

The United 'Statists' of America?

Dr. Peter A. Lillback

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“A government that is big enough to give you whatever you want is big enough to take away everything you have.” This political aphorism is often wrongly attributed to Thomas Jefferson. Although said by Gerald Ford, nevertheless, Jefferson would likely have agreed since he observed, “The natural progress of things is for liberty to yield, and government to gain ground.”¹

Statism extols this seemingly inexorable tendency to centralize power in the state. Rather than lodging power in individuals and independent bodies of government, statist believe that the highest good of life is human government.² A corollary of statism is that government is best able to meet the needs of its people. Statists are committed to an ever increasing role of government in all spheres of life. In statist philosophy, family, church, business, religion, education and local government should all be under the control of a vast centralized governmental bureaucracy. If followed to its logical conclusion, statism leads to some form of totalitarianism. Ultimately, the emphasis on the collective destroys the significance of the individual.

A prime example of collective statecraft swallowing up individual liberty is communist ideology. Communism is a statist movement motivated by socialistic doctrine. The classic source for this is Karl Marx’s *The Communist Manifesto*.³ At the request of the Communist League, Marx wrote the *Manifesto* which was first published in Brussels in February 1848. Marx declared:

It is high time that Communists should openly, in the efface of the whole world, publish their views, their aims, and their tendencies, and meet this nursery tale of the spectre of Communism with a Manifesto of the party itself.⁴

Communism’s statist vision is to be achieved through the class struggle between the Bourgeois (industrialists/capitalist) and Proletarians (modern working class or laborers). Marx explains, “The history of all hitherto existing society is the history of class struggles....In short, the Communists everywhere support every revolutionary movement against the existing social and political order of things.... They openly declare that their ends can be attained only by the forcible overthrow of all existing social conditions.”⁵

Marx summarized communism’s tenets with remarkable and radical goals:

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The immediate aim of the Communists is...overthrow of the bourgeois supremacy, conquest of political power by the proletariat....In this sense, the theory of the Communists may be summed up on the single sentence: Abolition of private property....Abolition of the Family! Even the most radical flare up at this infamous proposal of the Communists. On what foundation is the present family, the bourgeois family, based? On capital. But, you will say, we destroy the most hallowed of relations, when we replace home education by social....But you communists would introduce community of women. The Communists are further reproached with desiring to abolish countries and nationality....The charges against Communism made from a religious, a philosophical, and generally, from an ideological standpoint, are not deserving of serious examination.⁶

Yet even with such unbiblical commitments, various schools of Christianity have embraced elements of communist teaching under the rubrics of “Christian Communism”, “Liberation Theology” or “Christian Socialism”. Marx anticipated this and ironically remarked in the *Manifesto*:

Nothing is easier than to give Christian asceticism a socialist tinge. Has not Christianity declaimed against private property, against marriage, against the state? Has it not preached in the place of these, charity and poverty, celibacy and mortification of the flesh, monastic life and Mother Church? Christian socialism is but the holy water with which the priest consecrates the heart-burnings of the aristocrat.⁷

While Marx recognized that socialism is a milder form of communism, clearly not every socialist or every statist ideology holds to the more radical tenets of communism. Yet, when the often heard concept of “social justice” is employed, it implies an enforced redistribution of wealth. This raises the legitimate query whether social justice legitimizes injustice by the diminishing or violating the rights of others by despoiling them of their personal property. Economically or politically speaking, it is not possible to have complete liberty and complete equality at the same time. Statism recognizes this tension and solves it by making the government the ultimate arbiter of liberty and equality, administering them as it alone deems best. In a statist regime, the state alone is free.

The statist vision has advanced with alacrity in the United States. The regulatory state in America increasingly extends the reach of federal power. The proliferation of executive orders and legislation from the bench manifest a metastasis of government power beyond constitutional limits. Federal taxation escalates even though it is a truism that the power to tax is the power to destroy. We should not forget what James Madison wrote in the *National Gazette*, January 19, 1792, “Every word of [the *Constitution*] decides a question between power and liberty.”⁸

Understandably, there is a growing concern among many Americans. Could we be losing our Constitution? These fears are fueled by courts that seem to change the Constitution at will. And

legislators and executives seem to bend the Constitution to achieve their political aims. Is this just a bit of political hysteria generated by uncertain times?

I. George Washington's Prophetic Concern about the Constitution

But make no mistake about it, the loss of the American Constitution is not a recent concern. It was a matter that troubled the newly elected President George Washington. In April 1789 George Washington prepared an address for Congress. It touched on a host of important matters that would impact the new Congress that was soon to meet for the first time under the newly adopted US Constitution. One of his most extraordinary insights in this lengthy document was his concern for the long term survival of the new Constitution.

To understand Washington's concerns, we must carefully read his classic language. To help, I will outline his points and state them in simpler words in italics. Then, I will quote his actual words. Please consider these seven points that our Founding Father made about the long term survivability of our Constitution.

