinity*, 9207.

⁴⁵ Willard, *Body of Divinity*, 9199.

⁴⁶ Willard, *Body of Divinity*, 37806. Willard writes, "There are but these two ways, in which men are capable of coming by the knowledge of anything, namely, by reason and revelation" (33070).

⁴⁷ Willard, *Body of Divinity*, 31432.

one part of a broader principle, which in this case extends to *all* natural relations, including those of civil society. Put simply, each command encompasses a broad set of duties not explicitly mentioned in the text.

Applying this to the First Commandment, which is “thou shalt have no other gods before me,” it becomes affirmative and general: it “requires us to know and acknowledge the only true God to be our God, and to worship and glorify him accordingly,” as Willard put it.⁴⁸ It provides the ground and basic principles of “natural worship.” This is “clearly” taught by the “light of nature,” and “natural worship is undeniably perpetual.”⁴⁹ Willard then offers principles of natural religion: faith, holy fear, prayer, and placing love and whole hope in God alone. Notice that the principles of natural worship do not connote any instituted practices, ceremonies, or rites. The First Commandment concerns only what is “moral and natural” in religion. Nevertheless, Willard denies that natural worship is limited only to what was revealed in nature: “one that professes the *revealed religion*” must worship the “father, son, and Spirit.”⁵⁰ It is a natural command augmented by scriptural revelation, which means that the conclusion from a natural principle can contain a term (viz. the minor term) that is supplied by grace.⁵¹

The Second Commandment is part of natural religion as well, but it is “subservient to the first,” says Willard. The Second concerns God’s “authority” as “institutor” of “positive and arbitrary” precepts of worship.⁵² This authority is rooted in the First Commandment, for

⁴⁸ Willard, *Body of Divinity*, 31937.

⁴⁹ Willard, *Body of Divinity*, 35190.

⁵⁰ Willard, *Body of Divinity*, 32598.

⁵¹ Reformed theologians would say that this conclusion is theological rather than philosophical on account of the “weight of the proposition derived from theology, i.e., “the Trinity is God,” which is the minor premise for the major, “God is to be acknowledged and worshiped.” See Turretin, *IET* 1.8.16. See Chapter 1 for a discussion on how this concerns religion and political order.

⁵² Willard, *Body of Divinity*, 32923.

inherent in the Creator/created relationship is the Creator's right to dictate the particular requirements of his worship. No instituted worship is in itself natural; it is adventitious to nature. Not even the "Christian societies" (i.e., visible churches) are natural and moral, but "positive," argues Willard.⁵³ Nor is the obligation to join such societies natural; the obligation is a positive divine command. Such institutions and practices are, however, not contrary to nature; they assume natural religion. Christian worship *assumes* natural worship. Indeed, "institutions in worship are properly [understood as] media to help us in our natural worship," states Willard.⁵⁴ Contrary to the expectations of many scholars, even Puritan worship—with its seemingly rigid and visibly unadorned style—was an attempt to *get back to nature*. The foundation and end of Christian worship is natural religion.

What is fascinating about Willard's long and learned exposition of the Ten Commandments is how insistent he is that each commandment is fundamentally natural. Even the 4th Commandment, which concerns observing the Sabbath, is moral as to "the ground of it"—that there ought to be "a cessation from ordinary employments, and devoted to the duties of worship." This is "grounded on natural religion" and the "light of nature affords us a moral reason for the keeping of a sabbath."⁵⁵ As shown in the next section, Willard also interprets the commandments of the Second Table (which concern duties to fellow man) as grounded in nature.

Willard accounts for the universality of the natural law by distinguishing the two ways that man is under the law. Man is under the law "as it is a covenant" and "as a rule."⁵⁶ The covenant here is the "covenant of works" or, as is often called, the "covenant of life." This

⁵³ Willard, *Body of Divinity*, 33221.

⁵⁴ Willard, *Body of Divinity*, 32993.

⁵⁵ Willard, *Body of Divinity*, 34777.

⁵⁶ Willard, *Body of Divinity*, 30728.

covenant is between God and man and stipulates the condition for achieving everlasting life: if you obey the natural law, you will live; otherwise, you will die. This life is everlasting life, the achievement of which is conditioned on perfect obedience to the natural law. As a *rule*, however, the natural law is simply *do this* and *don't do that*. This covenant/rule distinction shows how the natural law is perpetually binding regardless of which covenant one is under. Non-Christians remain under the covenant of works and so are judged by it. Christians, however, are not under the covenant of works, but under the “covenant of grace,” which conditions the attainment of everlasting life on faith in Christ. The natural law “still abides as a rule” in both covenants, says Willard.

Post-Lapsarian Man

Considered after the fall and before the reception of salvific grace, man is in a state of sin. Traditionally, this resulted from the “fall”, but it is best understood in terms of *loss* and subsequent *consequences* of that loss. For Willard, the loss, as it concerns man’s nature, is the removal of original righteousness—the perfective feature that oriented him to the heavenly kingdom of God, which made him righteous before God (viz. inward holiness) and secured his moral rectitude and integrity. This is what Willard calls the “privative part” of original sin.⁵⁷ It destroyed the image of God in man, rendering him unable to do what is “truly good” and leaving him unfit “for his end.”⁵⁸ But the privation refers only to the absence of those accidental features of man—“the habits of grace or holiness.” Fallen man, for this reason, retains “the rational powers of understanding and will,” which still serve to direct him in his path on earth for earthly good.⁵⁹ Since original righteousness ordered the whole and so

⁵⁷ Willard, *Body of Divinity*, 12252.

⁵⁸ Willard, *Body of Divinity*, 30742.

⁵⁹ Willard, *Body of Divinity*, 12257. Turretin writes, “It is one thing to speak of the essence of man; another of his integrity and perfection. At the taking away of a part or of some essential property, there follow in truth the destruction of the thing, but not forthwith at the privation of that which contributes to the integrity and perfecting of nature (as such as original righteousness was). The nature

maintained moral rectitude, its absence negatively affects these powers. But they were not eliminated. In terms of *loss*, the fall most affected man's ability to act internally and heavenward in accordance with the proper principle, manner, and end. That is, it precludes man from being righteous *coram deo*.

Thus Willard can say that those who lack original righteousness "can indeed do the material part of the [natural] duties, but they cannot do them after a right manner, from a right principle, and for a right end."⁶⁰ In other words, fallen man can outwardly act in accordance with the natural law—viz. the "matter, or thing on which the action terminates"—but cannot perform "theological good."⁶¹ Willard continues, "he is become brutish in this regard; he can understand rationally but not spiritually."⁶² Among the faculties retained is natural free will: "the natural freedom of his will is not gone...[but] he cannot choose the things of God."⁶³ Hence, fallen man can perform a good action in substance, but "spoil" it in accident, for "any one moral defect...is enough to spoil the action."⁶⁴ Willard follows Augustine in calling the "moral virtue" of the "Gentiles," *splendida peccata*.⁶⁵

indeed remains mutilated and depraved (since it has lost what perfected it), but is not destroyed as to essence." *IET*, 5.11.11.

⁶⁰ Willard, *Body of Divinity*, 12277. Calvin likewise stated, "No work, however praised and applauded by the world, is valued before God's tribunal, except it proceeds from a pure heart." *Commentary on the Twelve Minor Prophets*, Vol. 4, trans. John Owen (Grand Rapids: Baker Books, 2005), 371 (comments on Haggai 2:1-10). Althusius wrote, "If the external and civil life of words, deeds and works is accompanied by faith—together with holiness of thought and desire, and with right purpose, namely, the glory of God—then it becomes theological. So therefore, when the works of the Decalogue are performed by the Christian to the glory of God because of true faith, they are pleasing to God." *Politica*, 147.

⁶¹ For Willard, the internal manner refers to "the heart with which it is done." The internal end is doing all things to the glory of God. See *Body of Divinity*, 12456.

⁶² Willard, *Body of Divinity*, 12316.

⁶³ Willard, *Body of Divinity*, 12317.

⁶⁴ Willard, *Body of Divinity*, 12466.

⁶⁵ Calvin similarly wrote, "When they speak of works morally good, they refer only to the outward deeds; they regard not the fountain or motive, nor even the end. When the heart of man is impure,

The “relics” of man’s former state make possible a degree of “civil goodness,”⁶⁶ and the natural law is still “serviceable” to sinful man in three ways. The first is that it “keeps them in awe, and prompt[s] them unto duty.” This includes the “rational convictions of right and wrong, duty and sin.” The second is that it is useful for the “maintenance and preservation of civil societies from ruin.” Here Willard affirms that “man is a sociable creature,” which requires “civil order, and the upholding of righteousness.” He continues,

Man’s life, chastity, estate, good name and prosperity must be preserved, and how is this done, but by imprinting on men’s hearts the apprehension of these rules of justice and equity, making them approve them, and holding a curb on their consciences? And in this way God upholds his government of the world, and raises men among heathen, who subserve him in it.⁶⁷

The third concerns “civil government.” The natural law “direct[s] in the ordering of the civil government of mankind.” He continues,

Without civil government, there would be nothing but confusion....Men cannot live as men without laws, nor well with them, unless they be righteous, it mends no man’s conditions to be oppressed by a law; but there have been governments among mere pagans, which have had many excellent laws, in respect of righteousness toward men, under which they have greatly flourished, and been a shame to such as had the word of God. And whence had they this but from the relics of the law of God in them, and the common gifts of the Spirit enabling men to improve the remaining

unquestionably the work which thence flows is also ever impure, and is an abomination before God....[T]he deed, however splendid it may appear, is filth in the presence of God.” See *Commentary on the Twelve Minor Prophets*, Vol. 3, trans. John Owen (Grand Rapids: Baker Books, 2005), 67 (on Jonah 1:16). As Ursinus stated, “the difference which exists between the works of the righteous and the wicked, goes to prove that the moral works of the wicked are sins, but yet not such sins as those which are in their own nature opposed to the law of God: for these are sins in themselves, and according to their very nature, while the moral works of the wicked are sins merely by an accident; viz., on account of some defect, either because they do not proceed from a true faith, or are not done to the glory of God” *Commentary on the Heidelberg Catechism*, 849.

⁶⁶ Willard, *Body of Divinity*, 12474. Turretin writes, “Although some of the heathen (comparatively considered and in relation to each other) may have been better than others; although their works civilly and morally speaking may be called virtues, and so followed by the double reward of a well-regulated life, both positive (as productive of some temporal good and peace of conscience in this world) and negative (as making their punishment more tolerable), nevertheless (theologically speaking and relatively to God) their works best in form were nothing than more splendid sins and in the sight of God worthy of no reward.” *IET*, 1.4.17.

⁶⁷ Willard, *Body of Divinity*, 30841. “Life, chastity, estate, good name” correspond to the 6th through 9th Commandments.

light in them to high measures.⁶⁸

We saw such positive language in Chapter 2. The New England Puritans did not diverge from the Reformed tradition on pagan civil virtue. The natural law is universally accessible and continues as the only suitable means to civil order and tranquility.

Willard does not leave the sinfulness of man at privation, however. Man exchanges the image of God for the image of sin, and in so doing contracts “contrary habits.”⁶⁹ In the absence of original righteousness, man is not in a state of pure nature from which concupiscence pulls him toward sin. Rather, he sins due to his state of impurity. Man has an “eager inclination” and an “appetite” to sin. He “delights in sin.” So “wonder not at it,” writes Willard, when you see “the workings of the corrupt nature in the children of men.” Thus, the fact that the principal effect of the fall is privation and internal does not preclude actions contrary to the substance of moral duty. In this way, the loss of the moral image, in consequence, affected man *positively*, meaning that it resulted in an *active* proclivity to sin.

But, as I argued in Chapter two, we must understand the wretchedness of man principally as he is *coram deo*. Civil righteousness requires only outward action in accordance with civil justice and honesty, the goodness of which is apparent to all (as to principles), for it concerns one’s own earthly well-being and immediate interests. Righteousness before God, however, involves both the substance of right action *and* performing it well—in accordance with the right principle, by the power of God, and to God’s glory. Meeting these conditions makes the work “theological” and perfects it. Again, these *coram deo* conditions are accidental to the goodness of the work in itself. It follows from this that two men—one being regenerate and the other unregenerate—might perform the same good action and for the same earthy end and yet only the regenerate person’s work is truly good. The other person’s work, though it might

⁶⁸ Willard, *Body of Divinity*, 30845.

⁶⁹ Willard, *Body of Divinity*, 12213.

contribute to earthly good, is but a splendid sin. Still, the goodness of both actions, as they appear before man, is equal and both men would deserve equal praise from civil society.

For Willard, then, man in a state of sin remains under the natural law and knows it well as it pertains to civil duty. He can even outwardly perform it, since it is suitable for civil tranquility and order and for his own happiness. But he performs nothing that is truly good, for he lacks the “gracious” principle that directs all actions to God. He gives man his due but fails to give God his due; and since God far exceeds man in worth, this failure exceeds any civil injustice.

State of Redemption

Being in a state of redemption in Reformed theology means that God has dealt with both human guilt (viz. a bad legal record before God) and pollution (viz. a corruption of body and soul), but not in the same way. Justification removes guilt. Sanctification removes pollution of the soul. I focus here on the latter. Sanctification refers to the work of God’s free grace in renewing the whole man. More precisely, sanctification is both definitive and progressive. Willard does not use these terms, but he does adopt this distinction. Definitive sanctification is a one-time act in which the image of God is wholly renewed in man. The “image is wholly new-made in sanctification” writes Willard. That is, what was lost is now recovered.

Sanctification does not undermine nature, nor add anything new in substance to what Adam had in the Garden. Willard writes,

We are indeed said to be *new creatures* by virtue of it...but this is not intended with respect to the natural powers and faculties in us, as to their being; for it is that only that is renewed, which was lost: whereas man unsanctified is yet a man as to these; he has a body and soul, though both are defiled by sin: he has a human understanding, will, affections, conscience, memory, etc. and they are all often the same in their essence afterwards, that they were before, but are renewed according to the gracious qualities and principles which are put into them; but because there is such a moral change by it, made in the whole man, and all that is in him, that makes him look, and account, and live like another man.⁷⁰

⁷⁰ Willard, *Body of Divinity*, 27003.

Sanctification is a “body of graces” that restores not the “natural and rational power of discerning” but the discernment of “spiritual things,” writes Willard.⁷¹ While redemption affects one’s civil life, the radical effects are principally invisible (viz. acting for God as one’s ultimate end) and visible with regards to instituted worship (viz. Christian worship). Though the state of grace is contrary to the state of sin, neither eliminates the natural powers and faculties of man, and neither supplies alternative faculties for pursuing earthly ends. Christians and non-Christians alike are, for this reason, subject to the same principles of civil order and justice. Being in a state of grace does not extinguish one’s humanity.

Reformed theologians often use language of “infusion” in their theology of sanctification. Willard does not use that term, but he does affirm the concept.

[Christ] is not our sanctification by way of imputation [as in justification], as he is our righteousness, but as he is the author of our holiness in us, and the subject in whom all those graces are laid up which are requisite for our sanctification.... And what is this communicated unto us for, but that we may hereby be enabled again to perform true obedience to the *law* or command of God, which we were before altogether incapable of doing? And this is by restoring of the Image of God again to us.⁷²

Redeemed man is not only freed from guilt before God (via justification), he is made holy (progressively) by the communication of the holiness of Christ, enabling the redeemed man to truly obey the law inwardly—according to the “holiness in us.”⁷³

To summarize, in the story of man’s creation, fall and redemption, we see the loss and

⁷¹ Willard, *Body of Divinity*, 27063.

⁷² Samuel Willard, *The law established by the Gospel* (Boston: Bartholomew Green, 1694), 28-29.

⁷³ Other Reformed theologians say more explicitly that sanctification is principally about making one fit for heavenly life and to send him on the way to it. Benedict Pictet wrote, for example, “The justice of God cannot permit him to adopt into his family, and bestow a title to eternal life upon any of our race, without at the same time stamping his own image upon them: since there can be no fellowship of light with darkness.” *Christian Theology* (London, 1834), 382. Herman Witsius stated that “Practice of Christian piety is the way to life, because thereby we go to the possession of the right obtained by Christ.” *Conciliatory Or Irenical Animadversions on the Controversies Agitated in Britain: Under the Unhappy Names of Antinomians and Neonomians* (W. Lang: Glasgow, 1807), 162.

the recovery of the grace necessary for heavenly life. The natural law is the immutable and universal standard of righteousness, and even fallen man can know and outwardly conform to the principles of natural duty. Since the principles of civil life are natural, they are common to pre-fall, post-fallen, and post-redeemed man.

4. Willard's Political Theory

Willard provides his most detailed discussion of politics in his lectures on the Fifth Commandment in his *Body of Divinity*. Among other things, he covers the origin, principles, and ends of human civil government. He defines civil society as “a combination of men, for the carrying on of their temporal or secular concerns for the outward felicity or well-being of the whole, and every part of it.”⁷⁴ Civil government conducts the civil administration of civil society.

The Origin of Civil Government

Dissenting from the Augustinian tradition, and consistent with many Reformed thinkers influenced by Aristotle, Willard argues that civil government is a natural institution and, therefore, not a consequence of the fall. The “precepts given for it in the word of God are not purely positive or instituted; but are built on moral principles.”⁷⁵ These precepts originate in nature and have the natural end of “civil happiness.”

Willard provides reasons for his view that “civil subjection” is suitable for man in a state of integrity.⁷⁶ He first argues that the nature of man draws him to civil society. He writes,

⁷⁴ Willard, *Body of Divinity*, 37651.

⁷⁵ Willard, *Body of Divinity*, 37689.

⁷⁶ This was an open question in Reformed literature, many following Augustine in denying prelapsarian civil subjection. Althusius, for example, states that “the commonwealth, or civil society, exists by nature” See *Politica*, 1.33. Calvin argues that some would be superior to others in the state of integrity, though all would be morally equal. He writes, “If Adam stood upright, all men would be alike in their integrity. I do not now speak of special gifts: for there would have been, I allow, a difference of endowments had nature remained perfect; but as to eternal life the condition of all would

“civil human societies have their rise and reason from the nature of man.” Man is a “sociable creature,” a “πολιτικόν,” having a “natural disposition to hold converse with his own kind,” which secures their “temporal or secular concerns.” Man has “affection put into them towards their correlates,” which is evident to us by “instinct” and the “exercise of reason” and in the “relations which God at first constituted between mankind.” These affections drive man to “seek familiarity with such whom they have the least necessity for.”⁷⁷ He denies that such “inclinations arise merely from the necessity of [man’s] lapsed estate for mutual support and defense.” By divine design, humans seek one another in civil fellowship.

Given the naturalness of civil society, Willard next shows that “order of superiority and inferiority was well enough consistent” with the state of integrity.⁷⁸ Willard relies on the grounding of the Ten Commandments in natural law. Superior/inferior relationships are natural or at least consistent with a pre-lapsarian state because they are regulated under the Fifth Commandment. Such regulations are under a “precept of the moral law.” The Fifth Commandment is “not merely [intended] as a reserve, after relief against the misery of the fallen state.”⁷⁹ The following syllogism captures Willard’s reasoning:

Nothing grounded in nature is inconsistent with the state of integrity.
The Fifth Commandment is grounded in nature.
Therefore, the Fifth Commandment is not inconsistent with the state of integrity.

But Willard is saying more: not only is hierarchy consistent with the state of integrity, such

have been the same.” See *Commentaries on the Twelve Minor Prophets*, Vol. 5, trans. John Owen (Grand Rapids: Baker Books, 2005), 477 (on Malachi 1:2-6). But it is not clear that subjection is implied here. He elsewhere states that “the political distinction of ranks is not to be repudiated, for natural reason itself dictates this in order to take away confusion.” See *Commentaries on the Four Last Books of Moses*, Vol. 2, trans. Charles William Bingham (Grand Rapids: Baker Books, 2005), 221 (on Numbers 3:5).

⁷⁷ Willard, *Body of Divinity*, 37667.

⁷⁸ Willard, *Body of Divinity*, 37668.

⁷⁹ Willard, *Body of Divinity*, 37671.

relations are natural goods and necessary to achieve the ends of human civil society.⁸⁰

Willard next gives an example of a natural superior/inferior relationship. Assuming the continued obligations of children to their father, Willard argues that if man had not fallen, then fathers would be the “head” of all their posterity, and so Adam would have been head over all. Willard is not arguing for a Robert Fulmer-like patriarchal absolutism, though the relation between civil government and the patriarchal order is not clear in his account. His point is that, if the fall had never occurred, superior/inferior subjection would have existed in the state of integrity. If familial relations require a “suitable subjection” in their pre-lapsarian state, *civil* subjection is not in principle excluded. Nor is subjection an added remedy for the post-lapsarian state. There is no *prima facie* reason, argues Willard, to reject civil subjection in the state of integrity.

So far Willard has shown that superior/inferior subjection, in the form of paternal rule, would exist in a state of integrity. But why ought there be *civil* superior/inferior subjection? Willard gives two reasons, and neither is to “restrain men’s lusts.” The first is that it displays the glory of God. He writes, “a well-ordered government hath in it an adumbration of God’s governing the world...as an ornament of the universe,” which serves as “a trial of our obedience” to the moral principle behind the Fifth Commandment. In this, “God’s glory might be celebrated by civil orders.”⁸¹

The second reason for civil subjection is that the nature of man and the necessities of earthly life require it. Willard writes, “As the world began to be peopled there would of necessity have been a multiplying of civil societies, and these distinct for the upholding of civil commerce and amity.” Even without a fall, geographically distinct nations would arise,

⁸⁰ To reconcile how some can be superior over others while all are equally perfect, Willard points to the eschaton, in which “different degrees in glory are no obstruction at all to the perfection of the blessedness of every one of the saints.” Willard, *Body of Divinity*, 37673.

⁸¹ Willard, *Body of Divinity*, 37679.

each with a civil government that is responsible for ordering civil and international relations. Distinct and separate nations are natural and the only “rational” position.⁸² Indeed, he goes to call it a “great error” for one to claim that a diversity of “kingdoms or commonwealths” is testimony of “divine displeasure.”

Civil subjection, however, is not natural in the same way that the paternal rule is natural. Civil subjection is a “political” relation, because (like marital relations) it arises “providentially,” not “naturally.”⁸³ That is, the ruler/ruled relation in civil subjection is not inherent in the natures of those who rule and those ruled. As Willard states in one of his election sermons, “Civil Government is seated in no particular persons or families by a natural right.”⁸⁴ This entails that all are born by nature free and equal. Calvin explained the providential/natural distinction this way: “It is the Lord’s peculiar work to divide people into their respective ranks, distinguishing one from another, as seemeth good to him, *all men being on a level by nature.*”⁸⁵ Hence, for Willard, civil society is ordered providentially, and not naturally, because by nature all are created equal, and subsequently society is ordered by the course of events in the world.

Civil subjection *is* natural in the sense that it arises naturally from the sociability of man. Willard writes, “the light of nature or right reason, will abundantly tell us, that wheresoever there are societies of men...there must be order.”⁸⁶ As other Reformed theologians said, civil subjection is natural *in radice* (in root), but voluntary *in modo* (in manner of combining).⁸⁷

⁸² Willard, *Body of Divinity*, 37682.

⁸³ Willard, *Body of Divinity*, 37644.

⁸⁴ Samuel Willard, *The Character of a Good Ruler* (Boston, 1694), 20.

⁸⁵ Calvin, *Commentary on the Book of Psalms*, Vol. 3, trans. James Anderson (Grand Rapids: Baker Books, 2005), 403 (on Psalm 87:6). Emphasis added.

⁸⁶ Willard, *Body of Divinity*, 37645.

⁸⁷ See Samuel Rutherford, *Lex, Rex or The Law and the Prince* (Harrisonburg, VA: Sprinke Publications, 1982 [1644]), 1-2. He writes, “But supposing that men be combined in societies, or that

As to manner of combining, Willard states that the “right of government” is “founded in compact,” which is the basis upon which “the power of administration” is “devolved” upon civil leaders.⁸⁸ Willard says nothing further about what specifically is devolved. But New England minister John Davenport, in an election sermon in 1669 election sermon, uses the word, and he is worth quoting in full:

[The] power of civil rule, by men orderly chosen, is God’s ordinance. For, 1. It is from the light and law of nature, and the law of nature is God’s law. 2. The orderly ruling of men over men, in general, is from God in its root, though voluntary in the manner of coalescing:... that union being made, the power of civil-government and of making laws followeth naturally, though the manner of union in a political body is voluntary. That we defend our selves from violence and wrong, is a consequent of pure nature: but that *we do it by devolving our Power into the hands of Civil Rulers*, this seems to be rather positively moral, than natural.⁸⁹

This paragraph closely mirrors the early pages of Samuel Rutherford’s *Lex, Rex*. The devolving, Davenport states, is “put[ting] this power [of self-preservation] into the hands of civil rulers.” Indeed, the “power of rulers of the common-wealth is derived from the people’s free choice...for the power of government is originally in the people.”⁹⁰ Willard’s comments are consistent with Davenport’s. He is describing a basic transfer of natural powers to a civil government.

As for the specific *form* of government, the appropriate form is “a prudential,” says Willard. There are “differing circumstances, which may render the one most accommodable for *this* people and another for *that*,”⁹¹ The form “must be wisely accommodated to the

one family cannot contain a society, it is natural that they join in a civil society, though the manner of union in a politic body as Bodine saith, be voluntary.”

⁸⁸ Willard, *Body of Divinity*, 37715.

⁸⁹ John Davenport, *A sermon preach’d at the election of the governour* (Cambridge, 1670), 4. See Rutherford, *Lex, Rex or The Law and the Prince* (Harrisonburg, VA: Sprinke Publications, 1982 [1644]), Q. II.

⁹⁰ Davenport, *Sermon*, 4.

⁹¹ Willard, *Body of Divinity*, 37710.

genius of the place and the best probability of attaining the great end and well-being of the whole.”⁹² The civil arrangements, therefore, must be suitable, given the particularities of the people, for the government to fulfill its natural ends,.

The Principles and Laws of Civil Government

The principles of civil government are “moral principles,” and so they are not “positive or instituted,” argues Willard. The sinful state of man “augmented the necessity” of government;⁹³ it did not create the necessity for civil government, nor introduce new principles. The moral principles originate and continue to operate for the attainment of natural civil ends. But since sin disrupts and undermines the pursuit of happiness, God authorizes civil government to suppress the outward manifestation of sin. Thus, the *means* of government are expanded to deal with a new hindrance to happiness. The origin, principles, and end of civil government remains the same.

Willard’s view of property rights illustrates his understanding of natural principles, ends, and augmented means. In his discussion of the 8th Commandment, Willard explicitly affirms (contrary to some in his tradition) that man in a state of integrity would possess property rights. He relies on the same reasoning described above:

If therefore this [the 8th Commandment] was a moral precept, and so perpetual, and founded in the law of nature, it must needs be from the beginning; and by a just and necessary consequence there must be a distinguishing between *meum* & *tuum*, because on this, the very reason of the command is grounded.⁹⁴

The 8th Commandment was not “brought in” because of sin, and the human race would not have “held in common” all things. The natural grounding of the Commandment means that property is natural, and so the *division* of property is not a consequence of sin. He writes, God

⁹² Willard, *Body of Divinity*, 37703.

⁹³ Willard, *Body of Divinity*, 37663.

⁹⁴ Willard, *Body of Divinity*, 41853.

“has appointed that every man should have his share in [the things of the world], wherein he holds a proper right in them, and they are his own and not another’s....he has dominion over it, as his own proper state.”⁹⁵ Only by the property owner’s “free consent” can another abide on or use another’s property. God has given all a “civil right” to their own property, such that the non-Christian’s “claim, *ad hominem*, is as good as that of the godly.” It is a natural right.

Willard never says that the claim or right to property originates in civil law or policy. Civil law is useful for the adjudication of disputes and the removal of any confusion (e.g., identifying property boundaries). One can acquire property through mediate and immediate means. The former includes inheritance, gift, or exchange (or commerce). Willard’s justification for inheriting estates is worth noting: “the light of nature dictates it, and the laws of civilized nations have confirmed it, and the word of God assures us of it”—reason, experience, and scripture.⁹⁶ Willard identifies some immediate means to “lawfully get an estate.” One is by “orderly seizure” of land, “not possessed by any other,” for one to “make use of it as his own....And they who thus seize and occupy it, have a good title of possession, ratified by the charter of heaven.” Another is “by labor or industry in a lawful calling.”⁹⁷ He unfortunately does not go into detail on this mode of acquisition, but it suggests that mixing one’s labor with land generates a claim to it.

Civil government is, nevertheless, necessary “for the determining of men’s rights” regarding their property, ensuring that “men know what is their own.” There is “no particular direction in the law of nature, or the Word of God, about this or that way of dividing to every man his share,” he writes.⁹⁸ Rather, it is a matter of “prudence” and the “rule of

⁹⁵ Willard, *Body of Divinity*, 41831.

⁹⁶ Willard, *Body of Divinity*, 42299.

⁹⁷ Willard, *Body of Divinity*, 42016.

⁹⁸ Willard denies that “everyone is to have an *equal* proportion, for there are many grounds in right reason, and in the word of God, why a *difference* is to be made.” *Body of Divinity*, 41935.

equity...founded in the law of nature and right reason.” Civil government regulates and secures property, but each has a claim to his property independent of government. That is, one claim is backed by the government and another by God; and it appears that the immediate acquisition generates the natural right which serves as the basis for the civil right. For example, in cases of “force or fraud, and perverting of judgment,” Willard states that when one loses his property and the legal system fails “his title in the *court of conscience* abides.”⁹⁹ One’s “title” in property is grounded not in civil law, but in God’s moral government.

For civil law generally, government must not “require” of subjects what is “repugnant to the revealed will of God,” nor enact anything that “directly opposes a negative precept of the moral law,” for all men are “firstly subjects to God.”¹⁰⁰ The general principle of just civil law is, according to Willard, that “All human laws are to be directed by this law [of nature], so far, as to make nothing a transgression, but what is condemned by this, [and] require nothing of the subjects, but what is approved by this.”¹⁰¹ But the *practical* principle, for determining which laws to enact, is that the law must be “a suitable medium, having rational tendency in it to the advancement” of the ends of civil government.¹⁰² Civil law must be suitable for the people in light of their particular circumstances.

Willard then makes a distinction between laws as they are “righteous” and as they are

⁹⁹ Willard, *Body of Divinity*, 41941.

¹⁰⁰ Willard, *Body of Divinity*, 37868.

¹⁰¹ Willard, *Body of Divinity*, 37811. Just prior this he writes on the moral law. “*The moral law* summed up in the Ten Commands, and dilated upon the several particular branches, was no other than the law given to man in his creation, and was the rule of righteousness, and true holiness, and the rule of God’s special government for men, according to which he was to be happy or miserable. And this was the same for substance with the law of nature, and is therefore of personal force, having mankind of the subject of it. This set the whole bound between right and wrong, and the rationality of it was subscribed to by man’s conscience.”

¹⁰² Willard, *Body of Divinity*, 37891.

“good.” He acknowledges that the terms are related, for every good law is a righteous law. But this allows him to distinguish between laws as they relate to the natural law and as they relate to achieving civil good. A law is *righteous* only if it is consistent with natural law, and a law is *good* only if it conduces to civil good. Appropriate laws must conform both to the natural law and conduce to the good of the people, for as Willard affirms “*salus populi est suprema lex*.” Laws are for the “public good” and the “well-being of all.” Though many righteous laws are good regardless of circumstances (e.g., laws against murder), not all are suitable means to the ends in all societies, given the way they interact with circumstances. Willard writes, “It is not their goodness in themselves, but as they are a medium to promote the proper end of government; and that is, the well-being of the whole, and every part of it.”¹⁰³ Enacting civil law therefore requires prudence. All good laws are righteous laws, for only laws that conform to the natural law could produce good civil outcomes, but not all righteous laws are good laws, for not all of the natural law is civilly enforceable and in many cases would produce bad civil outcomes.¹⁰⁴

Willard lists the requirements for the “best body of laws, which most amply provide for the advancing the happiness of all.” When a government secures “both godliness and honesty among a people, they are happy under such a government.” Willard identifies a few general categories of law that are necessary for “a people’s felicity.” The first are those pertaining to upholding the “true worship of God,” which I discuss in more detail below. Next are those laws that concern the social classes—both that “all orders of men have their due honor and respect paid to them” and “due distance is maintained between superiors and inferiors.”

¹⁰³ Willard, *Body of Divinity*, 37888.

¹⁰⁴ The Reformed political tradition affirms the politics of the possible. As Calvin writes, “a magistrate...is constrained to bear many things which he does not approve; for we cannot so deal with mankind as to restrain all vices. It is indeed desirable, that no vice should be tolerated; but we must have a regard to what is possible.” See *Commentaries on the Twelve Minor Prophets*, Vol. 5, trans. John Owen (Grand Rapids: Baker Books, 2005), 559 (on Malachi 2:16).

These pertain to the recognition and maintenance of the socio-political hierarchy. Willard next discusses laws regarding common humanity. He writes, laws must ensure “that men may enjoy their rights, and be saved from violence and wrong.”¹⁰⁵ Earlier in the lecture he said that “fixed and established laws” must ensure that “men’s rights are...upheld” and “all iniquity and unrighteousness...is borne witness against.”¹⁰⁶ For Willard, the end of civil law, as it pertains to all citizens/subjects, is the security of “life, chastity, estate [or property], [and] reputation,”¹⁰⁷ which correspond to the duties contained in the 6th, 7th, 8th, and 9th Commandments (respectively).

The Ends of Civil Government

The “great end” of civil government for Willard is “the well-being of the whole,” which involves civil peace, harmony, safety, and happiness. Even the establishment and protection of true religion is justified in part by the civil happiness it provides. Nowhere does William state or imply that the end of civil government brings heaven to earth. Civil government retains its original end—civil happiness. Sin expanded the means to achieve this end, but the end of civil government has not changed. Furthermore, Willard nowhere states that civil government must officially recognize Christ as king or declare the Gospel in an official document. Rather, what concerns Willard is *practical action*—that civil authorities *act* on behalf of true religion. The civil government recognizes Christ the king by acting on behalf of the visible kingdom of Christ—the Church.

Religion and Civil Government

Willard discusses the role of civil government in religion in only one lecture: in “Duties on the Magistrate,” delivered in 1703 in his series on the 5th Commandment. He presents the

¹⁰⁵ Willard, *Body of Divinity*, 37911.

¹⁰⁶ Willard, *Body of Divinity*, 37727.

¹⁰⁷ Willard, *Body of Divinity*, 37884. cf. 34011 and 30841.

standard Reformed view of the civil government's role in the establishment and protection of the church.

Willard begins by asking “whether civil rulers have the power to make laws about the religious worship of God and heretical doctrines?”¹⁰⁸ Willard affirms. He first lays down the principle for this argument: civil power extends to anything that “may truly serve to the peace and tranquility of the people.” He follows this with the minor premise: that no people will “do well without the true religion.” That is, the religious worship of God is crucial for civil peace. The conclusion, which Willard leaves implicit, is that civil power extends to religion. Such power is “*circa sacra*,” or power *around* sacred things, not *in* sacred things, for it can affect only outward things. Civil magistrates cannot “coin any new articles of religion” or “appoint any new institutions in his worship.” But civil power does extend to church buildings; ministerial financial support; suppression of blasphemy, heresy, and defiled worship; and Sabbath observance. Without such things, “they cannot provide that their subjects may lead quiet and peaceable lives, in all godliness.”¹⁰⁹ The argument is that since the religious worship of God is necessary for civil well-being, the civil government must support and protect it, for without such protection the people cannot “lead quiet and peaceable lives.” He then lists what he considers essential or important civil actions, including the suppression of heresy. The end of all these actions is *civil peace*, and so the civil suppression of heretics is justified on the grounds that heretics, if left unchecked, would disturb the peace.

Experience taught many in Europe by Willard's day that civil action against dissenters or heretics often does more harm than good. It produces sedition, tumult, and war. Many in Willard's generation had already or were beginning to realize this. Nevertheless, the futility

¹⁰⁸ Willard, *Body of Divinity*, 37893.

¹⁰⁹ Willard, *Body of Divinity*, 37926.

of such civil action does not refute the original principle: that civil government must support and protect true religion. As we see in the next chapter, Cotton Mather affirmed this principle and end, but denied that suppressing religious dissent and heresy is an effective means to meet that end.

5. Puritan New England and Religious Dissent: Historical Examples

1. A Fledgling Plantation

I perceive they are mistaken in the design of our first Planters, whose business was not toleration; but were professed enemies of it....Their business was to settle, and (as much as in them lay) secure religion to posterity, according to that way which they believed was of God. If (therefore) this people parted with so much and were at such charges for their liberties, why then do the Anabaptists trouble them, who had neither scot nor lot in that charge? Let them go and do the like, and we shall not so molest their churches, as they have shamefully done by ours.¹

Thus, Willard writes in his account of New England's troubles with the Anabaptists. The Puritans did not come to New England to establish a haven for religious liberty. They came to form a community centered on their understanding of right worship and piety. This inevitably led to the suppression of religious dissent. However, New England's justification for suppressing religious dissent is not well understood. The New England colonies had unique civil arrangements, owing to their religious and cultural homogeneity. These arrangements, particularly in their church/state relations, provided a full range of goods, both civil and spiritual. In the eyes of the civil and ecclesiastical authorities, the religious nature of the system made it fragile to religious dissent. That is, they perceived that religious freedom would disrupt the procurement of the full range of goods provided by the design and intent of their system. This explains Willard's exasperation at the flow of religious dissenters coming into New England: their system was not designed for religious diversity. And New England interpreted the arrival and agitation of religious dissenters as disrespectful of the people and design of the settlement.

As the people of New England saw it, both the civil and ecclesiastical powers were necessary to maintain their way of life—a collective life centered around civil honesty and godliness in a small, homogenous, and fledgling society. The church had an essential role in

¹ Samuel Willard, *Ne Sutor ultra Crepidam* (Boston: Sam Philips, 1681), 4.

securing that way of life, for only the church could regulate certain civil goods, such as those that civil law could not easily touch. But for churches to exercise effective discipline, they had to be united and exclusive. The unregulated freedom to erect churches, many of which would lack strict discipline, could undermine the social discipline that was essential (so they thought) for honesty and godliness.

Still, the New England Puritans did not see themselves as God's chosen people to the exclusion of all other denominations. As we saw in Chapter 3, John Cotton expressed greater openness to spiritual brotherhood towards those with whom he disagreed than did Roger Williams. Baptists, Antinomians, and Presbyterians were *full* members of New England churches. Since spiritual good was open to all with credible professions of faith, New England felt justified in banning public religious dissent in the name of civil order.

It is important to remember that New England authorities never claimed that civil action against "erroneous opinions" could cause a spiritual effect. They always justified their actions against dissenters or heretics on civil grounds. That is, they asserted civil reasons to act against these religious dissenters—for sedition, for fomenting civil disobedience and discord, for undermining civil loyalty, or for simply causing unwarranted civil disturbances. These dissenters not only taught divergent doctrines; they applied doctrines in ways that challenged the legitimacy of the New England political order.

Protestant Tension

In classical Protestantism, the civil and ecclesiastical orders are both divine orders, but only as species to a genus. One difference between them concerns the nature of each one's power and the object of that power. Civil order acts on "bodies" and has outward jurisdiction. In its nature, it has *exclusive* civil jurisdiction over space, for two civil governments exercising the same type of civil jurisdiction over the same geographic space will at best cause destabilizing confusion and at worst civil war. But the nature of ecclesiastical

jurisdiction provides no clear exclusionary principle. Instituted churches are earthly entities, but they exercise limited earthly power. No local church can exercise civil or earthly power, nor claim for itself civil jurisdiction or any law-making authority. Their purpose is sacred fellowship around heavenly things for the salvation of souls. Their objects are souls.

Furthermore, the local church is not a product of a globally centralized institution. Rather, the people of God, as a people, constitute local churches for their own good. Theoretically, any group of Protestants can erect a local and true assembly for worship, and no church has the power to prevent by physical force the erection of another church, even a false one. Absent any constraining civil power, people can erect assemblies for worship by their own power.