1. *Washington was not a prophet and could not make a final prediction about the ultimate fate of the Constitution.* "I pretend to no unusual foresight into futurity, and therefore cannot undertake to decide, with certainty, what may be its ultimate fate."
2. *In our uncertain world good things have often ended up as disappointing evils and this could happen with our Constitution too.* "If a promised good should terminate in an unexpected evil, it would not be a solitary example of disappointment in this mutable state of existence."
3. *If we lose our Constitution's blessings of liberty, it would not be the first time that human foolishness has squandered the blessings of heaven.* "If the blessings of Heaven showered thick around us should be spilled on the ground or converted to curses, through the fault of those for whom they were intended, it would not be the first instance of folly or perverseness in short-sighted mortals."
4. *The word of God's revelation of the Christian religion provides an eternal example of the fact that the best human organizations can be used for evil ends.* "The blessed Religion revealed in the word of God will remain an eternal and awful monument to prove that the best Institutions may be abused by human depravity; and that they may even, in some instances be made subservient to the vilest of purposes." (Washington is here referring to the events surrounding the crucifixion of Jesus Christ.)
5. *America's future power-hungry leaders could get away with a disregard of the Constitution's limitations and harm our unalienable rights because the voters have become lazy or selfish.* "Should, hereafter, those who are entrusted with the management of this government, incited by the lust of power and prompted by the Supineness or venality of their Constituents, overleap the known barriers of this Constitution and violate the unalienable rights of humanity:"

6. *No mere human document is eternal and indestructible even if it began with God's favor and was declared to be holy.* "it will only serve to show, that no compact among men (however provident in its construction and sacred in its ratification) can be pronounced everlasting and inviolable,"
7. *No words on a piece of paper can withstand unbridled political ambition that remains unchecked due to an immoral electorate.* "and if I may so express myself, that no Wall of words, that no mound of parchment can be so formed as to stand against the sweeping torrent of boundless ambition on the one side, aided by the sapping current of corrupted morals on the other."⁹

This almost sounds like the evening news. Was Washington prophesying the destruction of our country that we might be seeing in our own day?

II. Religious Liberty as a Check on Governmental Tyranny

Where then does government power come from? In his Inaugural Address on January 20, 1961, John F. Kennedy answered this question when he affirmed, "...the rights of man come not from the generosity of the state but from the hand of God." In a recent editorial, Cal Thomas shows, however, that this is not the view of everyone today:

It isn't often that a member of the media reveals the philosophy behind his political ideology, but last week, CNN anchor Chris Cuomo outed himself. In an exchange with Alabama Chief Justice Roy Moore about Moore's refusal to adhere to a federal appellate judge's order to ignore the state constitution and begin granting marriage licenses to same-sex couples, Moore said "...our rights contained in the Bill of Rights do not come from the Constitution, they come from God."

Cuomo disagreed: "Our laws do not come from God, your honor, and you know that. They come from man."

Obviously, Cuomo flunked civics. Does he really believe that man is responsible for bestowing rights, and can therefore take those rights away as he sees fit? That a right bestowed today by a governing body of mere mortals can be invalidated by another body, say, following an election? That my rights and yours are as fluid as quicksilver and dependent on who sits in the big chair in Washington?

It is not a new debate, but a debate worth renewing.¹⁰

The rising tide of American statism is evident when issues of religion in the public square are raised. Should the government be able to prohibit Christian military chaplains from praying in Jesus' name? Is the government acting constitutionally when it mandates abortion services by federal law as with the Affordable Care Act, or when courts declare the supremacy of sexual liberty over religious liberty in conflicts arising from the normalization of homosexuality? Thomas Jefferson's first impressions of

the new American Constitution seem right. After reviewing the new constitution in France, he worried about the potential for a judicial oligarchy. This was due to what seemed to him to be the constitution's insufficient checks on the judiciary.

Religious liberty is a safeguard against governments' attempts to increase their powers. The lack of religious liberty tends to nurture a tyranny that suppresses the individual liberties of citizens. Thus religious liberty has foundational significance for western civilization that has asserted that authentic personal liberty is impossible without religious liberty. Such was the thrust of President Franklin D. Roosevelt's "Four Freedoms" address given to the US Congress on January 6, 1941:

In the future days which we seek to make secure, we look forward to a world founded upon four essential human freedoms.

The first is freedom of speech and expression—everywhere in the world. The second is freedom of every person to worship God in his own way—everywhere in the world. The third is freedom from want—which, translated into world terms, means economic undertakings which will secure to every nation a healthy peacetime life for its inhabitants—everywhere in the world. The fourth is freedom from fear—which, translated into world terms, means a worldwide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor—anywhere in the world. . . . Freedom means the supremacy of human rights everywhere.

Religious liberty became broadly recognized as it is a commitment of the United Nations. *The Universal Declaration of Human Rights*, adopted by the United Nations on December 10, 1948 proclaims:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Religious liberty is a tenet of today's Roman Catholic faith. Pope John Paul II said in his Message for the World Day of Peace, January 1, 1988, "Every violation of religious freedom, whether open or hidden, does fundamental damage to the cause of peace, like violations of other fundamental rights of the human person."

And it has hitherto been an indisputable premise of American values. President George W. Bush declared on May 7, 2001,

It is not an accident that freedom of religion is one of the central freedoms in our Bill of Rights. It is the first freedom of the human soul: the right to speak the words that God places in our mouths. We must stand for that freedom in our country. We must speak for that freedom in the world.

The erosion of religious liberty in America should be a concern for everyone.