Only civil power can prevent the erection of new churches, and that power is ordinarily invested in civil government. But such actions are justifiable only if there is a legitimate civil good or interest at stake. New England forbade dissenting churches, or simply free expression, not because they thought that all dissenters were heretics, infidels, or non-Christians. They readily acknowledged the credible faith of those with whom they disagreed (excluding the Quakers and the more radical Antinomians). They justified exclusion because 1) the Congregationalist churches already granted full membership to any dissenter with a credible profession of faith (and hence no true Christian was denied the ordinary means of grace) and 2) civil order greatly benefited from unity of religious confession. Hence, no Christian was cast away from spiritual good and civil order was strengthened by confessional unity and church discipline.

In this chapter, I describe four incidents involving religious dissenters and the New England authorities. For the most part, I rely on primary sources from the authorities' side. The intent is not to speculate on motives, but to identify their public reasons for their actions. In every case, they deny that they persecuted conscience or simply on account of divergent belief; they justify their actions on civil grounds. Their principle was, civil government can

suppress religious beliefs that in application or in manner of expression are contrary or detrimental to the public good.² Each case has the following characteristics:

1. The religious dissenters (either overtly or covertly) question the faith of prominent civil and ecclesiastical leaders (or, as in the case of the Baptists, deny that they are “visible saints”), thereby sowing or threatening discord between ruler and ruled.
2. Fearing sedition or civil discord, ecclesiastical and civil leaders respond (and the former always acts first), each with its own “weapon” (viz. Word of God or civil sword) to suppress the dissenting opinion in the interest of good civil order.
3. The persecuted write accounts of their persecution, claiming harassment for their opinions and conscience. The narratives circulate in England, Scotland, and Ireland, triggering condemnations of the New England authorities, which in turn forces New England to give their own account of the events. Every time, New England denies that they acted on account of the beliefs themselves. Rather, these beliefs, either in application or in manner of holding them, threatened civil order, stability, and tranquility, and so civil action was required.

2. Roger Williams

John Cotton’s account of civil actions against Roger Williams is not an official account. Cotton was not present in New England when Williams was banished. But he does articulate New England’s side of the story and his account reflects the views and principles of most New England leaders. In 1644, Williams published *The bloody tenent of persecution for cause of conscience discussed*, which provoked a number of responses, notably from Cotton, which initiated a back-and-forth dialogue between him and Williams. Cotton discusses the reasons for Williams’ banishment in his *Reply*. Each reason he gives is a civil concern.

The first reason was Williams’ rejection of the Patent for the Colony issued by King Charles I in 1629. After briefly pastoring in Plymouth, Williams’ came to Massachusetts Bay and “began to oppose the king’s patent with much vehemency,” states Cotton.³ He had a

² See Mark Valeri, *Heavenly Merchandize: How Religion Shaped Commerce in Puritan America* (Princeton and Oxford: Princeton University Press, 2010).

³ John Cotton, “A Reply to Mr. Williams his Examination; And Answer of the Letters sent to him,” in *Bloudy tenant washed and made white in the blood of the lamb* (Quinta Press, 2009 [1647]), II.4.

“violent and tumultuous carriage against the Patent.”⁴ Cotton then describes the importance of the Patent to civil order:

By the patent certain select men (as magistrates and freemen) have power to make laws, and the magistrates to execute justice, and judgment among the people, according to such laws...We have power to erect such a government of the church, as is most agreeable to the Word, [and] to the estate of the people.⁵

Williams not only attacked a charter issued by the king; he attacked the very basis of New England’s independence—to be a people of their own government, have their own laws, and their own liberty to worship. If the Patent is illegitimate, then one might question the legitimacy of the entire New England civil government and its laws.

Williams “publicly and vehemently” opposed the Patent for two related reasons: 1) that it falsely states that the King of England was the “first Christian prince” to discover “these parts” and 2) the “injustice in giving the country to his English subjects, which belonged to the native Indians.”⁶ Cotton denies the injustice, saying that it was not the intention of the King, nor the

English planters to take possess of the country by murder of the natives or by robbery, but either to take possession of the void places of the country by the law of nature (for *vacuum domicilium cedit occupanti*) or if we took any land from the natives, it was by way of purchase or free consent.⁷

It is worth noticing that Cotton specifically appeals to natural law, not divine right, nor some privilege of grace, nor even any transcendent demands to spread the Gospel, as the basis for

⁴ Cotton, “Reply,” II.27.

⁵ Cotton, “Reply,” II.27.

⁶ Cotton, “Reply,” II.27.

⁷ Cotton, “Reply,” II.27. Cotton continues: “A little before our coming, God had by pestilence, and other contagious diseases, swept away many thousands of the natives, who had inhabited the Bay of Massachusetts, for which the Patent was granted. Such few of them as survived were glad of the coming of the English, who might preserve them from the oppression of the Nahargansets. For it is the manner of the natives, the stronger nations to oppress the weaker.” (28). Notice that Cotton’s justification for acquiring the Bay is one of Willard’s licit means of acquisition, as mentioned in Chapter 3.

just acquisition and the Charter. The grounds for legitimate occupation are rooted in natural law as Cotton understood it.

Cotton summarizes a few exchanges between Williams and the civil authorities on these matters. Nothing satisfied Williams, however, and he continued to call the Patent a “national sin”; it is a “national duty to renounce.” To do so, Cotton writes, would have “subverted the fundamental state, and the government of the country.”⁸ One can understand how a small and recently established civil government might find such opinions threatening, especially when propagated by a winsome and resolute preacher such as Williams.

After (or perhaps during) these early exchanges, the New England authorities began hearing rumors of “malignant practices against the country” that seemed to involve a possible bishop among them or men favoring episcopacy. The magistrates suspected conspiratorial and seditious activity (for establishing a bishop would require the usurpation of civil authority) and wanted to prevent any nefarious person from taking political office. The solution was to offer all inhabitants an “Oath of Fidelity” that, upon taking it, would make one eligible for public office⁹

Williams’ opposition to the oath is the second reason for his banishment. Williams’ peculiar reasoning was that since oaths are a part of God’s worship (falling under the Third Commandment), only true Christians can take oaths; and since Williams viewed “many of the people [as] carnal” or unregenerate, such an oath would cause many to sin, and thus requiring an oath is illicit. According to Williams, no civil oath is permissible by divine law because civil office does not concern Christ, but only “mortal men in their office.”¹⁰ All oaths must concern worship in some sense; they cannot be civil. Hence, neither church-members, nor

⁸ Cotton, “Reply,” II.28.

⁹ Cotton, “Reply,” II.28.

¹⁰ Cotton, “Reply,” II.29.

non-members, can take oaths of fidelity to civil government. Williams convinced enough people with this reasoning that the “magistrates could not discern how the people stood affected to the public safety.”¹¹ The civil leaders were “forced to desist” and, for this reason, held Williams’ view “to be the most dangerous, because [that sort of view] tended to unsettle all the kingdoms and commonwealths of Europe.”¹² If Cotton’s account is accurate, then the New England authorities likely feared the rise of a New England version of the Radical Protestants in Continental Europe in the 16th century (e.g., the Anabaptists of Münster).

These two reasons, according to Cotton, were the most important for his banishment. But he offers two more. During the oath controversy, the church at Salem was prepared to call Williams as their pastor. The magistrates, having no authority over such callings, advised the church not to call him to office over concerns that his ministry could harm the commonwealth. But the church called him anyway. Soon afterward, the church sent a request to the magistrates to acquire a parcel of land adjacent to their church property. The government delayed approving the request because the “church had refused to hearken to the magistrates.”¹³ In response, Williams and the Salem church sent “Letters of Admonition” to all the churches of the Bay that contained civil magistrates, calling for the churches to discipline these magistrates for “their open transgression of the rule of justice,”¹⁴ as Cotton relates the incident. The magistrates were now, more than ever, ready to act against Williams, but church ministers convinced them to “deal with him and with the church also in a church way.”¹⁵ That is, let the ministers try to resolve the issue. (The ministers-first approach was the

¹¹ Cotton, “Reply,” II.4.

¹² Cotton, “Reply,” II.29.

¹³ Cotton, “Reply,” II.29.

¹⁴ Cotton, “Reply,” II.29.

¹⁵ Cotton, “Reply,” II.29.

pattern throughout 17th century New England and occurred in each case discussed here).

Four churches thus sent letters to the church of Salem, containing evidence of the “offensive spirit and way of their officer, (Mr. Williams) both in judgment and practice.” The church was convinced and proceeded to “address themselves to the healing of [Williams’] spirit.”¹⁶

Williams, however, refused to listen to his church. As Cotton says, “he renounced communion with the church of Salem, pretending that they held communion with the churches of the Bay, and the churches in the Bay held communion with the parish-churches in England.”¹⁷ Williams’ criteria for communion were rigid demands of ecclesiastical purity, and these eventually drove him to isolation. Now Williams is preaching only to his family. Yet he continues publicly to renounce “all the churches in the country,” effectively declaring that no church in the Bay is a true church. The magistrates continued “to observe the heady unruliness of his spirit, and the incorrigibleness thereof by any church-way.”¹⁸ The ministers were unsuccessful in their attempts to correct Williams’ behavior, making civil action necessary for the good of civil order. On October 1635, the General Court banished Williams, in part for teaching “diverse, new, and dangerous opinions against the authority of magistrates.”¹⁹

Williams claims that he was banished for affirming that “the civil magistrate’s power extends only to the bodies, and goods, and outward estates of men.” Cotton flatly denies this, saying that such people “are tolerated not only to live in the commonwealth, but also in the fellowship of the churches,” making this “no cause at all” for his banishment.²⁰ Cotton insists

¹⁶ Cotton, “Reply,” II.30.

¹⁷ Cotton, “Reply,” II.30.

¹⁸ Cotton, “Reply,” II.30.

¹⁹ Nathaniel B. Shurtleff, ed., *Records of the Governor and Company of the Massachusetts Bay in New England (1628-1686)*, 5 vol. (Boston: W. White), 1:160-61.

²⁰ Cotton, “Reply,” II.26.

that all of Williams' divergent positions are tolerated in New England.²¹ Cotton stresses throughout his discussion that it was Williams' manner and disposition in support of these positions that caused so much concern; the beliefs themselves were tolerated, as long as they were not propagated so as to incite civil disturbance or undermine civil and ecclesiastical authority.

3. The Antinomians

The misconceptions about Williams is almost matched by those of the great Antinomian Controversy of New England in 1636-37. Antinomian doctrine varies widely, and some who fall under that label were in most respects orthodox (in relation to the Reformed confessions), yet others were much less so. Antinomians generally held that while justification and sanctification differ, a Christian ought to concern himself primarily (if not only) with his justification (i.e., righteous standing before God). Their chief concern is not about making progress in sanctification, but about resting by faith on one's already-accomplished justification viz. to dwell on one's righteous standing before God in Christ by faith alone. This seemingly flows from the Protestant doctrine of justification—that by faith one is imputed (or reckoned) the righteousness of Christ and so counted as righteous before God. Striving consciously for holiness might appear to be opposed to faith. Whatever logic there might be in this, it is contrary to Reformed orthodoxy, which affirmed 1) that both imputed righteousness (for justification) and infused holiness (for sanctification) are necessary elements of salvation and 2) that striving for and progressing in sanctification is evidence of one's justification.²²

²¹ This includes those who agree with Williams on oath taking. "Though that be not commonly held," writes Cotton, "yet it is known to be held by some, who yet are tolerated to enjoy both civil and church-liberties among us." Cotton, "Reply," II.27.

²² See my discussion of sanctification in Chapter 4. Francis Turretin writes, "Just as Christ sustains a twofold relation to us of surety and head (of surety, to take away the guilt of sin by a payment made

Another standard Antinomian position is that any striving and emphasis on good works places one outside the covenant of grace and back into the covenant of works. The covenant of works in Reformed theology refers to the original covenant between God and Adam, stipulating that “if you perform all I demand of you, then you will receive everlasting life.” The Antinomian says that any attempt to work is seeking to meet the original condition of the covenant of works. But such work is in vain and opposes the Gospel of grace. The Gospel is grounded in a covenant of grace, which conditions everlasting life on faith, not works. For many Antinomians (and seemingly many in New England), such striving calls into question the genuineness of one’s Christian faith. Only those who dwell on their justification are clearly in the covenant of grace.

This “free grace” theology, as its advocates called it, may at first seem politically innocuous. But some New England Antinomians in the mid-1630s asserted or suggested that most of the civil magistrates and church ministers were still under the covenant of works (or at least taught a covenant of works), for they believed that sanctification counts as evidence of justification. Such accusations directly question their legitimacy and might lead to subversion and harm the safety of the commonwealth. Authorities also feared that neglecting one’s sanctification could lead either to civil lawlessness or weaken social and ecclesiastical discipline.

The New England Antinomian controversy was a complex series of events, and my short account here cannot do it justice as an historical narrative. My purpose, however, is only to show that the civil authorities justified their actions against the Antinomians on *civil grounds*,

for it; of head, to take away its power and corruption by the efficacy of the Spirit), so in a twofold way Christ imparts his blessings to us, by a forensic imputation, and a moral and internal infusion. The former flows from Christ as surety and is the foundation of our justification. The latter depends upon him as head, and is the principle of sanctification. For on this account, God justifies us because the righteousness of our surety, Christ, is imputed to us. And on this account we are renewed because we derive the Spirit from our head, Christ, who renews us after the image of Christ and bestows upon us inherent righteousness.” *Institutes of Elenctic Theology*, 16.3.6.

not religious ones. As the General Court said at John Wheelwright's trial, "This case was not a matter of conscience, but of a civil nature."²³

John Wheelwright

At first, disputes over the "free grace" of some New England sermons were confined to discussions between ministers. In late spring in 1636 and possibly through the summer, Thomas Shepard and John Cotton corresponded on free grace after Shepard asked Cotton to "farther clear[...] up the truth," and he proceeded to ask a series of questions.²⁴ In May, Wheelwright immigrated to Boston and quickly became allies with Cotton and Anne Hutchinson. Tensions rose as each party delivered sermons attacking the other, though no one had (yet) spiritually condemned each other. In October, several ministers organized a conference with Cotton, Hutchinson, and Wheelwright. The results were promising: Cotton "gave satisfaction to them, so as he agrees with them all in the point of sanctification, and so did Mr. Wheelwright; so as they all did hold, that sanctification did help to evidence justification."²⁵ But this did not resolve the issue. The next incident occurred at the Boston Church, where Cotton ministered with John Wilson, a staunch opponent of "free grace" theology. Hutchinson and her party in the church nominated Wheelwright to minister at the Boston Church, only to be blocked by John Winthrop, a prominent member of the church and

²³ John Winthrop, *A short story of the rise, reign, and ruin of the Antinomians, Familists, and libertines that infected the churches of New-England and how they were confuted by the assembly of ministers there as also of the magistrates proceedings in court against them : together with God's strange remarkable judgements from heaven upon some of the chief fomenters of these opinions : and the lamentable death of Mrs. Hutchison : very fit for these times, here being the same errors amongst us, and acted by the same spirit : published at the instant request of sundry, by one that was an eye and ear-witness of the carriage of matters there.* (London: Tho. Parkhurst, 1692 [1644]), 48. This work contains a preface by Thomas Weld, a "catalogue of erroneous opinions" of the Antinomians, the "proceedings of the General Court" against John Wheelwright, Anne Hutchinson and others, and "a brief apology" defending the Court's actions against Wheelwright and Hutchinson.

²⁴ "Letters between Thomas Shepard and John Cotton," in *The Antinomian Controversy, 1636–1638: A Documentary History*, ed. David Hall (Duke University Press, 1990), 25.

²⁵ Quoted in "Introduction," *The Antinomian Controversy*, ed. David Hall, 6.

ally of Wilson. The followers of Hutchinson would not attend Wilson's sermons.²⁶

After this incident, the situation worsened, as a second conference failed to resolve the dispute. Hutchinson directly accused the majority of New England clergy of preaching "works," not "grace," and Cotton was unmoved by his discussions with the other clergy.²⁷ Ministers submitted sixteen questions to Cotton, resulting in a series of replies by both parties with no clear resolution.²⁸

Civil rulers observed all this with trepidation, and the General Court was just as divided as the people. The theological dispute became political when the governor and admirer of Hutchinson, Henry Vane, stated before the Court that he feared "God's judgment...for these differences and dissensions." Historian David Hall sees in these words an "implication that [Hutchinson's] indictment of the ministers was correct."²⁹ John Wilson replied by saying that "the blame [is] upon these new opinions risen among us," and only "the governor and two others" and two ministers disagreed.³⁰ Acrimony was high and the Court called for a general fast on January 19, 1637.

Prior to the fateful day of January 19th and despite peek bitterness, no minister was denouncing the other as heretical, at least not publicly. The accusation by Hutchinson that the ministers preached "works," not "grace" was serious, because it effectively denied that they were ministers of the Gospel. But I see no evidence that any minister or public official denied anyone's genuine faith, at least not until a few months into 1637. Indeed, in a letter to Wheelwright, Cotton recounted that civil leaders in 1636 told him that "they did not look at

²⁶ Hall, "Introduction," *The Antinomian Controversy*, 6.

²⁷ Hall, "Introduction," *The Antinomian Controversy*, 7.

²⁸ See "John Cotton, *Sixteene Questions of Serious and Necessary Consequence*," "The Elders Reply," "Mr. Cottons Rejoynder," in Hall, *The Antinomian Controversy*.

²⁹ Hall "Introduction," *The Antinomian Controversy*, 7.

³⁰ Quoted in Hall "Introduction," *The Antinomian Controversy*, 7.

the difference between the elders and me...to be [a] fundamental matter, but such as wherein difference of notion might stand with truth of grace and peace of churches and commonwealth.”³¹

Prior to discussing the fast-day, we should notice that the differences between the “free grace” side and the traditional Reformed view tend to undermine the reciprocation of spiritual brotherhood and mutual recognition of Gospel ministry. That is, while the opponents of “free grace” would consider Cotton’s position deficient—for it emphasizes justification to the detriment of sanctification—they could not accuse him of preaching a false gospel, for all agreed that salvation is by grace through faith. But the recognition of gospel ministry is not so easily reciprocated. The claim made by the advocates of free grace that their opponents were preaching a covenant of works suggests, if not entails, that they were not preaching the gospel at all. The Antinomian position can easily (though perhaps not necessarily) deny the genuine faith and gospel ministry of others. The opponents of free grace, however, could condemn Antinomians only when the errors were compounded with other errors, as with Hutchinson who revealed her numerous divergent beliefs soon before she left Boston. The opponents of free grace—the majority in New England—could see themselves as those with the reconciling position, for they could easily tolerate mild Antinomianism (which they did) if its application never endangered civil order. Antinomianism, if left unchecked, could easily degrade into sectarianism.

The fast-day proved to be a sectarian disaster, utterly failing to produce reconciliation. Preaching in Boston, Wheelwright set off a firestorm. Winthrop recorded that he “inveighed against all that walk in a covenant of works, as he described it to be, viz., such as maintain sanctification as an evidence of justification etc. and call them antichrists, and stirred up the

³¹ “John Cotton to [John Wheelwright]” in *The Correspondence of John Cotton*, ed. Sarget Bush, Jr. (Chapel Hill: University of North Carolina Press, 2001), 302.

people against them with much bitterness and vehemency.”³² The sermon says all this, but Wheelwright never mentions any person or party specifically. It is clear, however, that he fully divulged his sentiments in that sermon: he implicitly (though not subtly) condemned most of the New England clergy and civil leaders. For example, Wheelwright denies that anyone who preaches the following is a gospel preacher: when “men have revealed to them some work of righteousness in themselves, as love to the brethren and the like, and hereupon they come to be assured they are in a good estate.” This view cannot provide “the assurance of faith...it is not Gospel.”³³ He says that such people have “antichristian spirits” and are “antichrists.”³⁴ But what if one objects and says...

those who are opposite to the way of grace...are wondrous holy people, therefore it should seem to be a very uncharitable thing in the servants of God to condemn such, as if so be they were enemies to the lord and his truth.³⁵

Wheelwright answers: “Brethren, those under a covenant of works, [the] more holy they are, the greater enemies they are to Christ....[Those who] oppose free grace...have not the Lord Jesus Christ.”³⁶

Wheelwright has not only called the theology of the New England majority deficient and false; he has (at least so it seems) denied their salvation and cast them as enemies of Christ. As if this was not bad enough, he asks, “will [this] cause a combustion in the Church and commonwealth”? He affirms:

It will do so, but what then? did not Christ come to send fire upon the earth...and it is the desire of the Spirit and of the saints that this fire were kindled....The battle between God’s people and those that are not, those battles of Christians must be burning....Brethren, we know that the whore must be burnt....This way must Antichrist be consumed.

³² John Withrop, quoted in Hall, “Introduction,” *Antinomian Controversy*, 7.

³³ John Wheelright, “A Fast-Day Sermon,” in *Antinomian Controversy*, 161-2.

³⁴ Wheelright, “A Fast-Day Sermon,” 159.

³⁵ Wheelright, “A Fast-Day Sermon,” 163.

³⁶ Wheelright, “A Fast-Day Sermon,” 164.

In the aftermath, Wheelwright and his supporters, including Cotton, denied that this sermon in substance condemned the majority of New England's clergy and civil leaders. Still, Wheelwright's application of Antinomian doctrine troubled many of his supporters. For example, Cotton denied that Wheelwright was innocent in how others used his sermon to nefarious ends. In a 1640 letter, Cotton states plainly to Wheelwright that while he "did not find any fault in it" as to doctrine, it nevertheless in application abetted sedition.³⁷ Wheelwright should have considered his audience, for Boston contained a "strong faction in our town, that run[s] out into a course of heresy, sedition, and contempt of authority and censured all the enemies of free grace." Wheelwright was "an abettor" and so "became accessory with them in these great evils."³⁸ He should have known that Hutchinson and "such ringleaders" had "corrupt judgment."

Near the end of the letter, Cotton admits that the events of 1637 opened his eyes to the perversions of the "free grace" theology that had arisen in New England. He realized that "the ground of those proceeding against our brethren [e.g., Hutchinson] was not for point of doctrine about union or evidence of union [in Christ], but for their censorious and seditious and contemptuous carriage in the maintenance of their gross error."³⁹ Hence, according to a

³⁷ John Cotton, "John Cotton to [John Wheelwright], in *Correspondance*, 302.

³⁸ Cotton, "John Cotton to [John Wheelwright], in *Correspondance*, 304.

³⁹ Earlier in the letter Cotton expressed bewilderment that, upon examination, certain "free grace" advocates did indeed hold to the "damnable opinions" of Antinomianism, which the Synod of 1637 identified and condemned. He writes, "At first I was slow to believe that any such errors were extant in the country (but thought them to be either some misexpressions of our men, or some misconstruction of the country) yet when I saw the messenger of our church (Mr. Aspinall, Mr. Coxall, and others) still pinching and excepting against the proceedings of the synod about those points and excusing and maintaining the opinions controverted about union, inherent righteousness, visibility and activity of indwelling grace and the like, I took them aside and told them that if they were of the judgment which they stood for, all those bastard-opinions which were then delivered, would be farther upon the members of our church. And therefore I expressed my grief that they who were not clear in such points should offer to go forth in the churches name, as our messengers, when they differ so much from our church in judgment. After I hoped that our brethren though erring might be recovered by some further private conference with them. But all in vain: they had been very long settled in them and I found a letter from one of that judgment who sent and advised them to keep such

“free grace” minister and one who bore the brunt of criticism for almost a year, the reason for persecution during the Antinomian controversy was not doctrine, but the *manner* by which Antinomian doctrines were espoused and applied.

In March 1637, the General Court called for Wheelwright to appear before them that he might explain himself. Wheelwright denied that his sermon was seditious, and as “for the application of his doctrine, it was by others, not by him.”⁴⁰ Though Wheelwright is refusing to accept responsibility, he nevertheless acknowledges that people used his sermons for sedition activity and contempt of authority. The Court replies that they censured him not for his doctrine, but for his application,

by which he laid the magistrates, and the ministers, and most of the people of God in these churches, under a covenant of works, and thereupon declared them to be enemies of Christ, and antichrists, and such enemies as Herod and Pilate, and Scribes and Pharisees, and persuading the people to look at them and deal with them as such.⁴¹

A leader of small influence might be excused for such carelessness, but the Court then began listing the “fruits of that sermon.” Wheelwright effectively undermined civil unity, for now “all things are turned upside down.” Fellow Christians see each other as “Christ’s enemies”. Church membership is being denied to those who “will not renounce his sanctification,” and members who refuse to do the same are “under esteemed as favoring of a covenant of works.” It has also caused “divisions between husband and wife.” As for civil affairs, the sermon “hath bred a great disturbance.” They pointed to the low numbers and quality of men sent from Boston to fight in the Pequot War (1636-1638) and to the disrespect they showed to the expedition’s chaplain, John Wilson. “Almost in all [public] affairs,” the

opinions private to themselves, friends but publicly before...witnesses to hold forth no more than their teacher go along with them. So then I plainly saw that they had run a course of heresy a long time together before our pastors speech in the court, and before your sermon.” See “John Cotton to [John Wheelwright], in *Correspondance*, 303.

⁴⁰ Winthrop, *A Short Story*, 26.

⁴¹ Winthrop, *A Short Story*, 26.

Court states, there was the “same difference.”⁴²

The Court then accused Wheelwright of “obstinately persist[ing] in justification for his erroneous opinions.”⁴³ This might seem to be persecution of conscience, but the Court was not concerned with the opinions in themselves. Rather, they were “dangerous” to civil order and held by an obstinate preacher who displayed neither tenderness of conscience, nor a willingness to keep such dangerous opinions to himself. The Court declared him “guilty for troubling the civil peace, both for his seditious sermon and for his corrupt and dangerous opinions.” After Wheelwright refused to leave the colony voluntarily, the court banished him, seeing “that we could not continue together without the ruin of the whole.”⁴⁴

The trial of Wheelwright, along with Hutchinson’s, garnered attention in England and Scotland, leading an author (likely John Winthrop) to write a “Brief Apology” defending the Court’s actions.⁴⁵ The first point that Winthrop makes is that “this case was not [a] matter of conscience, but of a civil nature.”⁴⁶ The chief concern, and what motivated the Court to act, was the threat of civil war. Winthrop appeals to experience. He writes,

The wars in Germany for these hundred years arose from dissensions in religion, and though in the beginning of the contention, they drew out only the sword of the spirit, yet it was soon changed into a sword of steel; so was it among the confederate Cantons of Helvetia, which were so many towns as nearly combined together, as ours here; so was it also in the Netherlands between the [Reformed] Orthodox and the Arminians; so hath it been between the Calvinists and Lutherans: In every place we find that the contentions began first by disputations and sermons, and when the minds of the people were once set on fire by reproachful terms of incendiary spirits, they soon set to blows, and had always a tragical and bloody issue.⁴⁷

⁴² Winthrop, *A Short Story*, 26-27.

⁴³ Winthrop, *A Short Story*, 27-28.

⁴⁴ Winthrop, *A Short Story*, 28-29.

⁴⁵ This apology was included in *A Short Story*.

⁴⁶ Winthrop, *A Short Story*, 48.

⁴⁷ Winthrop, *A Short Story*, 56.

The banishment of Wheelwright was a sort of preemptive strike to prevent violent civil discord. Wheelwright himself expected that his “doctrine would cause combustions even in the commonwealth,” says Winthrop. Wheelwright even encouraged civil disruption, with talk of “fire kindled, as if he were come among Turks or Papists.”⁴⁸ Concluding his account, Winthrop writes:

He did intend to trouble our peace, and he hath effected it; therefore it was a contempt of that authority which required every man to study peace and truth, and therefore it was a seditious contempt, in that he stirred up others to join in the disturbance of that peace, which he was bound by solemn oath to preserve.⁴⁹

While the motivations to persecute on account of religion or out of sheer bitterness are possible in the case of Wheelwright, the public record and official accounts state that the case was about civil order, peace, and tranquility. The Massachusetts Bay Colony’s civil leaders were trying to hold together a fledgling civil society, and they knew that dissenting religion propagated by “incendiary spirits” could disrupt and destroy civil order or cause irreparable damage. No doubt the stories from Europe of Anabaptist anarchy was on their minds.⁵⁰

Anne Hutchinson

Following Cotton from England, Hutchinson came to Massachusetts in 1634. She was an active mid-wife and, in the early months after her arrival, was admired for the spiritual encouragement she regularly gave to women. During her trial in 1637, the Court said that “all the faithful embraced her ministry.”⁵¹ She began a bi-weekly meeting for discussing Cotton’s

⁴⁸ Winthrop, *A Short Story*, 56.

⁴⁹ Winthrop, *A Short Story*, 56.

⁵⁰ Some Antinomians shared with the Anabaptists of Munster the belief in personal revelation from the Holy Spirit, which drove “their notorious bloody control of that city in the 1530s.” See Michael Paul Winship, *Making Heretics: Militant Protestantism and Free Grace in Massachusetts, 1636–1641*. (Princeton, New Jersey: Princeton University Press, 2002), 22. Hutchinson claimed to have “particular revelations” that “are as infallible as any part of scripture, and that she is bound to believe as much to believe them, as the scripture.” Winthrop, *A Short Story*, 63.

⁵¹ Valeri, *Heavenly Merchandise*, 40.

sermons, though many suspected that it was actually a venue for Hutchinson's own teaching.⁵² It grew in popularity, and in the eyes of the New England authorities, it became ground-zero for seditious activity.

By opposing the standard Reformed view that sanctification was evidence of justification, Hutchinson instilled doubt both in "good souls, that had been of long approved of godliness" and in the legitimacy of the New England churches, except the ministry of Cotton and Wheelwright. This teaching effectively cast the New England authorities as distrustful and dangerous for preaching "works," which cannot save, and it cast a small group, with Hutchinson as the *de facto* leader, as those with the true means of salvation. Her party instructed others in how to recognize and confirm an "immediate revelation" of one's salvation. The Court lists a set of "gross errors" that Hutchinson taught at those meetings, which participants affirmed and defended and Hutchinson herself later affirmed.⁵³

The Court's greatest concern, however, was Hutchinson's claim that "all that opposed her (being near all the elders and most of the faithful Christian in this country) [are] under a covenant of works." Cotton and Wheelwright, seemingly oblivious to what was occurring, provided a degree of cover and respectability (at least before Wheelwright's fast-day sermon), while Hutchinson did the work of radicalizing the Boston public against the New England authorities.

In an excellent recent work, historian Mark Valeri has shown that the Antinomianism controversy in New England was more than a mere theological dispute. It is no accident, says Valeri, that "more than half of Boston's merchants associated themselves with Hutchinson's cause."⁵⁴ There was a "merchant-antinomian network." Hutchinson's husband was a

⁵² Valeri, *Heavenly Merchandise*, 41.

⁵³ Winthrop, *A Short Story*, 63.

⁵⁴ Winthrop, *A Short Story*, 43.

prominent trader. Valeri's research shows that the Antinomian controversy was, at least in part, a clash between two visions for New England society, one in which the church and state are the principal regulatory bodies of commerce and the other containing a "geographically expansive community bound together by trade" that wanted "independence from the church" to follow "their own regulations and rules." Not only did Antinomianism de-emphasize or outright eliminate the importance of works, it undermined the church's ability to enforce godly standards of discipline, which in the eyes of orthodox leaders opened the Bay to outside influence, particularly influence from merchant unions. As Valeri states, "Antinomianism appeared at least congruent with, if not a justification for, quite unlocal loyalties."⁵⁵

The motivation for actions against Hutchinson and other "ringleaders" was to maintain a particular vision for New England civil society—one in which loyalty and authority were centered locally. Civil leaders and ministers, such as Winthrop, Thomas Shepard, Peter Bulkeley, Nathaniel Ward, and others, thought that antinomian ideas, by undercutting authority, opened up civil society to material greed, commercial novelties, unjust prices and wages, and "running after new fashions, taking up with the fashions of every nation."⁵⁶ Religious toleration, often pressed by the merchant class, was rejected as well, in part because it would undermine the ecclesiastical regulation of trade. New England minister Edward Johnson said that merchants "would willingly have had the commonwealth tolerate diverse kinds of sinful opinions...that their purses might be filled with coin."⁵⁷ Religious toleration would permit any group to establish a church, including non-disciplinarian churches, effectively undermining any ecclesial regulation of commerce. The New England

⁵⁵ Winthrop, *A Short Story*, 43.

⁵⁶ Quoted in Valeri, *Heavenly Merchandise*, 44.

⁵⁷ Quoted in Valeri, *Heavenly Merchandise*, 45.

authorities sought to maintain the institutions that held society oriented towards godliness and honesty.

The actions against Hutchinson were more complicated than “patriarchal” oppression or the suppression of heresy or attacking the sacred right of conscience. She was an active and significant leader in organizing opposition to the original vision of New England society. In the minds of people like Winthrop, she and her merchant allies would destroy the ability for the New England authorities to resist the encroachment of monied interest. What Valeri has shown is that the Antinomian controversy was a flashpoint between advocates of localist autonomy and trans-local commercialism. Whether a victim or not, Hutchinson bore the responsibility for the conflict and she and her family suffered for it. But there is little evidence to suggest that this was persecution of conscience. Her “dangerous ideas” were dangerous not simply because they challenged authority, but because they threatened to replace that authority with another: the market.

4. The Quakers

In *Magnalia Christi Americana*, published in 1702, Cotton Mather devotes a few pages to New England’s encounters with the Quakers, focusing mainly on the late 1650s. He was born in 1663, and so was not present at the events, but his writing is a measured defense of their actions of the authorities, even though he does not condone all their actions. Of all the dissenting groups that appeared in New England from the its beginning, the Quakers, in Cotton Mather’s view, were the “worst of heretics,” having the “grossest collection of blasphemies and confusions that ever was heard of.”⁵⁸ They were “fanatics,” often disrupting services to debate or deride the clergy. They “were madmen, a sort of lunaticks, demoniacks,

⁵⁸ Cotton Mather, *Magnalia Christi Americana: Or, the Ecclesiastical History of New-England*, 2 Volumes (Hartford: Silas Andrus, 1820 [1702], II:452.

and energumens.”⁵⁹ In Cotton Mather’s account, the Quakers had no interest in a quiet and peaceful co-existence with the Reformed orthodox of New England. Rather, they actively sought to convert, disrupt, and dispute. They rejected water baptism, focusing on inward transformation, and rejected basic soteriological doctrines of Protestant theology. Following an England-based Quaker George Fox—Cotton Mather called the New England Quakers “Foxian Quakers”—they were radical levelers, rejecting civil titles and structures of authority. They refused to take civil oaths, join military campaigns, and would not recognize social ranks (e.g., tipping the hat, as was customary). Fox wrote a pamphlet entitled “Against all earthly powers, parliaments, laws, charters, magistrates and princes.” Cotton Mather quotes a former Quaker:

[The Quakers] do not own any government for God’s ordinance; but that of those who witness to their light within; and that they call every other government, consisting of rulers, judges, justices, lawyers, and constables, a tree that must be cut down, for the light alone to rule.⁶⁰

Quakers from England began arriving in Plymouth in 1657 and were successful in converting many, who then “oppose[d] the good order, both civil and sacred, erected in the colony.”⁶¹ In 1656, a ship containing a number of Quakers arrived at Boston, notably Christopher Holder and John Copeland. The official statement from the Court states that they were “sent away by the first opportunity, without censure or punishment.”⁶² Holder and Copeland returned to England. In June 1657, they returned to Massachusetts (by means of Plymouth) and went from church to church, taking advantage of the customary question-and-answer session that typically followed New England sermons. They were arrested in Salem and transported to Boston where they were imprisoned, and Holder was whipped. Holder and

⁵⁹ Cotton Mather, *Magnalia Christi Americana*, 459.

⁶⁰ Cotton Mather, *Magnalia Christi Americana*, 454.

⁶¹ Cotton Mather, *Magnalia Christi Americana*, 452.

⁶² Cotton Mather, *Magnalia Christi Americana*, 454.

Copeland, for a second time, returned to England. In 1658, Holder and Copeland returned to Boston for a third time where they were again arrested, imprisoned, and whipped. This time the authorities amputated an ear as punishment, which brought upon Boston numerous Quaker sympathizers and protesters, including Mary Dyer. Upon release, Holder went south to Virginia and Maryland. Massachusetts then passed a law that made it a capital offense for Quakers to enter its jurisdiction. Undeterred, Holder, accompanied by an eleven-year-old girl (Patience Scott), returned for a fourth time to Massachusetts, was arrested (along with some others), and was released (the authorities not applying capital punishment). For the fifth and last time, Holder, along with Marmaduke Stephenson, William Robinson, and other Quakers, returned to Boston in 1659. They were imprisoned and Holder was released again and returned to England. Stephenson and Robinson, however, were executed. Though convicted and sentenced to death, Mary Dyer was offered clemency on condition that she leaves the colony. She accepted, but then returned to Boston a few months later to protest the law that convicted her and her co-religionists, and she was executed.

Cotton Mather considered these proceedings to be deeply flawed and yet understandable. Every indication is that the Quakers were intentionally disruptive. He records that Quakers would publicly cry out to the civil leaders, “We deny thy Christ! We deny thy God, which thou called Father, Son and Spirit! Thy Bible is the word of the devil!” He warns his reader not to “receive all stories told by the Quakers about their New-England persecution...their stories about the sufferings are as little to be credited, as their stories about their miracles.”⁶³ He gives one example of two Quaker women who entered into a New England worship service “stark naked.” Samuel Sewell records in his diary that three Quaker women barged into a church service wearing a sack and had faces covered with black ink.⁶⁴ Cotton Mather

⁶³ Cotton Mather, *Magnalia Christi Americana*, 455.

⁶⁴ Samuel Sewall wrote in his diary that “a female quaker, Margaret Brewster, in sermon-time came in, in a canvas frock, her hair dishevelled loose like a Periwig, her face as black as ink, led by two

does not condone the executions of Stephenson, Robinson and Dyer, for he thought that “hereticide” is an ineffective “way for extinguishing heresies.”⁶⁵ Indeed, he thought that the capital penalties only exacerbated the problem, since it only encouraged the Quakers. But he does agree that the Quakers “manifest an intolerable contempt of authority, and needlessly pull upon themselves a vengeance” and thus they deserved some kind of civil correction.⁶⁶ Cotton Mather’s account is clear that the Quakers’ contempt for authority and disruption of civil order and civil peace—and not their false doctrine—were the bases for New England’s civil actions against them.

5. The Anabaptists

After Cotton Mather’s discussion of the New England Quakers, he moves to the New England Anabaptists. He acknowledges that they have “infinitely more of Christianity among them than the Quakers...and we are willing to acknowledge for our brethren as many of them as are willing to be so acknowledged.”⁶⁷ Though the old Anabaptists of Continental Europe, having numerous heresies and conducting themselves disorderly, deserved the derision they received by the pens of Reformed theologians, Cotton Mather states that more recently “a

other quakers, and two other quakers followed. It occasioned the greatest and most amazing uproar that I ever saw.” Quoted in Alice Morse Earle, *Sabbath in Puritan New England* New York (Charles Scribner’s Sons, 1891), 230. Earle continues: “More grievous irruptions still of scantily clad and even naked Quaker women were made into other Puritan meetings; and Quaker men shouted gloomily in through the church windows, ‘Woe! Woe! Woe! to the people!’ and, ‘The Lord will destroy thee!’ and they broke glass bottles before the minister’s very face, crying out, ‘Thus the Lord will break thee in pieces!’ and they came into the meeting-house, in spite of the fierce tithingman, and sat down in other people’s seats with their hats on their heads, in ash-covered coats, rocking to the fro and groaning dismally, as if in a mournful obsession. Quaker women managed to obtain admission to the church, and they jumped up in the quiet Puritan assemblies screaming out, ‘Parson! thou art an old fool,’ and, ‘Parson! thy sermon is too long,’ and, ‘Parson! sit down! thee has already said more than thee knows how to say well’”(230-1).

⁶⁵ Cotton Mather, *Magnalia Christi Americana*, 453.

⁶⁶ Cotton Mather, *Magnalia Christi Americana*. 453. Cotton recommended shaving their heads to induce shame and change their behavior.

⁶⁷ Cotton Mather, *Magnalia Christi Americana*, 458.

great many antipedobaptists” are “worthy Christians, and as holy, watchful, fruitful, and heavenly people, as perhaps any in the world.”⁶⁸ He affirms that such Baptists have been present in New England since the beginning, and “have been welcome to the communion of our churches.”⁶⁹

But the acknowledgment of such spiritual brotherhood places the New England authorities in a difficult situation. Since Congregationalists believe that each church is independent of the other (in opposition to Presbyterianism), what are the grounds to prevent Antipaedobaptists—whom they recognized as having credible professions of faith—from constituting their own churches? The answer was that congregationalist political theology permits civil magistrates to regulate the erection of churches when there is a compelling civil interest. This was not a distinctively New England claim. Increase Mather, Cotton’s father, appealed to the thought of the “old Puritans” and the “non-conformists” who were suppressed in England.⁷⁰

Nevertheless, Protestant civil polities, and especially Congregationalists ones, were sensitive to calls for religious toleration. In other words, dissenting groups of credible professing Christians could demonstrate “meekness” and “tenderness” of conscience and a commitment to peace and co-existence, and so challenge the claims that their churches threaten civil order. Perhaps, dissenters become troublesome or dangerous only when suppressed, as many Protestants claimed by even the early 17th century. Dissenters knew this, which is one reason why they so often accused New England of persecuting conscience.

⁶⁸ Though Cotton does not use the label, these Anabaptists are best understood as “Reformed Baptists,” for they were in substantial agreement with both Presbyterians and Congregationalists on many points of theology, except the sacrament of baptism and some aspects of covenant theology. They codified their theology in the 1689 London Baptist Confession, which borrows heavily at times from the Westminster Confession of Faith.

⁶⁹ Cotton Mather, *Magnalia Christi Americana*, 459. John Cotton affirms the same, as we saw in Chapter 2.

⁷⁰ Increase Mather, “Preface,” *Ne Sutor ultra Crepidam* (no pagination).

Toleration was not some enlightened idea that arose apart from or in defiance of Protestant theology; it was the natural outworking of Protestant principles, which is evident in the eventual full public acceptance of the Baptists in early 18th century New England.

New England could, at least in principle, justify the suppression of Baptist churches, for New England never denied any Christian full access to the ordinary means of grace. The nature of the disagreement between the paedobaptists (i.e., infant baptizers) and the “antipaedobaptists” (i.e., believer-only baptism, hereafter “credobaptist”) was such that only the paedobaptists could acknowledge the credobaptist’s baptism. The paedobaptists baptize infants *and* adults. The credobaptist could not acknowledge the legitimacy of an infant baptism, and so they could not acknowledge the baptism of most paedobaptists in New England.⁷¹ In other words, the credobaptist could not reciprocate the acknowledgment of baptism. And since baptism is required for church membership and participation in the Lord’s Supper, the credobaptist could not admit to full membership, nor have full communion with, those who were baptized as infants.

This important difference led many credobaptists (says Cotton Mather) to “unchurch all the faithful upon the earth besides themselves,” for only properly administered baptism can mark off the “visible saints.”⁷² Since they “declared infant baptism to be a mere nullity, ...with them therefore our churches were no churches of the Lord Jesus Christ, nor are there any visible saints among us.” Cotton Mather states that, “they would not own” that “the churches of New-England [are] true churches.”⁷³ Credobaptist were, therefore, not only unable to admit into their churches those baptized as infants, they were unable to reciprocate ecclesiastical communion. They would not recognize the established churches as *true*

⁷¹ I say “most,” because one could come to faith as an adult and be baptized and hold the paedobaptist position. This is likely rare in 17th century New England.

⁷² Cotton Mather, *Magnalia Christi Americana*, 459.

⁷³ Cotton Mather, *Magnalia Christi Americana*, 459-60.

churches.

New England churches, however, would let them “enjoy all the ordinances in the fellowship of our churches,” states Cotton Mather. But many credobaptists refused because they could not “communicate with [Cotton Mather] at the table of the Lord.” That is, since the Lord’s Supper (or the Eucharist) is only for the truly baptized, the credobaptist could not share the table with those who were baptized as infants.

For Cotton Mather and the other New England ministers, the Congregationalist churches made ecclesiastical unity possible, for they were able to accommodate credobaptist beliefs. Cotton Mather says, for example, that he was willing to permit them to “withdraw when an infant was baptized.” The nature of the disagreement made Congregationalism more suitable for civil union as well. But the existence of credobaptist churches threatened civil unity, for denying the legitimacy of others’ baptism might undermine the credibility of the ecclesiastical and civil leaders. It might also lead to sectarianism, for Baptists churches might consider themselves purer in kind over the established church, which might result in civil discord. For these reasons, laws against preaching credobaptism *might* be justified on grounds of civil unity and peace.

The conflicts between “Baptists” (as I will call them from now on) and the New England authorities is most visible from 1665 to 1679. The dispute culminated in a published *Narrative* by John Russel, who was a church officer in a Baptist church in Boston, and in a published reply to the narrative written by Samuel Willard (prefaced by Increase Mather). The narrative and reply follow a familiar pattern: the dissenters claim persecution for conscience and the authorities deny it. In the reply, *Ne Sutor Ultra Crepidam* (published in 1681), Increase Mather and Willard are offended and seemingly exasperated at the charge.⁷⁴ Increase claims that the Baptists’ narrative is “fallacious” and has “grievously offended

⁷⁴ Increase Mather, “Preface,” *Ne Sutor Ultra Crepidam*.

God,” for its errors and misrepresentations were easily avoidable: “right information was easy to have been obtained.”⁷⁵

A letter attached to the Narrative charges the New England churches with “molestation” against Baptists “merely for supposed error about the subject of baptism” and “for one Protestant congregation...persecut[ing] another.” Increase denies that in his “twenty years” of his ministry in New England has “any of those that scruple infant-baptism...met with molestation from the magistrate merely on the account of their opinion.” He says that he “would speak to them as unto brethren...whom I love.”⁷⁶ According to Increase (and Willard), the magistrates acted against the Baptists because the Baptists accepted as members those whom the established churches excommunicated for “moral scandals.” Willard provides the details. Increase states that

should men of any other persuasion whatsoever have done the like, the same severity would have been used towards them....if any men, either of the Presbyterian or Congregational... persuasion in matters referring to church-discipline should behave themselves as the Anabaptists in Boston, in New-England, have done, I think they would have deserved far greater punishment than any thing that to this day that been inflicted upon them.⁷⁷

Increase, therefore, denies that they persecuted for religious belief. Rather, the manner of belief justified civil action, and Increase expects that all, including Baptists themselves, would agree that such actions were appropriate or at least understandable.

Increase asks the Baptists to consider the New England perspective, providing us an insightful passage on the possibilities of toleration and religious uniformity in New England Puritan thought. It is worth quoting in full:

It is evident that toleration is in one place not only lawful, but a necessary duty, which in another place would be destructive; and the expectation of it irrational. That which is needful to ballast a great ship, will sink a small boat. If a considerable number of Antipaedobaptists should (as our fathers did) obtain liberty from the state to transport

⁷⁵ Increase Mather, “Preface,” *Ne Sutor Ultra Crepidam*.

⁷⁶ Increase Mather, “Preface,” *Ne Sutor Ultra Crepidam*.

⁷⁷ Increase Mather, “Preface,” *Ne Sutor Ultra Crepidam*.

themselves and families into a vast American wilderness, that so they might be a peculiar people by themselves practicing all and only the institutions of Christ: if now paedobaptists should come after them, and intrude themselves upon them, and when they cast men out of their society for moral scandals, entertain them: Surely they would desire such persons either to walk orderly with them, or to return to the place from whence they came. And if they would do neither, they would think that such paedobaptists were blame-worthy: let them then do as they would be done by; and deal by us, as they would have us to deal by them; were they in our case and we in theirs.

Increase acknowledges that tolerating the outward promotion of dissenting religious opinion is sometimes both right and necessary, but only if the circumstances call for such toleration.

The metaphor of the two ships is instructive: what makes a large ship seaworthy will sink a small one. A large and religiously diverse people require wide toleration to maintain civil peace. Attempting to impose religious uniformity in practice upon such people will result only in civil disturbance and possible revolution. But the same degree of toleration (according to Increase) will destroy the civil stability and tranquility of a small and religiously homogeneous people. The same civil end—peace—requires contrary policies in different circumstances. If an established, disciplinarian church is essential to civil order, decency, and the unity of a people, then undermining the effectiveness of church discipline harms that community.

Increase's argument precisely mirrors my claim about Reformed political thought in this work, namely, 1) that political arrangements must conform to and adjust with circumstances and 2) that opposing policies (e.g., toleration and non-toleration) can be consistent applications of the same principle. Presumably, if religious diversity increased in New England, Increase would affirm the expansion of religious toleration; and as we see later, it does and so he does. Increase's account is starkly different than the popular historical narrative that New England persecuted the Baptists for their dissenting beliefs. He is willing to extend "liberty" to the Baptists in New England, given the right conditions.

Toleration was urged upon New England as early as 1669 by important English Congregationalists, such as John Owen and Thomas Goodwin, who at the time were facing

their own persecution.⁷⁸ Increase admits that these Congregationalists “plead for Anabaptist liberty as for their own.” He continues, “That they plead for liberty and indulgence to be extended towards those that differ from them only in that point of paedobaptism, I believe: when I was in England, I did so my self; and if I were their now, I would do so again.” But England is not New England. Increase repeats his claim that the civil actions in New England against the Baptists were not for “their opinion in scrupling paedobaptism!”⁷⁹ Still, the way that Increase frames the dispute suggests an openness to support toleration for Baptist churches.

As for Willard, he describes in details the precise reasons why the magistrates acted against the Baptists. He denies that it was for a “supposed error” in baptism, arguing that the excommunicated individuals in question were disciplined for the ways they responded to ministers’ admonitions, not for the belief itself.

Increase’s preface refers to a book by Jeremiah Burroughs, an English Congregationalist pastor, titled *Irenicum: Healing Divisions Among God’s People*. Increase recommends it to fellow ministers to help them discern the difference between a “tender” conscience and a “pretended” conscience. This distinction is crucial to understand why the New England Puritans found the Quakers and many of the Anabaptists and Antinomians so distasteful and worthy of civil censure and punishment but also why they reconciled with the Baptists in the early 18th century. Burroughs wrote this book during the English Civil War, which demanded unity amid theological diversity. After proving that the civil magistrate has a role in regulating religion, he asserts that the “conscience is a tender thing, and must not be meddled with.”⁸¹ This is the standard Reformed view; the conscience is an inner forum

⁷⁸ They wrote, “We only make it our hearty request to you...to suspend all rigorous proceeding in corporal restraints or punishment, on person that dissent from you, and practice the principle of their dissent without danger, or disturbance to the civil peace of the place.” Quoted in Cotton Mather, *Magnalia Christi Americana*, 461. Cotton Mather says that “at length it [the letter] has had its effect.”

⁷⁹ The exclamation mark is original.

untouchable by outward coercion and must be left alone. Nevertheless, Burroughs believes that evil can enter and corrupt consciences, and he provides ways to discern a corrupt conscience. A corrupt conscience is not simply false belief. His fourth way to discern a corrupt conscience is most relevant for our purposes: one who is “proud and turbulent” in his disagreement. The opposite is one who

by reason of conscience...differs from his brethren...[and] carr[ies] himself with all humility, and meekness, and self-denial in all other things; he should be willing to be servant to every man, in what lawfully he may, that thereby he may show to all, that it is not from any willfulness, but merely the tenderness of conscience.⁸⁰

The Protestant view of faith (along with the related doctrine of the invisible church) is what makes possible this tender/turbulent distinction. Recognizing spiritual brotherhood is not a matter of institutional alignment, but of credible profession that is indicative of true faith. And this profession does not need to be perfect, nor must every true believer share the same confession of faith. Still, the Puritans, and Reformed writers generally, insisted that disagreement between brothers must be orderly and conducted with respect to established authority. This means that dissenters with “humility” and “meekness” were recognized as sincere and thereby tolerable and ought to receive the fullest possible accommodation. But those who carried themselves in arrogance and defiance evince a false, proud, or pretended conscience and so are subject to civil action. This explains why and how New England tolerated and accommodated dissenters from the very beginning.

Throughout the mid-17th century, Congregationalists wrote pamphlets and books in support of religious liberty and toleration, often against the Presbyterians. For example, Increase’s older brother, Samuel Mather, who died in 1671, wrote *Irenicum: or, An Essay for Union among Reformers*, published posthumously in 1680 by his brother Nathaniel, in which

⁸⁰ Jeremiah Burroughs, *Irenicum: Healing Divisions Among God’s People* (Robert Davvman, 1653).

he called for greater unity between Presbyterians, Congregationalists, and Baptists.⁸¹ Though Samuel was a minister in Dublin, Ireland, this short essay reached his brother Increase and he cites it in his preface for Cotton Mather's sermon for the ordination of Baptist minister, Elisha Callendar, in 1718. We discuss that important event below. Also, John Owen—one of the most important English Congregationalist theologians in the 17th century—published *Some Considerations About Union Among Protestants* (1680), in which he argued for greater unity along similar lines as Samuel Mather.

But the fact that New England excluded toleration for Baptists while the Congregationalists in England and Ireland called for greater unity does not, despite appearances, indicate different principles. The Restoration of the Monarchy in England brought trouble for both Congregationalists and Baptists alike, making them natural allies in the struggle for religious toleration. Also, those of diverse religious views stood side-by-side in the English Civil War. In New England, however, the power dynamics were quite different, for the New England Congregationalists had civil power and were the majority. Indeed, the whole civil order was arranged around Congregationalist principles. Whether in New England, England, or Ireland, all Congregationalist believed that, in principle, the civil magistrate had a role in promoting and protecting true religion. But different circumstances necessitated, or at least permitted, contrary applications.

Brattle Street Church, also known as the First Baptist Church of Boston, was built in 1679, next-door to North Boston Church where Increase was the pastor from the 1660s to his death in 1723. Much has been made of both Increases' and Cotton's transformation vis-à-vis the Baptists, and Cotton's ordination sermon, "Brethren Dwelling Together in Unity." It certainly is an important milestone in the history of religion liberty in America. But while

⁸¹ John Owen, *Some considerations about union among Protestants, and the preservation of the interest of the Protestant religion in this nation* (T.S., 1680).

some details of the sermons need to be addressed, we must stress *first*, that the Congregationalist authorities never denied the genuineness of the Baptists' faith (indeed, quite the opposite); *second*, that they admitted Baptists as full members in their churches (which precludes any thought that they had a sub-Christian faith); *third*, that their civil actions against the Baptist were either in the interest of civil unity or shoring up ecclesial discipline, or due to the manner of belief; and *fourth*, they affirmed that toleration or religious liberty was a legitimate possibility and even at times necessary, depending on the circumstances. For these reasons, it is probable that *experience* drove the shift in sentiment in the first couple decades of the 18th century. Personal interaction produced mutual affirmation of genuine faith, and the recognition of the possibility of civil harmony and of mutual collaboration in the promotion of the Gospel. Hence, the change in sentiment arose not from a change in principle or end of government, nor in theology, but from a change in circumstances and experience.

Cotton Mather at the Ordination of Elisha Callender

Cotton Mather's participation in the ordination of Elisha Callendar in 1718 is an important event in American history, and historians of religious history have rightly marked it as a watershed moment or representative of a change in sentiment from earlier generations. But the event is often misunderstood, in my view, in part from a misunderstanding of why early generations rejected religious diversity. Cotton Mather as early as 1702 in his *Magnolia Christi Americana* opposed "hereticide," saying that it is not "an evangelical way, for the extinguishing of heresies." He did not approve of the actions against the Baptists (or the Quakers), but he did affirm that New England's motivation was good, civil order and that their persecution was not simply for dissenting belief. We must, therefore, closely read Cotton's sermon to discern what has changed within fifteen years.

The last section of the sermon is the most important. He turns to "lament that spirit of

persecution,” which in his mind is “popish.”⁸² It is not clear who Cotton’s immediate target is here. Is he saying that New England’s history of civil action against dissenters was “popish”? He states that “conformity to an established religion produced by mere external coercion” is “hypocrisy.” He calls “persecutors” the “worst among wild beasts of the earth” and persecution gives power to a “corrupt, and slothful, and haughty clergy to be made the engine of their ungodly domination.” Keep in mind that Cotton’s father Increase—who with Samuel Willard in the 1670s, supported civil actions against the Baptists—is likely present for the sermon and wrote the preface of the sermon for its publication. It is unlikely that Cotton had his father in mind. Rather, he was referring to the English episcopacy in the 17th century and such people as Bishop William Laud. But Cotton’s point is probably more general. There was a general spirit of persecution for much of Church history, at times and places less severe than others, but he senses that the “maxims of persecution” are “going out of the world.”

Cotton then directly addresses the audience, asking how those who count themselves “brethren” could “require of one another a submission of terms.” These “terms” refer to the requirements for formal fellowship, most apparent in the conformist/non-conformist disputes in England in which non-conformists were suppressed (to varying degrees) for refusing to conform to legally prescribed ecclesiastical practices. He then uses the term “wholesome

⁸² This position on Roman Catholic persecution is common among Reformed theologians. George Gillespie (1613—1648), a Scottish Presbyterian, summarizes Francis Suarez’s views on hereticicide: “The first opinion is that of the Papists, who hold it to be not only no sin, but good service to God, to extirpate by fire and sword, all that are adversaries to, or opposers of the Church and the Catholic religion....[Francis] Suarez (*De Triplice Virtute Theologia*, Tract. 1, disp. 23, sect. 2), lays down these assertions: 1. That all heretics, who after sufficient instruction and admonition, still persist in their error, are to be without mercy put to death. 2. That all impenitent heretics, though they profess to be Catholics, being convicted of heresy, are to be put to death. 3. That relapsing heretics, though penitent, are to be put to death without mercy. 4. That it is most probable, that heresiarchs, dogmatists, or the authors of heresy, though truly penitent, yet are not to be received to favor, but delivered to the civil sword. 5. That a heretic who has not relapsed, if before sentence passed against him, he converts of his own accord, he is not to be punished with death, but with some smaller punishment, such as perpetual imprisonment, or the like. He says that schismatics may be punished with almost all the punishments of heretics (Suarez, Tract. 3, disp. 12, sect. 12).” See George Gillespie, *Wholesome Severity Reconciled with Christian Liberty* (Naphtali Press, 1997 [1645]). Available at <https://www.naphtali.com/articles/george-gillespie/wholesome-severity/>.

severities,” which he calls a “wretched notion.” Some Presbyterians, such as George Gillespie, used this term to defend granting coercive power to the civil government to suppress heresy and sectarianism.⁸³ But in rejecting these notions, Cotton is not offering anything new, for the debates over the “liberty of conscience” was intense in the 1640s in England and Scotland. Cotton is simply following in the Congregationalist tradition.

Cotton then clarifies that “good men, alas, good men have done such ill things as these” viz. “inflict[ed] uneasy circumstances” upon dissenters. “Yea, few churches of the Reformation have been wholly clear of the iniquities. New England also has in some former times, done some things of this aspect.” This is the first time that Cotton specifically mentions Reformed churches, and he is noticeably reserved. He continues, saying that the people of New England no longer “approve” such actions and “dislike...everything that has look’d like persecution in the days that have passed over us.” Cotton does not unequivocally say that these actions were religious persecution, but he does believe that they were inappropriate. This is consistent with what he wrote fifteen years earlier in his history of New England.

The spirit of brotherhood in the early 18th century New England arose not from the discovery of new principles, but from the application of old ones in a community that has personal and first-hand knowledge of each other’s credible faith. No longer are credobaptists and paedobaptists adversarial and mutually suspicious; no longer is the strict unity of confession required for civil unity. The principles were there long ago; they needed time to unfold. Their “fraternal union,” says Cotton Mather, is grounded on the “indisputable points of that solid piety.... an union in piety is the conclusion of the matter.”

But Cotton still insists that the civil magistrate should not tolerate blasphemy, profaneness, and “vices,” which all “directly disturb the peace of human society.” The

⁸³ Gillespie, *Wholesome severity reconciled with Christian liberty*.

magistrate can “punish the breaches of the peace.” He can forbid “papists” and atheists—the former for their “declared principle” to persecute the moment they have civil power and the latter for “dissolv[ing] the ligaments of all human society.” This is, in his mind, consistent with the “liberty of conscience,” which is a “native right of mankind.” His principle, namely that *religious liberty is granted unless one’s religious practices have deleterious civil effects*, is consistent with classical Protestantism. The old application of this principle assumed that publicly obstinate heretics disturb civil peace and, therefore, can be objects of government censure and punishment. Sectarians and schismatics, also former objects of civil suppression, undermined church discipline, questioned the purity or faith of civil and ecclesiastical leaders, or needlessly split civil society and families into factions. The principles, ends, and theology did not change. Rather, experience demonstrated that civil action against dissenters was usually counterproductive. Civil unity was possible amid religious diversity; experience, in other words, revealed possibilities of civil order previously considered impossible.

6. Conclusion

Historians will often describe the New England authorities’ actions against religious dissenters as “religious persecution” for “heresy” or simply for dissenting belief. This chapter has at least complicated that narrative. The stated, official reasons never concerned the dissenting beliefs themselves—as if the mere opinion were the cause—but concerned the application of the belief or the manner of expressing it. In every case discussed here, the authorities denied the charge that they persecuted conscience or for religious opinion. For much of the 17th century, the New England authorities perceived that the civil good of New England was sensitive to religious dissent. Civil leaders, for this reason, often acted to suppress publicly expressed religious dissent, though the churches never denied membership on account of disagreement on second-order doctrines. But in the late 17th and early 18th

centuries, Protestant experience revealed the possibility of political order and cooperation among a variety of orthodox Protestant sects. Of course, England in 1689 forced religious toleration upon them. But Cotton Mather's ordination sermon demonstrates more than a shift in civil policy: it expresses ecclesiastical communion and solidarity, mutual brotherhood, and cooperation in the salvation of souls. Despite these clear changes in sentiment and application, no principle or end of government changed.

Part III

The Founding Era

I now transition from Puritan New England to the American founding era. The argument in Part III demonstrates the continuity of principles between the two eras and discontinuity on the applications of those principles. The founding era assumed a Protestant view of reality, and the civil arrangements of that era were products of applying Protestant principles through deliberation on circumstances and experience. The events of the founding era were Protestant political acts. The founding was a Christian founding, because a Christian people established a political system that served their natural and spiritual good. I also show that the use of reason, philosophy, natural theology, and natural law in the founding era was consistent with the Reformed tradition.

6. Reason and Revelation in the Founding Era: Natural Theology

1. Natural Theology in the 18th Century

The most consequential error in scholarship on the founding era is the perceived discontinuity on the relationship of reason and revelation between the 17th and 18th centuries. The error generally manifests with various labels, often containing the word “rationalism,” which scholars impute upon the founding generation for the supposed elevation of reason over revelation.¹ The most extreme form of this error appears in the assumption that Reformed theology or “Calvinism” rejects natural law, natural theology, natural reason, philosophy, and the legitimacy of pagan sources.² The most understandable error, however, manifests when scholars see ministers and statesmen of the founding era use scripture to supplement conclusions from reason. In such cases, revelation appears to be subordinated to reason.

I do not dispute that orthodox members of the founding generation used scripture to supplement knowledge derived from reason. The dispute is whether such uses of scripture are rationalist. Most scholars affirm; I deny. In Chapter 2, I quoted Johann Alsted: “all political conclusions are resolved by these three principles: reason dictates, experience confirms, [and] scripture convinces.”³ These principles concern politics, not things properly of faith; and that is the crucial distinction. Reason is a “handmaid” to divinity, as all Reformed orthodox authors would affirm. But in politics reason takes the lead, and next comes experience (by

¹ One finds “Christian rationalism”, “enlightened Christianity,” “reasonable Christianity,” “rational Christianity,” etc. Gregg Frazer discusses the various labels in *The Religious Beliefs of America’s Founders: Reason, Revelation, and Revolution* (Lawrence, Kansas: University Press of Kansas, 2012), 13.

² See, for example, Michael Walzer, *Revolution of the Saints*, 36. Ralph Hancock, *Calvin and the Foundations of Modern Politics*, 166.

³ Johann Heinrich Alsted, “*Politicae*” in *Encyclopaediae* (Herborne, 1630), 1389.

which he means the testimony of the nations). Scripture convinces and proves, but it does not ordinarily dictate.

Scholars also see rationalism in the language of “nature”, particularly as it concerns natural theology and natural religion. American elites in the 18th century read and discussed works on these subjects, which signifies their approval of using reason and philosophy to demonstrate the existence and attributes of God and the duties of natural worship. Scholars point to the fact that orthodox Christians, such as John Witherspoon, cited and recommend books on natural theology, even when the authors were heterodox (usually denying Trinitarian theology). To many scholars, none of this fits well with historic Calvinism. As one scholar said of Witherspoon’s acceptance of philosophy, “rationalism had entered the house of Calvinism.”⁴

But the popularity of works on natural theology in the 18th century, at least among orthodox Protestants, was not capitulation to the Enlightenment zeitgeist. Rather, it was a pragmatic response to serious challenges to natural theology (as traditionally understood) arising in the late 17th century and throughout the 18th century. This is why Witherspoon, for example, recommended works on natural theology by Samuel Clarke (1675–1729): Clarke, though anti-Trinitarian, offered arguments in support of a classical conception of God (to the extent that reason could discover) and he challenged the deism of British skeptic John Toland (1670–1722), the pantheism of Baruch Spinoza (1632–1677), and the theological materialism of Thomas Hobbes (1588–1679). Rational inquiry into natural theology, or simply the offering of rational proofs for the existence of a personal God, was permissible in Reformed orthodoxy; and many Reformed authors offered their own. In 1615, Alsted wrote, “*Fundamentum theologia naturalis est triplex: ratio, experientia universalis, et scriptura*

⁴ Scott, “Introduction,” *An Annotated Edition of Lectures on Moral Philosophy* (Newark, DE: University of Delaware Press, 1981), 39-40.

sacra.”⁵ But for much of the 16th and 17th centuries arguments for natural theology were largely (though not entirely) unnecessary, for publicly admitted atheism was rare, and the existence of a personal divine Being who intervenes in human affairs was widely considered self-evident. This was not the case in the late 17th and throughout the 18th centuries, however, which called upon rational argumentation in support of natural theology. The new era led Reformed theologians reluctantly to acknowledge the need for philosophical proofs in the prolegomena of their systematic theologies, which is evident in the work of Reformed theologian Benedict Pictet, whom I discuss later in the chapter.

In terms of religious belief, the 18th century intellectual climate in America was not a battle between “deists” and “Christian orthodoxy.” Gregg Frazer has convincingly shown that Deism—the “effective absence of God and the denial of written revelation”⁶—was quite rare in 18th century America. He argues that the intellectual class was primarily influenced by what he calls “theistic rationalism.”⁷ Theistic rationalists believed in a personal, benevolent Creator who is worthy of worship, intervenes in human affairs, answers prayers, and will reward or punish man in an afterlife. They believed that some of the Bible was supernatural and divinely inspired, but ultimately they elevated nature’s god over the God of the Bible, pitting reason against revelation.⁸

Though much of this chapter challenges Frazer’s work on religion and the founding era, he is correct that the founding generation, including its founders and ministers, were not deists. Indeed, they were almost united in opposition to deism. This explain that, whether

⁵ Johann Heinrich Alsted, *Theologia Naturalis*, (Antonius Hummius, 1615), 5.

⁶ Frazer, *Religious Beliefs of America’s Founders*, 16.

⁷ Frazer, *Religious Beliefs of America’s Founders*, 9.

⁸ Sydney Ahlstrom sees in the founding generation an “enlightened Christianity” in which “‘Natural religion’ flourished in alliance with ‘revealed religion.’” See *Religious History of the American People* (New Haven: Yale University Press, 1972), 358, 366.

traditionally orthodox and heterodox, all were natural allies in support of the sort of natural theology produced by Clarke and others. But, contrary to many scholars, the support for 18th century natural theology among Reformed Christians in the founding era did not compromise, nor contradict their theological views and theological heritage.

This chapter and the next show that much of what modern scholarship says is contrary to Reformed orthodoxy in the founding era is actually affirmed by it, including the use of revelation to supplement and confirm conclusions from reason and the use of extrabiblical terms in political theory. In this chapter, I focus on natural theology. I discuss some of “divine sources” of the founding era and the writings of John Witherspoon, James Wilson, and John Jay. In the next chapter, I discuss reason as it relates to political theory. I conclude that many founders were orthodox on the relationship of reason and revelation, which effectively undermines lots of scholarship and sets the stage for later chapters that demonstrate continuity in principles from the 17th century to the American founding.

2. Sources for Divinity in the Founding Era

Frazer’s book *The Religious Beliefs of America’s Founders* is in my estimation the culmination and best example of the body of scholarship that I am critiquing. It is a “culmination” not only because Frazer helpfully cites so much of that scholarship, but because his conclusions reflect the assumptions of that literature. That is, he assumes that the Reformed tradition places little trust and reliance on natural reason, natural theology, and natural law and instead relies exclusively on scriptural revelation to dictate all truths of divinity, ethics, politics, etc. Like most other works on this subject, Frazer does not provide any account of the relationship of reason and revelation in the Reformed tradition,⁹ and like

⁹ Frazer does briefly discuss Thomas Aquinas’ view, but not in detail. See Frazer, *Religious Beliefs of America’s Founders*, 14-15.

others he frames the issue as if Christianity (or Protestantism) is just one competing source among sources.¹⁰ For example, he writes,

For the key Founders and a number of ministers, the Christian God—the God of the Bible—was inadequate for their political needs. That God did not grant religious freedom, He claimed to be the sole source of governmental authority, He neither granted nor recognized natural rights, and He preferred faith and obedience to moralism. To meet their needs, they constructed a god and a belief system more to their liking. In particular, liberal democratic and republic theory significantly shaped religious belief in eighteenth-century America and contributed to the construction of a new belief system—theistic rationalism.¹¹

In other words, Frazer contends that a *Christian* political order is one shaped fundamentally by scriptural revelation alone. Not only was the American founding based in a generic nature's God, its principles were derived from something outside revelation, purportedly from the law of nature. Frazer's entire argument hinges on this juxtaposition, between conclusions from biblical revelation and those from natural reason. To be sure, Frazer does acknowledge, usually in passing, that the Christian tradition permits conclusions from reason,¹² but reason for him must always be merely supplemental to revelation.

What is most distinctive about theistic rationalism is, as Frazer states, that “revelation was designed to complement reason (not vice versa). Reason was the ultimate standard for learning and evaluating truth and for determining revelation from God.”¹³ His most precise statement on reason and revelation comes at the end of the book. He writes,

For theistic rationalists, each belief and each principle had to meet the standard of rationality. Reason determined what counted as legitimate revelation from God; reason

¹⁰ Frazer frames the issue with the following quote from Thomas Pangle. “But the question remains whether the moral and political understanding of men like Franklin, Madison, Jefferson, Wilson, and Hamilton can be adequately interpreted as a continuation of the Christian tradition...Was Christianity the dominant or defining element in their thinking? Or were they not rather engaged in an attempt to exploit and transform Christianity in the direction of a liberal rationalism?” Thomas L. Pangle, *The Spirit of Modern Republicanism* (Chicago: University of Chicago Press, 1988), 38. Quoted in Frazer, *Religious Beliefs of America's Founders*, 4.

¹¹ Frazer, *Religious Beliefs of America's Founders*, 5.

¹² Frazer, *Religious Beliefs of America's Founders*, 235.

¹³ Frazer, *Religious Beliefs of America's Founders*, 20.

was the standard that had to be met by any potential doctrine; and reason was the final ‘trump card’ that could command rejection of an authority or a tenet. Reason was no longer a supplement to revelation, employed to support and better understand truth as determined by the authoritative word of God. Rather, the roles were reversed, and revelation was selectively employed to confirm or expand upon what reason determined to be true.¹⁴

I agree that many in the founding generation believed that all truth is, in principle, discoverable by reason alone, and revelation, therefore, contains only what reason might discover. In this sense, reason is the *sole* rule or measure of truth. I also agree that the same people viewed revelation as supplemental to reason (though I dispute that this is necessarily rationalist). With Frazer, I call such people theistic rationalists or rationalists.

But we must be precise. Affirming that revelation supplements knowledge on what reason plainly dictates is not necessarily rationalist. Scriptural revelation, being mixed, was *in part* designed to supplement reason, for not everything in scripture is adventitious to or above nature and not all knowledge of God was lost at the fall.¹⁵ When Reformed theologians say that grace assumes nature, they mean in part that the intelligibility of the redemptive doctrines depends on some knowledge of natural truths. God as the Redeemer addresses man as a reasonable being. The doctrines of salvation assume that man already knows many natural truths, including the fundamentals of natural theology and the law of nature.

The problem is that Frazer has conflated two things—the claim that reason is the sole measure of truth and the use of revelation to supplement the plain dictates of reason. The two, however, have no necessary logical connection. Indeed, Reformed authors regularly denied the former while affirming the latter. In conflating the two, however, Frazer labels “theistic rationalism” any use of revelation to confirm some conclusion from reason.

Since Frazer’s work builds off decades of scholarship, a thorough examination and

¹⁴ Frazer, *Religious Beliefs of America’s Founders*, 235.

¹⁵ Alsted argues that scripture is a *principium* of natural theology “non purum, sed mixtum,” meaning that scripture contains both what is constitutive of natural and what is above nature. See *Theologia Naturalis*, 7.

refutation of his thesis will go a long way in undermining that scholarship and in supporting my thesis. My discussion of Frazer's book here is largely critical, but I want to commend it for further debunking the popular narrative that founders were deists and for its usefulness in addressing several questions concerning religion and founding era. But, in my view, the work suffers from an erroneous view of reason and revelation in the Protestant theological tradition.

3. Non-Orthodox Sources

After defining theistic rationalism, Frazer discusses the "'divine' sources" for the religious beliefs of "key founders." All these sources are heterodox in some form, except one. Frazer does not mention any influential Reformed orthodox source (except Witherspoon), such as Petrus van Mastricht, Benedict Pictet, Theodore Beza, Philippe de Mornay, and others. And even in his discussion of these heterodox sources, Frazer fails to distinguish properly what is orthodox from what is heterodox. The main purpose of this section is not to determine whether Frazer's reading of these sources is accurate, but rather to highlight and critique what Frazer considers to be theistic rationalism in these sources.

Frazer first profiles the life, work, and influence of Anthony Ashley Cooper, Earl of Shaftsbury (1671-1713), and Conyers Middleton (1683-1750).¹⁶ In Frazer's account, the former influenced only Franklin and the latter only Jefferson. There is no doubt that both Franklin and Jefferson rejected key doctrines of Christian orthodoxy, and I have no reason to doubt that both Shaftsbury and Middleton taught rationalism as I've defined it.¹⁷ Nor do I doubt that these men influenced Franklin and Jefferson. But not everything Shaftsbury and

¹⁶ Frazer, *Religious Beliefs of America's Founders*, 24-27.

¹⁷ Frazer quotes Shaftsbury, "True religion' should be based on 'Nature' rather than on Revelation" and Middleton, "If any narration can be shewn to be false; any doctrine irrational or immoral; 'tis not all the external evidence in the world that can or ought to convince us, that such a doctrine comes from God." See *Religious Beliefs of America's Founders*, 27.

Middleton taught these founders is distinctively rationalist.

For example, Shaftesbury taught these founders to conduct “reasoning completely independent of Scripture.”¹⁸ For Frazer, this is a method of inquiry that exclusively consults and relies on reason, without the aid of Scripture. Subjecting scripture to conclusions from this method would violate the limitations of reason, as Jefferson, Franklin, and others did in the founding era. But reasoning independent of scripture is not itself a violation of Reformed orthodoxy. Masticht (discussed below) begins with rational inquiry into the existence of God before asserting the “testimony” of scripture.

Frazer’s comments on Shaftesbury reflect a misstatement of the question concerning rationalism: the question is not whether the founders thought that reason apart from revelation could provide sound conclusions concerning natural theology, natural religion, politics, civic virtue, etc. Rather the questions are 1) whether all knowledge is discoverable by reason alone (viz. no knowledge is above nature) and 2) whether reason is a measure or rule whereby one affirms or denies articles of faith (viz. whether comprehension is necessary to admit in the content of faith). Reformed orthodoxy denied both but affirmed the use of reason apart from revelation on questions pertaining to earthly life.

Frazer next discusses Joseph Priestly (1733-1804) and his influence on Jefferson, Franklin, and Adams. Priestly, according to Frazer, “had the greatest influence of any divine on the key Founders.”¹⁹ Even if this were true, what is the nature of that influence? Priestly, who moved to America in 1794, was a Unitarian, and so he rejected Trinitarian theology (as did Franklin, Adams, and Jefferson). But his principal works concerned natural theology and natural religion in opposition to David Hume. Priestly wrote, for example, *Institutes of Natural and Revealed Religion* (1772-1774). The fact that Priestly rejected Trinitarianism

¹⁸ Frazer, *Religious Beliefs of America’s Founders*, 24.

¹⁹ Frazer, *Religious Beliefs of America’s Founders*, 29.

does not necessarily taint his *natural* theology, since the Christian theological tradition (including the Reformed tradition) typically denied that Trinitarian theology was a truth of nature. Only truths of God as Creator are truths of nature (and so appropriate objects of reason). There is no *prima facie* reason for any orthodox Protestant to reject Priestly's arguments for the existence and attributes of God.

Frazer also states that "in contrast to the orthodox," Priestly claimed that one could reason from "nature to nature's God."²⁰ Priestly affirmed that "nature taught the nature of God," that "God was providential and cared about his creatures," and that man should pray. That this violates orthodox Protestantism would be news to Alsted, whom I quoted above; to Francis Turretin, who said that philosophical argumentation can in principle convince atheists of theism; to Benedict Pictet (Turretin's nephew), who offered proofs for the existence of God in the first chapter of his *Christian Theology* (see below); to Maastricht who states that natural theology is useful for "refuting atheists [and] for demonstrating a deity" and who offered eight proofs (see below); and John Brown of Haddington (an orthodox Scottish Presbyterian), who published in 1782 *A Compendious View of Natural and Revealed Religion*.²¹ If Priestly's influence on the founding generation mainly concerns natural theology, then his influence is within the bounds of orthodox Protestantism.

Another major influence on the founders was Samuel Clarke (1675-1729), an Anglican theologian and philosopher whose works John Witherspoon recommended to his students at Princeton. Like Priestly, Clarke wrote works on natural theology, one titled *Demonstration of the Being and Attributes of God* and another *Discourse Concerning the Unchangeable*

²⁰ Frazer, *Religious Beliefs of America's Founders*, 31. Frazer is quoting James Madison, whom Frazer believes was influenced by Priestly.

²¹ Turretin, in his *Institutes of Elenctic Theology*, affirms that pagans know that God is merciful and is a redeemer of those devoted to him (1.4.11); that "he is just, wise, good; that the soul is immortal, etc." (1.8.1); and that God is one (3.3.7). He later uses the "consent of the nations" as evidence for the immortality of the soul (5.14.15), for divine providence over the world (6.1.4), and for the law of God as natural and universal (11.1.13).

Obligations of Natural Religion.²² Clarke affirms the necessity of revelation to, as he writes, “make the whole Doctrine of Religion *clear and obvious* to all Capacities.”²³ Frazer makes much of this comment, despite the fact that it simply reflects Thomas Aquinas’ first answer to the first question of his *Summa Theologia*.²⁴ According to Frazer, this is theistic rationalism, the idea that “revelation was seen to support reason rather than work against it....the Bible was in service to reason.”²⁵ The problem is that in Reformed orthodoxy revelation *does* support (or supplement) reason with regard to those objects of reason least obscured by the fall of man.

Clarke also believed that reason and revelation “were so closely intertwined...that they were virtually interchangeable,” Frazer states.²⁶ But this position is actually a *defining feature* of Reformed orthodoxy—that reason and faith are twin lights to the same set of natural truths, for revelation neither adds to nor subtracts from the original standard of righteousness. Another scholar, Henry May, tells us that for Clarke “not all [doctrines] are discoverable by the light of nature,” but all are “clearly conformable to the teachings of sound and unprejudiced reason.”²⁷ This too is a standard Reformed orthodox position—that while no proper object of faith is discoverable and comprehensible by reason, none violates the first principles of reason.

²² Samuel Clarke, *A Demonstration of the Being and Attributes of God: More Particularly in Answer to Mr. Hobbs, Spinoza, And their Followers* (London: Will. Botham, 1705) and *Discourse Concerning the Unchangeable Obligations of Natural Religion, and the Truth and Certainty of the Christian Revelation* (J. Knapton, 1708).

²³ Frazer, *Religious Beliefs of America’s Founders*, 48.

²⁴ See Aquinas, *Summa Theologica*, I.1.1.