Ultimately, statist views claim the ground previously reserved for God as the transcendent source of true liberty and ultimate justice. And as statism tends to be secular and atheistic in nature, we should remember that atheism inherently hates religion in general and theism in particular.¹¹ Atheism holds religion in all its forms to be intellectual delusions or tools of oppression. Thus as Christianity's influence in American culture diminishes, atheistic ideologies and their statist commitments increase their assaults upon religious liberty. If we are not "one nation under God", then we are but a nation under government. The United States then becomes United Statism.

III. The Founders' View of Government in Dependence upon God

So what did the American founders believe about God and government? For statist, the state is for all practical purposes divine in character. But was this the vision of America's founders? Does "the separation of church and state" mean the separation of God and government? Did the framers of America's government hope their unique political creation would become divine? To answer, we now address the American Founders' vision of the relationship of God and government.

While the early American leaders did not use the term "statism", they recognized the danger that an all-powerful government presented to liberty. Indeed, they absolutely opposed absolute government. Their perspective emerged from their notions of God, government, monarchy, tyranny and despotism. So when they set out to set up their state, they designed it to be diametrically opposed to the statist perspective.

Just how big was the fledgling government of the United States to become? A review of the early statements of the American patriots show their political philosophy was shaped by theism rather than statism. If statism desires a divine state, theism sees that state is inferior to the transcendent being and justice of God. For example, in March 1776, the Continental Congress agreed to the following resolution for appointing a fast:

In times of impending calamity and distress; when the liberties of America are imminently endangered by the secret machinations and open assaults of an insidious and vindictive administration, it becomes the indispensable duty of these hitherto free and happy colonies, with true penitence of heart, and the most reverent devotion, publickly to acknowledge the over ruling providence of God; to confess and deplore our offences against him; and to supplicate his interposition for averting the threatened danger, and prospering our strenuous

efforts in the cause of freedom, virtue, and posterity.

Clearly, the Continental Congress did not desire an all-powerful state. This was precisely what they were fleeing from in the form of a tyrannical monarchy. Against despotic power, they appealed to divine power above the earthly state. God's rescuing grace in the face of a powerful malevolent state pervades the Founders' call for prayer, fasting and humiliation.

The Congress, therefore, considering the warlike preparations of the British Ministry to subvert our invaluable rights and priviledges, and to reduce us by fire and sword, by the savages of the wilderness, and our own domestics, to the most abject and ignominious bondage: Desirous, at the same time, to have people of all ranks and degrees duly impressed with a solemn sense of God's superintending providence, and of their duty, devoutly to rely, in all their lawful enterprizes, on his aid and direction, Do earnestly recommend, that Friday, the Seventeenth day of May next, be observed by the said colonies as a day of humiliation, fasting, and prayer; that we may, with united hearts, confess and bewail our manifold sins and transgressions, and, by a sincere repentance and amendment of life, appease his righteous displeasure, and through the merits and mediation of *Jesus Christ*, obtain his pardon and forgiveness; humbly imploring his assistance to frustrate the cruel purposes of our unnatural enemies; and by inclining their hearts to justice and benevolence, prevent the further effusion of kindred blood.

But if, continuing deaf to the voice of reason and humanity, and inflexibly bent on desolation and war, they constrain us to repel their hostile invasions by open resistance, that it may please the Lord of Hosts, the God of Armies, to animate our officers and soldiers with invincible fortitude, to guard and protect them in the day of battle, and to crown the continental arms, by sea and land, with victory and success: Earnestly beseeching him to bless our civil rulers, and the representatives of the people, in their several assemblies and conventions; to preserve and strengthen their union to inspire them with an ardent, disinterested love of their country; to give wisdom and stability to their counsels; and direct them to the most efficacious measures for establishing the rights of America on the most honourable and permanent basis--That he would be graciously pleased to bless all his people in these colonies with health and plenty, and grant that a spirit of incorruptible patriotism, and of pure undefiled religion, may universally prevail; and this continent be speedily restored to the blessings of peace and liberty, and enabled to transmit them inviolate the latest posterity. And it is recommended to Christians of all denominations, to assemble for public worship, and abstain from servile labour on the said day.¹²

Rather than a divine-like state, they advocated a government that reflected the Christian perspective that men "ought to obey God rather than man" (Acts 5:29) as is reflected in their Thanksgiving

Proclamation dated November 1, 1777. Their battle was done in obedience to God and in light of the gospel of Jesus Christ:

Forasmuch as it is the indispensable duty of all men to adore the superintending providence of Almighty God; to acknowledge with gratitude their obligation to him for benefits received, and to implore such farther blessings as they stand in need of; and it having pleased him in his abundant mercy not only to continue to us the innumerable bounties of his common providence, but also to smile upon us in the prosecution of a just and necessary war, for the defence and establishment of our unalienable rights and liberties; particularly in that he hath been pleased in so great a measure to prosper the means used for the support of our troops and to crown our arms with most signal success: It is therefore recommended to the legislative or executive powers of these United States, to set apart Thursday, the eighteenth day of December next, for solemn thanksgiving and praise; that with one heart and one voice the good people may express the grateful feelings of their hearts, and consecrate themselves to the service of their divine benefactor; and that together with their sincere acknowledgments and offerings, they may join the penitent confession of their manifold sins, whereby they had forfeited every favour, and their humble and earnest supplication that it may please God, through the merits of Jesus Christ, mercifully to forgive and blot them out of remembrance; that it may please him graciously to afford his blessing on the governments of these states respectively, and prosper the public council of the whole; to inspire our commanders both by land and by sea, and all under them, with that wisdom and fortitude which may render them fit instruments, under the providence of Almighty God, to secure for these United States the greatest of all human blessings, independence and peace; that it may please him to prosper the trade and manufactures of the people and the labour of the husbandman, that our land may yet yield its increase; to take schools and seminaries of education, so necessary for cultivating the principles of true liberty, virtue and piety, under his nurturing hand, and to prosper the means of religion for the promotion and enlargement of that kingdom which consisteth "in righteousness, peace and joy in the Holy Ghost. And it is further recommended, that servile labour, and such recreation as, though at other times innocent, may be unbecoming the purpose of this appointment, be omitted on so solemn an occasion."¹³