²⁵ Frazer, *Religious Beliefs of America’s Founders*, 48.

²⁶ Frazer, *Religious Beliefs of America’s Founders*, 49.

²⁷ Henry May, *The Enlightenment in America* (New York: Oxford University Press 1976), 11-12. Quoted in Frazer, *Religious Beliefs of America’s Founders*, 48-49.

Though Clarke's philosophical projects on natural theology seem to be within the bounds of Reformed orthodoxy, he was neither Reformed, nor orthodox. He denied the classical doctrine of the Trinity. But as with Priestly, Clarke's anti-Trinitarianism does not necessarily call into question his method, principles, or conclusions concerning natural theology; and accepting Clarke's natural theology does not require a rejection of the God revealed as the Triune God.

Frazer ends his chapter on divine sources with a discussion of Jonathan Mayhew (1720-1766), a New England Congregationalist minister who was an important influence on the patriot cause.²⁸ Much of Frazer's discussion is on Mayhew's divergent theological beliefs, such as his rejection of many Reformed doctrines. Frazer is likely correct that Mayhew's views on reason as it relates to revelation is rationalist, though this is not obvious. Mayhew states, "It is the proper office of reason to determine whether what is proposed to us under the notion of a revelation from God, be attended with suitable attestations and credentials, or not." The standard of "attestations and credentials" probably does not mean that every alleged revealed truth must be discoverable by reason, but that the source or basis for trusting the revelation must be sound. Mayhew might have in mind claims of private revelations that occasionally arose among the "New School" evangelicals with whom he contended his entire professional life.²⁹

In any case, the question of the rational grounds or credibility of revelation, including scriptural revelation, is an old issue in classical Protestantism, going back at least to Richard

²⁸ Frazer also discusses Witherspoon, but I provide a more extended and detailed discussion later in this chapter. He also identified Charles Chauncy (1705-1787) as a divine source, but there is nothing in his influence or thought that I have not already addressed.

²⁹ John Locke also discussed whether one can admit revelation "against the clear evidence of reason" in his *Essay Concerning Human Understanding*, Ch. 18.5.

Hooker in the 16th century.³⁰ Mayhew's version may have inspired liberal Protestantism and Unitarianism going into the 19th century, and perhaps Mayhew took reason beyond its limits. But it is not clear why any of that matters to Mayhew's influence on the founding generation. Mayhew's widespread influence seems to be confined to his sermons, particularly his sermons on political liberty. The most important of these sermons was *A Discourse Concerning Unlimited Submission and Non-resistance to the Higher Powers*, which John Adams said was "read by everybody."³¹ Frazer views it as "significantly influenced by Locke's social contract." But it is just as likely that Mayhew had read *Vindiciae Contra Tyrannos* or any number of Calvinist resistance theorists going back to Geneva's Theodore Beza in the 16th century.³² His articulation of political doctrine in the sermon is no different than principles and ideas articulated well before Locke offered his political theory in the late 17th century.³³

We can conclude that much of what Frazer has identified as distinctively theistic

³⁰ Richard Hooker discusses the credibility of scripture in his *Laws of Ecclesiastical Polity*. After appealing to the "opinion" of the "whole Church of God" and the internal witness evident in our "reading or hearing of the mysteries" in scripture, Hooker writes, "If infidels or atheists chance at any time to call it in question, this giveth us occasion to sift what reason there is, whereby the testimony of the Church concerning Scripture, and our own persuasion which Scripture itself hath confirmed, may be proved a truth infallible. In which case the ancient Fathers being often constrained to shew, what warrant they had so much to rely upon the Scriptures, endeavoured still to maintain the authority of the books of God by arguments such as unbelievers themselves must needs think reasonable, if they judged thereof as they should. Neither is it a thing impossible or greatly hard, even by such kind of proofs so to manifest and clear that point, that no man living shall be able to deny it, without denying some apparent principle such as all men acknowledge to be true." (III.8.14). See Andrew Fulford, "'A Truth Infallible': Richard Hooker and Reformed Orthodoxy on Autopistos," in *Richard Hooker and Reformed Orthodoxy*, eds. Scott N. Kindred-Barnes and W. Bradford Littlejohn (Gottingen: Vandenhoeck & Ruprecht, 2017), 203-220.

³¹ Quoted in Frazer, *Religious Beliefs of America's Founders*, 59. Jonathan Mayhew, *A discourse, concerning unlimited submission and non-resistance to the higher powers* (Boston: D. Fowle, 1750).

³² Mark David Hall argues that Mayhew's sermon "is an excellent example of Calvinist political thought." See "*Vindiciae, Contra Tyrannos*," in *Faith and the Founders of the American Republic*, eds. Daniel Dreisbach and Mark David Hall (Oxford: Oxford University Press, 2014), 51.

³³ For a discussion on natural right in pre-Lockean Reformed political discourse, see Glenn Moots *Politics Reformed: The Anglo-American Legacy of Covenant Theology* (Columbia and London: University of Missouri Press, 2010), 117-129.

rationalism in his section on divine sources is either consistent with or standard to Reformed orthodoxy. Frazer was also highly selective in his choices for sources. There were important orthodox sources of theological thought in the founding era. Next, I discuss the theological work and influence of two important Reformed theologians from Continental Europe, followed by a discussion of John Witherspoon and his inquiry into moral philosophy.

4. Orthodox Sources

Benedict Pictet

Benedict Pictet was a Genevan theologian and professor of theology at Geneva Academy. He is best known for his systematic theology, *Theologia Christiana*, first published in 1696 in Latin with a revised edition in French appearing in the 1721 titled *La théologie chrétienne*.³⁴ By Pictet's own admission, this work did not present anything original or novel, for his intent was to present Francis Turretin's system of theology "in which controversies were left out, and the truth simply and plainly taught."³⁵ Pictet's *Christian Theology* is a summary of high Reformed orthodox theology.

The works of Turretin, Pictet and other High Reformed orthodox theologians became standard in the curriculum of Scottish Universities in the late 17th century and well through the early 18th century. This late arrival—for High Reformed orthodoxy was already waning in Continental Europe by the turn of the century—meant that Scottish education in divinity lagged behind the rest of Europe. Witherspoon was educated in Scotland in the middle of that lag, reading Pictet and Turretin and other Reformed scholastic theologians, and graduating

³⁴ Benedict Pictet, *Christian Theology*, trans. Frederick Reyroux (London: R. B. Seeley and W. Burnside, 1834); *La Theologie Chretienne* (Geneva: Cramer, Perachon, & Cramer, 1721).

³⁵ Pictet writes, "I had no other design in view than to satisfy the wishes of our studious youth, who, having eagerly gone through the excellent system of controversial theology, drawn up by my revered uncle, and most beloved father in Christ, the illustrious Turretine, earnestly requested that they might have given to them a system of didactic theology, in which controversies were left out, and the truth simply and plainly taught." See *Christian Theology*, vii.

from the University of Edinburgh with a Masters of Art in 1739. He would later deride ministers such as Francis Hutcheson for treating the works of Turretin and Pictet as “antiquated systems of divinity.”³⁶ Despite Pictet’s relative popularity for a time in Europe, I’ve found no evidence that his works ever made it to the New World until Witherspoon brought his copy of *La Théologie Chrétienne* with him to settle in Princeton, New Jersey.

As president of Princeton, Witherspoon recommended Pictet’s principal theological work to his divinity students.³⁷ But Pictet’s influence on the founding generation was likely indirect, for all of Witherspoon’s seniors took a capstone course on moral philosophy that relied on an articulation of reason and revelation closely mirroring Pictet’s. Witherspoon famously taught James Madison, but also numerous future ministers, statesmen, founding fathers, judges, and other civic leaders.³⁸ The confusion in scholarship on Witherspoon and the nature of his influence is significant, largely due to misunderstanding reason and revelation in the Reformed tradition. In my view, most scholars misinterpret Witherspoon and through him misinterpret the founding generation. One important exception is Kevin DeYoung, whose recent work on Witherspoon and Pictet effectively sets the records straight on both men.³⁹ I will begin with an explication of Pictet’s theology on reason/revelation and natural theology. I will then discuss Witherspoon’s *Lectures on Moral Philosophy (LMP)*,

³⁶ John Witherspoon, *The Selected Writings of John Witherspoon*, ed. Thomas Miller (Carbondale and Edwardsville: Southern Illinois University Press, 1990), 101.

³⁷ Gordon L. Tait, *The Piety of John Witherspoon: Pew, Pulpit, and Public Forum* (Louisville: Geneva Press, 2001), 127.

³⁸ Frazer provides some numbers: “114 who became ministers; 19 who became college presidents or professors, including 13 college presidents in 8 states; 6 who became members of the Continental Congress; 6 who were members of the Constitutional Convention; 56 who became state legislator; 12 who became governors; 39 who became representatives; 21 who became senators; 30 who became judges, including 3 Supreme Court justices; 10 who became cabinet officers; 1 who became vice presidents of the United States; and 1 who became president.” See *Religious Beliefs of America’s Founders*, 39.

³⁹ Kevin DeYoung, *The Religious Formation of John Witherspoon: Calvinism, Enlightenment, and Scottish Enlightenment* (Routledge, 2020).

showing consistency between Witherspoon's thought on reason and Pictet's, which thereby demonstrates Witherspoon's consistency with his theological tradition.

Pictet is often recognized as a transitional theologian, marking a shift from "High Reformed orthodoxy" to "Late Reformed orthodoxy."⁴⁰ Indeed, he *was* transitional, but not like some of his contemporaries who adopted more Cartesian and rationalist elements to their theology. Pictet adopted a more pre-scholastic model of theological presentation (*back* to one like Calvin's) and he responded to the new "monsters of men," as he called them, who challenged not only traditional Christian faith but the existence of God, or at least the existence of God as classically understood. Pictet represents a post-scholastic Reformed theologian contending with late 17th century and early 18th century challenges that only intensified as the 18th century progressed. Pictet did not, however, reformulate Reformed doctrine. Indeed, there is good reason to believe that he assumed and borrowed heavily from his uncle, Francis Turretin. But the changing times demanded different emphases and applications. In this way, Pictet represents a sort of turning point in Reformed polemics not from theological orthodoxy but to arguments for what Reformed theologians once could assume.⁴¹

One difference in his theological model from past Reformed theologians is Pictet's placement of philosophical proofs for the existence of God in the beginning of his systematic

⁴⁰ See Richard Muller, *Post-Reformation Reformed Dogmatics: The Rise and Development of Reformed Orthodoxy, ca.1520 to ca.1725 (PRRD)*, 2nd ed. (Grand Rapids: Baker Academic, 2003), 82, 145; Martin I. Klauber, "Reformed Orthodoxy in Transition: Bénédict Pictet (1655–1724) and Enlightened Orthodoxy in Post-Reformation Geneva," in *Later Calvinism: International Perspectives*, ed. W. Fred Graham (Kirkville: Sixteenth Century Journal Publishers, 1994), 93–113; Klauber, "Reason, Revelation, and Cartesianism: Louis Tronchin and Enlightened Orthodoxy in Late Seventeenth-Century Geneva," in *Church History* 59 (1990), 326–339; and Klauber, "Family Loyalty and Theological Transition in Post-Reformation Geneva: The Case of Bénédict Pictet (1655–1724)," *Fides et historia* 24 (1992), 54–67.

⁴¹ For an argument in support of Pictet's consistency with high Reformed orthodoxy on the relationship of reason and revelation, see Stephen Wolfe, "Bénédict Pictet: Small Steps toward Rationalism," in *Journal of Reformed Theology* 11 (2017), 203–222.

theology. Pictet does not claim that these proofs are necessary for Christian theology. Rather he states that the existence of God is “so evident, that we ought rather to take it for granted, than attempt to prove it.”⁴² He offers these proofs, because “monsters of men...labour to persuade themselves and others that there is no deity.” Turretin said something very similar.⁴³ To be sure, Pictet does in his later French edition add, “It is necessary first to establish this principle [that is, the existence of God] at the beginning, because it is the first truth from which all others depend,” and then he proceeds with his proofs. But Pictet is not saying that *proofs* are necessary for Christian theology, but only that the existence of God is necessary for any theology; and since the existence of God is questioned in his time, there is need to establish that first. Revealed theology depends on natural theology for its foundation—something that Reformed orthodox theologians ubiquitously affirmed, and so Pictet first provides reasons to believe natural theology.⁴⁴

Pictet begins Chapter 2 of *Christian Theology* with a discussion on a “system of natural theology.” Man can construct such theology because “we can, by the power of nature, know God, and that God himself is the author of this knowledge, both by the notion of himself which he has engraven on the minds of all men, and by the excellent works he has done.”⁴⁵ Pictet lists four purposes for natural theology. First, it instructs man that he “might render

⁴² Pictet, *Christian Theology*, 8.

⁴³ Turretin similarly writes, “Although that there is a God is an indubitable first principle of religion (rather to be taken for granted than proved ...) yet the execrable madness of modern atheists (of whom this most corrupt age is far too fruitful, who do not blush impiously to deny this clearest truth) renders this question necessary.” *IET*, 3.1.3.

⁴⁴ Turretin himself addresses “whether natural theology may be granted” before discussing the doctrine of Scripture, and he gives reasons to believe that “there is a natural theology, partly innate (derived from the book of conscience by means of common notions) and partly acquired (drawn from the book of creatures discursively).” See *IET*, 1.3.4. Both Turretin and Pictet address God’s existence before discussing special revelation and they both mention reasons for belief in God. Turretin also affirms that “the existence of God [can] be irrefutably demonstrated against the atheists,” and he includes philosophical arguments resembling Pictet’s. See *IET*, 3.1.1–28.

⁴⁵ Pictet, *Christian Theology*, 21.

unto [God], when known, the tribute of love, praise, and thanksgiving, worship and obedience.”⁴⁶ God required humankind to obey the “covenant of nature,” which was “founded on the nature of man.”⁴⁷ Second, natural theology forms a “bond of society, and prevents men from becoming a prey to each other.”⁴⁸ Pictet is not equating natural theology and pagan theology; the truths present in pagan theology, mainly its principles, work to hold societies together. Third, natural theology, in its inadequacy due to the fall, points to the need for a “clearer revelation.” It is preparatory for the reception of special revelation that clarifies natural knowledge of God and that reveals the knowledge of God as Redeemer. Finally, natural theology is “sufficient to leave every one, who abuses his natural light, without any excuse.”

Pictet continues by listing “how much knowledge the Gentiles were able to derive from the dictates of reason, and from the works of creation and providence.”⁴⁹ They can know that God exists; is one, eternal, incorruptible, superior to humans, happy, just, good, powerful, all-wise, to be worshiped and praised, and the creator of the world; and governs the world by providence. They know the Golden Rule and that “rectitude and honesty are to be practiced, parents are honored.” Finally, they know of “the immortality of the soul,” that men ought to “to endeavor to propitiate God’s favour,” and that there is a judgment to come.

The pagans also sensed that they needed supernatural revelation to know how to conduct proper worship. This explains why they “found it necessary to pretend that they had conferences with divinities.”⁵⁰ They were all “persuaded” that the “right mode of

⁴⁶ Pictet, *Christian Theology*, 22.

⁴⁷ Pictet, *Christian Theology*, 142.

⁴⁸ Pictet, *Christian Theology*, 22.

⁴⁹ Pictet, *Christian Theology*, 22.

⁵⁰ Pictet, *Christian Theology*, 23.

worshipping the Deity must be drawn from a revelation of him,” for their natural knowledge proved insufficient to “comfort the human mind against the fear of death,” and they could not determine through nature the proper means of satisfying the wrath and justice of God. He concludes, “A second revelation, therefore, was necessary, in which God might not only cause to be known, in a clearer manner, his own perfection, which he had revealed in the first, but also discover new perfections, and especially reveal the mystery of godliness.”⁵¹ The “new perfections” do not abrogate the previous nor supersede the old ones; they add to and perfect them. The new perfections (e.g., the Trinity) presuppose the old perfections. For this reason, Pictet says, “although the two systems differ from each other in the mode of revelation, in the number of things revealed, in their perspicuity and effects, yet they are in strict harmony, and render each other mutual service.”⁵² That is, reason and revelation are harmonious and complementary, and revelation completes and perfects reason.⁵³

Before discussing Pictet’s view of reason, we should first recall Pictet’s view of the perfection of Scripture, which I discussed in Chapter 2. He writes, “This perfection [of

⁵¹ Pictet, *Christian Theology*, 24.

⁵² Pictet, *Christian Theology*, 10.

⁵³ None of this is new. Turretin had essentially the same positions. Early in his *Institutes*, under the question “Whether natural theology may be granted,” Turretin states that “We find in man a natural law written upon each one’s conscience excusing and accusing them in good and bad actions, which therefore necessarily implies the knowledge of God, the legislator” (1.3.5). Each person, even after the fall, has knowledge of God and his law “written” on the heart, by which one knows what is good, that God exists and that he deserves worship. He writes, “The institution of religion in the world most clearly proves natural theology” (1.3.8). Even the most savage of nations are not “destitute of all knowledge of [God]” (1.3.9). Furthermore, Turretin affirms that pagans know that God is merciful and is a redeemer of those devoted to him (1.4.11); that “he is just, wise, good; that the soul is immortal, etc.” (1.8.1); and that God is one (3.3.7). He later uses the “consent of the nations” as evidence for the immortality of the soul (5.14.15), for divine providence over the world (6.1.4), and for the law of God as natural and universal (11.1.13). This extensive natural knowledge of God is insufficient for salvation, but it is “an incitement to the search for ... more illustrious revelation” (1.4.4). It is also “useful to men ... as a bond of external discipline among men to prevent the world from becoming utterly corrupt” (1.4.4). Turretin states that in “natural theology by the light of nature some such [principles of religion] exist upon which supernatural theology is built (for example, that there is a God, that he must be worshipped, etc.)” (1.4.3). Special revelation “supposes the general knowledge of nature” (1.3.10); it did not abrogate natural knowledge.

scripture] is confined to those things which are necessary to salvation, for it was not God's design, in giving us the scripture, to make us philosophers, or mathematicians, or physicians, &c."⁵⁴ Indeed, it is "not necessary" for truths such as "the existence of God, the immortality of the soul, &c." to be "professedly taught in the scriptures," for everyone already knows these. Scripture's completeness refers to everything necessary for salvation, and therefore scripture is incomplete regarding things *unnecessary* for salvation. Much is necessary for life and living well that is unnecessary for salvation, which implies that at least *some* things necessary for living well are known apart from Scripture and by something other than faith.

Pictet states that "some things necessary to salvation...are naturally known to all" (e.g., the existence of God and immortality of the soul). But if all know by nature some things necessary for salvation, one would expect that all know at least some political principles as well. Reasoning that is effective in the former would be effective (perhaps even more so) in the latter.

On the relationship of reason and faith, Pictet writes,

In fact, reason and faith, though of a different nature, are not opposed to each other. Hence we maintain that we must not admit any thing, even in religious matters, which is contrary to right reason [*rectæ rationi*]. For although there is much darkness in the human mind, yet no one can deny that there remain some sparks of natural light [*luminis naturalis*], and that the mind has in it those principles of undoubted truth [*principia indubiæ veritatis*], which faith often makes use of for the confirmation of its own doctrines; but what we maintain is. That reason cannot and ought not to bring forth any mysteries, as it were, out of its own storehouse; for this is the prerogative of scripture only.⁵⁵

Reason assists in the confirmation of suppositions of faith not because mysteries of faith are discoverable by reason but because no mystery (or matter) of faith can violate right reason (viz. the "undoubted" principles of reason). Pictet expanded his comments in the 1721 French

⁵⁴ Pictet's view is similar to Richard Hooker's. See *The Laws of Ecclesiastical Polity*, 1.14.1-4.

⁵⁵ Pictet, *Christian Theology*, 59. Muller calls this the "Reformed orthodox solution" to the question of "double truth"; See *PRRD* 1.384-387. Pictet relies on "virtually the same premises as" Bartholomäus Keckermann and Johann Heinrich Alsted.

edition, speaking of the “pures & inviolables lumieres de la raison.”⁵⁶ He also calls these “certain and infallible, and...inviolable principles” such as “that the whole is greater than its parts.”⁵⁷ Pictet concludes by reaffirming his position that reason cannot be the rule of faith: “though it is not necessary to admit anything that is truly contrary to reason, it does not follow that reason is the rule of faith.”⁵⁸

It is important to stress that Pictet’s formulation of reason above does *not* pertain to natural theology, or those natural truths of God as Creator, but only to the adventitious, supernatural truths pertaining to salvation. In relation to supernatural truths, reason is ancillary. This is true in Pictet’s discussion of philosophy as well. He writes,

On the very same grounds we cannot call philosophy any rule of faith, although we again concede that it is of no little use, provided it assume not to itself the power of dictating in articles of faith. True philosophy indeed serves very much both to convince men and to prepare their minds; and there is a wonderful harmony between sound philosophy and divinity; for truth is not contrary to truth, nor light to light; only we must not imagine that the former is the rule by which the sense of scripture must be tried and examined.⁵⁹

Philosophy convinces and prepares for the reception of revelation and demonstrates the harmony of God’s twofold revelation, as Creator and Redeemer. Again, Pictet’s principal concern is the relationship of natural theology and revealed theology, not reason’s relation to political theory and natural truth generally. But if philosophy can “convince” others on matters of natural theology, then why not on matters of politics? And since political matters are not proper objects of faith, reason takes the lead—faith being supplemental and corrective of conclusions from reason.

Thus, to explicate Pictet’s view of reason, the role of reason in relation to any

⁵⁶ From the French, “clear and inviolable lights of reason.” See Pictet, *La Theologie Chretienne* 1:125.

⁵⁷ “certaines & infaillibles, & quelques principes inviolables”; “que le tout est plus grand que sa partie.” See *La Theologie Chretienne*, 1:125.

⁵⁸ “Cependant quoi qu’il ne faille rien admettre, qui soit veritablement contraire a la raison, il ne s’ensuit pas, que la raison soit la regle de la foy.” Pictet, *La Theologie Chretienne*, 1:125.

⁵⁹ Pictet, *Christian Theology*, 60.

supposition of scripture depends on whether that proposition is originally natural or original to scripture. For the former, scripture is ordinarily supplemental and potentially corrective of reason (and not principal), but for the latter (viz. truths above reason) reason is ancillary.

John Witherspoon

Presbyterian minister and president of Princeton John Witherspoon is known for his role in the education of many in the Founding generation, including James Madison. He was also a delegate to the Second Continental Congress, signer of the Declaration of Independence, signer of the Articles of Confederation, and an active supporter of the Constitution. Of interest for many scholars is his *Lectures on Moral Philosophy (LMP)*, which he gave to his students at Princeton. In these lectures, he conducts an “inquiry into the nature and grounds of moral obligation by reason, as distinct from revelation.”⁶⁰

The fact that Witherspoon the Calvinist is conducting a rational inquiry has baffled scholars, prompting many to claim that he contradicted his own theological tradition.⁶¹ Frazer, for example, asserts that Witherspoon set “aside the Scriptures,” showing that he “succumbed to the [Enlightenment] spirit of the age.”⁶² But Frazer, like many others, provides no theological framework to justify this assertion. Indeed, many scholars simply assume that since Witherspoon’s moral thought has a “naturalistic bias,” he lacks a “genuinely Christian approach to public life.”⁶³ Thus they conclude that for Witherspoon “The Christian God [does not] have a specific role to play in public life, where the rule of

⁶⁰ John Witherspoon, *An Annotated Edition of “Lectures on Moral Philosophy”*, ed. Jack Scott (Newark: University of Delaware Press, 1982), 64. Referred to as *LMP* henceforth.

⁶¹ Some scholars do not discuss this issue, such as Jeffry Morrison, *John Witherspoon and the Founding of the American Republic* (Notre Dame: University of Notre Dame Press, 2005) and Varum Lansing Collins, *President Witherspoon* (New York: Arno Press 1969 [1925]).

⁶² Frazer, *Religious Beliefs of America’s Founders*, 46.

⁶³ Mark A. Noll, Nathan O. Hatch, and George M. Marsden, *The Search for Christian America* (Westchester, IL, 1983), 90.

nature prevailed,”⁶⁴

Frazer grants that Witherspoon has clear orthodox credentials, but he questions his method: “Witherspoon’s emphasis was on *method or approach* or *how* to think about religion and politics—and his approach was decidedly rationalistic and naturalistic.”⁶⁵ Another scholar, James Scott agrees: “Throughout the *Lectures* Witherspoon employs reason with a confidence atypical of earlier Calvinism. He reflects a phenomenon of his time.”⁶⁶ Frazer sees an irreconcilable division between “Witherspoon the Calvinist” and “Witherspoon the rationalist and naturalist.” No Calvinist, he argues, would use natural reason to construct a system of moral truths. “Unlike many Christian authors before him,” Frazer writes, “Witherspoon did not see the full employment of man’s fallen reason as an inherently flawed path to knowledge or as a threat to revelation.”⁶⁷

Scholars also claim that since Witherspoon held similar positions as Unitarian and anti-Trinitarian writers of the 18th century, he must have adopted a type of “enlightened orthodoxy”. Scott, for example, points out that Witherspoon agrees with Samuel Clarke and William Wollaston (1659-1724) on reason confirming conclusions from revelation.⁶⁸ Frazer compares Witherspoon’s thought with that of Priestley, arguing that since “reason was the source” to discern the “Divine Being,” Witherspoon’s conclusions look “quite similar to that of other rationalists.”⁶⁹ These conclusions include that God is “maker, preserver and benefactor” and “governor.”

⁶⁴ Noll et al., *Search*, 91.

⁶⁵ Frazer, *Religious Beliefs*, 40. Noll et al. call his approach “humanistic.” See *Search*, 93.

⁶⁶ Scott, “Introduction,” 39-40.

⁶⁷ Frazer, *Religious Beliefs of America’s Founders*, 42.

⁶⁸ Scott, “Introduction,” 39.

⁶⁹ Frazer, *Religious Beliefs of America’s Founders*, 42.

Benjamin Lynerd argues that Witherspoon's traditional Calvinism conflicts with his republican principles of public moral virtue.⁷⁰ In republican political theory, Lynerd writes, "free citizens must be privately virtuous in order to maintain their republic."⁷¹ This conflicts with the Calvinist doctrines of sin and grace. Only the "gospel of grace" brings about better public behavior. All other "attempts to behave better are futile and beside the point: what a sinner needs is restoration with God, available only through faith in Jesus."⁷² Hence, republican theology (i.e., theology consistent with republican political theory) requires the Calvinist to compromise his view on the limited capabilities of post-lapsarian man. For this reason, Calvinism "not only undermines the project of moral reform, it also undermines republicanism itself."⁷³ Lynerd assumes (like Frazer, he does not provide an analysis of the Reformed tradition) that post-lapsarian man in traditional Calvinists are incapable of cherishing and preserving society and comprehending the principles of just law.

When still in Scotland, Witherspoon wrote the satirical book, *Ecclesiastical Characteristics*, which proved to be his most popular work against the Moderates of Scotland.⁷⁴ Lynerd calls it an "evangelical manifesto" for its insistence that "Christians cannot confess faith in the gospel *and* in the doctrine of moral sense."⁷⁵ In the pamphlet, Witherspoon rejects moral sense philosophy, claims Lynerd, because it requires Calvinists to compromise the doctrine of moral depravity. Lynerd writes, "Moral sense theory stages too

⁷⁰ Benjamin T. Lynerd, *Republican Theology: The Civil Religion of American Evangelicals* (Oxford: Oxford University Press, 2014).

⁷¹ Lynerd, *Republican Theology*, 47.

⁷² Lynerd, *Republican Theology*, 48.

⁷³ Lynerd, *Republican Theology*, 50.

⁷⁴ John Witherspoon, *The Selected Writings of John Witherspoon*, ed. Thomas Miller (Carbondale and Edwardsville, 1990), 57-102.

⁷⁵ Lynerd, *Republican Theology*, 82.

many departures from the gospel—on the presence of evil in the world, on its dominion over the human heart, and on the need for divine redemption—for there to be any comfortable degree of compatibility.”⁷⁶ The doctrine of total depravity explains why Witherspoon the uncompromising Calvinist attacked Hutcheson and the Moderates during his Scotland career.⁷⁷ Yet shortly after landing in New England, Witherspoon suddenly reversed course and wrote lectures on moral philosophy, seemingly contradicting his work while in Scotland. This is nothing less than “striking a deal with [Francis] Hutcheson....The compromise goes like this: Witherspoon now accepts the essential capacity of the human to know the way of virtue,” argues Lynard.⁷⁸ Witherspoon seemingly affirms in America what he spent his early career in Scotland attacking. Suddenly, after crossing an ocean, Witherspoon begins concluding that man is no longer devoid of the light of reason. “Traditional Calvinism” taught the opposite: man could not know civil virtue apart from salvific grace.⁷⁹

The crucial doctrine for Frazer, Lynard, Scott and others is the Reformed doctrine of “total depravity,” which precludes, they say, any trust in reason for questions of ethics or natural theology. Calvinists are prohibited from appealing to nature by reason. As Scott says, “Calvinism” prior to the Enlightenment did not place “confidence...in the reason of man.”⁸⁰ As a self-described Reformed theologian, Witherspoon should not “put great confidence in

⁷⁶ Lynard, *Republican Theology*, 82.

⁷⁷ *Ecclesiastical Characteristics*, however, is not so much a pamphlet against moral sense, civil virtue, natural reason, and philosophy as it is criticism of the *ministerial* philosophy of the Moderates. Instead of preaching about redemption and grace, they too frequently emphasized civil virtue from the pulpit, which in Witherspoon’s view was not the primary role of the ministry.

⁷⁸ Lynard, *Republican Theology*, 85.

⁷⁹ On the question of consistency between his two careers, see Daniel W Howe. “John Witherspoon and the Transatlantic Enlightenment,” in *The Atlantic Enlightenment*. eds. Susan Manning and Francis D. Cogliano (Burlington: Ashgate Publishing, 2008), 37. Though I question his reading of Pictet’s theology, Howe adequately resolves the problem of Witherspoon’s two careers.

⁸⁰ Scott, “Introduction,” 39.

man's reason and its power to understand God," states Frazer.⁸¹ None of these scholars, however, offer a compelling presentation of the Reformed tradition that justify these claims of inconsistency.⁸²

I show below that Witherspoon's view of reason, natural theology, moral virtue, and other disputed points are consistent with the Reformed tradition. We should no longer, as Scott states, see "the Calvinism of Witherspoon" as inconsistent with "the Calvinism of Geneva."⁸³

Witherspoon begins his *LMP*, his capstone lecture series to his senior students, with a standard definition of moral philosophy: "it is an inquiry into the nature and grounds of moral obligation by reason, as distinct from revelation."⁸⁴ He then immediately mentions an objection to this type of inquiry: "Is it safe or useful to separate moral philosophy from religion? It will be said it is either the same or different from revealed truth; if the same, unnecessary—if different, false and dangerous."⁸⁵ The form of this objection is the classical dilemma—two conditional statements, each using one alternant of a disjunctive statement ("either same or different") for its antecedent, to produce an either/or conclusion. Moral philosophy is either "dangerous" or "unnecessary", concludes Witherspoon's opponents.

⁸¹ Frazer, *Religious Beliefs of America's Founders*, 42.

⁸² Elizabeth Flower and Murray Murphy claim that Witherspoon practically denied moral depravity. They write, "Witherspoon's belief in the harmony of the moral order, God's will, public interest, and private happiness ... [assumes that] we are not depraved by original sin, but are competent to see and correct our own departures from original purity." They conclude that "there is a question of consistency between [Witherspoon's] ethical and theological views." See *A History of Philosophy in America*, Vol. I (New York: Capricorn, 1977), 234.

⁸³ Scott, "Introduction," *LMP*, 38-39.

⁸⁴ Witherspoon, *LMP*, 64.

⁸⁵ Witherspoon, *LMP*, 64.

Here is the dilemma:

- (1) Moral philosophy is either the same or different from scripture.
- (2) If moral philosophy is the same, then it is unnecessary.
- (3) If moral philosophy is different, then it is dangerous.
- Therefore, (4) moral philosophy is either unnecessary or dangerous.

Witherspoon responds with reassuring caution and a measured trust in reason. Indeed, his trust in reason is less than some classical Protestants (e.g., Richard Hooker) whom few consider “Enlightenment” thinkers or heretics.

One objector, perhaps reflecting proposition (3), is “an author of New England”⁸⁶ who claimed that moral philosophy “reduces infidelity to a system,” says Witherspoon.⁸⁷ It is not clear who this author is, though it could be Cotton Mather or Jonathan Edwards (Sr. or Jr.). In his *Manuductio ad ministerium* (1726), Mather calls “ethics” a “vile thing.”

It is all over a shame; it presents you with mock-happiness; it prescribes to you mock virtues for coming at it: and it pretends to give you a religion without a Christ, and a life of piety without a living principle; a good life with no other than dead works filling of it....Study no other ethics but what is in the bible.⁸⁸

This is bound to be misinterpreted, however. First, Mather’s position reflects the influence of Peter Ramus, whom I briefly discussed in Chapter 2. Second, Mather is condemning recent “academies” or new philosophical schools that offer complete systems of ethics that exclude the necessity of grace to perform true virtue. Mather’s point is not that sound reason can dictate behavior contrary to righteousness or the Gospel, but that the ethics found in moral philosophy are necessarily insufficient for happiness and true virtue. It is dangerous precisely because it purports to be complete. In the same book, Mather approves of works on ethics,

⁸⁶ Scott identifies this “author” as Cotton Mather, though others say it is Jonathan Edwards. See Scott, *LMP*, 68n1.

⁸⁷ Witherspoon, *LMP*, 64.

⁸⁸ Cotton Mather, *Manuductio ad ministerium: directions for a candidate of the ministry* (New York, 1781 [1726]), 40.

such as *Ethices Christianae* by Lambert Daneau (1530-1595).⁸⁹ Mather's concern is not some novelty of Puritan suspicion.

Whether this "New England author" is Mather or Edwards makes little difference, for Edwards says something similar in his essay *The Nature of True Virtue*—that moral philosophy is "fundamentally and essentially defective," though it does "well in some respects."⁹⁰ For both Mather and Edwards, the concern is the sufficiency of moral philosophy to discover and prescribe *true* virtue. For them, "true virtue" is opposite to "false virtue" in the same way that "true religion" is opposite to "false religion." It is not that every part of false virtue is erroneous; it is false considered as a whole. The "if different, then dangerous" conditional is, for this reason, referring to a difference in completeness; that is, moral philosophy is dangerous, if it purports to offer a system of ethics for true virtue and complete happiness. Given the intellectual climate of the 18th century, this is not an irrational concern for orthodox Christians.

Witherspoon's first response is to propose one component of a counter dilemma: "If the Scripture is true, the discoveries of reason cannot be contrary to it; and therefore, it has nothing to fear from that quarter." In other words, if the moral content of scripture and moral philosophy are the same, then moral philosophy is not dangerous, for right reason cannot be contrary to scripture. In short, if they are the same, then moral philosophy is *not* dangerous. Witherspoon assumes here what his Reformed opponents likely assume as well, namely, that what God has revealed in both nature and scripture do not contradict. One light, or mode of discovering truth, cannot contradict or be contrary to the other. Hence, *sound* reason cannot

⁸⁹ Lambert Daneau, *Ethices Christianae* (Geneva : Hæredes Eustathij Vignon, 1601).

⁹⁰ Jonathan Edwards, *The Nature of True Virtue* "[T]hose schemes of religion or moral philosophy, which—however well in some respects they may treat of benevolence to mankind, and other virtues depending on it, yet—have not a supreme regard to God, and love to him, laid as the foundation, and all other virtues handled in a connection with this, and in subordination to it, are not true schemes of philosophy, but are fundamentally and essentially defective." See "The Nature of True Virtue," *The Works of President Edwards, in four volumes*, Vol. II (New York: Leavitt & Allen, 1852), 271.

contradict scriptural revelation. I doubt that Mather or Edwards would disagree with Witherspoon's reasoning here; to do so would separate them significantly from the Reformed tradition.

In my view, Witherspoon is reassuring them that his moral philosophy is not a replacement for Christian ethics. Witherspoon is not dismissing the concerns of some tired biblicism of old Puritanism. Witherspoon himself would affirm that any attempt to make a complete system of morals by reason alone is bound to fail; he says as much when he makes "piety" inseparable to virtue in a later lecture. Witherspoon reassures his fellow Reformed theologians that he is taking reason only as far as reason will go on ethics. Reason is unable to create a system of *true* virtue, but it can discover true parts of it. For this reason, as he writes in his *Lectures on Divinity*, "Moral philosophy... [is a] good handmaid to the Christian morality."⁹¹

Witherspoon continues, arguing that moral philosophy may also "do much good." It can serve as "an illustration and confirmation of the inspired writings, from reason and observation, which will greatly add to their beauty and force."⁹² Here, he is denying that moral philosophy is unnecessary. If revelation and the conclusions of reason are the same in moral content, then moral philosophy can demonstrate their consonance. Moral philosophy also lets you "meet [infidels] upon their own ground" to expose their "pretended principles of reason."⁹³ These uses of reason—illustrating its agreement with revelation and convincing atheists of their errors—are commonly recognized in the Reformed tradition.

Witherspoon next briefly discusses the light of nature and the law of nature and a few

⁹¹ Witherspoon, *Works of John Witherspoon*, Vol. 8 (Edinburgh, 1815), 25.

⁹² Witherspoon, *LMP*, 64. This would, as Pictet said, show "wonderful harmony between sound philosophy and divinity." *Christian Theology*, 60. See also Turretin, *IET*, 1.9.23.

⁹³ Witherspoon, *LMP*, 64.

writers who oppose both. He defines the “light of nature” as what “we can or do discover by our own powers, without revelation or tradition.” So, the light of nature is not reason itself, but what reason can discover of nature on its own. The “law of nature,” however, refers to what is true of nature. Put differently, the light of nature is what man can ordinarily discover in the law of nature, but what is discoverable may not extend to everything in the law of nature. If through “tradition” or scripture one knows something of the law of nature, then reason can subsequently show that it is “agreeable to...nature.” Hence, reason can both *discover* natural truth by the light of nature and it can *confirm* natural truth known apart from reason. These admittedly tedious distinctions allow Witherspoon to offer this own constructive dilemma to his opponents: whether moral philosophy discovers or confirms moral truth is unimportant, for either way it is worthwhile to “consider how far anything is consonant with reason, or maybe be proven by reason.” In other words, even if we know a conclusion of natural law apart from reason, it is worthwhile to demonstrate by reason the premises from which it follows.

Witherspoon is uncommitted to how well moral philosophy can make discoveries. He writes, “It is very difficult to be precise upon this subject, and to distinguish the discovering of reason from the exercise of it.” It is not always clear whether we are simply offering *post hoc* justifications for our moral sentiments. Regardless, we are not left in moral skepticism or uncertainty, for as he says in a later lecture “nothing is certain or valuable in moral philosophy but what is perfectly coincident with scripture.”⁹⁴ Far from considering human reason “infallible,” as Frazer says,⁹⁵ Witherspoon actually seems pessimistic about reason as a means of discovering moral truth. He speaks of the “corruption of our nature” as it relates to reasoning: it is “difficult” due to “depravity”, and we must “with our remaining power of

⁹⁴ Witherspoon, *LMP*, 187.

⁹⁵ Frazer, *Religious Beliefs of America's Founding Fathers*, 42.

natural conscience...endeavor to detect and oppose” errors.⁹⁶

Witherspoon does, however, oppose the view of Francis Hutcheson, which “insists that not only all moral, but all natural knowledge comes from revelation.” Witherspoon responds: though the “whole Scripture is perfectly agreeable to sound philosophy...it was never intended to teach us everything.” Revelation contains natural knowledge consonant with sound philosophy, but scripture does not contain *all* natural knowledge. As we saw above, Pictet would agree. Witherspoon has political principles and civil law in mind here, because he denies that the Mosaic Law was “immutable and universal.” Scripture does not prescribe a universal set of civil law. Civil societies must make their own determinations on civil arrangements in accordance with reason and circumstances.

Moreover, for Witherspoon, scripture does not solely republished natural truth or what reason might discover. He writes, “mercy can be learned from Revelation only.”⁹⁷ In his *Lectures on Divinity*, he similarly states, “Benignity and goodness to the innocent is a part of the character of the Deity in natural religion, but mercy to the guilty belongs wholly to revelation.”⁹⁸ Reason produces only “vague and general”⁹⁹ knowledge of divine mercy. Natural theology and natural religion are insufficient for salvation. One can know God’s special mercy for sinners only from an additional revelation, and this revelation is deposited in scripture alone. Contrary to most commentators, Witherspoon presents the basic Reformed orthodox position on reason and revelation.

In conclusion, Witherspoon did not “live in two different, but unrelated camps...Federal

⁹⁶ Witherspoon, *LMP*, 66.

⁹⁷ Witherspoon, *LMP*, 103.

⁹⁸ Witherspoon, *Works*, Vol. 8, 32.

⁹⁹ Turretin calls it knowledge of a “general mercy.” This is not the *special* mercy needed for salvation. See *IET*, 1.4.11.

theology and Enlightenment philosophy”;¹⁰⁰ he was not “philosophically schizophrenic”;¹⁰¹ he did not “strain” his Reformed theology;¹⁰² he was not an “eclectic Enlightenment thinker whose Calvinism was less than completely orthodox”;¹⁰³ he did not mix “elements of Christianity with Enlightenment thought”;¹⁰⁴ he did not deny that “the Christian God had a specific role to play in public life”;¹⁰⁵ there was no inconsistency “between his ethical and theological views”;¹⁰⁶ and he did not “set aside the scriptures and succumbed to the spirit of the age.”¹⁰⁷

Witherspoon’s students went their own way after graduation. But if any of them proved to be a theistic rationalist, Witherspoon’s *Lectures on Moral Philosophy* did not teach it to them. The content of his lectures certainly reflects the philosophical discourse of the time and his recommended reading list exclusively had recent works.¹⁰⁸ But Witherspoon displays no concern that the content might be opposed to Christianity. Given the Reformed tradition on reason and philosophy, no scholar should conclude that Witherspoon’s Reformed theology clashed with his philosophy, that he had a “naturalistic” bias, and that his thought “lack[ed]

¹⁰⁰ Noll, et al., 88-89. Quoted in Frazer, *Religious Beliefs of America’s Founders*, 41.

¹⁰¹ Frazer, *Religious Beliefs of America’s Founders*, 41.

¹⁰² James H. Smylie, “Madison and Witherspoon: Theological Roots of American Political Thought,” *Princeton University Library Chronicle* 22 (Spring 1961): 118-132.

¹⁰³ Stephen A. Marini, “Religion, Politics, and Ratification,” in *Religion in a Revolutionary Age*, ed. Ronald Hoffman and Peter J. Albert (Charlottesville: University Press of Virginia, 1994), 203. Quoted in Frazer, *Religious Beliefs of America’s Founders*, 41.

¹⁰⁴ Frazer, *Religious Beliefs of America’s Founders*, 42.

¹⁰⁵ Noll et al. *Search*, 90-91.

¹⁰⁶ Elizabeth Flower and Murray Murphy, *History of Philosophy*, Vol. 1, 234. Quoted in Frazer, *Religious Beliefs of America’s Founders*, 44.

¹⁰⁷ Frazer, *Religious Beliefs of America’s Founders*, 46.

¹⁰⁸ See Jeffry Morrison, *John Witherspoon and the Founding of the American Republic* (Notre Dame: University of Notre Dame Press, 2005).

essential elements of a genuinely Christian approach to public life.” He gave his students a brief justification for and presentation of *the* Reformed position on reason and revelation.¹⁰⁹

Petrus van Mastricht

Next, I discuss the theology of Petrus van Mastricht—a post-Reformation Dutch theologian trained in Reformed scholasticism and deeply critical of the fashionable Cartesian theology in his time. Though obscure today and only recently translated into English, Mastricht and his works were devoured in New England throughout the 18th century. Jonathan Edwards gave his work *Theoretico-Practica Theologia* (TPT)¹¹⁰ highest praise, writing that he would “take Mastricht for divinity in general, doctrine, practice & controversy, or as an universal system of divinity; & it is much better than [Francis] Turretin or any other book in the world, excepting the Bible, in my opinion.”¹¹¹ After recommending a number of “systems of divinity,” Cotton Mather states, “but after all, there is nothing that I can with so much plephorie recommend unto you, as a *Mastricht*, his *Theologia Theoretico-Practica*.”¹¹² Adriaan C. Neele writes, “The most important and immediate reception of the

¹⁰⁹ John G. West’s account of reason and revelation among some founders is generally consistent with my account. He shows that a few of Founders, including James Wilson and John Witherspoon, believed in a “framework” for the relationship of reason and revelation that “was thoroughly consistent with the historic Christian conception of natural law”. West, however, does not go in any detail on this “historic Christian conception.” See *The Politics of Revelation and Reason: Religion and Civic Life in the New Nation* (Lawrence: University Press of Kansas, 1996), 43.

¹¹⁰ Petrus van Mastricht, *Theological-Practical Theology* (TPT), 2 Volumes, trans. Todd M. Rester and Michael T. Spangler and ed. Joel R. Beeke (Grand Rapids: Reformation Heritage Books, 2018/19).

¹¹¹ Here is the full quote. “As to the books you speak of: Mastricht is sometimes in one volume, a very large thick quarto, sometimes in two quarto volumes. I believe it could not be had new under 8 or 10 pounds. Turretin is in three volumes in quarto, and would probably be about the same price. They are both excellent. Turretin is on polemical divinity, on the 5 points & all other controversial points, & is much larger in these than Mastricht, & is better for one that desires only to be thoroughly versed in controversies. But take Mastricht for divinity in general, doctrine, practice & controversy, or as an universal system of divinity; & it is much better than Turretin or any other book in the world, excepting the Bible, in my opinion.” See “To the Reverend Joseph Bellamy,” in *Works of Jonathan Edwards*, Vol. 16 (*Letters and Personal Writings*) ed. George S. Claghorn, 217.

¹¹² Quoted in Neele, *Before Edwards*, 21.

TPT...occurred in colonial New England.”¹¹³ Jonathan Edwards Jr. (1745-1801) is reported to have read it seven times.¹¹⁴ Theologians Samuel Hopkins (1721-1803) and Joseph Bellamy (1719-1790) also praised the work.¹¹⁵

Mastricht is important for our purposes because he affirms natural theology and distinguishes his view from Socinianism (a precursor to Unitarianism), some Roman Catholics, and the Anabaptists. He offers eight rational proofs for the existence of God, and he distinguishes “pagan theology” from natural theology. Mastricht’s account of natural theology, which is not innovative for the Reformed tradition, shows that the sort of natural theology that many in the founding generation accepted was consistent with the Reformed tradition.

In his chapter on “the nature of theology,” Mastricht states that “Christian theology does not exclude natural theology.” Natural theology “displays nothing but bits and pieces of revealed theology.” Since it is one part of the full revelation of God, natural theology is incomplete, though not false. It is also both theoretical and practical, consisting in what “must be known” and what “must be done,” which includes knowledge of God that directs one to natural religion. Knowledge of such things, however, is not confined to the elite and privileged, for even “the most depraved” can see in nature “a true and false theological point,

¹¹³ Neele, *Before Edwards*, 56.

¹¹⁴ Neele, *Before Edwards*, 58.

¹¹⁵ Neele provides a quote from an August 1770 edition of *Connecticut Journal* announcing the translation of one portion of Mastricht’s *TPT* (*A Treatise on Regeneration*). The translator expressed hope that the treatise will “put a stop to the controversies, which seems to be growing among us, relative to regeneration; whether it be wrought by the immediate influence of the divine Spirit, or by light as the means? And happily to unite us in the truth.” See Neele, *Before Edwards*, 59. The translator also writes that both sides of the dispute “manifest their entire approbation of, and concurrence with van Mastricht.” *Treatise on Regeneration, Extracted from His System of Divinity, Called Theologia theoretico-practica*, trans. unknown (New Haven: Thomas and Samuel Green, 1770), preface. Quoted in Neele, 60-61. The translation, however, did not immediately unite the two parties, for only a year later Nathaniel Whitaker and William Hart exchanged letters, each claiming that Mastricht is on his side of the dispute. See *A Letter to the Reverent Nathaniel Whitaker, D.D.* (New London, Conn: T. Green, 1771).

either theoretically and practically;” non-Christians “have been blessed with some use of their reason.”¹¹⁶ For clarity, he states that “natural theology must be carefully distinguished from pagan theology as such, because the latter is false and former true.”¹¹⁷ But the falsity of pagan theology refers not to every part, but to the whole.

Mastricht proceeds to describe the four uses and the three abuses of natural theology. The first use is that it “renders the impious without excuse.” Since God is revealed in his works, the failure to acknowledge him leaves one without excuse. The second use “has to do with the pagans and atheists, who are most powerfully refuted by it.” The third is that natural theology “confirm[s] to an amazing degree [revealed theology] when we discover that it agrees completely with natural theology.” The fourth is that “nature itself applauds” natural theology, “[a]nd this is so even in our pursuit of the good, where nature itself calls us to the same direction as revelation.”¹¹⁸

The first abuse is when “natural theology replaces revealed theology as the foundation and norm, and thus the mistress is subjugated to her handmaiden when the latter ought to be directed by the former.” This is an abuse because natural theology constitutes only “bits” of the full revelation of God, and to subjugate revealed theology to natural theology would eliminate the supernatural revelation that perfects the doctrine of God. It would effectively limit the truths of God to those revealed by God as Creator.¹¹⁹ There is no doubt that some founders in the founding generation replaced revealed theology with natural theology. We

¹¹⁶ Mastricht, *TPT*, I.77.

¹¹⁷ Mastricht, *TPT*, I.78.

¹¹⁸ Mastricht, *TPT*, I.78.

¹¹⁹ But it is important to remember that, according to Reformed orthodoxy, the revelation of God as Redeemer did not add anything to, nor abrogate, the original standard of righteousness (viz. the natural law). For this reason, the foundation and norm of outward conduct is the natural law, which remains the proper object of natural reason. That is, the mistress/handmaiden metaphor does not work for the topic of politics.

saw it in Priestly and Clarke, and founders such as Jefferson and others committed it as well.

The second abuse is that natural theology “suffices for salvation.” Mastricht is probably referring to some Protestant theologians, such as Ulrich Zwingli, who claimed that those who are ignorant of the Gospel can have saving faith accepted by God as if it were faith in Christ.¹²⁰ The third is similar to the second but it better approximates some of the views in the founding generation: that natural theology can produce a “common theology...by which everyone, even apart from Christ and faith in him, can be saved by the help of reason and nature only.”¹²¹ Their err is in thinking that nature provides an adequate remedy for salvation. This view is consistent with the “theistic rationalism” described by Frazer.

Mastricht goes on to discuss the different opinions on whether “natural theology is allowed.” He writes, the “Scholastics among the papists...flee to philosophical theology” when revealed theology cannot sustain certain doctrines (e.g., transubstantiation), elevating natural theology over revealed theology. The Socinians, however, deny both innate and acquired natural theology and so “absolutely deny all natural theology.” The Anabapists are in relative agreement with the Socinians “through their hatred of philosophy.”¹²² Those influenced by René Descartes deny acquired natural theology and “direct all [their] study toward the contemplation and awakening” of innate ideas. Mastricht distinguishes the Reformed view with the following:

The Reformed certainly accept both innate and acquired natural theology....[B]y natural theology they mean a theology that arises spontaneously, without revelation, from the rational nature concreated in all, in much the same way that reasoning is said to be innate to human beings....The Reformed certainly acknowledge that natural theology is useful for refuting atheists, for demonstrating a deity, for some kind of worship of God (Rom. 1:19-20),....[but] what is born of nature and reason, which is corrupted, dim-

¹²⁰ “A Short and Clear Exposition of the Christian Faith,” in *On Providence and Other Essays: Ulrich Zwingli* (Durham, NC: The Labyrinth Press, 1983 [1922]), 272.

¹²¹ Mastricht, *TPT*, I.78.

¹²² Mastricht, *TPT*, I.83.

sighted, and blind, cannot offer us a theology that is sufficient for salvation.¹²³

Mastricht then offers three refutations for those who deny natural theology: From...

(1) Scripture (Rom. 1:19-20; 2:14-15; Ps. 19:2-3; 104; Acts 14:15) whenever it teaches that divine things are observed by pagans by their reason apart from revelation; (2) conscience, naturally excusing and condemning either good or evil deeds (Rom. 2:15); (3) the consent of the nations, which is most evident from the voyages of the Portuguese, the English, and the Dutch; and (4) experience, which is obvious in the great many spiritual, ethical, economic, and political writings of the pagans.¹²⁴

In his section on “The Existence and Knowledge of God,” Mastricht offers eight proofs for the existence of God. He prefaces his proofs with the following:

Therefore we must argue the case for his [God’s] existence before we explain the reason for the knowledge of him. In order to argue that case firmly, it must be presupposed that we do not want by the term *God* to be understood anything but ‘the absolutely first being,’ and that we will demonstrate the existence of this being first by reason, because atheists ridicule testimonies, and then by testimonies, because once atheists are convinced by reason, they can be remarkably confirmed by testimonies of every kind.¹²⁵

His rational proofs are from the “subordination of causes,” “the creation of the world,” “the preservation of the world,” “the governance of the world,” “the heavens,” “man,”

“commonwealths and laws,” and “miracles and predictions.” The “testimonies” are

“conscience” (for which he cites the experiences of Nero, Caligula, and King Richard III of England, and an ode of Horace), the “world” (for which he cites the “universal and constant approval of all nations”) and “God...by speaking in scripture.”¹²⁶ Notice he presents proofs from reason before the testimony of scripture, because atheists ridicule testimonies.

It is difficult to exaggerate how devastating this is to lots of scholarship on religion and

¹²³ Mastricht goes on to say that natural theology was clear and sufficient for man, when in a state of integrity, to achieve his end. On innate and acquired knowledge of God, Alsted likewise says that “*Cognitio naturalis Dei creatoris est duplex, insita et acquisita.*” *Theologia Naturalis*, (Antonius Hummius, 1615), 14. Translation: “Natural knowledge of the Creator God is twofold, innate and acquired.”

¹²⁴ Mastricht, *TPT*, I.83.

¹²⁵ Mastricht, *TPT*, II.45.

¹²⁶ Mastricht, *TPT*, II.45-57.

the American founding. The question over orthodoxy and rationalism is not whether one affirms, uses, or enquires into natural theology, for the Reformed orthodox recognized the uses of rational inquiry into natural theology. They had no hatred for philosophy. Nor is the question whether one uses reason to “confirm” revelation, for such confirmation illustrates the twin modes of acquiring truth. Nor it is whether you use rational proofs for the existence of God. Nor is the question whether one appeals to orthodox or heterodox sources for one’s natural theology, for even the pagans observe “divine things” by reason and the “consent of the nations” confirms natural theology. The question over rationalism must be whether one thinks that all truth is in the storehouse of reason, which makes reason the rule or measure of *all* truth (not some truth). The Reformed orthodox denied and the theistic rationalists affirmed.

5. Conclusion

This chapter focused on sources for founding era thinking on reason and revelation and has focused on natural theology and the concerns of theologians. Theologians have unique concerns with reason and revelation, because only the discipline of theology contains truths that are above reason (viz. mysteries of faith), and so only in theology does reason function in an ancillary role. But this is not reason’s role in political matters. All civil principles of civil order are natural principles, and there is no divinely inspired, universally valid set of applications of those principles. In the next chapter, I focus on reason and revelation as it concerns civil government, natural law, civil law, and ethics.

7. Reason and Revelation in the Founding Era: Natural Law

1. Reformed Clergy and Political Sermons

If the Reformed tradition is optimistic toward natural theology, then one would expect even greater optimism toward natural law as it concerns politics. After all, the fall most affected what oriented man to heaven, not to earth. The fall directed man even *more* to earthly life, filling man with lusts for the things of this world. This explains why Reformed theologians cast both severe judgments upon “natural” man (for failing to give God his due in heart) and also recognized man’s remarkable achievements in civil life. Fallen man is unrighteous (internally) before God but potentially upright (outwardly) before fellow man. Principles of politics, though not without difficulties in their application, are much less obscure than true religion. Reason and experience, therefore, are more reliable on political matters.

In this section, I argue that preachers and statesmen who identified with the Reformed tradition in the founding era and who grounded their political philosophies in nature and appealed to reason to justify them did not exceed the bounds of their Reformed theological tradition.

Lockean and the Rational Hermeneutic

Scholars often stand bewildered or dumbfounded at the unashamed use of reason, philosophy, and “Enlightenment” terminology by otherwise orthodox Protestant ministers in the founding era. Relying on certain assumptions, scholars have been unable to reconcile the Enlightenment-sounding themes and Reformed Christianity. For example, Michael Zuckert can see only a “a ‘rational Christianity’ [that is] related to the Bible, yet deploy[s] reason all along the way” in many of the political sermons of the founding era.¹ He says that it is

¹ Michael P. Zuckert, *The Natural Rights Republic: Studies in the Foundation of the American Political Tradition* (Notre Dame: University of Notre Dame Press, 1996), 172.

“remarkable...how little” Reformed pastors of the founding era “Christianized” Lockean doctrine. In my view, Zuckert, Gregg Frazer, and other scholars do not ask the right questions, because they assume erroneous juxtapositions of Christianity/Enlightenment, scripture/nature, and faith/reason.

Zuckert summarizes his position on the founding era political sermons in the following:

The divines of the eighteenth century endorsed the Lockean doctrine of the harmonious relationship between reason and revelation, the self-sufficiency of reason in the political sphere, and the primacy of a rational hermeneutic, they were enacting a substantial break with the reigning political theology of the previous century.²

From the outset, we can easily deny that harmony between reason and revelation is a distinctively “Lockean doctrine.” It is a ubiquitous Reformed doctrine. We might also question whether Zuckert’s interpretation of Locke is correct. In his *Essay Concerning Human Understanding*, Locke writes that “*revelation*, where God has been pleased to give it, must carry it against the probable conjectures of reason.”³ Privately, he wrote “The Gospel contains so perfect a body of ethics, that reason may be excused from that enquiry, since she may find man’s duty clearer and easier in revelation than in herself.”⁴ Even “probable conjectures of reason” must give way to scripture. Locke himself seems to deny the self-

² Zuckert, *Natural Rights*, 159.

³ Full quote: “Since God, in giving us the light of reason, has not thereby tied up his own hands from affording us, when he thinks fit, the light of revelation in any of those matters wherein our natural faculties are able to give a probable determination; revelation, where God has been pleased to give it, must carry it against the probable conjectures of reason. Because the mind not being certain of the truth of that it does not evidently know but only yielding to the probability that appears in it, is bound to give up its assent to such a testimony which, it is satisfied, comes from one who cannot err and will not deceive.” *An Essay Concerning Human Understanding*, 18.8. Locke also says that some truths are above reason and such truth are the “proper matter of faith” 18.7.

⁴ See John Locke, *The Works of John Locke in Four Volumes* 7th edition, Vol. III (London: Rivington, 1768), 327. In another letter, Locke writes to Richard King that “The Christian religion is a revelation from God Almighty, which is contained in the bible; and so all the knowledge we can have of it must be derived from thence.” See Locke, *Works*. Vol. III, 641.

sufficiency of reason and a rational hermeneutic.⁵

Moreover, the claim that these otherwise orthodox ministers of the founding era relied on the “self-sufficiency of reason” and used a “rational hermeneutic” is imprecise and misleading. As we saw in Chapter 2, Reformed authors often wrote treatises on politics without leaning heavily on scripture. Indeed, Bartholomew Keckermann early in the 17th century cited classical authors far more than he did Scripture, as did Niel Hemmingson in his treatise on natural law. Does this qualify as the self-sufficiency of reason? Alsted tells us that reason and experience are generally sufficient for confirming proper civil action and arrangements: reason dictates and experience confirms.

I will not defend the biblical interpretation of patriot preachers in the founding era. It is often sloppy and forced. But whether those ministers’ interpretations were right or wrong (or wrongly motivated) is beside the point. The question is whether a Reformed minister can remain consistent with his Reformed theology when he (1) uses extrabiblical terminology in his exposition of a Biblical text and (2) expounds from that text a political philosophy. Neither (1) or (2) is necessarily a form of rationalism or capitulation to Enlightenment.

If both the natural law and the moral law of scripture are the same as to substance, then one can use the terminology derived from natural law in an exposition of scripture. An extrabiblical term or statement can be coincident with terms and statements of scripture. Perhaps these preachers committed eisegesis, viz., reading *into* scripture one’s own conclusions from (purported) reason. But that is a matter of internal motivation and so irrelevant to the issue. Whether these preachers followed a “rational hermeneutic” is likewise purely a question of their mental state. Applying a rational hermeneutic is the conscious imposition of conclusions from *reason* against one’s own conclusions from *revelation*. But

⁵ See also Steven M. Dworetz, *The Unvarnished Doctrine: Locke, Liberalism, and the American Revolution* (Durham and London: Duke University Press, 1990), 126-8. Dworetz refutes Leo Strauss’ interpretation of reason and revelation in Locke.

there is no evidence that founding era ministers did this, and whether they consciously imposed or not, the consequent is the same. One cannot infer that they used a rational hermeneutic simply by showing that they did (1) and (2).

Furthermore, a Reformed preacher citing Locke on social contract theory or natural rights is no different than citing Aristotle on man as a political animal. Perhaps a true Lockean is a rationalist (though that is doubtful), but citing Locke to support some political principle or premise commits one to Lockean rationalism no more than citing Aristotle commits one to paganism. To be sure, the question of Locke's influence in the founding era is important, and I am willing to acknowledge more influence than other scholars who fall on the continuity side. But the use and influence of Locke is relevant to the question of continuity only if the specific ideas used conflict with the principles I have identified. Below I show continuity of terminology and the use of extrabiblical terminology in 17th century New England.

The Bible and Extrabiblical Language

Frazer's work relies heavily on the idea that orthodox Protestant must ground politics in biblical revelation alone. Since many patriot preachers, in his reading, did not ground their political theory in the Bible alone, they relied on theistic rationalist assumptions. He devotes numerous pages documenting their use of words like "reason" and "nature", and their use of "Lockean" terms. He argues that they used "liberal democratic" ideas, which include the state of nature, equality, consent, self-preservation, popular sovereignty, self-determination, social contract, accountability of rulers to the people, the purpose of government in securing rights, natural rights, liberty, republican government, and resistance to tyranny. Since these ideas are found nowhere in the pages of scripture, Frazer concludes that they must be conclusions of purported reason and, therefore, rationalist conclusions.⁶ Frazer is not alone in this claim.

⁶ Frazer, *The Religious Beliefs of America's Founders*, 85-87.

Robert Kraynak, for example, writing on the Declaration, says that

The notion that God created man to enjoy natural rights and to establish government by consent—founding principles of liberal democracy or republican self-government—is not in the Bible. Nor is it in the writings of medieval and early Reformation theologians nor in the covenantal theology of the Puritans of colonial America.⁷

Of course, these principles *are* in the writings of medieval, early Reformed theologians, and the New England Puritans. Whether the founding principles are in the Bible is a matter of biblical interpretation. But Kraynak's point is that since no one could reasonably exegete these principles from the Bible alone, they are not Christian or biblical ideas. They are Enlightenment ideas, which makes the American founding an Enlightenment founding. Though this conclusion betrays the same sort of confusion I discussed above, it is worth showing that the Puritans of the 17th and early 18th centuries used similar language as their progeny in the founding era.

The purpose here is not to answer questions on how these “liberal democratic” ideas evolved from their origins to the founding era, nor to show that these ideas are distinctively Christian ideas. Rather, the intent is to provide evidence that these ideas were present, sometime ubiquitously so, in Reformed writings. This shows that 1) Reformed Christians have always used extrabiblical language in their political theorizing and 2) that there is continuity as to language and concepts in pre-19th century American political thought.

Frazer first points out the frequent appeal to the “state of nature.” Though Hobbes and Locke (before Rousseau) dominated the discussion of that idea in the 18th century, it is

⁷ Robert P. Kraynak, *Christian Faith and Modern Democracy* (Notre Dame: University of Notre Dame Press, 2001), 127-128. Quoted in Frazer, *Religious Beliefs*, 215.

present in *Vindiciae Contra Tyrannos*,⁸ Richard Hooker's *Laws of Ecclesiastical Polity*,⁹ and Samuel Rutherford's *Lex, Rex*.¹⁰ John Davenport seems to assume it as well, as we saw in Chapter 4. Locke might have been the immediate source for the idea in the founding era, but that is irrelevant. Reformed Christians were comfortable with the idea of a pre-political state of natural liberty before Locke wrote about it.

Frazer then takes aim at equality, saying that the stress on equality in the founding era was thoroughly Lockean. The idea of natural equality, however, is ubiquitous in the Reformed tradition. Calvin,¹¹ Rutherford,¹² and Davenport affirmed natural equality, to name just a few. Frazer quotes founding era preacher Samuel Cooke, who said that "We want not...a special revelation from heaven to teach us that men are born equal and free... These are the plain dictates of reason and common sense."¹³ For Frazer, denying the need for revelation is a clear sign of theistic rationalism. But the dictates of reason, backed by a massive body of testimony (i.e., experience), does not require revelation for confirmation.

Frazer states that the ministers' ideas of "consent" and the "law of self-preservation" are

⁸ Mornay states, "In the first place every one consents, that men by nature loving liberty, and hating servitude, born rather to command, than obey, have not willingly admitted to be governed by another, and renounced as it were the privilege of nature, by submitting themselves to the commands of others, but for some special and great profit that they expected from it." Quoted in Glenn Moots, *Politics Reformed*, 123.

⁹ Hooker writes, "[T]o supply those defects and imperfections which are in us, as living single and solely by ourselves, we are naturally induced to seek communion and fellowship with others: this was the cause of men's uniting themselves at first in politic societies." See Bk. 1, Section 10.

¹⁰ Rutherford writes, "if all men be born equally free, as I hope to prove, there is no reason in nature why one man should be king and lord over another." Rutherford, *Lex, Rex or The Law and the Prince* (Harrisonburg, VA: Sprinke Publications, 1982 [1644]), 3-4.

¹¹ Calvin states, "Indeed when we speak of men, there is some equal fellowship: for we come all of Adams race: we be all of one kind: and all this imports an equality among men." See Sermon 37 in Calvin's *Sermons on Deuteronomy*, available at <https://www.monergism.com/sermons-deuteronomy-ebook> (accessed July 5, 2020).

¹² Rutherford states, "All men be born equally free." Rutherford, *Lex, Rex*, Q. II.

¹³ Frazer, *The Religious Beliefs of America's Founders*, 88.

Lockean. However, both are quite common in the Christian political tradition. Founding era preachers Samuel West, Moses Mather, and Cooke affirmed these principles by “reason” and “plain proof,” which should surprise no reader of the Christian political tradition. Samuel Willard said in one of his lectures on the Fifth Commandment that...

Self-preservation is a principle so closely rivetted into the nature of creatures, that it is unnatural to doubt of the lawfulness of it; and to choose rather to suffer all manner of violence and oppression, than to stand on our defense, and resist and injurious adversary, is to forgo reason itself. Nor can such a people expect long to enjoy the liberties, which God has bestowed on them a right unto.¹⁴

Another New England Puritan preacher, Samuel Nowell (1634-1688) states, “The Law of nature...teacheth men self-preservation.”¹⁵ Samuel Rutherford writes,

Because if all living creatures have radically in them a power of self-preservation, to defend themselves from violence,—as we see lions have paws, some beasts have horns, some claws,—men being reasonable creatures, united in society, must have power in a more reasonable and honourable way to put this power of warding off violence in the hands of one or more rulers, to defend themselves by magistrates.¹⁶

As for the idea of “consent,” Frazer targets founding era preacher John Tucker who said that “all government...is founded in compact” and contrasts it with the “biblical concept of *covenant*.” As we saw above, Kraynak contrasts consent with “covenantal theology.” First, covenant theology in the Reformed tradition is principally about salvation or, more generally, about conditions for attaining heavenly life, not about the basis or ground of civil order.

Though the New England Puritans stressed civil covenants,¹⁷ I’ve found little emphasis

¹⁴ Samuel Willard, *A Complete Body of Divinity in Two Hundred and Fifty Expository Lectures on the Assembly’s Shorter Catechism*, Kindle edition, ed. Mike Christian in 2015 (Boston: Green and Kneeland, 1726), location 38138.

¹⁵ Samuel Nowell, *Abraham in arms; or The first religious general with his army engaging in a war for which he had wisely prepared, and by which, not only an eminent victory was obtained, but a blessing gained also. Delivered in an artillery-election-sermon, June, 3. 1678*. (Ancient and Honorable Artillery Company of Massachusetts, 1678).

¹⁶ Rutherford, *Lex Rex*, Q. 4.

¹⁷ See Glenn Moots, *Politics Reformed: The Anglo-American Legacy of Covenant Theology* (Columbia and London: University of Missouri Press, 2010), 100-116.

elsewhere, except among Scottish Presbyterians (viz. the Covenanters). Second, the idea of “consent” is quite common in the Christian tradition. Calvin himself, showing no hint of innovation, links together both “liberty” (which Frazer also claims is absent from the Bible) and “consent” in rejecting “hereditary right.” He writes,

In this especially consists the best condition of the people, when they can choose, by common consent, their own shepherds: for when any one by force usurps the supreme power, it is tyranny; and when men become kings by hereditary right, it seems not consistent with liberty. We shall then set up for ourselves princes...and that by the common consent of all.¹⁸

Althusius states that “the efficient cause of political association is consent and agreement among the communicating citizens.”¹⁹ On liberty, Frazer tells us that “the Bible does not declare any rights for man or emphasize or guarantee his political liberty.”²⁰ Calvin seems to disagree, as does De Mornay: “men by nature lov[e] liberty.”²¹ Rutherford says that it is “against nature for us to resign our liberty.”²²

On the purpose of government, the liberal democratic view is that “the end or purpose of government is to secure the common good or common interest,” states Frazer, while the Bible teaches, specifically in Romans 13, that the purpose is to “restrain man’s evil tendencies and propensity towards violence.”²³ Though restraining evil was an important end in government, the welfare of the whole was often considered the chief earthly end. In 1671, New England preacher, Jonathan Mitchel (1613-1685), said the following:

¹⁸ Calvin, *Commentaries on the Twelve Minor Prophets*, Vol. 3, trans. John Owen (Grand Rapids: Baker Books, 2005), 309-10 (on Micah 5:5).

¹⁹ Johnnes Althusius, *Politica: Politics Methodically Set Forth and Illustrated with Sacred and Profane Examples*, trans. Fredrick S. Carney (Indianapolis: Liberty Fund, 1964), 24 (I.29).

²⁰ Frazer, *The Religious Beliefs of America’s Founders*, 98.

²¹ Philippe de Mornay, *A Defense of Liberty Against Tyrants: A Translation of the Vindiciae Contra Tyrannos by Junius Brutus*, trans. Harold J. Laski (London: G. Bell and Sons, 1924), Q. III.

²² Rutherford, *Lex, Rex*, Q. II.

²³ Frazer, *The Religious Beliefs of America’s Founders*, 96.

That maxim of the Romans was and is a principle of right reason, *Salus Populi Suprema Lex*, and is engraven on the forehead of the law and light of nature. Hence it is owned and confirmed by the Scriptures, as we see in the text; and it is easily deducible from the law of God: for that that is indeed the law of nature, is a part of the eternal law of God; and the law of God enjoins that in humane civil affairs, things be managed according to right reason and Equity; and that Rulers, as they are for the people, so they are to make it their main business, and the scope of all their actions, laws and motions, to seek the welfare of the people.²⁴

Mitchel not only states that the end of government is the welfare of the people, he appeals to a Roman principle, right reason, the light of nature, and the law of nature, and he speaks of scripture confirming the light of nature. Willard argues that the end of government is to make men happy by preventing violence *and* encouraging service to God:

It lies especially with rulers, under God, to make a people happy or miserable. When men can enjoy their liberties and rights without molestation or oppression; when they can live without fear of being born down by their more potent neighbours; when they are secured against violence, and may be righted against them that offer them any injury, without fraud; and are encouraged to serve God in their own way, with freedom, and without being imposed upon contrary to the Gospel precepts; now are they an happy people.²⁵

In one of his lectures on the Fifth Commandment, Willard says that “the proper end of government...is the well-being of the whole, and every part of it.”²⁶

This brings us to the concept of “natural rights.” I have more to say about natural rights in Chapter 9. Here, I show that the idea of the civil government securing “rights” was common in Puritan New England. Willard states that one end of government is that “men’s rights are...upheld.”²⁷ Joseph Sewall writes that “Rulers, must walk by rule in their

²⁴ Jonathan Mitchel, *Nehemiah on the wall in troublesom [sic] times; or, A serious and seasonable improvement of that great example of magistratical piety and prudence, self-denial and tenderness, fearlessness and fidelity, unto instruction and encouragement of present and succeeding rulers in our Israel*. (Boston, 1667).

²⁵ Samuel Willard, *The character of a good ruler. As it was recommended in a sermon preached before His Excellency the governour, and the Honourable Counsellors, and Assembly of the Representatives of the province of Massachusetts-Bay in New-England*. (Boston, 1694).

²⁶ Samuel Willard, *Complete Body of Divinity*, 37888.

²⁷ Samuel Willard, *Complete Body of Divinity*, 37728.

administrations, taking care that the ruled enjoy their rights and properties.”²⁸ Davenport says that civil rulers “may set bounds and banks to the exercise of that [civil] Power, so as it may not be exuberant, above the laws, and due rights and liberties of the people.”²⁹ John Barnard in 1734, quoting in part Anglican Archbishop Tillotson (1630-1694), writes,

It is the good of the whole community both rulers and ruled in conjunction, that is the great and main end of government; and therefore we find Dr. Tillotson thus expressing himself, ‘The great end of government is, to preserve men in their rights, against the encroachments of fraud and violence.’ To preserve men, not this or that person, or this set of men, only, but the whole body of mankind, and every individual member of the body politick.³⁰

The principal end of government, according to Barnard, is securing “the rights, liberties, defense, protection, and prosperity of the subjects.”³¹ In 1701, New England minister Benjamin Colman, (1673-1747) writes that Christian civil societies can apply “the ordinary exercise of prudence and reason, or the use of proper means to defend our civil or sacred rights.”³² The language of “rights” was common in Puritan New England.

The founding era Reformed preachers did not capitulate to “rationalist thought,” nor did they produce a “hybrid religion mixing the so-called rational elements of Christianity with natural religion and enlightenment social thought,” as Frazer claims.³³ No preacher that Frazer cites in this section violates the limits reason and revelation in the Reformed tradition. Nor does any preacher use ideas that lack basis in the Reformed political tradition.

²⁸ Joseph Sewall, *Rulers must be just, ruling in the fear of God. A sermon preach’d before the Honourable, the lieutenant governour* (Boston, 1724).

²⁹ John Davenport, *A sermon preach’d at the election of the governour* (Boston, 1669), 6.

³⁰ John Barnard, *The throne established by righteousness. A sermon preach’d before His Excellency Jonathan Belcher* (Boston, 1734).

³¹ Barnard, *The throne established by righteousness*.

³² Benjamin Colman, *Faith victorious. As it was represented in a sermon preached to the Honourable Artillery Company in Boston, on the day of their election of officers* (Boston, 1702).

³³ Frazer, *The Religious Beliefs of America’s Founders*, 106.

In the next section, I discuss reason and revelation in the thought of founding father James Wilson. Following Wilson, I briefly discuss John Jay's view of natural law, the limitations of reason, and two-kingdom theology.

2. James Wilson and John Jay on Reason and Revelation

James Wilson

A significant, though neglected, figure in the founding era is James Wilson (1742 – 1798). He is one of the few founders who not only signed the Declaration of Independence but also attended the Constitutional Convention at which he spoke 168 times, more than any other member except Gouverneur Morris.³⁴ He was appointed associate justice of the Supreme Court in 1789. Major William Pierce, fellow delegate with Wilson to the Constitutional Convention, said that “Mr. Wilson ranks amongst the foremost in legal and political knowledge.... He draws attention...by the force of his reasoning.”³⁵

Mark Hall has summarized the literature on Wilson.³⁶ Hall's treatment of Wilson demonstrates that “Wilson embraced a Christian conception of natural law,”³⁷ but he claims that “Wilson's view of the Fall was more Catholic than Calvinist, [for] he did not see anything contradictory in arguing that natural law could be known through reflecting on one's nature.” As we saw above, Calvinists did not hold this position on the natural law.

³⁴ See Mark David Hall, *The Political and Legal Philosophy of James Wilson: 1742-1798* (Columbia, 1997).

³⁵ Major William Pierce, “Characters in the convention of the states,” Accessed online. Lillian Goldman Law Library, Yale Law School. http://avalon.law.yale.edu/18th_century/pierce.asp. Accessed February 3, 2016.

³⁶ Mark D. Hall, “James Wilson: Presbyterian, Anglican, Thomist, or Deist? Does It Matter?” in *The Founders on God and Government*, eds. Daniel L. Dreisbach, Mark D. Hall, and Jeffrey H. Morrison (Lanham, 2004), 184-187.

³⁷ Hall, “James Wilson,” 185.

Consistent with my interpretation of Wilson, Justin Dyer has recently argued that “Wilson’s lectures point...to a vision of founding-era jurisprudence that was self-consciously rooted in a divinely created and rationally intelligible moral order that was both complemented and presupposed by Christian revelation.”³⁸ Frazer argues that Wilson was a theistic rationalist, pointing to Wilson’s view that scripture is supplemental to knowledge of moral truth. According to Frazer, Wilson reverses the traditional relationship of reason and revelation by using revelation to “confirm or expand upon what reason determined to be true.”³⁹

Wilson discusses the relationship between reason and revelation in his *Lectures on Law*, distinguishing various kinds of laws. The first is the “law eternal,” which “we are neither able nor worthy” to know. God “is a law to himself.”⁴⁰ The idea of a hidden and unsearchable eternal law is found in Aquinas, Hooker, Turretin, and many Reformed theologians who understood the natural law as a shadow and copy of this eternal (archetypal) law embedded in creation.⁴¹ Consistent with the classical Christian tradition, Wilson states that the natural law is suited for man in “his present state,” which is communicated to man by “reason and conscience” and by “sacred oracles.” These “oracles” refer to the “revealed law” of scripture. Both the natural law and revealed law flow “from the same divine source: it is the law of God.” Both are the same as to substance, being two modes of delivering the same law of God. One is by “divine monitors” within (reason and conscience) and the other is a monitor from without (viz. scripture). For Wilson, there is a unity of truth converging from natural reason

³⁸ Justin Buckley Dyer, “Reason, Revelation, and the Law of Nature in James Wilson’s Lecture on Law,” in *American Political Thought*, Vol. 9, Number 2 (Spring 2020), 264-284.

³⁹ Frazer, *The Religious Beliefs of America’s Founders*, 20.

⁴⁰ James Wilson, *Collected Works of James Wilson*, eds. Kermit L. Hall and Mark David Hall (Indianapolis, 2007). Vol. 1. http://oll.libertyfund.org/titles/2072#Wilson_4140_2323. All quotes from Wilson come from this section of his *Lectures on Law*.

⁴¹ See Thomas Aquinas, *The Political Ideas of St. Thomas Aquinas* (New York, 1997), 29-41 (*Summa Theologica* I-II.93); Hooker, *Laws*, 122 (1.16.2); and Turretin, *IET*, (11.2.16). Junius affirms this as well in *Mosaic Polity*, 41-42. So too did Girolamo Zanchi (1516-1590) in *On Law in General*, trans. Jeffrey J. Veenstra (Grand Rapids, 2012), 4-7.

and special revelation, and both are divine.

Concerning the power of natural reason, Wilson states that “reason and conscience can do much” as a “guide and director of our conduct.” Man has a “moral faculty” called the “moral sense.” Yet reason and conscience “stand in need of support and assistance.” Wilson’s view of reason is far less optimistic than some would grant him.⁴² Without revelation, the world would be “dark and ignorant” and in a “thick darkness” hiding “great and sublime truths.” Reflecting a common position throughout Christian thought, including in the thought of Aquinas and Richard Baxter,⁴³ Wilson states that only a “few” acute people would have the “sparks” to “diffuse a glimmering light” to the “mass of mankind.” The “darkness” and “imperfection of our internal powers,” Wilson writes, calls for a perfect revelation whose truth is independent of human internal powers, and imperfection prepares the world to accept the “immediate and direct” revelation or “illumination” from the “all-gracious Creator,” namely, scriptural revelation. “This revelation,” he writes, “is contained in the holy scriptures. The moral precepts delivered in the sacred oracles form a part of the law of nature, are of the same origin, and of the same obligation, operating universally and perpetually.”