These historic congressional statements illustrate their belief in the transcendence of God over government as well as the Founders' negative experience with an all-powerful government.

IV. Sources for the Founders' View of God over Government as Guarantee of Liberty

The notions of resistance to the absolutism of government came to the American framers of government through their knowledge of the long history of western civilization. They were

conversant with the legacy of powerful government entities as implied in terms such as Constantinianism and Caesaropapism. They knew the medieval struggle with tyrannical popes that gave rise to the conciliarist movement that sought to rescue the church from papal absolutism. The English struggle with the abuse of royal power had produced the Magna Charta, the English Bill of Rights and the emergence of parliamentary authority, each of which were part of the arsenal of their political reflection.

1. The Reformer, John Calvin

The Protestant Reformers, Calvin in particular, had a demonstrable impact on the thinking of several of the early American political thinkers with regard to the republican theory of government. When Calvin had settled in Geneva, he produced his 1543 edition of the *Institutes*. Therein he introduced into his theology an explicit statement of political preference:

For if the three forms of government which the philosophers discuss be considered in themselves, I will not deny that aristocracy, or a system compounded of aristocracy and democracy (*vel aristocratian vel temperatum ex ipsa et politia statum*) far excels all others.¹⁴

The politics of republican government were a hallmark of Calvin's thought as McNeill summarizes,

It need not surprise us to find that from his Commentary on Seneca's Treatise on Clemency of 1532 until that hour in 1564 when from his deathbed he urged the magistrates of Geneva so to rule as to 'preserve this republic in its present happy condition,' his writings are strewn with penetrating comments on the policies of rulers and illuminating passages on the principles of government.¹⁵

An eminent Catholic historian, E. Jarry, states that 'in the political domain, Calvinist ideas are at the origin of the revolution which from the 18th to the 19th centuries gave birth and growth to the parliamentary democracies of Anglo-Saxon type.'¹⁶ Philip Schaff, church historian, wrote: "The principles of the Republic of the United States can be traced through the intervening link of Puritanism to Calvinism, which, with all its theological rigor, has been the chief educator of manly characters and promoter of constitutional freedom in modern times."

2. French Huguenots and the Monarchomachs

Moreover, the American Founders personally knew, knew of, or had even descended from persecuted French Huguenots. These Calvinistic Protestants had developed extensive theories of resistance to tyranny developed in their struggle with the Inquisition and an absolutist divine-right monarchy. The French political theorists of the time have been dubbed, the monarchomachs, meaning "enemies of the monarch" or "fighters against the king." They united on the conception

that magistrates were created for the people and not people for their rulers. Three great monarchomach classics were produced. The first appeared in 1573 written by Francois Hotman, entitled, *Franco-Gallia*. The following year in 1574, Theodore Beza's *Du droit des magistrats sur leurs sujets* was published. Finally in 1579 the *Vindiciae contra Tyrannos* was released written by Philippe Duplessis-Mornay.¹⁷

The Huguenot monarchomachs developed various theories that legitimated the resistance of a tyrannical prince by his subjects.¹⁸ As these are considered, one can hear a clear echo of them in the American context as well. The leading examples are:

(1) The Constitutional Argument¹⁹

The writers sought to operate within the expressed terms and structure of the constitution that they were governed by.

(2) Theory of Sovereignty: The People Create the King²⁰

Political sovereignty emerges from the people. Even in hereditary monarchies, magistrates are created by the people. The *Vindiciae* declares, "never was a man born with a crown on his head and the scepter in his hand."

(3) Appeal to Inferior Magistrates²¹

Resistance was not the fruit of anarchy but of ordered governmental structure. The inferior magistrates had as part of their duty the correction of the king. "Only the subordinate magistrates could act in the name of the people and even appeal to foreign powers for help against a tyrant."²²

(4) Dual Covenant Idea.

"The covenant principle of limited monarchy was further advanced by the *Vindiciae contra tyrannos* (1579), written in part by Philip du Plessis Mornay. More explicitly than in earlier treatises the sacred covenant of ruler and people here involves a covenant of both with God."²³

The delegation of the people's power to the monarch by their consent is conditional because it is a covenant or contract. "Inferior magistrates" if necessary could lead resistance. This is because all government involves two covenants, one between God and the general population inclusive of both the king and his subjects, and a second between the monarch and his subjects. A king who broke these contracts, lost God's support and the legitimate expectation of human obedience.²⁴

(5) Corporate Resistance View

The king is a lesser universe than the people, but a greater individual than any person, thus resistance must be the work of the people, not of an individual seditious person²⁵ In this view, resistance was not anarchical because it did not legitimate individual subjects' resistance to the king, or permit assassination or tyrannicide. This follows from popular consent, which brings a government into existence. The formation of a government is accomplished by the people considered collectively. Mornay argues that the ruler is a *minor universis* (a lesser universe) when compared to all the people who create the monarchy, but the king is a *maior singulis* (a greater individual) as every other individual inclusive of magistrates are lesser than the king as individuals. So no private citizen on his own can ever have the right to resist a legitimately enthroned monarch. Thus, "the people 'create the prince not as individuals but all together'" and "their rights against him are the rights of a corporation, not the rights" of a single member. Accordingly, "private individuals who 'draw the sword' against their kings are thus 'seditious, no matter how just the cause may be.'"²⁶

(6) Universal Human Dignity

In the aftermath of the St. Bartholomew's Day Massacre,²⁷ a lesser known work, the *Reveille-matin*, asked that "all our Catholics, our patriots, our good neighbours and all the rest of the French, who are treated worse than beasts, should wake up this time so as to perceive their misery and take counsel together how to remedy their misfortunes."²⁸ This was a cry for all to see necessary limits on the king's authority. By the king's denial of the humanity of his subjects, he himself was no longer a public person. Thus he was no longer worthy of respect and protection from revolt, but a tyrant who usurped the attributes of God, who alone can take life.

(7) Separation of Powers

Paul Fuhrmann offers a concise summary of Mornay and Monarchomachists' views on the separation of powers:

"Mornay caught sight of the fact that if the legislative power is the same as the executive, there are then no bounds to the executive power. The only safeguard of the liberty and security of persons is to be found in the separation of political powers. With imposing gravity, Mornay and the Monarchomachists set forth the four great principles: sovereignty of the nation, political contract, representative government, and the separation of powers that really makes up all our modern constitutions."²⁹

Thus, this assessment underlines the often overlooked contribution of Huguenot thinkers to the development of modern political theories.

3. The English Civil War: Scottish Covenanter and English Puritan Resistance to the King

Another important force on the American Founders in terms of resistance to absolute government become tyrannical is found in the context of the English Civil War. The Covenanters³⁰ have long

been identified with the Presbyterian resistance to the British Crown in Scotland.³¹ The King was not a king in the Scottish Kirk, but a member:

Presbyterian partisans adopted the two kingdom theory of church-state relations, ...Although this doctrine also taught the Christian magistrate's freedom from clerical dictation, its practical effect in Scotland was to promote the exclusion of the king as king from ecclesiastical decision. "there is two Kings and twa Kingdomes in Scotland" went Melville's famous rebuke. "Thair is Chryst Jesus the King, and his kingdome the Kirk, whase subject King James the Saxt is, and of whase kingdome nocht a king, nor a lord, nor a heid, bot a member!"³²

The English context also produced Puritan Independency³³ and the Westminster Standards³⁴ in the context of a civil war against the British King who was the head of the Anglican Church. Charles I had continued his father James I's religious persecution of the Puritans in England and the Presbyterians in Scotland. But Charles met such strong opposition in Knox's Scotland that he had to call for the election of a Parliament to raise men and resources to carry on the war. In 1637, the Scottish National Covenant was signed, that abolished the Anglican Episcopal form of church government. This was prompted by the unsuccessful attempt to impose by force Anglican worship on the Scottish Calvinists.

But to the King's surprise and anger, the people elected a Parliament with a majority of Puritans, which the King then dissolved, calling for another election. The second Parliament, however, had an even greater number of Puritans. But when Charles ordered it to dissolve, Parliament refused, forcing Charles to field an army to force the Parliament to obey him. Soon Parliament called upon the Scottish Presbyterians to join them. Their army was led by Oliver Cromwell defeated Charles, who was beheaded 1649. The Commonwealth was established and Oliver Cromwell became the Lord Protector of England and Scotland. Cromwell ruled from 1648 until 1660. But with Cromwell's death, there was no one of his stature to lead the Parliament and Charles II ascended to his father's throne.

During the more than five years of civil war, the Westminster Assembly sought to reform the Church of England. The delegates to the Assembly included one hundred twenty-one ministers, all except for two had been ordained by a bishop in the Church of England. They began their work at the Westminster Abbey in London, on July 1, 1643. After giving up the attempt to rework the Anglican Church's Thirty-Nine Articles of Religion, they began the production of a new Confession of Faith. The *Westminster Confession of Faith* was finished by year's end in 1646, and approved by Parliament in 1648.

All of this is relevant to the founding of what Washington called “the American experiment in republican government” since many of his soldiers and officers were of English Puritan and Scottish Presbyterian descent and carried with them deep commitments to resist tyranny as an act of faithful obedience to the higher law of God that was to govern human political entities.