Recognizing the supremacy and immediacy of scriptural revelation, Wilson sees scripture as both self-authenticating and more perspicuous than the natural law. Scripture contains the immutable natural law and “greatly improves” our natural knowledge of providence and the future state. The result is that anyone with a “common education, knows more, and with more certainty, than was known by the wisest of the ancient philosophers.” Scripture clarifies the most obscured natural truths.

Since Wilson is giving lectures on law, there is no reason for him to mention that scripture contains two types of revelation: the means of salvation, which is adventitious and

⁴² See Frazer, *The Religious Beliefs of America’s Founders*, 186-7.

⁴³ Thomas Aquinas, *Summa Theologica* I.1.1 and Richard Baxter, *The Reasons of the Christian Religion* (R. White, 1667), 195.

above reason, and natural truth, which one could know innately in conscience and acquire by reason. Wilson's focus is on the latter. Frazer misses this distinction and makes much of the word "contained" in, as Wilson writes, "This revelation is *contained* in the holy scriptures." To Frazer, this means that "some of the Bible was God's revelation and some was not,"⁴⁴ an interpretation which is plainly false. Wilson is referring to the laws of God as "Creator, Preserver, and Ruler." And indeed, natural knowledge *is* contained in scripture, as any orthodox Reformed theologian would say. It *also* contains adventitious knowledge that is above reason. If Wilson meant anything specific in his use of "contain," it reflects his nuanced and correct understanding of the Reformed tradition on the content of scripture.

Moreover, Wilson implies that reason is not the standard, judge, or rule of the precepts of revelation. He writes, "Thus it is with regard to reason, conscience, and the holy scriptures. Where the latter give instructions [to a "publick minister"], those instructions are supereminently authentick [*sic*]." Reason, therefore, cannot be the measure or rule of scriptural revelation, for scripture has its legitimacy apart from and is higher than reason.

Wilson continues by commenting on the relationship of scripture, reason, and moral duty, he writes,

But whoever expects to find, in them [scripture], particular directions for every moral doubt which arises, expects more than he will find. They generally presuppose a knowledge of the principles of morality; and are employed not so much in teaching new rules on this subject, as in enforcing the practice of those already known, by a greater certainty, and by new sanctions....They are addressed to rational and moral agents, capable of previously knowing the rights of men, and the tendencies of actions; of approving what is good, and of disapproving what is evil.

Nothing here is inconsistent with Wilson's theological tradition. Fallen man generally knows (but misapplies) the principles of natural law. Scripture provides an addition of certainty to the knowledge of those principles and addresses rational and moral beings. Conscience continues to approve what is good and disapprove what is evil. But principles

⁴⁴ Frazer, *The Religious Beliefs of America's Founders*, 186.

need application, and differing circumstances require differing applications, sometimes even contrary ones. Though the degree that Scripture is sufficient for every circumstance is disputed, all Reformed authors acknowledge that right action requires the prudential and rational deliberation on circumstances.

Wilson continues with the following:

The scriptures support, confirm, and corroborate, but do not supercede the operations of reason and the moral sense. The information with regard to our duties and obligations, drawn from these different sources, ought not to run in unconnected and diminished channels: it should flow in one united stream, which, by its combined force and just direction, will impel us uniformly and effectually towards our greatest good.

Confident that he has found the smoking gun, Frazer contends that this is the “quintessential theistic rationalist position.”⁴⁵ But it is not rationalist. Frazer misunderstands both Wilson’s point and the tradition he is reflecting. Scripture does indeed support, confirm, and corroborates reason on *natural duty*. These are lectures on natural and civil law, not divinity. Wilson is not saying that scripture functions *only* to support, confirm, and corroborate the operations of reason and moral sense. He says earlier in the lectures that “the law eternal,” which is the “peculiar object of the profession of divinity,” is “disclosed” in scripture. Scripture contains more knowledge than that of natural duty. Wilson is not discussing reason’s relationship to scripture as a theologian, but as a jurist.

Wilson’s position on reason and revelation is the same as that of the Reformed tradition; he is not a rationalist. He does not subject supernatural truth to the measure of reason. Fallen man is blind before the “sublime truths” of heaven, but not before the truths related to our earthly existence. The Bible is principally the depository of truth for salvation, not for the particulars of civil duty; and when the Bible speaks of civil duty, it addresses rational creatures. Wilson did not exceed the bounds of the Reformed tradition.

⁴⁵ Frazer, *The Religious Beliefs of America’s Founders*, 187.

John Jay

John Jay was president of the Continental Congress, the ambassador to sign the Treaty of Paris (1783), the author of five articles in the *Federalist Papers*, a diplomat of the early American republic to Great Britain, and the first Chief Justice of the United States. Though a descendant of Huguenots on his father's side and Dutch Reformed on his mother's side, he was a life-long member of the Episcopalian church.

Jay was the vice-president (1816-21) and president (1821-27) of the American Bible society. He gave annual speeches to the Society, exhorting the members to serve the Lord with zeal. In the 1825 address, he made clear distinctions on reason and revelation. He said,

Certain other commentators, doubtless from a sincere desire to increase Christian knowledge by luminous expositions of abstruse subjects, have attempted to penetrate into the recesses of profound mysteries, and to dispel their obscurity by the light of reason. It seems they did not recollect that no man can explain what no man can understand. Those mysteries were revealed to our faith, to be believed on the credit of Divine testimony; and were not addressed to our mental abilities for explication. Numerous objects which include mysteries daily occur to our senses....Hence it may rationally be concluded, that the mysteries of the spiritual world are still farther remote from the limited sphere of human perspicacity.⁴⁶

Jay explicitly affirms that the mysteries of faith are above reason. Our mental faculties cannot rise to such levels of understanding and so require belief on the "credit of Divine testimony" alone. The credibility of the author is the sole ground of one's belief in them. Furthermore, Jay states that reason has limits—that man is unable to comprehend these "profound mysteries." We can "rationally" conclude this, because if even the natural world surpasses our understanding, then *a fortiori* we certainly cannot comprehend what is above nature. Therefore, scripture is the exclusive and sufficient source for the mysteries of faith, and reason cannot penetrate them.

In 1818, Jay sent a letter to a friend, who apparently became convinced of Christian

⁴⁶ John Jay, "At the Annual Meeting, May 12, 1825," in *The Correspondence and Public Papers of John Jay*, Vol. 4, ed. Henry P. Johnston (New York: G.P. Putnam's Sons, 1890-93).

pacifism, that summarizes the Reformed Protestant view of the universality and immutability of the natural law. He writes,

The moral or natural law was given by the Sovereign of the universe to all mankind; with them it was co-eval, and with them it will be co-existent. Being founded by infinite wisdom and goodness on essential right, which never varies, it can require no amendment or alteration.⁴⁷

Though “Divine positive ordinances and institutions” were abrogated by the Gospel, “the mercy, and grace, and favour [that] did come by Jesus Christ...exposed and corrected the various errors which had been imbibed respecting the Supreme Being, his attributes, laws, and dispensation.”⁴⁸ Jay insists that “the gospel strongly enforces the whole moral law, and clears it from the vain traditions and absurd comments which had obscured and misapplied certain parts of it.” That is to say, the Gospel affirms the whole natural law; it illuminates what was obscured; it corrects its misapplication; and it does not abrogate, supersede, or replace it.

In an 1824 speech before the American Bible Society, Jay affirms the Creator/Redeemer distinction and articulates the Gospel:

The Bible will also inform them [‘heathens’], that our gracious Creator has provided for us a Redeemer, in whom all the nations of the earth should be blessed—that this Redeemer has made atonement ‘for the sins of the whole world,’ and thereby reconciling the Divine justice with the Divine mercy, has opened a way for our redemption and salvation; and that these inestimable benefits are of the free gift and grace of God, not of our deserving, nor in our power to deserve.⁴⁹

⁴⁷ John Jay, “Jay to John Murray, June,” in *The Correspondence and Public Papers of John Jay*, Vol. 4, ed. Henry P. Johnston (New York: G.P. Putnam’s Sons, 1890-93). Cited below as *Jay to John Murray, June*.

⁴⁸ Jay, “Jay to John Murray, June.”

⁴⁹ John Jay, “At the Annual Meeting, May 13, 1824,” in *The Correspondence and Public Papers of John Jay*, Vol. 4, ed. Henry P. Johnston (New York: G.P. Putnam’s Sons, 1890-93). He also says that the “heathens” have only “obscure and confused ideas of a future state, and [are] unable to ascertain how far justice may yield to mercy or mercy to justice....they live and die...involved in darkness and perplexities.”

This statement confirms Jay's belief in historic Protestant orthodoxy and demonstrates his knowledge of Protestant theology, particularly the Creator/Redeemer distinction.

Jay also explicitly affirms a standard two-kingdom theology. In his letter to the pacifist, he writes,

Being subjects of his spiritual kingdom, [Christians] are bound in that capacity to fight, pursuant to his orders, with spiritual weapons, against his and their spiritual enemies. Being also subjects and partakers in the rights and interests of a temporal or worldly state or kingdom, they are in that capacity bound, whenever lawfully required, to fight with weapons in just and necessary war, against the worldly enemies of that state or kingdom.⁵⁰

Though Jay is talking about participation in war, the implicit assumption is that the Gospel does not abrogate the natural principles of civil order. Jay and the other orthodox founders could participate so zealously in the founding era events because the temporal kingdom is an imperfect and penultimate realm with flexible and capacious principles and requires prudence and deliberation to determine the best possible arrangements to achieve civil and spiritual ends.

3. Religiously Ambiguous Founders

In terms of reason and revelation, we have good evidence to conclude that Witherspoon, Wilson, and Jay were orthodox Protestants. Numerous other founders and important figures in the founding era were likely orthodox as well. The clear examples are Roger Sherman,⁵¹ John Trumbull, Samuel Adams, Oliver Ellsworth,⁵² William Paterson,⁵³ Ezra Stiles, Patrick

⁵⁰ Jay, *Jay to John Murray*, June.

⁵¹ Hall identifies Roger Sherman as a "serious Calvinist." See *Roger Sherman and the Creation of the American Republic* (Oxford: Oxford University Press, 2013), 9.

⁵² William R. Casto argues that "Calvinism...completely dominated [Oliver Ellsworth's] understanding of human society" in "Oliver Ellsworth: 'I have sought the felicity and glory of your Administration,'" in *Seriatim: The Supreme Court Before John Marshall*, ed. Scott Douglas Gerber (New York, 1998), 293.

⁵³ Daniel A. Denen says concludes that William Paterson was a "strongly religious" Calvinist in "William Paterson: Small States' Nationalist," in *Seriatim*, 232.

Henry, and others.⁵⁴ I have more to say about a few of them in the next couple chapters. Some founders were clearly theologically unorthodox (e.g., Thomas Jefferson, John Adams, Benjamin Franklin). Others left behind sparse records of their religious beliefs, making it difficult to determine their religious beliefs. But as demonstrated in this work both the orthodox and the heterodox share basic, human reason and can deliberate together for natural ends. The founding generation shared the same intellectual sources, experiences, broad religious tradition, terms for political discourse, language, and general, earthly interests. They could talk of the same law of nature and nature's God. Both the rationalist and the orthodox could say, with Madison, that there is a "road from nature up to nature's God."⁵⁵ They agreed that religion is necessary for social happiness and an effective civil government. As fellow humans in the same milieu, they could cooperate to establish a human order to secure their happiness.

4. Conclusion

Rationalism in the founding era is not the affirmation of natural theology, natural religion, and natural law; in the use of natural reason, philosophy, and extrabiblical terminology; in appealing to non-orthodox philosophers or theologians; in offering rational proofs for the existence of God; in confirming reason with scripture; in affirming a God of nature; and in denying that scripture is a guidebook for every particular action. Many founders, therefore, were not rationalists. Admittedly, this chapter does not prove my thesis on continuity, but it does undermine much of the alleged evidence for *discontinuity*, and some theories are no longer tenable. In the next two chapters, I show that many founders held firm to the old principles, which demonstrates continuity, but applied them differently to

⁵⁴ See Hall's list of Calvinist founders in *Roger Sherman*, 9.

⁵⁵ Quoted in Frazer, *Religious Beliefs of America's Founding Fathers*, 172-3.

create a political system that was suitable for their circumstances and consistent with their experience.

8. Religion and Principled Discontinuity in the Founding Era

1. Principle and Tension

New England in the 17th century actively suppressed dissenting religious expression, but one-hundred years later the American elite unanimously supported full toleration for all Protestant sects. That there was discontinuity is undeniable. It is not enough, however, simply to point out differences, changes, and shifts in civil arrangements. What matters is whether the discontinuity is in principles or in varying applications of the same principles. I argue here and in the next chapter for the latter: the founding generation was in continuity as to principle with their 17th century fathers. The discontinuity is found in the application of those principles, and what shaped these applications was in part three centuries of Protestant experience with religious strife and diversity.

Though the founders were unanimous in supporting toleration, their unanimity on the government's role in religion ended there. There are two seemingly contrary views. We must discuss the nature of their disagreement to clarify whether one or both are consistent with 17th century principles. The question in the founding era on religious liberty was, to put it simply, establishment or non-establishment. This language of "establishment" in the American context referred not to the old Erastian kind—with the magistrate as the ruler over the church. Rather, establishment typically referred to "plural establishment" in which all (or property owners only) pay taxes that support the denomination of each person's choosing. This led to the *de facto* establishment of the majority's denomination, albeit with the right of free exercise for all others. The majority in the founding generation affirmed some form of establishment at the colony/state level. A few important founders, such as Madison and Jefferson, took the minority position: strict separation through non-establishment (viz. no public support for any denomination). I argue that both the majority and minority positions relied on Protestant premises and on the same principles as the 17th century New England

Puritans. Even the minority position, exemplified in the work of Madison, is in continuity, though Madison's argument needs to be rearticulated to clarify how Protestants at the time would have received it. What my evidence reveals is that the expansion of religious liberty in the late 18th and early 19th centuries was a product, not of the Enlightenment, but of Protestantism. It constitutes the unfolding of Protestant principles under the pressure of Protestant experience.

I've argued throughout this work that there was a natural tension in Reformed political theology between spiritual brotherhood among confessional diversity and the perceived need for religious uniformity for civil stability and the common good. This was not a *logical* tension, for accommodation was possible, at least in Puritan New England. New England churches provided credible professors of faith with second-order theological disagreements with all the benefits of ecclesiastical communion. As we saw in Chapter 3, New England churches admitted Antinomians, Presbyterians, and Baptists into full church membership. The Congregationalists were able to provide the highest good—spiritual good—to all whom they considered worthy to receive it. In other words, there is no logical contradiction in affirming both spiritual brotherhood amid disagreement and denying free exercise to dissenters, since means of grace is available and offered freely albeit only in established churches. The tension was more a *personal* tension, something arising from co-existence in a shared space. The majority encountered the minority and witnessed the “tender conscience” of the dissenters, which raised doubts about the need for outward, confessional uniformity to secure the common good.

There were *institutional* tensions as well. On what grounds could civil authorities deny a group of Baptists, who had credible professions of faith, from forming their own church? This is not a logical tension, for Congregationalists always affirmed that civil authorities could regulate the erection of churches. Still, even with accommodating practices, the

personal and institutional tensions remained; and the dissenting groups knew it and applied pressure for the expansion of toleration.

Increase Mather's 1681 preface to Samuel Willard's *Ne Sutor Ultra Crepidam*,¹ written in response to Baptist agitation, shows the mounting tension and pressure just 50 years after the founding of the Massachusetts Bay Colony. For Increase, the toleration of "antipaedobaptists" is not wrong in principle, but it would be wrong in application (so he thought) given the particularities of New England at the time. New England's theological counterparts in England, whom no one can mistake as "rationalists," published tracts calling for cooperation among Independents, Presbyterians, and Baptists. New England's policies were under strain from within and without, and its politics could not have endured far into the 18th century. Full legal toleration for dissenters, however, came not from internal deliberation, but from the English Crown in 1691, which after the Glorious Revolution issued a new charter imposing upon the colony full toleration for dissenters.²

But the crucial event in early New England history was Cotton Mather's ordination sermon for a Baptist minister in 1718. This public event declared more than any civil policy could. It is a milestone in ministerial cooperation between Congregationalists and Baptists in the New World. It is a turning point in American history and the culmination of American experience of religion diversity to that point, signifying public acceptance of the viability of a pan-Protestant civil order—that a diversity of Protestant confessions under the same jurisdiction is no threat to civil peace and the common good.

The majority view on religious toleration in the founding era was no different than Increase Mather's and Cotton Mather's in the early 18th century. This conclusion follows from a conditional syllogism: If the Mathers in 1718 shared the same principles as that of 17th

¹ Samuel Willard, *Ne Sutor Ultra Crepidam*. See Chapter 5.

² Seymour van Dyken discusses this event. See *Samuel Willard, 1640-1707: Preacher of Orthodoxy in an Ear of Change*, 77-80.

century New England and the majority of the American founders shared the same principles as the Mathers', then the American founders shared the same principles as 17th century New England. In a related way, the minority position agrees with the Mathers as well, but this conclusion requires re-articulation.

2. Puritan New England and Free Expression: A Recapitulation

It is worth recalling that the New England Puritans, as with the entire Reformed tradition, denied that civil government can punish simply for erroneous belief. Likewise, they always denied that civil governments could strike or coerce the conscience to reform it. Religious belief was a matter of persuasion, not coercion, even after baptism and church membership. This is why church ministers, armed with the Word, were always first to attempt the reformation of erring minds and hearts, and civil authorities would step in only if they remained or became publicly obstinate and a disruption to the ordinary life of the community. Not the beliefs themselves but the manner of their expression (e.g., disorderliness) or their tendency towards subversion or disruption (e.g., “dangerous opinions”) were appropriate objects of civil action. The 1649 *Platform of Church Discipline*, written in part by John Cotton, states that “The objects of the power of the magistrate are not things merely inward, and so not subject to his *cognizance* and views: as unbelief, hardness of heart, erroneous opinions not vented, but only such things as are acted by the outward man.”³ Nor could magistrates “compel their subjects to become church-members.” Of course, Puritan New England would restrain and punish by civil authority all outward “idolatry, blasphemy, [and] heresy,” for such expressed beliefs ordinarily disturb “the peaceable administration and

³ John Cotton, Richard Mather, and Ralph Partridge, “A Platform of Church Discipline, in *The American Republic: Primary Sources*, ed. Bruce Frohnen (Indianapolis: Liberty Fund, 2002), 63. Emphasis mine.

exercise of the worship and holy things of God.”⁴

In every incident that I discussed in Chapter 5, the New England authorities claimed to have good *civil* grounds to suppress the expression of dissenting religious belief. Roger Williams was sectarian and unruly. The Antinomians were subversive. The Quakers were wild and disruptive. The Anabaptists undermined the ecclesiastical role in social discipline and could not reciprocate institutional recognition. As Increase Mather said, what ballasts a large ship sinks a small one, which captures the thinking of the New England authorities throughout the 17th century. Wide religious toleration of expression would collapse the entire project, so they thought, and the project was worth fighting for.

In the early 18th century, as Cotton Mather reflected on the previous century in his *Magnalia Christi Americana*, he concludes that civil action against dissenters was (except for those against the Quakers) unnecessary and counterproductive. That is, such actions were, even back then, not suitable as *means* to a peaceable end, and whatever semblance of suitability there was had diminished significantly over time. For Cotton Mather and many in the founding generation, government still had a positive role in religion, not only in public support for it but also in restraining both public violators of natural religion and those with dangerous opinions that might injure the public. It was not the “Enlightenment” or John Locke who convinced Cotton Mather that civil order was possible with pan-Protestant religious diversity; it was experience with that diversity that produced the requisite imagination to see its possibility.

3. Religious Liberty in the Founding Era

Religion is Necessary for Civil Happiness

Regardless of their diversity on civil government’s role in religion, the founders were

⁴ Cotton et al., “A Platform of Church Discipline,” 63.

unanimous in the belief that religion is necessary for civic morals and public happiness. This is important for a couple reasons. First, it is a point of continuity with the Reformed political tradition (though contrary to Roger Williams). Second, it assumes (contrary to much 20th century thought) that religious associations are different in species with other public associations as to their *necessity* for public happiness.⁵ That is, they are not the same in species with other non-governmental associations, but are distinctive in their necessity for good and effective government.

Even those who held the minority view—those who wanted to disassociate civil government entirely from religion—considered flourishing religion a necessity for a well-regulated and happy society. Strict separation, therefore, had to be either harmless or beneficial to religion; for if strict separation were harmful, their political philosophy would be incoherent. It would require government to act in a way that undermines its own ability to act. This explains why advocates for strict separation, such as Madison, almost always argued (usually appealing to experience) that religious establishment is bad for religion and that strict separation is good for it. For example, in his famous *Memorial and Remonstrance against Religious Assessments*, Madison states that establishment “is adverse to the diffusion of the light of Christianity.”⁶ Furthermore, non-establishment is *necessary* for its good. In 1833, nearing the end of his life, Madison writes approvingly to Jasper Adams that his advocacy for disestablishment led to “greater purity & industry of the pastors & in the greater devotion of their flocks.”⁷

⁵ Put more precisely, religious associations (viz. churches) belong to the same genus, public association, but are distinctive in relation to all others public associations as *necessary* associations for public happiness.

⁶ James Madison, “A Memorial and Remonstrance Against Religious Assessments,” in *The Sacred Rights of Conscience: Selected Readings on Religious Liberty and Church-State Relations in the American Founding* (Indianapolis: Liberty Fund, 2009), 312.

⁷ James Madison, “Letter from James Madison to Jasper Adams,” in *Sacred Rights of Conscience*, 613.

The evidence that most of the founders, including the “key” founders, believed that religion had an essential role in political order is well-established and widely acknowledged. Gregg Frazer makes it a basic feature of theistic rationalism, a label he thinks best characterizes the key founders’ religious beliefs.⁸ Mark Hall says that “with few, if any exceptions, every founding-era statesman was committed to the proposition that republican government required a moral citizenry, and that religion was necessary for morality....[W]hen America’s founders spoke about ‘religion,’ virtually all of them—even those most influenced by the Enlightenment—meant Christianity.”⁹ John Adams, Benjamin Rush, Gouverneur Morris, Madison, Roger Sherman, Alexander Hamilton, James Wilson, George Washington, John Hancock and a host of preachers (e.g., Elizur Goodrich)¹⁰ affirmed the necessity of religion for public happiness.¹¹ John Witherspoon best summarizes the consensus: “virtue and piety are inseparably connected, [and so] to promote true religion is the best and most effectual way of making a virtuous and regular people.”¹² At issue then is not whether to promote, but *how* to promote. Some founders believed that strict separation best promoted religion; many (or most) disagreed.

Many founders explicitly emphasized the importance of natural religion, especially the belief that God will reward and punish all in a future state. Rush speaks of his “veneration for

⁸ See Frazer, *Religious Beliefs of America’s Founding Fathers*, 179-185. Of course, it isn’t distinctive to theistic rationalism. It is standard to orthodox Protestantism.

⁹ Mark David Hall, *Did America Have a Christian Founding?* (Nashville: Nelson Books, 2019), 31.

¹⁰ See Chapter 9.

¹¹ The “key founders,” according to Frazer, believed that “[m]orality was needed to get men to live in civil fashion without coercion in a free society; and religion was the best source of morality.” See *Religious Beliefs of America’s Founding Fathers*, 179.

¹² John Witherspoon, “Lectures on Moral Philosophy,” in *Selected Writings of John Witherspoon*, edited by Thomas Miller (Carbondale and Edwardsville: Southern Illinois University Press, 1990), 212.

every religion” in supporting civic morals,¹³ and Madison writes of the “God all powerful wise & good...as essential to the moral order of the world.”¹⁴ We should remember from previous chapters that natural religions is an essential element of classical Protestantism. Thomas Reese (1742-94), a Presbyterian minister in South Carolina, wrote *An Essay on the Influence of Religion in Civil Society* in 1788, discussing in two parts natural religion and Christianity in relation to public happiness. For natural religion, he writes, “They who firmly believe that there is a God who governs the world, who sees all their actions, and who will certainly reward virtue and punish vice, must undoubtedly be influenced by this belief; and restrained, at least in some measure, from evil, and excited to good.”¹⁵ In the next part, he concludes that the “important doctrines and precepts of Christianity...evidently tend to the safety of the body politic.”¹⁶ If natural religion conduces to civic morals, then a Christian could extend toleration to non-Christian groups (especially when monotheistic), even while favoring Christianity.¹⁷

4. Principled Discontinuity

The founding generation’s agreement with Cotton Mather on the government’s role in religion confirms one part of my thesis on continuity. This agreement includes the following

¹³ Rush continues, however, by saying, “But the religion I mean to recommend in this place, is that of the New Testament.” Quoted in Hall, *Did America Have a Christian Founding?*, 32.

¹⁴ Quoted in Frazer, *Religious Beliefs of America’s Founding Fathers*, 180.

¹⁵ Thomas Reese, “An Essay on the Influence of Religion in Civil Society,” in *The Sacred Rights of Conscience*, 317. Reese’s argument rests on the idea that civil society cannot reward every good and punish every vice, and so belief in a personal and omniscient God who rewards and punishes in a future life regulates what civil law cannot touch. He concludes that “The necessity of morality to the commonwealth being once granted, the necessity of religion will unavoidably follow; and certainly that which is necessary, not only to the well-being, but to the very existence of civil society, must be worthy the attention of civil rulers.” (p. 329).

¹⁶ Reese, “Essay,” 329.

¹⁷ Reformed theologians Peter Martyr Vermigli and Jerome Zanchius affirmed a sort of free exercise of religion for Jews in the late 16th century. See Althusius, *Politica*, XXVIII:53.

principles and propositions:

(1) Civil authorities can wield civil power to suppress and punish violations of natural religion, such as impiety and blasphemy, and can act against any religious expression that is injurious to the public. But no civil action against dissenting belief itself is permitted.

(2) Civil action against heretics or dissenters is counterproductive, even when such people have perceived subversive elements inherent to their theology.

(3) Wide toleration is granted to dissenting groups, though civil authorities are not required to be neutral regarding religion or denominations (viz. establishment is permissible).

The first is an expression of the standard principle of 17th century New England. As a principle, its application can change with circumstances and experience, as people reflect on what is injurious to the public. By the early 18th century, no one could reasonably view the presence of Baptist churches in Boston as a threat to political order, especially since the first Baptist church of Boston sat, since the 1660s, next-door to Second Church of Boston, home to the pulpits of Increase and Cotton Mather. The decades that followed could only solidify this sentiment. The second is a product of experience. Hundreds of years of civil action against dissenters and heretics had proven to be ineffective and to make matters worse, either by emboldening dissenters and heretics or adding to their number. In the end, civil action against such people ordinarily injures the public. The third is largely a conclusion from (1) and (2). All are free to form their own religious assemblies, but civil government can support the denomination or denominations of its choosing.

Not every founder agreed with (1) and (3), but they would all agree with (2). The majority view affirms all three and are therefore in continuity with 17th century New England. Nevertheless, I argue that the minority—those who denied (1) and (3)—are also in continuity with the 17th century, but this is less obvious and requires some modification.

John Witherspoon

In his *Lectures on Moral Philosophy*, Witherspoon discusses the role of government in religion. Though his comments are brief, Witherspoon affirms the principles and proposition above, but he denied the old 17th century applications. He discusses the government's role in religion after asking how to maintain the "general disposition of a people" to observe civil laws. A "strict and rigorous execution" of the laws is not enough, for when a people are "against the laws, they cannot long subsist." What is the best way to "make the people of any state virtuous?" His answer is piety. He writes,

If...virtue and piety are inseparably connected, then to promote true religion is the best and most effectual way of making a virtuous and regular people. Love to God and love to man is the substance of religion; when these prevail, civil laws will have little to do.¹⁸

But acknowledging this leads to a problem: how far ought the magistrate "interfere in matters of religion"? After all, "religious sentiments are very various" and one "natural liberty" is that "everyone should judge for himself in matters of religion."¹⁹ This latter point, which one could misinterpret, simply reflects the fundamental Protestant view that the Gospel and religious belief cannot be coerced; it is a matter of persuasion and one must decide for himself. It is not a distinctive supposition of Enlightenment philosophy.

Witherspoon addresses the problem of religious diversity with four points. The first is that the magistrate "ought to encourage piety by his own example." In doing so, however, he is not required to maintain neutrality, but may "promote...men of piety" and "discountenance those whom it would be improper to punish." The second point reflects Protestant experience in government and religion. Witherspoon writes that 1) "the magistrate ought to defend the rights of conscience" and 2) "tolerate all in their religious sentiments that are not injurious to

¹⁸ Witherspoon, "Lectures of Moral Philosophy," *LMP in Selected Writings*, 212.

¹⁹ Witherspoon, *LMP*, 212.

their neighbors.” Defending the rights of conscience requires the magistrate to keep the peace between those whose religious sentiments are “essentially repugnant one to another.” The right secured is the right not to be harassed simply on account of belief, which is a standard right (though not always designated as such) in the Reformed tradition. But Witherspoon’s point is more about circumstances than principle. He writes that “at present *as things are situated*...the magistracy [must] protect the rights of conscience.”²⁰ The religious diversity of America requires greater deliberation on how to keep the peace between potentially conflicting denominations.

As for toleration, Witherspoon appeals to experience. He acknowledges that some sects “hold tenets subversive of society” and that withholding toleration is “just...in way of reasoning,” for they might “threaten ruin to others.” He specifically mentions Roman Catholics, whom many accused of “subjection to a foreign power, the see of Rome.” While he affirms the principle behind withholding toleration, Witherspoon denies that it typically works in application. He writes,

[W]e ought in general to guard against persecution on a religion account as much as possible because such as hold absurd tents are seldom dangerous. Perhaps they are never dangerous, but when they are oppressed. Papists are tolerated in Holland without danger to liberty.²¹

Witherspoon has not denied the principle (viz. it is permissible for civil governments to withhold toleration from subversive sects). Rather, he denies that this principle ordinarily has an effective application, and subversion is often a *consequence* of persecution.²²

²⁰ Witherspoon, *LMP*, 213.

²¹ Witherspoon, *LMP*, 213.

²² Even by the early 17th century, experience with tolerance and intolerance was already available, when Reformed writers, such as Johannes Althusius, argued that magistrates ought to “tolerate the dissenters for the sake of public peace.” See *Politica*, 28.66. I’ve found no evidence that Althusius influenced Witherspoon. But Witherspoon’s view is similar to Althusius’, which shows that Witherspoon is not an innovator. Althusius appeals to experience as well: “For because of this action, seditions and tumults, which persecution is wont to cause, will arise in his realm....Today in France, Belgium, Hungary, Poland, and other realms persecution causes disorders, tumults, and seditions. But

The third point is that the “magistrate may enact laws for the punishment of acts of profanity and impiety.” Witherspoon’s concern is civil peace, for various religious sentiments could lead to “such acts as any of them count profane.” This would presumably include speech and actions contrary to natural religion, which would justify the prohibition of blasphemy and place Witherspoon in line with Cotton Mather, and it would include the prohibition of provocative speech that might incite public dissension. For the fourth point, Witherspoon states that there is “a good deal of reason” to “make public provision for the worship of God” so that the “bulk of common people” have instruction.²³ The assumption here is that most people are either unwilling or unable to fund religious instruction; and since religion is necessary for civic morals, it follows that government can and should provide public funding for Christian ministry.

Witherspoon’s view on the role of government in religion is no different than Cotton Mather’s. He acknowledges the possibility that religious sects can be subversive and, therefore, are legitimate objects of government suppression, but he demurs on the need for it. Why? Because experience teaches that suppression of religious dissent makes matters worse. Still, civil government cannot neglect religion and so should provide publicly funded instruction “in such manner as is agreeable to the great body of the society.”

where there are no persecutions, there everything is peaceful, even though there are different religions” (28:65). He also calls for toleration when the good of the commonwealth and church are at stake. “Whoever therefore wishes to have a peaceful realm should abstain from persecutions....But it is asked, when certain cities or estates in a realm embrace different opinions in their creeds—for the defense of which each alleges the Word of God—whether the magistrate who embraces the opinion of one party may persecute the remaining dissenters by force of arms and the sword. We may say in this case that the magistrate who is not able, without peril to the commonwealth, to change or overcome the discrepancy in religion and creed ought to tolerate the dissenters for the sake of public peace and tranquility, blinking his eyes and permitting them to exercise unapproved religion, lest the entire realm, and with it the household of the church, be overthrown. He shall therefore tolerate the practice of diverse religions as a skilled navigator bears with diverse and conflicting winds and clashing waves. Just as amidst these winds and waves the navigator brings his ship safely into the harbor, so the magistrate directs the commonwealth in a manner that keeps it free from ruin for the welfare of the church” (28:66).

²³ Witherspoon, *LMP*, 213.

Worestriensis

One of the best articulations of how experience shaped the majority view in the founding era is found in the pamphlet *Worestriensis*.²⁴ The anonymous author sent this work to the legislature of Massachusetts in 1776. The author's conclusions and reasoning are like Witherspoon's and other moderate voices in the founding era.

In his opening paragraph, the author states his purpose: to establish the "general doctrine" of "toleration of all religious principles...which do not sap the foundation of good government." From the start, the author acknowledges the possibility of withholding toleration from subversive religions. He repeats this proviso in the next paragraph where he argues for "a well regulated state" that "prevent[s] sectaries of different denominations from molesting and disturbing each other." He continues, "each individual shall be allowed to have and enjoy, profess and maintain his own system of religion, provided it does not issue in *overt acts* of treason against the state undermining the peace and good order of society." His justification for this policy is not the sacred rights of conscience, but that persecution from "one part of a society to another....is laying a foundation for persecution in the abstract." That is, (quoting Montesquieu) "every religion which is persecuted, become itself persecuting." Religious persecution is counterproductive, for it only engenders a cycle of persecution. Furthermore, those who "endeavor to suppress nonconformists, will increase, rather than diminish their number." Why? He points to the "indubitable facts" that human compassion leads many to "join with them and espouse their cause, raise sedition and faction, and endanger the public peace."²⁵ He offers evidence from German history in which "civil

²⁴ "Worcestriensis," in *The American Republic: Primary Sources* (Indianapolis: Liberty Fund, 2002), 66.

²⁵ "Worcestriensis," in *The American Republic: Primary Sources*, 66.

dissent [sic] and altercation” arose, resulting in “rivers of blood.”²⁶ This account of experience is “sufficient to deter any legislature from enacting laws requiring conformity to any mode or profession of religion.”²⁷

The author, however, is not saying that Massachusetts has a “persecuting spirit.” Rather he says that it has a “candid, catholic, and benevolent disposition.” The term “catholic,” which Protestants affirmed of themselves from the beginning of the Reformation, refers in this context to a unity of profession amid a diversity of confessions. The author is calling for the legislature to enact “law, relative to religion, [that is] the most candid, catholic and rational, that the nature of human society will admit of.” Though the author wants wide toleration, the principle here is no different than what we saw from Increase and Cotton Mather. The question is, what is possible given human nature and the particular circumstances of the society in view? According to this author, New England society was well-equipped for toleration, being “calm and dispassionate.”²⁸

Nonetheless, the author supports religious establishment along denominational lines. Civil government cannot force “dissenters from any certain religion to conform thereto,” but it can encourage

GENERAL PRINCIPLES of religion and morality, recommending free inquiry and examination of the doctrines said to be divine; using all possible and lawful means to enable its subjects to discover the truth, and to entertain good and rational sentiments, and taking mild and parental measures to bring about the design; these are the most *probable* means to bring about that establishment of religion which is recommended, and a settlement on an immovable BASIS.²⁹

Notice that establishment is the end. But the means are “free inquiry” and “lawful means...to

²⁶ As we saw in Chapter 5, John Withrop drew the opposite conclusion from German history, that swift action against subversive sects was required to preserve civil order.

²⁷ “Worcestriensis,” in *The American Republic: Primary Sources*, 67.

²⁸ “Worcestriensis,” in *The American Republic: Primary Sources*, 67.

²⁹ “Worcestriensis,” in *The American Republic: Primary Sources*, 67. Italic emphasis mine.

discover the truth” using “mild and parent measures.” Such means are the most “probable” to achieve this end. The assumed principles here are no different than those of 17th century New England, but the *means* have changed. The author even allows civil rulers to “give preference to that profession of religion which they take to be true.” They can do the “utmost to propagate that which they esteem to be true,” specifically by funding “teachers, to instruct the people.” He affirms that the majority can establish its preferred religion: not “all religious denominations have an equal right to public countenance....If the greatest part of the people...give preference to any one religious system and creed, the dissenting few...ought to acquiesce and rest satisfied that their religious liberty is not *diminished*.”³⁰

The author reserves his strongest language for those who violate the “laws of natural religion, and thereby disturb the public peace.” He writes,

The openly profane come within their [the magistrate’s] penal jurisdiction. There is no stronger cement of society than a sacred regard to OATHS; nothing binds stronger to the observation of the laws, therefore the public safety, and the *honor* of the SUPREME BEING require that public *profaneness*, should bring down the public vengeance upon those who dare hurl profanities at the throne of OMNIPOTENCE, and thereby *lessen* the reverence of the people for oaths, and solemn appeals to almighty God, and so shaking the foundation of good order and security in society. The same may be said of all Profaneness, and also of debauchery, which strike a fatal blow at the root of good regulation, and the well-being of the state.³¹

Violators of the First, Second, and Third Commandments “strike a fatal blow” at the foundations of public well-being. Religion is not merely a phenomenon requiring state regulation; it is foundational to good and effective regulation. The public assault on natural religion is an object of civil censor, because natural religion is fundamental to the good of civil society.

Massachusetts Constitution (1780)

The Massachusetts Constitution, largely written by John Adams and ratified by voters in

³⁰ “Worcestriensis,” in *The American Republic: Primary Sources*, 67.

³¹ “Worcestriensis,” in *The American Republic: Primary Sources*, 67.

1780, offers another example of both full toleration and establishment. In the first part, the constitution states that all have a “right” and “duty” to worship the SUPREME BEING.”³² It then grants toleration for all to worship “in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession of sentiments.” But it then adds the classic proviso: “provid[ing] he doth not disturb the public peace, or obstruct others in their religious worship.” A few paragraphs later, it states that “every denomination of Christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law.”³³ The principle and proviso are the same as in the 17th century. The difference is in the range of expressions tolerated.

The document next justifies the power of the legislature to require local bodies to “make provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers.” It is for the “happiness of the people,” for the “good order and preservation of civil government...depend upon piety, religion, and morality.” This provision ensures that the “public worship of God, and...public instruction” are “diffused through a community.”³⁴

The common elements of these pro-establishment voices are 1) the necessity of organized religion for public happiness and civil order, 2) the effectiveness of religious establishment to provide religious instruction throughout society, 3) a proviso stating that toleration is conditioned on peaceful assembly and support for the civil government, and 4) that the civil government should suppress violations of natural religion, such as blasphemy and impiety, and prevent one sect from harming another. The advocates for establishment in the founding era and Cotton Mather share the same principles.

³² “Massachusetts Constitution (1780),” in *Sacred Rights of Conscience*, 246.

³³ “Massachusetts Constitution (1780),” in *Sacred Rights of Conscience*, 246.

³⁴ “Massachusetts Constitution (1780),” in *Sacred Rights of Conscience*, 246.

5. Discontinuity in Principle?

The content of the founding-era debates on religious liberty were not mere assertions of Enlightenment reason, nor intellectual light casting away centuries of darkness. The content was public argument—the use of premises, thought to be well-received or generally believed, to demonstrate a satisfactory conclusion. 18th century Americans were Protestants and so debates relied heavily on Protestant premises. Take Isaac Backus’ arguments, for example, in his 1774-5 *A History of New England*. He writes,

It may now be asked, *What is the liberty desired?* The answer is: As the kingdom of Christ is not of this world and religion is a concern between God and the soul, with which no human authority can intermeddle, consistently with the principles of Christianity, and according to the dictate of Protestantism, we claim and expect the liberty of worshipping God according to our consciences.³⁵

What comes after “As” and before “we claim” are the premises, and those premises are thoroughly Protestant. “The kingdom of Christ is not of this world” not only alludes to John 18:36, but is a common proof-text for two-kingdom theology. That “religion is a concern between God and the soul” affirms the basic Protestant doctrine that there is no earthly mediator between God and man. Backus is appealing to *Protestant* premises, not Enlightenment ones. Why would he do this? Because he is addressing fellow Protestants.