4. Reformation Resistance in the Netherlands and Other European Countries

Similar efforts at religiously based resistance in the Reformation era can be found across Europe in Anglicanism,³⁵ the Palatinate and German Reformed churches³⁶ and in Eastern Europe in Hungary and Poland.³⁷ Dutch Calvinism³⁸ also had a long struggle with Spanish domination and Roman Catholic persecution. The political legacy of Calvin can be heard in William of Orange’s famous Apology in 1581 during the revolt of the Netherlands from Spanish rule. McNeill states,

His position was that obedience to Philip II was strictly conditional on fulfillment of the king’s obligation contracted under oath and that the rebelling nobles of the Netherlands, standing in the place of the ephors of Sparta, have a duty to support a good king and restrain an unfaithful one. In the Netherlands, as in Scotland, the Reformation involved an armed revolution, but the struggle was of longer duration and greater intensity.³⁹

V. Four Classic Studies of Law and Government That Shaped Early American Thought

Several post-reformation writers wrote substantial treatises on political themes that grew out of the themes developed and honed in the fires of Reformation controversies. These works in turn laid the foundation for modern Western political thought and left a legacy that helped to shape the Protestant colonies in the New World. From this intellectual basis, a concept of a law above the state developed that enabled the American Revolution to occur on what was viewed a just basis. But for this to occur, it was anything but a statist conception.

A. Samuel Rutherford’s *Lex Rex*.⁴⁰

The main theme of *Lex rex* is that all rightful authority lies in law, whether it is authority of king, estates, populace, or kirk. The king is truly king only when he identifies himself with the law, and only to the degree that he succeeds in voicing and implementing law. “*Rex est lex viva, animata, loquens lex*: The king is a living, breathing, and speaking Law.” His function is necessary because men naturally avoid voluntary submission to law, “so is the King the Law reduced in practice.” The nearer the king personifies the law, the more king he is; “in his remotest distance from Law and Reason, he is a Tyrant.”⁴¹

Rutherford sees the origin of government in God and in the people’s act of initiating particular political systems, all forms of which are lawful and originally, including monarchy, were elective. He followed Mornay’s *Vindiciae* in seeing three parties to the covenant—God, the ruler, and the

people—and two compacts, one between God and the total community, and the other between the ruler and the people.⁴² Rutherford writes, “The Lord and the people give the crown by one and the same action;...seeing the people maketh him a King covenant-wise, and conditionally, so he rule according to God’s Law and the people resigning their power to him for their safety...; it is certain God giveth a King that same way, by that same very act of the people.”⁴³

If the king breaks the covenant with God, the political covenant is shattered and the ruler was no longer a lawful king. In such a case the people “are presumed to have no King...and...to have the power in themselves as if they had not appointed any King at all.” (*Lex rex*, pp. 96ff.)

Rutherford recognizes legitimate popular resistance, for by the injustice of magistrates, he asserts that they abandon their lawful office and forfeit all claim on the obedience of religious men. The allegation that people would revolt for a few infractions of the covenant, Rutherford rejects saying that Tyranny will be obvious and the people may judge. “The people have a naturall throne of policie in their conscience to give warning, and materially sentence against the King as a Tyrant....Where Tyranny is more obscure, ... the King keepeth possession; but I deny that Tyranny can be obscure long.”

Both the people and the King are bound in covenant: the people are bound in the covenant no less than the king, and the king’s duty is to compel them to observe its terms. “Each may compel the other to mutual performance.”

B. John Althusius⁴⁴

In the Protestant Netherlands, John Althusius, a Geneva-trained German, wrote *Politics Methodically Set Forth* (*Politica methodice digesta*, 1603). This treatise advocates a plan of government in which provision is made for maximum cooperation between rulers and people.⁴⁵

Althusius published what Thomas O. Hueglin calls “the first full-bodied political theory of the modern age.”⁴⁶ Althusius begins, “Politics is the art of consociating men for the purpose of establishing, cultivating, and conserving social life among them. Whence it is called ‘symbiotics.’ The subject matter of politics is therefore consociation, in which the *symbiotes* pledge themselves each to the other, by an explicit or tacit pact, to mutual communication of whatever is useful and necessary for the harmonious exercise of social life.”⁴⁷

Thus, the fundamental or constitutional law of the commonwealth is, in the words of Althusius: “Nothing other than certain pacts by which many cities and provinces come together and agree to establish and defend one and the same commonwealth by common work, counsel and aid.” Neither is there any doubt about the historical example to which he referred regularly. In the preface to the second edition, he wrote: I more frequently use examples from sacred scripture because it has God or

pious men as its author, and because I consider that no polity from the beginning of the world has been more wisely and perfectly constructed than the polity of the Jews. We err, I believe, whenever in similar circumstances we depart from it.⁴⁸

It is clear that Althusius carried forward the Reformers' concern that the law of the state be grounded in the law of God:

The rule of living, obeying, and administering, is the will of God alone, which is the way of life, and the law of things to be done and to be omitted. It is necessary that the magistrate rule, appoint, and examine all the business of his administration with this law as a touchstone and measure, unless he wishes to rule the ship of state as an unreliable vessel at sea, and to wander about and move at random.This rule, which is solely God's will for men manifested in his law, is called law in the general sense that it is a precept for doing those things that pertain to living a pious, holy, just, and suitable life. That is to say, it pertains to the duties that are to be performed toward God and one's neighbor, and to the love of God and one's neighbor⁴⁹

C. Hugo Grotius⁵⁰

Hugo Grotius' *Right of War and Peace* (De jure belli et pacis, 1625) makes him the founder of modern international law. Central to his thought is the concept of a natural law identical with the law of God. It is so fixed that God himself could not change it. This law resides in human nature and is inseparable from it. When a ruler attempts some action in defiance of this law of nature he must be disobeyed and may be deposed and even punished with death.⁵¹

D. John Locke

John Locke was highly influential in the thinking of the American Founders. His *Second Treatise of Government*, published in England in 1689 and printed in the American colonies in 1773, made a substantial impact on the Founders' political thought.⁵² This is significant for our consideration of statism because Locke sees political sovereignty as lodged in the people and only secondarily in the hands of executives. Political leaders serve as rulers with only delegated not absolute power.

Locke reasoned that humans are equal in the state of nature. They possess natural rights that allow them to exist freely from any other rule than their own. However, societies develop for the common good. And then, people freely give up some of their natural freedom for the enjoyment of the benefits of social order. But since power and freedom were always theirs, should irremediable injustices occur, as with despotic leaders who misuse their delegated power, people have an infeasible right to reclaim their original power. Thus the people retain the right to dissolve an unjust government when it is in their best interest. This view utterly rejects the statist claim that ultimate power is in the hands of the state.

Rutherford, Althusius, Grotius and Locke were towering political thinkers that shaped the anti-statist political thought of early colonial America.

VI. The Declaration of Independence: The American Commitment to Limited Government

These culturally inherited understandings of the right to resist the excesses of tyrannical power by the early American Colonists blossomed in the context of the Stamp Act in 1765. The British parliament sought to find a way to refill the king's coffers after the draining expenses of the globally waged and successful war with France. In North America, this was called the French and Indian War. British efforts to enforce the collection of various taxes prompted the slogans of colonial resistance: "No taxation without representation" and "Taxation without representation is tyranny!" The word "tyranny" is found some 30 times in George Washington's writings.

A consideration of the Declaration of Independence reflects the rejection of absolute political power as well as the inherent right of the people to protect their God-given rights. The document begins, "IN CONGRESS, July 4, 1776. The unanimous Declaration of the thirteen united States of America". Some of its famous phrases reflect the ideas of the subordination of the state to the people, the right of resistance to tyranny and the subordination of the people to the higher law of God.

1. Statements that subordinate political power to the people:
 - When in the Course of human events, it becomes necessary for one **people to dissolve the political bands** which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.
 - That to secure these rights, **Governments** are instituted among Men, **deriving their just powers from the consent of the governed**,
 - That whenever any Form of Government becomes destructive of these ends, it is the **Right of the People to alter or to abolish it**, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.
 - But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, **it is their right, it is their duty, to throw off such Government**, and to provide new Guards for their future security.--

- We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, **do**, in the Name, and by Authority of the good People of these Colonies, solemnly publish and **declare**, That **these United Colonies are, and of Right ought to be Free and Independent States**; that they are Absolved from all Allegiance to the British Crown, and that **all political connection** between them and the State of Great Britain, **is and ought to be totally dissolved**;
2. Statements that reflect that their resistance is a response to tyranny:
 - That whenever any Form of Government becomes **destructive** of these ends
 - The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an **absolute Tyranny** over these States.
 - But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under **absolute Despotism**, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.--
 - Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a **Tyrant**, is unfit to be the ruler of a free people.
 3. Statements that recognize that their actions are taken under God:
 - ... all men are created equal, that they are endowed by their **Creator** with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.
 - ...the Laws of Nature and of Nature's **God**
 - ...appealing to the **Supreme Judge of the world** for the rectitude of our intentions
 - ...for the support of this Declaration, with a firm reliance on the protection of **divine Providence**, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

The Declaration of Independence is not only a statement of liberty it is Liberty's manifesto against statism!

VII. Washington's Farewell Address and Religious Liberty

The motivations for the US Constitution included greater powers for governmental efficiency than provided by the Articles of Confederation. Yet the Framers did not want to grant so much power to the new government that there would be a loss of liberty. Washington's Farewell Address provides a succinct statement of the Founders' view of limited government after it had been set in motion

under his two terms as President.

A. Constitutional Checks and Balances to Prevent Despotism

He explains that in a free country, the government leaders must “confine themselves within their respective Constitutional spheres”,

It is important, likewise, that the habits of thinking in a free Country should inspire caution in those entrusted with its administration, to confine themselves within their respective Constitutional spheres; avoiding in the exercise of the Powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power; by dividing and distributing it into different depositories, and constituting each the Guardian of the Public Weal against invasions by the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the People, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

B. The Inevitability and Danger of Partisan Politics

In his Farewell, Washington also addresses the partisan politics. He sees political parties as inevitable yet potentially dangerous. To capture this balance, he appeals to the benefits and dangers of fire:

There is an opinion that parties in free countries are useful checks upon the Administration of the Government and serve to keep alive the spirit of Liberty. This within certain limits is probably true, and in Governments of a Monarchical cast Patriotism may look with indulgence, if not with layout, upon the spirit of party. But in those of the popular character, in Governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched; it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

C. The Foundational Necessity of Religion and Morality for Political Prosperity

But with the checks and balances of the constitution and the need to manage the spirit of partisan politics, Washington lastly turns to the transcendent value of ethics grounded upon the higher law of God and inculcated by the religious organizations that flourish in a free society.

Of all the dispositions and habits which lead to political prosperity, Religion and morality are indispensable supports. In vain would that man claim the tribute of Patriotism, who should labour to subvert these great Pillars of human happiness, these firmest props of the duties of Men and citizens. The mere Politician, equally with the pious man ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths, which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that National morality can prevail in exclusion of religious principle.