Elisha Williams, another advocate of disestablishment, assumes Protestant premises as well: “the sacred scriptures are the alone rule of faith and practice to a Christian, all Protestants are agreed in” and so all “must therefore inviolably maintain, that every Christian has *right of judging for himself* what he is to believe and practice.”³⁶ True Christian belief is not based in mere assent to ecclesiastical authority or any other earthly authority. It is about genuine and immediate conviction of the objects of faith themselves—the scriptures offering *immediate* and *sufficient* reasons for belief in those objects. These are not Enlightenment

³⁵ Isaac Backus, *The Founders’ Constitution*, Vol. 5, eds. Philip B. Kurland and Ralph Lerner (Indianapolis: Liberty Fund, 1987), 65.

³⁶ Elisha Williams, “The Essential Rights and Liberties of Protestant,” in *Sacred Conscience*, 175.

premises, but basic Protestant ones.

In his draft for what became the Virginia Declaration of Rights (1776), George Mason wrote that “religion, or the duty which we own to our divine and omnipotent creator, and the manner of discharging it...[is] governed by reason and conviction, and not by force or violence.”³⁷ Again, this is a Protestant premise, namely, that religious belief is always a matter of unmediated persuasion based in reasons to believe the supposed objects of faith; external force and coercion are incapable of persuading. These principles were not controversial in 17th century New England. Bachus, Williams, and Mason are not asserting conclusions of the Enlightenment, but basic principles of Protestantism.³⁸

Though Bachus and Williams likely belong in the minority camp, Mason is a member of the majority. This is evident when we contrast his draft with the ratified version, which together reflect the two main positions in the founding era and helpfully present the divergence.

[Draft]: That as religion, or the duty which we own to our divine and omnipotent creator, and the manner of discharging it, can be governed only by reason and conviction, not by force or violence; and *therefore* that all men should enjoy the fullest toleration in the exercise of religion, according to the dictate of conscience, unpunished and unrestrained by the magistrate, unless, under colour of religion, any man disturb the peace, the happiness, or safety of society, or of individuals. And that it is the mutual duty of all, to practice Christian forbearance, love, and charity towards each other.

[Final]: That religion, or the duty which we owe to our creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and *therefore* all men are equally entitled to the free exercise of religion, according to the dictated of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other.

³⁷ George Mason, “Mason’s Draft (May 1776),” in *Sacred Rights of Conscience*, 241.

³⁸ To be clear, as I argued in the introduction, these are not distinctively Protestant premises in the sense that they are adventitious to nature, sourced by grace, but are distinctively Protestant claims concerning creation, specifically as to the nature of conscience and its relations to outward institutions and authority. In this sense, these principles are in themselves natural, or elements of natural religion, but are uniquely asserted to be such by Protestantism. For this reason alone do I call them “Protestant principles.”

Before “therefore” the two are substantially the same, which means that both positions are relying on the same Protestant premises. However, after “therefore” the text changes, the latter substituting “fullest toleration” for “equally entitled” and “free exercise” and removing the typical proviso concerning civil peace and safety. It was Madison who insisted on removing “toleration,” and we can view the final version as a Madisonian revision of the original draft.³⁹

Mason’s draft reflects the old principle because it implicitly recognizes the inner/outer distinction of the human being. The premise—that religion is “governed by reason and conviction”—concerns an inner reality, namely, that one’s reconciliation or relation to God is immediate and a matter between the person and God. But inner beliefs accompany or produce *outer* or external expressions and so the beliefs become public in a way. As such, they can clash or conflict with others’ activities; they can contribute or degrade public happiness; and they can secure or threaten public safety. Mason’s draft reconciles (or at least attempts to reconcile) the inner/outer dimensions, recognizing that religious expression must come under some degree of civic regulation. But at the same time he recognizes that Christians can disagree and forbear one another in love and charity. The “fullest toleration” refers to what the nature of human society can permit and still maintain “the peace, the happiness, or safety of society, or of individuals.” Even the fullest toleration requires some limitation on religious expression.

Instead of accounting for the inner/outer dimension of religion, Madison’s revision substitutes “shou’d enjoy” to “equally entitled.” The fact that religion inwardly is a matter of persuasion means that people are “entitled” to express that belief. Like others in his time who advocated strict separation, Madison relies on social contract theory, arguing (as summarized

³⁹ “Mason’s Draft (May 1776),” and “Final Version (June 12, 1776)” in *Sacred Rights of Conscience*, 241.

by Vincent Munoz) that “men do not...transform the right to their opinions” upon entering society [and so] “opinions by their nature cannot be alienated, and therefore religion, which is essentially opinion, is an inalienable natural right.”⁴⁰ What many scholars have missed about Madison’s argument is that he is conflating inward opinion and opinion’s outward expression—a distinction affirmed not only by his opponents but also the Protestant tradition. One basic doctrine of classical Protestantism is that no outward authority has jurisdiction, nor power, over belief such that it can coerce the conscience into some belief. Civil power lacks, by its nature, sufficient power to persuade. One has a natural right to his opinions, because by nature conscience is outside any earthly jurisdiction—outside civil government’s “cognizance,” as the 1649 *Platform* states (quoted above). So, man enters society with the inalienable right to his opinions. Madison seems, therefore, to rely on Protestant premises.

But opinions when expressed or acted upon become public and visible. They are no longer merely opinions but public actions and so are subject to civil jurisdiction. Madison, without reason or justification, jumps from the inalienable right to opinion to the inalienable right to *express* opinion. It is not clear how this logically follows, for Madison has failed to account for the private/public distinction. Logically, Madison must grant liberty to *any* religious opinion, even those that are clearly harmful to the public (e.g., human sacrifice).

Madison repeats this reasoning, though with more detail, in his *Memorial*. In his first of fifteen reasons, he writes that “Religion then of every man must be left to the conviction and conscience of every man, and it is the right of every man to exercise it as these may dictate....It is [an] unalienable [right] because the opinions of men...cannot follow the dictated

⁴⁰ Vincent Phillip Munoz, *God and The Founders: Madison, Washinton, Jefferson* (Cambridge: Cambridge University Press, 2009), 24.

of other men.”⁴¹ Again, Madison seems to rely on Protestant premises⁴² concerning the inward nature of belief and man’s immediate relation with God. But as in his revision of the Virginia Declaration of Rights he jumps to an “unalienable” right to express those beliefs. He then says that legislatures lack “jurisdiction” over religious belief, having “limited” authority.⁴³ But Madison conflates the lack of jurisdiction over the inner man (or the soul) with the legitimate jurisdiction over the outward man (or the body). Madison must commit himself to what many would consider practically absurd, that people have a right to express harmful religious practices. Or perhaps he can claim, however dubious, that no religious expressions are harmful.

Madison’s argument is salvageable when we consider his arguments from experience, though this move seems to modify his position. He says that “experience witnesseth” that establishment fails in “maintaining the purity and efficacy of religion.” Establishment is “not necessary for the support of civil government,” because a “just government” does not need “convenient auxiliaries” from an “established clergy.” He points to “torrents of blood...spilt in the old world.” Establishment is imprudent as well, for it enforces something “obnoxious to so great a proportion of citizens to enervate the law in general and to slacken the bands of society.”⁴⁴ Madison thus argues from experience that non-establishment is more prudent and better for religion.

⁴¹ James Madison, “A Memorial and Remonstrance Against Religious Assessments (1785),” in *Sacred Rights of Conscience*, 309. Munoz notes that Madison “takes these theological premises as given.” *God and the Founders*, 30. Madison makes no attempt to defend them because they are not controversial among Protestants.

⁴² Munoz recognizes this as well. Madison’s “immediate (though certainly not his only) intention was to persuade a largely Protestant audience. Although the political context is not decisive in itself, it should not surprise us that Madison employed arguments that appealed to his immediate audience.” Munoz, *God and the Founders*, 31.

⁴³ Madison, “Memorial,” in *Sacred Rights of Conscience*, 309.

⁴⁴ Madison, “Memorial,” in *Sacred Rights of Conscience*, 311-12.

The problems in Madison's abstract argumentation can be rectified by adding experience as an essential premise. An inalienable right to religious expression is universally good policy, but not as a universal conclusion from abstract reasoning alone. Rather, experience shows that strict separation best conduces to public happiness, which makes the conclusion—strict separation—universally true *a posteriori*, not *a priori*. Though this modified version would not allow civil magistrates to suppress and punish violations of natural religion, it is in continuity with 17th century New England. To put the argument simply: *a priori*, civil government has no jurisdiction over religious opinion itself, for the nature of conscience precludes any such jurisdiction; and *a posteriori*, civil government should not regulate religious expression, for any regulation of religious expression will in consequence harm the flourishing of religion.

We can conclude that both the modified strict separationist and the establishmentarian views rely on the same Protestant principles; both appeal to experience and prudence; and both think that religion in some form is necessary for social happiness. The difference between them is the degree to which religious uniformity is necessary for religion to have its social effect. Madison seems to envision a civil society of equal religious sects, all affirming at least certain basic tenets of natural religion, that converse and compete in civil society for congregants; and no civil authority privileges one or more denominations to the exclusion of others. This religious environment, though diverse, would still support civil government, for religion encourages civic morals, rendering an established church unnecessary. Madison's vision is basically 19th century American religion. Those who opposed Madison wanted the "fullest toleration," but had a different interpretation of experience. Church establishment supplied religious instruction to those who otherwise would not receive it and also maintained some semblance of an official state religion to ensure that, as a matter of civil policy, piety is never separated from civic virtue. American society moved more towards

Madison's vision as the 19th century progressed, even among orthodox Reformed Christians.⁴⁵

We can now state the question concerning religious liberty that was asked in the founding era. The question was not whether the state could coerce belief, for no Protestant *ever* affirmed that earthly authorities could coerce belief. The question was not whether religion is a matter of inward conviction and conscience, for that is a basic Protestant position on each person's immediate relationship to God. The question is not whether civil arrangements should conduce to the good of true religion, for even strict separationists viewed separation as good for and in the interest of true religion. The question is not whether religion is good or bad for social happiness, for all in the founding era agreed that religion is indispensable and necessary for social happiness. The question *is* whether experience and prudence render an active government in religion good or bad for civil society and religion. Founders such as Witherspoon, Mason and Henry argued that it is (or can be) good overall

⁴⁵ In his *Systematic Theology* (1871), the stalwart Reformed theologian Charles Hodge of old Princeton Seminary affirmed religious liberty. He writes, "All are welcomed; all are admitted to equal rights and privileges. All are allowed to acquire property, and to vote in every election, made eligible to all office, and invested with equal influence in all public affairs. All are allowed to worship as they please, or not to worship at all, if they see fit. No man is molested for his religion or for his want of religion. No man is required to profess any form of faith, or to join any religious association. More than this cannot reasonably be demanded." *System Theology*, vol. 3 (New York: Charles Scribner's Sons, 1887 [1871]), 345-346. Robert Dabney, a Southern Presbyterian and theologian, asserts a similar position in Chapter 48 of his *Systematic Theology*. Still, Reformed theologians, not only of the Scottish Covenanter type, led the movement to amend the Constitution, seeking to add "Jesus, the Messiah, the Saviour and Lord of all" to the preamble. Charles Hodge's son, A. A. Hodge (himself an accomplished theologian), was an active supporter of the amendment. Despite Abraham Lincoln's interest in the Amendment, it failed to come to a vote in Congress. Other attempts to imprint Christian or religious language at the federal level were successful, however, such as placing "In God We Trust" on coinage in 1865. See Gillis J. Harp, *Protestants and American Conservatism* (Oxford: Oxford University Press, 2019), 95-96. Furthermore, there is substantial evidence that 19th century Americans took for granted that they were a Christian nation. Historian John Fea in *Was America Founding as A Christian Nation?* writes, "The idea that the United States was a 'Christian nation' was central to American identity in the years between the Revolution and the Civil War" and "Christians believed [throughout the 19th and 20th centuries] that they were living in the Christian nation" (Louisville, KY: Westminster John Knox Press, 2016), 4, 246. After agreeing to place "In God We Trust" on the coinage, James Pollock, the director of the US mint, wrote that "We claim to be a Christian nation—why should we not vindicate our character by honouring the God of Nations in the exercise of our political Sovereignty as a Nation?" Quoted in Harp, *Protestants and American Conservatism*, 96.

and Madison argues that it is overall bad. Either way, the dispute is a matter of judging the *experience* offered from history and judging by *prudence* the possibilities offered in present circumstances. This means not only that all parties followed the same (Protestant) principles, but that all are in continuity as to principle with the Puritans of the 17th century.

How Important is Madison and Jefferson?

One might object that my modification of Madison's argument is irrelevant to the issue and that Madison's argument is different in principle. Perhaps Madison's view does rely on new principles. Still, Madison's view was extreme, going past Locke in seemingly rejecting the classic proviso and in speaking of religious liberty as an "unalienable right." For Locke, as he argued in his *A Letter Concerning Toleration*, the civil magistrate is not required to tolerate "opinions contrary to human society, or to those moral rules which are necessary to the preservation of civil society."⁴⁶ Neither atheists, nor Roman Catholics, sufficiently met these rules, according to Locke. Munoz writes, "Madison breaks from Locke on this point; his principle of noncognizance is uniquely his own."⁴⁷

One reason to take my modification seriously is that it moderates Madison's unique and extreme view and shows that founding-era documents that rely on Madisonian language do not require a purely Madisonian reading. For example, the fact that all are "equally entitled to the free exercise of religion," which we read in the Virginia Declaration of Rights, need not preclude conditions for free exercise (viz. being non-injurious to neighbors).

Even if Madison represents discontinuity of principle, his importance in the founding era on religious liberty is usually exaggerated. Certainly, his importance in American jurisprudence on religious liberty is undeniably substantial, but his importance for jurisprudence today does not necessarily prove or support equal importance in the founding

⁴⁶ John Locke, *A Letter Concerning Toleration*.

⁴⁷ Munoz, *God and the Founders*, 29.

era. The Supreme Court did not rely on a strict separatist interpretation of Madison's *Memorial* until the mid-20th century.⁴⁸ Mark Hall states that he "could find no record of any civic leader being influenced by, or appealing to, Madison's *Memorial* prior to the ratification of the Bill of Rights."⁴⁹ Washington refused to sign it, saying that he is not "so much alarmed at the thoughts of making people pay towards the support of that which they profess."⁵⁰ In the dispute over Patrick Henry's bill to support Christian ministry, "Madison's voice was not the loudest or most influential" among those who opposed Henry's bill, argues Hall.

Like Madison's *Memorial*, Thomas Jefferson's Virginia Statute, which he wrote in 1779 and was signed into law in 1786, has received for more attention after the founding era than it received in it. Hall argues that, despite its wide distribution in the 1780s (by Jefferson's own diligence), "mostly, it was ignored." Indeed, the importance of Virginia on religious liberty in the founding era has been exaggerated. Throughout the 1780s, as the colonies revised their constitutions, they adopted language not from the Virginia Statute, but from the Massachusetts Constitution of 1780. This constitution affirms that since

the happiness of the people, and the good order and preservation of civil government, essentially depend upon piety, religion, and morality...the people of this commonwealth have a right to invest their legislature with power to authorize and require...the institution of the public worship of God, and for the support and maintenance of public Protestant teachers of piety, religion, and morality.⁵¹

New Hampshire in 1784, Connecticut in 1784, Vermont in 1786, and the Northwest Ordinance of 1787 adopts language from this constitution. Hall concludes, "there is no record of civic officials utilizing the Virginia Statute as a model for a constitutional provision or law prior to the adoption of the First Amendment....[and] there is little reason to conclude that

⁴⁸ Munoz, *God and the Founders*, 2.

⁴⁹ Hall, *Did America Have a Christian Founding?*, 72.

⁵⁰ Hall, *Did America Have a Christian Founding?*, 72.

⁵¹ "Massachusetts Constitution," in *Sacred Rights of Conscience*, 246.

Jefferson influenced the views of the men who drafted, debated, and ratified the First Amendment.”⁵² Hence, in the founding era prior to the ratification of the Bill of Rights, neither Jefferson’s Virginia Statute, nor Madison’s *Memorial* significantly influenced public opinion, nor state constitutions. The majority view of the founding era rejected Madison’s and Jefferson’s strict separationism. Even after the founding, several states had church establishments, including Vermont, Connecticut, New Hampshire, Maine, and Massachusetts.⁵³

As for the First Amendment, there is no evidence that Madison was its sole author. Munoz writes that “although Madison certainly had influence, he was not the sole author and, hence, not solely responsible for the adopted text.”⁵⁴ Hall states that Madison

was not a god among men imposing his personal views on cowed colleagues. Approximately eighty-seven representatives and senators participated in the debates and voted for or against what became the First Amendment. And a list of those who played significant roles must include, besides Madison, Roger Sherman, Oliver Ellsworth, Benjamin Huntinton, Abraham Baldwin, Elias Boudinot, William Patterson, Samuel Livermore, Charles Carroll, and Fisher Ames.⁵⁵

Jefferson took no part in the process, for he was in Paris and returned two months after the ratification.⁵⁶ One important member of the Amendment committee was Roger Sherman, who was in agreement with Witherspoon, Washington, Henry, and other founders on the role of government in religion.⁵⁷ With Richard Law, he wrote a new state code for Connecticut

⁵² Hall, *Did America Have a Christian Founding?*, 66.

⁵³ Hall, *Did America Have a Christian Founding?*, 94-95

⁵⁴ Munoz, *God and the Founders*, 35.

⁵⁵ Hall, *Did America Have a Christian Founding?*, 75-76.

⁵⁶ Hall reports that, despite Jefferson’s complete absence from the process, Supreme Court justices have cited him 112 times in their rulings on the First Amendment’s religion clauses. Madison is cited 189 times. See Hall, *Did America Have a Christian Founding?*, 76.

⁵⁷ Hall identifies him as a “latter-day Puritan.” See *Did America Have a Christian Founding?*, 76.

that included a section on religious liberty similar in content to the Massachusetts Constitution. Yet Sherman's is even stronger, stating that it is the "*duty* of the civil authority to provide for the support and encouragement" of "piety, religion, and morality."⁵⁸ Since Sherman and many like him helped draft, deliver, or ratify the First Amendment, one cannot read it strictly through a Madisonian lens. Indeed, the opposite lens is likely more appropriate. The First Amendment does not reject establishment in principle. How could it, when so many involved in drafting and ratifying it explicitly affirmed establishment for their own states? Rather, the First Amendment reflects the unsuitability of establishment at the federal level and the imprudence of permitting Congress to interfere in the exercise of religion in the states.⁵⁹ I discuss the First Amendment in more detail in the next chapter.

The American Revision of the Westminster Confession of Faith

In the 1789, American Presbyterians convened in Philadelphia to conduct their first General Assembly, naming itself the Presbyterian Church in the U.S.A. (PCUSA). It consisted of 419 congregations clustered mainly in Philadelphia, the Carolinas, New Jersey, New York, and Virginia. The moderator of the General Assembly was John Witherspoon. Though largely in agreement in theology with tradition Congregationalism, Presbyterians received their name in the 16th century from their distinctive ecclesiology, which stressed a moderate hierarchical structure with local churches belonging to presbyteries.⁶⁰ A presbytery is composed of teaching elders, or the ordained ministers of individual churches, and has certain powers and responsibilities.

The Westminster Confession of Faith (WCF) was a product of the Westminster

⁵⁸ Quoted in Hall, *Did America Have a Christian Founding?*, 92-3.

⁵⁹ As we see in the next chapter, Roger Sherman's and Oliver Ellsworth's emphasis on state sovereignty strongly suggests this reading of the First Amendment as well.

⁶⁰ "By divine right" i.e., an ecclesiastical order by divine institution, though some Presbyterians preferred this ecclesiastical arrangement on prudential grounds.

Assembly of English and Scottish divines, ordered to assemble by the English Parliament in 1642. They completed the Confession by the end of 1646. The English Parliament approved it and the Church of Scotland adopted it. The WCF was a product of civil power, both in the assembling of the divines and in its official status in the commonwealth. The intent was to produce a document that grounded a confessional state. Though the restoration of Charles II nullified Parliament's legislation, it remained the standard Presbyterian confession on both sides of the Atlantic.⁶¹

The WCF recognized (though did not grant) broad powers for the civil government to

take order, that unity and peace be preserved in the Church, that the truth of God be kept pure and entire; that all blasphemies and heresies be suppressed; all corruptions and abuses in worship and discipline prevented or reformed; and all the ordinances of God duly settled, administered, and observed.⁶²

It also authorized the civil government to “call a synod of ministers, and other fit persons, to consult and advise with, about matters of religion.”⁶³

In the context of America, especially with its new, explicitly non-confessional and seemingly pan-Protestant republic, these paragraphs of the Confession were at odds with the spirit and constitutional structures of the federal government, all the states, and the common sentiment of American society. The WCF, if taken seriously and acted upon, made Presbyterians out of touch, backwards, and possibly subversive (or at least open to the charge). Indeed, some Scottish Presbyterians in America, adhering to the strict Covenanter

⁶¹ Not all Presbyterians, especially in the New World, officially subscribed to it, though not because of serious disagreement but due to concerns about the sufficiency of the Bible alone. After much controversy, the Presbyterians in colonial America officially made the WCF its official confession at the Synod of Philadelphia and permitted ministers to state their disagreements to their presbytery. See Bradley J. Longfield, *Presbyterians and American Culture: A History* (Louisville, Kentucky: Westminster John Knox Press, 2013), 3-6.

⁶² “American Revisions to the Westminster Confession of Faith,” in The Orthodox Presbyterian Church (website). Found at https://opc.org/documents/WCF_orig.html. Accessed 5/8/2019. Chapter 23.3.

⁶³ “American Revisions,” 31.2.

tradition of Scottish Presbyterianism, were often radical and, at times, violently uncivil.⁶⁴

Prudence, perhaps, would call for a revision, and that is what the first General Assembly did.

At the General Assembly, the PCUSA rewrote the section on the civil magistrate and a few other sections, producing what is known as the “American revision.” With the original, it affirms that the civil magistrate is a “nursing father” to the church. But the “church” refers not only to Presbyterian churches but to “church[es] of our common Lord” and so magistrates should give no “preference to any denomination of Christians above the rest.” That is, the civil magistrate must protect every church of the visible catholic church, leaving “all ecclesiastical persons” to “enjoy the full, free, and unquestioned liberty of discharging every part of their sacred functions, without violence or danger.” The revision also restricts the exercise of spiritual discipline to churches and denies that civil magistrates have any role in ordering churches. The WCF continues:

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.

The American Presbyterians, therefore, affirmed a sort of pan-protestant order.

Moving beyond distinctively Christian (or Protestant) religion associations, the revision states that magistrates must “protect the person and good name of all their people, in such an effectual manner as that no person be suffered, either upon pretense of religion or of infidelity, to offer any indignity, violence, abuse, or injury to any other person whatsoever.” Civil authorities must act on society to prevent “molestation or disturbance” of “all religious and ecclesiastical assemblies.”

The revisions stop short of condemning the sort of establishments we see in the founding era. It speaks against “giving the preference” to any Christian denomination. But this refers

⁶⁴ See Joseph S. Moore, *Founding Sins: How a Group of Antislavery Radicals Fought to Put Christ into the Constitution* (Oxford: Oxford University Press, 2016).

not to privileging itself but privileging “in such a manner” that civil governments neglect or harm other denominations’ free and unmolested exercise. The revision simply demands free exercise, not government neutrality, though it does not demand establishment. This openness suggests that the revision involved a compromise, making it adoptable by mild establishmentarians like Witherspoon and the strict separationists like the Hanover Presbytery in Virginia.⁶⁵

Certainly, the Westminster divines would have rejected the American revision. But the revisions reflect an American Presbyterian attempt to be American. It is after all the Presbyterian Church *of* the USA, not merely one residing *in* it. To keep the old Confession, without these revisions, and to be *serious about the Confession* would require them to be outsiders—*de facto* resident aliens clamoring to restore the old confessional state. But is this unprincipled compromise? I think not. The original Confession reflects the perceived possibilities and requirements of the 1640s in England and Scotland. It states that the means to “unity and peace” in the church are suppressing blasphemy and heresy, reforming corruptions in worship, and setting it in order. By the late 18th century (and well before) those were deemed unsuitable and counterproductive means to that end. The American revision reflects experience with those means and sought others, effectively updating the original Confession to reflect that experience. In doing so, it also Americanized the denomination. Instead of separating American Presbyterians from the state, it strengthened its loyalty to the nation.⁶⁶

⁶⁵ The Presbytery of Hanover submitted three memorials in 1784-85 in opposition to Patrick Henry’s bill to fund Christian ministers. See the “Memorial of the Presbytery of Hanover,” in *Sacred Rights of Conscience*, 298-303.

⁶⁶ See D.G. Hart and John R. Muether, “Turning Points in American Presbyterian History: Part 4: A National Presbyterian Church, 1789 ,” *New Horizons*, April 2005.

6. Conclusion

In this chapter, I have argued that, despite appearances, the majority view on religious liberty in the founding era shared the same principles as the 17th century New England Puritans. What changed over time was experience, which informed the imagination on the possibilities of public order amid Protestant religious diversity. All believed that a religious people were necessary for civic morals, public happiness, and effective government, and most (if not all) thought that Christianity provides something distinctive in this regard in addition to natural religion. Most believed that government had a role in promoting, supporting, and protecting religion, even particular denominations, though not at the expense of free exercise. Most believed that violators of natural religion could be censored and that religious expressions that “disturb the peace, the happiness, or safety of society” (as Mason wrote) could be suppressed, though such actions were the last resort and often could be counterproductive. What was new about the new American political order was not principle, but prudential arrangements that reflect the culmination of Protestant experience.

9. The Founding as a Protestant Political Act

1. Natural law and Happiness

The language of natural rights in founding-era public discourse has captivated scholars' attention for decades. A large portion of that scholarship has focused on how natural rights cohere with and relate to other traditions or sources in the founders' political theory, such as republicanism, English common law, and Protestantism. This led to disputes over which tradition dominated the founding era. As I discussed in Chapter 1, this debate resulted in a loose consensus that seems to endure to this day: the founders relied on an amalgam of sources and traditions. The question in scholarship today is 1) whether that amalgam was coherent and 2) which source or tradition provided the ultimate criteria for what the founders allowed in their political theory. Though views on these questions vary, I focus in this chapter on those who conclude that "natural rights doctrine" was the criterion of the founders' political theory; that is, the founders permitted in their political theory only what they considered to be coherent with natural rights.

One proponent of this view is Michael Zuckert. He writes "America is the natural rights republic....[N]atural rights philosophy remains America's deepest and so far most abiding commitment, and the others could enter the amalgam only so far as they were compatible, or could be made so, with natural right."¹ Zuckert concludes, however, that tensions existed in the amalgam, particularly in ways that Lockean rationality (allegedly) conflicts with Protestantism, though he recognizes that no founder saw this tension. Another scholar, Thomas West, affirms the Amalgam thesis as well. He argues that

natural rights and the laws of nature are the *form* of the founding, and the facts of colonial America are the *matter*. Both of them together—matter shaped by form—produced the American regime....The *form*, the natural rights theory...determined, more than anything else, which traditions would continue and which would be

¹ Michael Zuckert, *Natural Rights Republic: Studies in the Foundation of the American Political Tradition* (Notre Dame: University of Notre Dame Press, 1996), 95.

discarded as the new regime took shape under the ruling guidance of natural rights. Disagreeing with Zuckert and Pangle, West argues that the amalgam of sources were coherent, because many Protestants prior to the founding era believed in “the God of nature.”²

I do not dispute the Amalgam theory itself. I will assume that the founders relied on a variety of sources and traditions. I dispute what I take to be the strongest challenge to my thesis, namely, that the natural rights doctrine served as the ultimate criterion or form for the founders’ political theory. Natural rights, in my view, are essential to founding era thought, but only because such rights are necessary means, or conditions, for human happiness according to human nature. Put differently, they are naturally fitting and universally suitable for man in pursuit of his happiness. Since means are subordinate to and determined by their end, the end (in this case, human happiness) is prior to and governs the means. Hence, even if cohering with natural rights was necessary for inclusion in the amalgam, there is something prior to natural rights that grounds them—human nature. And human nature is a creation of God and designed for man to exist and fittingly act under God’s special or moral government.

The founders retained from their forefathers the belief in a fixed and universal human nature that called upon man to follow the natural law, as a moral rule or standard, to attain happiness. Natural rights arise as necessary claims for oneself in the interest of attaining that happiness. They are necessary conditions to the attainment of man’s natural end—as that which ensures the opportunity for an active, unhindered life towards that end. They are inalienable for this very reason: to withhold them is artificially to hinder man from happiness. The end or purpose of civil government was to act upon society to secure for each and all the best possible outward means to attain happiness. Since natural rights are necessary, civil government must act to secure them. By doing so, the civil government serves God in aiding

² Zuckert, *Natural Rights Republic*, 82-83.

rational creatures under God's moral government in their pursuit of happiness.

God's moral government is defined as the following: It is God's reign over rational creatures manifesting from his wisdom, power and goodness in the law of nature and made effective by man's natural fitness to that law as a rule to direct his activity, so that man might attain temporal and spiritual happiness. Civil government is a human institution that enacts civil law to aid man in his pursuit of happiness under God's moral government. Both the 17th century Puritans and most founders affirmed both definitions.

The form, to use West's language, for the founders' political theory was not natural rights, but divine moral government; and whatever the founders considered compatible with that government was permitted in the amalgam. Since natural rights were necessary features of that moral government, they served as criteria for inclusion. But this makes the American Republic a "natural rights republic" only because it was founded as a human institution in service to the God of nature.

Additionally, the civil arrangements of the founding assumed Protestantism, specifically two-kingdom theology. The spiritual kingdom of Christ is heavenly and rules man inwardly (viz. the "forum of conscience") and is kept separate from the natural kingdom. Though churches administer to the soul, they do not mediate Christ's reign. Nor is there a sort of vicar of Christ on earth. The sole Mediator is in heaven, and the institutional church's principal role is pointing man to that Mediator in heaven. Hence, the Gospel does not interrupt man's natural, internal immediacy with God by introducing an earthly mediator. The "visible catholic church" is not a centralized and institutionalized global church through which Christ mediates his spiritual-civil rule, and so no church can, by its own authority, bind consciences, either in matters of faith or in matters of natural law, civil law, and civil subjection. The church is not a custodian or protector of the civil liberties of the people.³ Churches can in

³ Pope Leo XIII claims this for the Roman Catholic Church in *Libertas* 12 (1888).

principle justify rebellion and subversion, but they cannot authorize or require it from its members. Conscience is always free from earthly mediation, and so belief is a matter of persuasion, either from reason or scripture.

The political theory of the American founding reflects the consequences of Protestant two-kingdom theology. First, there is no potential civil/ecclesiastical conflict over civil jurisdiction, for churches lack civil jurisdiction and exist *in* civil order, not as distinct quasi-civil entities. Churches are “independent” not in having claims to civil jurisdiction over itself and members, but in the right to order itself as an *ecclesiastical* order, by its own power, in accordance with the laws of Christ. Second, the civil government derives its authority and power from God as Creator and the people, not from any spiritual and earthly institution that delegates civil authority and power. The Declaration of Independence speaks of America’s “separate and equal station” in relation to other peoples based on “the Laws of Nature and Nature’s God.” The founders justified their entitlement to constitute civil government by appealing to *nature*, not *grace*, which in effect excluded any ecclesiastical mediation of civil authority. The founders recognized no supra-national, or global, authority that is prior to or exists above civil government besides the law of nature, which is the law of God’s moral government over rational creatures. The Declaration rejects, therefore, the claims of *Unam Sanctum* (1302), written by Pope Boniface VIII, namely that it “belongs to spiritual power to establish the terrestrial power.”⁴ The Declaration is a Protestant declaration of independence; it rejects any claim that the power to form civil government is a privilege granted from or is mediated by another earthly institution.

Third, for the founders, confessional diversity does not preclude unity in profession and does not necessarily hinder political unity. This, again, is Protestant two-kingdom theology at

⁴ Pope Boniface VIII, “Unam Sactum (1302),” in *Reformation Theology: A Reader of Primary Sources with Introduction* ed. Bradford Littlejohn and Jonathan Roberts (The Davenant Institute, 2018), 10. Nor must “All princes...kiss the feet of the Pope alone” as *Dictatus Papae* dictated in 1075.

work, for there is no requirement that all “be subject to the Roman Pontiff” (as stated in *Unam Sanctum*). The kingdom of Christ is essentially spiritual and heavenly, and membership is conditioned on internal faith. Hence, determining mutual spiritual brotherhood is not a matter of institutional alignment but the public profession of faith. Furthermore, political unity is possible because there exists no “empire of God” on earth above nations.⁵ Churches exist either in or of nations, but not above nations, and they exist with a mixture of error. Thus, the founders, who were mostly Protestant, could disagree on theological doctrine but be united on the belief that a nation’s power or authorization to form civil government was a power granted *immediately* from God to the people for their civil and spiritual good. For this reason, the American assertion of independence was a Protestant political act.

2. The Moral Government of God

Natural Rights derived from Natural Law

In his *The Political Theory of the American Founding*, West demonstrates that for the founders there is a “direct connection between natural rights and human well-being.” There is a “natural fittingness,” and this connection appears “often” in founding era writings.⁶ John Dickinson (1732-1808), for example, states that “The infinitely great, wise, and good Being, who gave us our existence, certainly formed us for a state of society, as would be productive

⁵ Pope Leo XIII stated this in *Libertas*, published in 1888. Of course, this is published after the American founding, but it does reflect the conclusions of *Unam Sanctam*. In the 20th century Roman Catholic political theology underwent a change or development and Roman Catholics continue to debate its implications for the relationship between church and state. In *Dignitatis Humanae*, published in 1965, Pope Paul VI states that the “human person has a right to religious freedom” (2). He continues, “In all his activity a man is bound to follow his conscience in order that he may come to God, the end and purpose of life. It follows that he is not to be forced to act in a manner contrary to his conscience. Nor, on the other hand, is he to be restrained from acting in accordance with his conscience, especially in matters religious” (3). In the founding era, however, Americans viewed Roman Catholic doctrine with suspicion, for it seemed to grant the Pope earthly preeminence over all Roman Catholics.

⁶ Thomas G. West, *The Political Theory of the American Founding: Natural Rights, Public Policy, and the Moral Conditions of Freedom* (Cambridge: Cambridge University Press, 2017), 92.

of happiness. Liberty is essential to the happiness of a society, and therefore is our right.”⁷ Notice the enthymeme in the last sentence. The implicit major premise is, *Anything that is essential to the happiness of society is our right*. This is the first principle for the determination of natural rights. Other minor terms for this syllogism include life, property, free exercise of religion, and reputation. This major premise is assumed or stated throughout the founding era. The Continental Congress, for example, speaks of “rights, without which a people cannot be free and happy.”⁸ The Declaration of Independence connects “securing rights” with “safety and happiness.” Some rights are *natural* only because these are essential for human happiness, given the design of human nature. They are naturally fitting.

West shows that the *ground* of natural rights in the founding era was the law of nature. For example, the Massachusetts Assembly in 1765 states that “there are certain essential rights...which are founded in the laws of God and nature, and are the common rights of mankind.” The Georgia Constitution of 1777 affirmed that “by the law of nature and reason” Americans are “entitled” to the “common rights of mankind.” Jefferson writes of the “rights of human nature,” which are “derived from the laws of nature.”⁹

James Wilson on the Divine Ground of Natural Law

Since natural rights derive from natural law in the founders’ political theory, it is a mistake to consider natural rights and natural law co-extensive. The law of nature is the all-encompassing rule of God’s moral government over rational creatures, directing them to their moral ends. Natural rights, derived from the natural law, are necessary claims of one against another within that moral government in the pursuit of happiness, but do not exhaust the duties of man and the means to happiness. Human society is firstly under God’s moral

⁷ Quoted in West, *Political Theory*, 92.

⁸ Quoted in West, *Political Theory*, 92-3.

⁹ Quoted in West, *Political Theory*, 38.

government, which supplies the sole means to their happiness, and secondarily under civil government, which serves that moral government by establishing and cultivating the best possible outward conditions for an active, moral life in pursuit of happiness.

In his *Lectures on Law*, James Wilson discusses the relationship between human nature, natural law, divine government, and civil government. He writes,

[God's] infinite power enforces his laws, and carries them into full and effectual execution. His infinite goodness proposes such ends only as promote our felicity. By his power, he is able to remove whatever may possibly injure us, and to provide whatever is conducive to our happiness. By his wisdom, he knows our nature, our faculties, and our interests: he cannot be mistaken in the designs, which he proposes, nor in the means, which he employs to accomplish them. By his goodness, he proposes our happiness: and to that end directs the operations of his power and wisdom. Indeed, to his goodness alone we may trace the principle of his laws. Being infinitely and eternally happy in himself, his goodness alone could move him to create us, and give us the means of happiness. The same principle, that moved his creating, moves his governing power. The rule of his government we shall find to be reduced to this one paternal command—Let man pursue his own perfection and happiness. What an enrapturing view of the moral government of the universe!¹⁰

In God's power, wisdom, and goodness, "we shall see, in its resplendent glory, [God's] supreme right to rule: we shall feel the conscious sense of the perfect obligation to obey." Not only is God the ground of natural law; that divine ground is sufficient reason to obey the natural law. He writes that "our Creator has a supreme right to prescribe a law for our conduct, and...we are under the most perfect obligation to obey that law." Natural law is *felt* as an expression of divine will.

But that law is not arbitrary. It has natural "fitness to produce our happiness....[the fitness of things] means that actual constitution of the world, by which some things produce happiness, and others misery." Hence, the law of nature is

immutable; not by the effect of an arbitrary disposition, but because it has its foundation in the nature, constitution, and mutual relations of men and things. While these continue to be the same, it must continue to be the same also. This immutability of nature's laws has nothing in it repugnant to the supreme power of an all-perfect Being...[s]ince he himself is the author of our constitution.

¹⁰ James Wilson, "Lectures on Law," *Collected Works of James Wilson*, edited by Kermit L. Hall and Mark David Hall (Indianapolis: Liberty Fund, 2007). Vol. 1. Ch. 3.

Natural law is God's law and felt as such and it is perfectly agreeable to our nature.

Moreover, God obligates nations to arrange themselves for their happiness. He writes

As the law of nature, in other words, as the will of nature's God, it is indispensably binding upon the people, in whom the sovereign power resides; and who are, consequently, under the most sacred obligations to exercise that power, or to delegate it to such as will exercise it, in a manner agreeable to those rules and maxims, which the law of nature prescribes to every state, for the happiness of each, and for the happiness of all.¹¹

Nations are under "sacred obligations" to use their power (granted by God) for the good of all in accordance with "rules and maxims" prescribed in nature by nature's God for the happiness of each and all. Wilson also states that this law of nature prescribes both rights and duties. He writes,

[T]here is still one aspect, in which all men in society, previous to civil government, are equal. With regard to all, there is an equality in rights and in obligations; there is that "jus aequum," that equal law, in which the Romans placed true freedom. The natural rights and duties of man belong equally to all. Each forms a part of that great system, whose greatest interest and happiness are intended by all the laws of God and nature.¹²

Considered prior to civil government, human society is under God's moral government, which instructs man in the rights and duties that lead to happiness. Wilson continues, saying that man has an "impulse to exercise his power for his own happiness." Since happiness is the end of society, man "has a right to exert those powers for the accomplishment of those purposes....This right is natural liberty." With this liberty, "a man ought to pursue the perfection of his nature." Society is not, however, a collective of atomized individuals, each pursuing his or her own interest with disinterest towards others' interests. He states that the "sense of this [natural] right" does not extinguish or preclude "tender affections towards others." He continues: "The right of natural liberty is suggested to us not only by the selfish

¹¹ Wilson, "Lectures on Law," Vol. 1. Ch. 4.

¹² Wilson, "Lectures on Law," Vol. 1. Ch. 7.

parts of our constitution, but by our generous affections.” The pursuit of happiness includes acting on our affections for others. Furthermore, the extent of natural liberty is delimited by “the laws of nature [as]...the measure and the rule” of action.¹³

Civil government, according to Wilson, is “necessary to the perfection and happiness of man.” Only in a “regulated society” can people avoid “dissensions and animosities,” which in consequence would result in “less liberty.” Civil government maximizes the liberty of each member by introducing “civil restraint.” Thus, civil government acts upon society to maximize each member’s liberty to act for his happiness. It does not introduce moral principles and ends into society, but rather serves God’s moral government by securing the means for those ends. Civil government serves the natural *telos* of man and by doing so it serves the God of nature whose “goodness alone could move him to create us, and give us the means of happiness.”¹⁴

3. Elizur Goodrich

Wilson is not alone in thinking this way about the law of nature. It should remind us of Samuel Willard, whose theology and political theory I presented in Chapter 4. In this section, I discuss an important election day sermon given by Elizur Goodrich (1734-1797). The content is remarkably similar to what we saw above and in Chapters 2 and 4. Indeed, what Goodrich presents, at least in his section on principles, are standard principles of the Reformed political tradition. The sermon, for this reason, helps us understand the political-theological background of the orthodox founders, such as Roger Sherman.

By now in this work, it is abundantly clear that classical Protestantism, including

¹³ Wilson, “Lectures on Law,” Vol. 1. Ch. 7.

¹⁴ James Wilson, “Remarks of James Wilson in the Pennsylvania Convention to Ratify the Constitution of the United States, 1787,” *Collected Works of James Wilson*, ed. Kermit L. Hall and Mark David Hall (Indianapolis: Liberty Fund, 2007).

Puritanism, affirmed the natural law. Willard, as we saw in Chapter 4, described the law of nature, or the “moral law,” in detail. It is immutable and universal; disposed upon man by “the God of nature”; it is a “rule” to “direct us in our action”; it is unique for man as a reasonable creature and “accommodated,” “adapted,” and “suitable” for man as a “medium to his great end;” it is “harmonious and agreeable to [man’s] nature;” it requires active compliance; it is sufficient for man to love both fellow man and God; and its end is both temporal (or earthly) and eternal happiness. “Man had a natural craving after happiness,” says Willard, “and [the moral law] was a way to have brought him to it.”

For Willard, the attainment of happiness on earth is not merely a matter of contemplation or passivity but requires an active life of loving one’s neighbor and God. “Man was made to glorify God actively,” he writes. As social creatures, people fulfill the moral law only as members of society. Even in an unfallen state, distinct nations would arise and each would be subjected to a civil government. But while civil government is necessary for civil order, it only supplements society in cultivating the conditions for happiness.

Willard recognized that rights exist prior to the institution of civil government. He acknowledged, for example, prelapsarian property rights: God “appointed that every man should have his share in [the things of the world], where he hold a proper right in them.” Each person has a “claim, *ad hominem*” for his property. Though he does not use the language of “natural rights,” Willard is describing a natural right. As for civil government, it must secure property “for the determining of men’s rights” (viz. “know what is their own”) according to the “rule of equity...founded in the law of nature and right reason.” Moreover, the “laws” must ensure that “men’s rights are...upheld,” which includes rights to “life, chastity, estate, and reputation.” The purpose for these laws and the securing of these rights is “advancing the happiness of all.” Civil government acts to secure these rights only because such rights are necessary for man to achieve happiness.

Elizur Goodrich, a Congregationalist pastor in Connecticut who was well-known in his day, delivered “The Principles of Civil Union and Happiness” to the Connecticut General Assembly upon the election of Samuel Huntington to governor in May of 1787, only weeks before the Philadelphia Convention debates began.¹⁵ Since most Connecticut dignitaries attended the event, it is likely that the three delegates representing Connecticut for the Convention—Oliver Ellsworth, William Samuel Johnson, and Roger Sherman—heard the sermon, all of them being prominent members of the Connecticut political class. Goodrich was an early patriot who strongly opposed the Stamp Act of 1765, and he was a champion of the Revolution. In addition, he was “one of the stalwarts of the established order, a fine scholar, and able preacher,” says Ellis Sandoz.¹⁶ Ezra Stiles, who was elected president of Yale in 1776, considered Goodrich “an excellent and great Scholar, one of the greatest of the American Literati.”¹⁷ Goodrich’s sermon has five parts. The first is an exposition of the principles and ends of government, and the remaining four address Governor Huntington, the representatives of the state, the clergy, and then the people. Goodrich also discusses the upcoming Convention and offers his recommendations.

The Principles and Ends of Human Society

Goodrich begins with man as he relates to nature. Nature provides man a “law, which Almighty God has established in the moral world, and made necessary to be observed by mankind; in order to promote their true happiness, in their transactions and intercourse.” These laws are “fixed” and “unchangeable”, and they “direct mankind to the highest perfection, and supreme happiness of their nature.” They are not, however, arbitrary laws, but

¹⁵ Elizur Goodrich, “The Principles of Civil Union and Happiness Considered and Recommended,” in *Political Sermons of the American Founding Era 1730-1805*, ed. Ellis Sandoz (Indianapolis: Liberty Fund, 1991), 909-940.

¹⁶ Ellis Sandoz (ed.), Preface to Goodrich’s “Principles,” *Political Sermons*, 910.

¹⁷ Quoted in Edmund S. Morgan, *The Gentile Puritan: A Life of Ezra Stiles, 1727-1795* (Chapel Hill: The University of North Carolina Press, 1962), 336-7.

well-suited to man's nature, being what they "must observe...[to] arrive at the greatest happiness and perfection of their nature."¹⁸ Following any other principles, "attempts to make a new world." For,

No more can mankind be conducted to happiness, or civil societies united, and enjoy peace and prosperity, without observing the moral principles and connections, which the same Almighty Creator has established for the government of the moral world.

This reflects the Creator's moral government over his creatures, as a law-giver relates to subjects. They are not mere "moral laws" as means to "moral ends," but "to the enlightened and religious mind, they are moral laws, in a higher sense—laws of our creator, for the conduct of our life and manners." They are products of his "will and authority," who is the "great and righteous governor of the world." The content of this law of nature is summarized as the "love of God and of our neighbor," which is the "great and universal principle and law of rational union and happiness." Applied to society, "Religion and virtue are the great principles on which the happiness of human societies must be built,"¹⁹ and together they form "the strongest bond of human society."

For Goodrich, consistent with Wilson and Willard, the natural law is obligatory on account of God's authority and will, and the moral law has a natural fitness to human nature as the only and sure means to happiness and perfection. In the prelapsarian state, there "would be no necessity for coercion of civil government," Goodrich says, for the impression of God's moral governance upon man was sufficient to follow the "order of that benevolence [that] we owe to one another." Hence, in a pre-civil state, man is under God's moral government and directed by it to his perfection and happiness.

But due to the fall, man is in a "depraved state," producing "various dispositions and differing pursuits, the jarring interest, and unruly passions, the jealous and misapprehensions

¹⁸ Goodrich, "Principles," 917.

¹⁹ Goodrich, "Principles," 915.

of neighbours.” The state of corruption “spoil[s] harmony and good agreement.” Apart from civil government, disputes would arise with “no common judge....[E]very one will be an avenger of his own wrong.” The result is a “state of hatred and war [that will] destroy all human peace and happiness.”²⁰ Without agreement, there can be no peace; and without peace, there is no happiness.

This is where civil government comes in. The institution of civil government has as its great end “to prevent mischief, and to secure the enjoyment of rational liberty, which summarily consists in the unmolested privilege and opportunity of leading a quiet and peaceable life, in the all godliness and honesty”.²¹ Civil government is an *ad hoc* institution that acts upon society principally to restrain that which hinders the pursuit of happiness. Thus, while civil government, as to its *origin* and *means*, is a human artifice—a creation of man—its *principles* and *ends* originate prior to it and are the same principles and ends of God’s moral government. Goodrich states, “The end therefore, and nature of civil society imply that it must have for its foundation, the principles and laws of truth, justice and righteousness, mercy and the fear of God; or it can never advance the happiness of mankind.”²² Neither the fall, nor the Gospel, changes the principles and end of human society, and civil government acts upon society to correct moral deficiencies that prevent the attainment of happiness.

The failure to follow these principles, however, will throw civil society into disorder and disharmony. Goodrich distinguishes between laws of nature in application that “have a fixed consistence and duration” (or “hold the first rank”) and those that are particularly “suited to the peculiar state of a people.” The *former* are “fundamental laws, by which a people are

²⁰ Goodrich, “Principles,” 915.

²¹ Goodrich, “Principles,” 916.

²² Goodrich, “Principles,” 916.

compacted together.” They are “universal and unchangeable obligation...[and] are such fixed means of union, peace, and happiness. He mentions “personal liberty,” “private property,” and “the rights of conscience.” He says nothing of “natural rights,” but he is speaking of natural rights. As we saw above, natural rights are natural only because they are universally necessary for human happiness. The *latter* refer to civil laws that are necessary on account of circumstances but should change with the change in circumstances. On these Goodrich writes, “New and different circumstances require new and different regulation in society, fitted to the occasions which produce them.”²³

But civil government cannot effectively enforce every feature of natural law. Doing so would produce the opposite of what is intended, for “controversies about the violations of it would be perplexed and intricate: Litigious suits would be infinitely multiplied....and the state would be torn with intestine division and discord.” Goodrich continues, “But, tho’ all the laws of nature cannot be enforced with civil sanctions, yet every righteous state adopts those, which are necessary for the preservation of public peace.” This is why laws must be “suited to the peculiar state of a people.”²⁴

Goodrich’s account of the principles and ends of civil government as they relate to natural law and human nature is the same as to substance as Willard’s account offered almost one-hundred years earlier. I have no evidence that Goodrich read Willard, but that is largely irrelevant and indeed supports my argument that Goodrich presented standard Reformed political thought. And for this reason, his sermon articulates widely held views in the founding era.

Goodrich on Church and State

Goodrich also speaks on the relationship of church and state. The content is important,

²³ Goodrich, “Principles,” 917-18.

²⁴ Goodrich, “Principles,” 917.

because Goodrich shows why someone like Sherman might be content with the US

Constitution lacking any explicit mention of God, Christ, and religion.

Addressing his fellow clergyman, he states,

We are members of civil society, equally interested in its peace and prosperity, with the rest of our fellow-citizens; and especially “because of the house of the Lord our God,” we are bound “to seek” it’s “good.” The immediate ends of the magistracy and ministry are different, but not opposite: They mutually assist each other, and ultimately center in the same point. The one has for its object the promotion of religion and the cause of Christ; the other immediately aims at the peace and order of mankind in this world: Without which, there could be no fixed means of religion; nor the church have a continuance on earth, but through the interposition of a miraculous providence, constantly displayed for its preservation. Hence the church of Christ will have no fixed residence, where there is no civil government, until he, whose right it is, shall take to himself his great power, and reign king of nations, even as he is king of saints.²⁵

This is standard Reformed political theology, and it nicely summarizes what we saw in John Davenport’s *Discourse about Civil Government* in Chapter 3. While both the civil and ecclesiastical administrations have different objects, both have the same ultimate end—religion or spiritual good. Civil administration has magisterial jurisdiction over outward conditions, not the soul; civil power can touch only outward order. Though church ministers do not, strictly speaking, have jurisdiction over the soul (since only God has immediate jurisdiction over the soul), they do have the special role of ministering *to* the soul with divinely instituted practices. This is a *ministerial* power: they serve the needs of the soul without exercising dominion over it. The end of both civil and ecclesiastical administration is the salvation of souls, though the civil administration seeks this indirectly by establishing the best outward conditions conducive to this end. Thus, a *good* civil government is one that orders outward conditions to that end. Since the visible church is in a sense the kingdom of Christ, the civil government serves Christ by establishing and maintaining a “peace and order of mankind in this world” that secures a “fixed residence” for churches on earth.

Goodrich’s political theology is neither Erastian (viz. the state orders the church), nor

²⁵ Goodrich, “Principles,” 933-34.

Roman Catholic (viz. the church orders the state). The church does not derive its doctrine and practices from the state, nor does the state derive its authority, power, and political principles from the church (as delegated temporal authority). But the church as an institution is dependent on the state for its local and outward preservation, for while the institutional church is an outward order, it lacks earthly coercive power and civil jurisdiction. Ministers can exhort civil rulers to rule well, but they cannot depose them, nor release their subjects from civil obligations to obey civil rulers. They cannot raise military forces, nor assert claims to property or temporal jurisdiction outside or against the state. The state, however, as mediators of the Creator's civil rule, lacks not only the power to administer holy things (e.g., Word and Sacrament) but also lacks direct rule over the ecclesiastical order itself. Church and state are independent. This view of church/state relations is more Congregationalist and Presbyterian than traditional Episcopalian, but the Episcopalians among the founders show little desire for an arrangement like that of the Church of England.

My point in this articulation is to argue that a *Christian* civil government is not necessarily one that declares itself as such, but one whose design best conduces to the promotion of the Christian religion. A nationally established church may not be conducive in all cases, especially when (in the American context) subordinate governing authorities have their own power to regulate and promote religion. This suggests an answer to the question, why is the US Constitution a “godless” document? I will try to answer this question after I discuss both Goodrich's comments on federalism and the Federal Convention.

Goodrich on Federalism and the Federal Convention

Though the occasion of the sermon was a gubernatorial election, Goodrich used the situation to speak about the upcoming Federal Convention. His text for the sermon was Psalm 122:3: “Jerusalem is building, as a City that is compact together.” He first states that the “tribes” of Israel were “strictly united...into a holy nation and commonwealth, under Jehovah

their king and their God.” Jerusalem “was established as the local centre of communion” by “the common consent of the nation.” In this “sacred constitution,” you had the “house of David,” which was the “public administration”; the “Levites...ministering in their offices”; and the “people” who “present[e]d national homage to Jehovah.” These three constituted the Kingdom of Israel, “considered in a natural, civil, or religious view.” Each of these “excited the most noble objects”:²⁶

There were the exaltation of Jehovah, the king and God of Zion—the honour and happiness of the nation—the preservation of the true religion, and the peace and best good of all the tribes of Israel. Religion therefore, and the public spirit were united in the ardent affection of the pious Israelites, toward Jerusalem, which they preferred above their chief joy.²⁷

All attending the sermon knew where Goodrich was going with this text: the tribes of Israel retained sovereignty over their internal affairs but looked to Jerusalem for “peace” and their “best good”. The kingdom of Israel was a federal union.

Goodrich addresses the “magistrates and representatives of this state,” which would likely include the delegates to the Convention. The American people are “favoured above any people on earth” in their unity in “virtue and religion,” which he identifies as “means” to “strengthening the national union.”²⁸ It provides “advantages” that “providence has put into our hands.” John Jay’s comment in Federalist 2 comes to mind, that Americans profess “the same religion.” For Goodrich and Jay (and likely many others) the unity in the Christian religion is a major, if not essential, resource for political unity.

Goodrich’s chief concern is the “happiness and defense of the several states.” Without a stronger union, he writes “we shall become the scorn and contempt of foreign nations, a prey to every bold invader; or fall by intestine divisions, till we sink into general ruin, and

²⁶ Goodrich, “Principles,” 913.

²⁷ Goodrich, “Principles,” 913.

²⁸ Goodrich, “Principles,” 928.

universal wretchedness.” He uses the Kingdom of Israel as an example of national union. Just as the tribes looked and submitted to Jerusalem for “peace and prosperity,” so too ought the states look to “the honour and safety of the confederate republic” for their “happiness and defense.” The states must “give the federal government energy” to ensure “existence, liberty, and independence of these states” and that secures the “internal liberty and sovereignty of the states”²⁹ Goodrich is no Hamiltonian nationalist. He wants a “federal government” with powers sufficient only for “securing the peace, and prosperity of the whole.” The state, not the national government, is the principal securer of the rights of individuals and the primary means of cultivating just social relations. We see this state-focused view of federalism in the speeches by Ellsworth and Sherman in the Federal Convention debates.

But what is most important here is that Goodrich, despite stressing the importance of religion for happiness, nowhere calls for the addition or inclusion of religious language in the text of the new governing document. The Articles of Confederation, which the Federal Convention was commissioned only to modify, makes no reference to religion (besides one reference to oaths). Why would Goodrich care so little about religious language in the new constitution, if religion is an essential means to union and public happiness? The answer is found both in federalism and the pre-civil nature of Protestant religion. The chief purpose for civil government vis-a-vis religion is that it acts to secure a “resident home” for the ecclesiastical administration, i.e., the visible church. That visible church is the outward manifestation of the Kingdom of Christ on earth, and so to act for its security and unmolested operations is to serve Christ’s mediatorial work for the salvation of souls. As I have stressed, civil government fulfills its divinely instituted role in relation to religion when it establishes and maintains the best possible outward conditions for the flourishing of religion. The appropriate arrangements depend on both experience and circumstances. Furthermore, the

²⁹ Goodrich, “Principles,” 929.

religiosity of a people is itself a *social* (or pre-civil) quality. Goodrich located the “exaltation of Jehovah” in the “people”. The church provides the ordinary means of expressing public religiosity and piety, but, as Willard said, even divinely instituted worship is a means “to help us in our natural worship.” Both the civil and ecclesiastical administrations aid human society, which is prior to both, in the pursuit of happiness. The Federal Convention, therefore, could not found a Christian nation, for the religiosity of a nation is prior to civil government. Rather, a Christian nation erected a system that, given their unique circumstances, sought to promote that nation’s civil and spiritual good. This and federalism best explain why Goodrich said nothing about including religious language in the new constitution. The arrangements served Christian ends by ensuring the best possible outward conditions for their fulfillment.

4. Roger Sherman and Oliver Ellsworth

Roger Sherman, whom John Adams admiringly called an “old puritan,” has only recently received the attention he deserves.³⁰ He was an orthodox Reformed Christian and an amateur theologian. He exchanged letters on theology with leading theologians of his day. He wrote church confessions and sermons, and he encouraged family members and friends in the faith. He also had an immensely consequential role in the American founding, signing the Declaration of Independence and taking part in forming the Articles of Confederation, the US Constitution, and the Bill of Rights. What scholars have called “The Great Compromise,” which saved the Federal Convention from failure, has been called the “Sherman Compromise” for Sherman’s role in negotiating with James Madison. Sherman is perhaps the most important founding father that most Americans have not heard of.

Sherman’s theological orthodoxy is indisputable. He was an admirer of Jonathan

³⁰ Mark David Hall, *Roger Sherman and the Creation of the American Republic* (Oxford: Oxford University Press, 2013).

Edwards Sr. and, for over thirty years, a member of a Congregational church in New Haven led by Jonathan Edwards Jr.³¹ As church membership declined, he defended the ministry of Edwards Jr., which (like that of his father's) emphasized theology and piety. In one letter, he writes that "I have heard many good preacher[s] which I esteem orthodox & pious, but I have found none that in all respects suits me better than Dr. Edwards."³² Sherman took the side of Edwards in a dispute over universal salvation, saying that we must "believe the threatenings, as [well as] the promises of the gospel."³³ About one-third of his books at his death were theological in nature.³⁴ He wrote the first drafts of what became his church's confession of faith and covenant. Though brief, both the draft and the adopted version of the confession reflect standard Reformed theology.³⁵

Sherman also corresponded with a leading "New Divinity" theologian, Samuel Hopkins, a student of Edwards Sr. This correspondence shows that Sherman, though a follower of Edwards Sr., did not fully adhere to the New School Theology. This is important, because Hopkins' theology was innovative and likely contrary to the Reformed tradition on important points.³⁶ Their dispute centered on the concept of "self-love." Sherman claimed that "self-

³¹ Mark Hall writes that "No theologian was better represented in Sherman's library than Jonathan Edwards Sr." *Collected Works of Roger Sherman* ed. Mark David Hall (Indianapolis: Liberty Fund, 2016), 724 n. 8.

³² Roger Sherman, "Letter to David Austin, March 1, 1790," in *Collected Works*, 771. In another letter he writes, "I esteem [Dr. Edwards] one of the best of preachers that I am acquainted with, sound in Faith, & pious." See "Letter to Simeon Baldwin, February 4, 1790," in *Collected Works*, 769.

³³ Sherman, "Letter to David Austin, March 1, 1790," in *Collected Works*, 772.

³⁴ See "Inventory of Pamphlets and Books, 1793" in *Collected Works*, 813-16.

³⁵ The adopted version, for example, states "That God, of his mere good pleasure, elected some of mankind to everlasting life" and "That Jesus Christ...by the virtue of his atonement as the only meritorious cause procures their [his people's] justification, adoption, and final salvation, in consequence of their repentance and faith in himself." See "Confession of Faith Adopted by White Haven, 1788," in *Collected Works*, 734-35.

³⁶ Reformed orthodox theologians, such as Charles Hodge (1797—1878), attacked New Divinity theology.

love” is a “natural principle” and is “distinct but not opposite” to “disinterested love to others.”³⁷ The details are less important for us than some of arguments used to support his position; he relies on Reformed orthodox doctrines. For example, he affirms that “original righteousness in man was a supernatural principle which was withdrawn on [man’s] first transgression, and his natural principles of agency remaining, were exercised wrong.”³⁸ Hopkins neglects to mention this doctrine in his systematic theology, but as we saw in Chapters 2 and 4 “original righteousness” is a Reformed orthodox doctrine.³⁹ Sherman’s position on loving one’s self is consistent with the Reformed tradition as well,⁴⁰ and it justifies one seeking his “highest good and happiness in the enjoyment of God” by which he “answers the end of his creation.” This includes seeking “our temporal as well as spiritual good.”⁴¹

As we saw in the previous chapter, Sherman was comfortable with religious language in governing documents, which is evident in his revision of the Connecticut’s statutes in 1783. Here I want to highlight the end or purpose of these policies. One of the preambles states that civil government ought “to provide for the support and encouragement” of piety and religion, because “the happiness of a people, and the good order of civil society, essentially depend upon” it.⁴² Support and encouragement refers not just to public funding for the established

³⁷ Sherman, “Roger Sherman to Samuel Hopkins, June 28, 1790” in *Collected Works*, 778.

³⁸ Sherman, “Roger Sherman to Samuel Hopkins, October 1790” in *Collected Works*, 795.

³⁹ Samuel Hopkins, *The System of Doctrines Contained in Divine Revelation, Explained and Defended* (Boston: Thomas and Andrews, 1793).

⁴⁰ Samuel Willard, for example, states, “regular *self-love*, is the rule of our *loving our neighbor*, which presumes it.” See *Complete Body of Divinity*, loc. 31632.

⁴¹ Sherman, “Roger Sherman to Samuel Hopkins, October 1790” in *Collected Works*, 795-96.

⁴² Roger Sherman, “An Act for securing the Rights and Conscience in Matters of Religion, to Christians of every Denomination in this State,” in *Collected Works*, 80.

church, but also the toleration of “every denomination” (by which he means all Protestant denominations). Sherman affirms this privately as well. In a 1791 letter, he writes, “What is expended for the support of religion is applied to advance the best interest of a people—and if they do it willingly it will have the most likely tendency to promote their temporal as well as spiritual good.”⁴³ The takeaway here is that civil government has a “duty” to act with regard to religion not based on some abstract principle, but because religion is necessary for a happy people. Civil government fulfills its obligation when it enacts the most effective policy for this end.

Sherman’s theological commitments and his work on the Connecticut statutes raises the question that has puzzled scholars for a long time: why would a founder like Sherman express no concern over the lack of religious language in the US Constitution? The answer, in large part, is that the unique situation of the American states permitted a form of federalism that left the states with the sufficient power to regulate religion for conditions of happiness.

In the Connecticut ratification debates, Sherman said,

The immediate security of the civil and domestic rights of the people will be in the governments of the particular states. And as the different states have different local interests and customs which can be best regulated by their own laws, it would not be expedient to admit the federal government to interfere with them any further than may be necessary for the good of the whole. The great end of the federal government is to protect the several states in the enjoyment of those rights against foreign invasion, and to preserve peace and beneficial intercourse among themselves, and to regulate and protect their commerce with foreign nations....The powers vested in the federal government are particularly defined, so that each state still retains its sovereignty in what concerns its own internal government and a right to exercise every power of a sovereign state not particularly delegated to the government of the United States.⁴⁴

Though Sherman does not mention religion, we can infer that the federal government has no role in religion, because the states, with their “differently local interests and customs,” can

⁴³ Roger Sherman, “Letter to Simeon Baldwin, November 26, 1791,” in *Collected Works*, 801.

⁴⁴ Roger Sherman, ““Observations on the New Federal Constitution,” January 7, 1788” in *Collected Works*, 492.

best regulate religion. After all, the states are the principal agents in procuring and facilitating the achievement of the happiness. The role of the federal government is “to preserve justice and harmony among the States.”⁴⁵ He says in a December, 1787 letter that “the powers vested in the federal government are only such as respect the common interests of the Union, and are particularly defined so that each State retains its sovereignty in what respect its own internal government.”⁴⁶

Part of Sherman’s motivation for this arrangement was the necessity of the situation. In an undated letter written after the Convention and before the Connecticut ratification, he writes,

Perhaps a better [constitution] could not be made upon mere speculation. It was consented to by all the states present in the Convention, which is a circumstance in its favor so far as any respect is due to this. If upon experience, it should be found deficient, it provides an easy and peaceable mode of making amendments. If it should not be adopted, I think we shall be in a deplorable circumstances. Our credit as a nation is sinking. The resources of the country could not be drawn out to defend against a foreign invasion nor the force of the Union to prevent a civil war; but if the Constitution should be adopted and the several states choose some of their wisest and best men from time to time to administer the government, I believe it will not want any amendment. I hope that kind providence, that guarded these states thru a dangerous and distressing war to peace and liberty, will still watch over them and guide them in the way of safety.⁴⁷

Goodrich’s sermon contained similar reasoning. A closer union was necessary; it was not simply a matter of preference or the pure application of abstract principles. Without an energetic federal government capable of protecting the states from within and without the states would fall to ruin and the people would suffer. In the recommended Constitution, each state retained sufficient sovereignty to regulate its affairs according to each one’s peculiarities. This certainly included religion. The people of Connecticut were so

⁴⁵ Roger Sherman, “Letter to Unknown Recipient, December 8, 1787,” in *Collected Works*, 476.

⁴⁶ Roger Sherman, “Letter to Unknown Recipient, December 8, 1787,” in *Collected Works*, 475.

⁴⁷ Roger Sherman, “Letter to William Floyd,” in *Collected Works*, 473.

unconcerned over the lack of religious language in the Constitution that less than a quarter of the delegates at the state ratification convention voted against the ratification.⁴⁸

By late November, 1788, twelve states had ratified the Constitution. A few of those states proposed amendments for the first Congress's consideration. Only one concerned religion and it recommended inserting "other" between "no religious" in Article VI, paragraph 3. It would read, "no *other* religious Test shall ever be required..." The recommendation seems to recognize that being "bound by Oath or Affirmation, to support this Constitution" is a sort of religious test. As we saw in Chapter 3, an "oath" was considered part of the Third Commandment, which made it a religious act.⁴⁹ Sherman commented in the New Haven Gazette on each proposed amendment. He calls this one an "ingenious thought....But it may be considered as a clerical omission and be inserted without calling a convention; as it now stands the effect will be the same." Thus, Sherman's reading of VI:3 is that the "oath" is a religious act.

The best explanation for why Sherman, the Old Puritan, supported the Constitution is that the circumstances called for it. The only sure way to secure the liberty for individuals to procure both temporal and spiritual good—to pursue happiness—was an energetic federal government that harmonized and secured the states. Even in a federal system, however, the support and encouragement of religion is still an end for the federal government. To see this, we should distinguish between object and end. The *object* of federal government (that which it can directly affect) was the harmony and good order of the states, but its *end* (as a sort of indirect object) was the security of natural liberty of individuals to pursue happiness in

⁴⁸ See Hall, Preface to "Ratification Debates," in *Collected Works*, 470.

⁴⁹ In a 1688 sermon, Samuel Willard said that the oath "belongs to worship, and is generally referred to the first table, and the third command (though considered as a part of natural worship, it is also to be referred to the first command), it being an invocation of God, a solemn appeal to him." See *A Brief Discourse concerning that Ceremony of Laying the Hand on the Bible in Swearing* (London: J.A., 1689), 3. In the preface, Increase Mather cites several well-known Reformed theologians.

accordance with natural law. As I argued above, the founders believed that role of civil government is to serve God's moral government by establishing the best outward conditions for civil and spiritual good and thereby serve God himself. In this light, the *ultimate* end of the federal government is both God as Creator whose moral government has fixed the means to happiness and Christ who reigns as mediator over his church. The founding was a Christian founding because a Christian nation arranged itself in the best possible way, given its circumstances, for the attainment of temporal and spiritual good.⁵⁰

The Establishment Clause

Sherman participated in the Amendment committee to draft what became the Bill of Rights. Despite believing in establishment, he supported and voted for non-establishment at the federal level. Given the discussion above, we can safely infer that Sherman intended only to prevent Congress from elevating one religion over all the states. Vincent Munoz has demonstrated, using other sources, that the original purpose of the Establishment Clause was to "quell" the concerns of the Anti-Federalists who feared that the "the new Congress would impose one form of church-state relations throughout the nation."⁵¹ Munoz cites a Massachusetts author, "Agrippa":

Attention to religion and good morals is a distinguishing trait in our [Massachusetts] character. It is plain, therefore, that we require for our regulation laws, which will not suit the circumstances of our southern brethren, and the laws made for them would not apply to us. Unhappiness would be the uniform product of such law; for no state can be happy, when the laws contradict the general habits of the people, nor can any state retain its freedom, while there is a power to make and enforce such law.

⁵⁰ One delegate to the federal convention, Luther Mather, who refused to sign the Constitution, objected to the lack of a religious tests because "in a Christian country it would be at *least decent* to hold some distinction between the professors of Christianity and downright infidelity and paganism." The importance here is Martin's recognition of a "Christian county" conceived prior to its particular civil arrangements. Quoted in Donald L. Drakeman, "The Antifederalists and Religion," in *Faith and the Founders of the American Republic*, eds. Daniel L. Dreisbach and Mark David Hall (Oxford: Oxford University Press, 2014), 124.

⁵¹ Vincent Phillip Munoz, "The Original Meaning of the Establishment Clause and the Impossibility of its Incorporation," *University of Pennsylvania Journal of Constitutional Law* 8 (2006): 585-639.

Notice that the concern is not over establishment itself, but over establishment at the federal level producing widespread unhappiness. Since Massachusetts has its own “general habits,” as do the other states, religion should be left to the states.

Another Anti-Federalist writer, “Deliberator,” expressed concern over the term “general welfare” in the preamble, that it might justify establishing “uniformity in religion.” Others expressed concern over the “necessary and proper” clause. The fear, however, was not religious establishment itself. As Munoz states, “Most Anti-Federalists did not object to religious establishments per se.” They feared that Congress, under the guise of national welfare, would seize control over what rightly belongs to the states. Though it is unlikely that Congress would have enacted religious uniformity, it is at least theoretically possible, since all founders thought that religion was necessary for and contributed to the welfare of the people. Whether their concerns were rational or irrational, the Anti-Federalists forced the first Congress to expressly curtail their powers in establishing religion. The motivating principle, however, was not anti-establishment; it was federalism. Given religious diversity between the states, the promotion and regulation of religion was best left to the states.⁵²

Oliver Ellsworth

Alongside Sherman, Ellsworth spoke regularly at the Federal Convention in support of state equality and state sovereignty. One comment by Ellsworth, recorded in Madison’s Notes, is similar to what we saw in Goodrich’s sermon:

Mr. ELSEWORTH: Under a national government, he should participate in the national

⁵² Furthermore, as Stephen Botein has argued, those who stressed the importance of religion for civil stability and happiness, did not see the federal government as the sort of political entity that needed religion. The states alone required a “religious dimension,” and only around the mid-19th century did “the federal government [begin] to reveal enough attributes to warrant some semblance of [an] official religious identity.” See Stephen Botein, “Religious Dimensions of the Early American State,” in *Beyond Confederation: Origins of the Constitution and American National Identity*, ed. Richard Beeman, Stephen Botein, and Edward L. Carter (Chapel Hill: University of North Carolina, 1987), 315-330. Drakeman writes, “Church-state issues were simply not seen by the framers as contentious federal issues; all of the various areas of continuing disagreement were being left for the states to work out.” See Drakeman, “The Antifederalists and Religion,” 137.

security, as remarked by Mr. King but that was all. What he wanted was domestic happiness. The national government could not descend to the local objects on which this depended. It could only embrace objects of a general nature. He turned his eyes therefore for the preservation of his rights to the state governments. From these alone he could derive the greatest happiness he expects in this life. His happiness depends on their existence, as much as a new born infant on its mother for nourishment. If this reasoning was not satisfactory, he had nothing to add that could be so.⁵³

Besides the emphasis on states sovereignty, this speech shows where Ellsworth (consistent with Goodrich and Sherman) expects to find his happiness—in his state. The state is the principal instrument by which rights are secured and happiness is procured. At best, the federal government can touch only things of a “general nature.” Ellsworth is not, however, arguing from an ideology of state-rights. He considers a collection of equal and sovereign states, though subordinated to a limited federal government, as the best possible arrangement given the circumstances. Thus, the federal government indirectly secures the safety and happiness of the people by strengthening the state governments’ ability to directly act upon society for its happiness. In other words, while the *end* of the federal government is the safety and happiness of the people, the *object* is the harmony and security of the states.

In the end, despite having to compromise, both Ellsworth and Sherman appear to be satisfied with the Convention’s product. Together they wrote a letter to Governor Samuel Huntington stating that the Constitution vests in Congress “powers [that] extend only to matters respecting the common interests of the Union and are specially defined, so that the particular state retain their *Sovereignty* in all other matters.”⁵⁴

Ellsworth’s defense of the Constitution during the ratification debates are instructive as well. Writing as “A Landowner,” Ellsworth defended the Constitution’s prohibition of religious tests for political office. Some scholars allege that this betrays an unfavorability

⁵³ Oliver Ellsworth, “Saturday, June 30,” in *Notes of Debates in the Federal Convention of 1787*.

⁵⁴ Roger Sherman, “Roger Sherman and Oliver Ellsworth to Samuel Huntington, September 26, 1787,” in *Collected Works*, 471.

toward religion.⁵⁵ But Ellsworth argues that the opposite is true: “the sole purpose and effect of it is to exclude persecution, and to secure to you the important right of religious liberty.” He then summarizes recent and familiar European history in which “tyrannical kings, popes, and prelates” persecuted dissenters with religious tests. This is an argument from experience—religious tests for political office are unwise because they have been abused. Prohibiting religious tests *secures* religion and it removes any suspicion of religious tyranny from national politics. Moreover, Ellsworth is not arguing that piety is irrelevant to statesmanship. Rather, the absence of religious tests forces “the people...[to] take care to choose such [pious] characters; and not rely upon such cob-web barriers as test-laws are.” Prohibiting religion tests would increase the likelihood that statesmen are “friends of religion.”⁵⁶

Not every founder, including many at the Federal Convention, supported the state equality position found among the Connecticut delegation. But even those who emphasized national strength or the “people” over the states believed in a divine moral government. James Wilson, whom we discussed earlier, is one such founder who argued against state equality in the union *and* that civil government must act in the service of man under God’s moral government to aid him in achieving happiness. As for the theologically unorthodox or questionably orthodox founders, Gregg Frazer has shown that they were at least “theistic rationalists” (not deists), believing in an underlying and divine moral order that directed man to an afterlife of rewards and punishment, and they generally believed that Christianity is the best religion for public happiness.

⁵⁵ Isaac Kramnick and R. Laurence Moore, “The Godless Constitution,” in *Protestantism and the American Founding*, eds. Thomas S. Engeman and Michael P. Zuckert (Notre Dame, ID: University of Notre Dame Press, 2004), 140-41.

⁵⁶ Oliver Ellsworth (“Landholder”), “Monday, December 17, 1787,” in *The Federalist and Other Constitutional Papers*, Vol. 2 (Chicago: Albert, Scott & Company, 1894), 583-83.

5. Summarizing the Argument

The religious nature of the founding is a complex relationship between the divine grounding of natural law (from which natural rights are derived) and federalism. The law of nature is the principal feature of God's moral government, and it includes fixed means or conditions for the happiness of rational, earth-bound creatures. Natural rights are natural because they are essential to happiness, given the nature of man. Civil government ought to secure these rights to the greatest extent possible. Civil government acts upon society to facilitate human activity for man's natural end. Happiness is man's chief end, and the substance of happiness is both temporal and spiritual good, corresponding respectively with man's penultimate and ultimate ends. When civil government acts to encourage or make possible the attainment of these goods, it fulfills its divinely-instituted role for man and thereby serves God, both God as Creator (in relation to temporal good) and Christ as mediator (in relation to spiritual good). The civil arrangements in the US Constitution sought to maximize the achievement of those goods, given the unique circumstances of late 18th century America. One fundamental feature of those arrangements was leaving religion to the states.

The American founding has continuity with the 17th century as to principle and ends, but discontinuity as to means and civil arrangements—the applications of the same principles. I call this *principled discontinuity*. The principles are grounded in the law of nature and nature's God and the end is happiness. The accumulation of experience and changes in circumstances necessitated discontinuity, and the effect of experience is most evident in the changes in policies regarding religious toleration. History and personal relationships shaped the imagination as to the possibilities of civil order, particularly regarding civil stability amid religious diversity. The changes in circumstances are most evident in both religious composition and in the need to unite a collection of states, each having a unique history and

set of social, political, and religious customs.

From the 17th century and into the 18th, Protestant principles unfolded as experience with diversity revealed possibilities of political order, culminating in popular and elite support for toleration.⁵⁷ It also permitted religious unity that contributed to the possibility of political union. Furthermore, the civil government's principles, ends, power and authority are grounded in God as Creator and derive not from any earthly, spiritual institution. The nation or people are conceptually prior to all institutions, including both civil or ecclesiastical institutions, and are bound to obey God's moral government established at creation and can erect institutions for their civil and spiritual good.

My account of the founding, I trust, has undermined the "secularization" thesis of the American founding. First, the civil realm in classical Protestantism *is* secular, for its objects are temporal goods, even though spiritual good is the ultimate end. Second, the ground of human society and civil government in classical Protestantism *is* the law of nature and nature's God, even though that God has been further revealed as Redeemer. Third, while civil government can explicitly acknowledge Christ and the Gospel in its governing documents, it

⁵⁷ I've classified this experience as *Protestant* experience not forgetting the role of the Carrolls in the founding, particularly that of Charles Carroll, a Roman Catholic patriot of Maryland, delegate to the Continental Congress, and signer of the Declaration. Charles Carroll, the only Roman Catholic to sign the Declaration, was well-respected among the Protestant founders. Charles Carroll's brother, John Carroll, denied that the founding was a Protestant founding. The Carrolls believed that the principles of the American founding—"the rights of conscience, equal liberty and diffusive happiness"—were compatible with their Roman Catholic faith. For a discussion on the Carrolls, see James R. Stoner, "Catholic Politics and Religious Liberty in America: The Carrolls of Maryland," in *The Founders on God and Government*, eds. Daniel L. Dreisbach, Mark D. Hall, and Jeffry H. Morrison (New York: Rowman & Littlefield Publishers, 2004); "Catholicism and the Constitution," in *Reason, Revelation, and the Civic Order: Political Philosophy and the Claims of Faith*, eds. Paul R. DeHart and Carson Holloway (DeKalb, IL: Northern Illinois University Press, 2014). But whatever compatibility there might be, early American history is a Protestant history and, as I've argued, is a history of Protestant principles unfolding toward religious liberty. It is Protestant experience because, unlike Roman Catholicism, classical Protestantism understood the "visible catholic church" non-institutionally. Or, put differently, unity in profession of faith did not require common recognition of a single, world-wide ecclesiastical institution and an earthly, spiritual head (viz. the papacy). In addition, anti-"Popery" was widespread, including among many founders. In 1774, Continental Congress published an address in opposition to the Quebec Act, written by John Jay, Richard Henry Lee and William Livingston, denouncing Parliament for promoting a religion that "disbursed impiety, bigotry, persecution, murder and rebellions through every part of the world."

fulfills its duty to Christ and the Gospel principally by acting for the best conditions in which the church (viz. the mediatorial kingdom of Christ) can administer to the soul. Only in this way can the secular truly serve the sacred, and the most suitable secular arrangements for that end is a matter of prudence. I conclude that early American political thought, from the original New England settlements to the American founding, shows continuity in principles and discontinuity in the applications of those principles.

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Vita

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