'Tis substantially true, that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free Government. Who that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric.

Interestingly, Washington was concerned too with the potential of a profligate citizenry and a wasteful government. Yet this did not seem a reality at his moment in time. The editor of Washington's Papers notes that in his draft of the Farewell Address:

The words "Cultivate industry and frugality as auxiliaries to good morals and sources of private and public prosperity. Is there no room to regret that our propensity to expence exceeds our means for it? Is there not more luxury among us, and more diffusively, than suits the actual stage of our national progress? Whatever may be the apology for luxury in a country, mature in the arts which are its ministers, and the cause of national opulence. Can it promote the advantage of a young country, almost wholly agricultural, in the infancy of the arts, and certainly not in the maturity of wealth?" are crossed out. Washington has bracketed them in the margin, with the note "not sufficiently important."

Perhaps it would be good for us to remember Washington's concern about "industry", "frugality", "luxury" and "opulence" as we see the ever mounting national debt and a government that seems to spend without concern for the future well-being of the republic and even encourages its citizens not to be industrious by expansive provision of federal benefits. Generally speaking, "frugality" is not a virtue extolled by statist government for itself, although it may often be imposed upon its subjects through confiscatory taxes and extensive regulatory policies.

D. Washington's "Vine and Fig Tree" of Religious Liberty

Washington confessed that he longed for his own “asylum” in his First Inaugural Address on April 30, 1789,

I was summoned by my Country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection, and, in my flattering hopes, with an immutable decision, **as the asylum of my declining years**: a retreat which was rendered every day more necessary as well as more dear to me.⁵³

But Washington was not simply interested in himself, he desired America to be a place of Asylum for the persecuted of every nation

...making their Country not only an **Asylum for the oppressed of every Nation**, but a desirable residence for the virtuous and industrious of every Country.⁵⁴

... the Western Country; ... which promises to afford a capacious **asylum for the poor and persecuted of the Earth**.⁵⁵

... we trust the western World will yet verify the predictions of its friends and prove an **Asylum for the persecuted of all Nations**.⁵⁶

Washington was committed to religious liberty, freedom from oppression and civil liberty. This is especially seen in his concern for the persecuted Jewish people of his day. Washington believed that there should be an asylum, or a “vine and fig tree” of safety for the Hebrew people. We see this repeatedly in his writings.⁵⁷ This asylum was also to include the people of Israel.

This **Asylum** for the persecuted of the earth was a fulfillment of the Old Testament millennial promise of peace under one’s own “**vine and fig tree**”. Washington wanted America to fulfill Micah 4:4, his most frequently cited biblical text. This peace would be every American’s experience under his “own vine and fig tree”. Washington especially wished this vine and fig tree for the historically “oppressed” and “persecuted” Hebrew people.

He wrote on August 17, 1790 to the Hebrew Congregation in Newport Rhode Island:

May the children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other inhabitants, while everyone shall sit in safety under his own **vine and fig-tree**, and there shall be none to make him afraid.⁵⁸

Washington desired the millennial peace that had been promised to Israel. To that end, he offered this blessing of his favorite Bible verse for their enjoyment of religious and civil liberty. This was the asylum Washington longed for the world to experience in the new American “promised land”.⁵⁹ The freedom from religious oppression was a result of a limited government that did not impose the will of an absolute statist regime.

VIII. The Bill of Rights: A Guarantee Against Absolute Government

As Washington's Farewell Address summarizes, the purpose of the Constitution was to outline the powers of government and to limit them by dividing them between various branches, enumerating them specifically and specifying that all the unnamed powers remain with people and the states. This is especially evident in the Bill of Rights, amendments nine and ten:

Amendment IX: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

Amendment X: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

But the First Amendment especially protects religious liberty and the right of the people to engage their government when it appears to them to be moving in a wrong direction:

Amendment I: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

The intent of the Bill of Rights is to prohibit a statist government in the United States. But if this is so, how have we come to the point where we can watch the headlong rush of our government to bind the consciences of its citizens and to pursue what appears to be the absolute rule of government over the citizens of our land?

IX. A Concluding Constitutional Appeal

What then is the future of republican liberty in America? Is the erosion of the Constitution inevitable? Is the absolute hegemony of a statist government our inescapable lot? The answer depends with us. The Constitution still begins with three extraordinarily powerful and significant words: "WE THE PEOPLE". All that is necessary for evil to triumph is for good men to do nothing.

What can you and I do as the ultimate check on a government that's out of control? The first step is no longer to be "lazy". Get involved. The second is to be what Jesus taught in what Washington called, "The blessed religion revealed in the word of God". That is to be "salt and light" (Matthew 5:13-16) right where you are.

As he left the Constitutional convention, Benjamin Franklin was asked by a woman as to the kind of government that had been created by the Constitutional Convention. He answered, "A republic, madam, if you can keep it."

Ben Franklin insisted that WE THE PEOPLE must keep it alive. President George Washington agreed:

The preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered as deeply, perhaps as finally, staked on the experiment entrusted to the hands of the American people.” (*First Inaugural Address*, April 30, 1789).

George Washington warned us that we could lose our Constitution due to politicians' "lust for power", aided by the "human depravity" that is in all of us, and furthered by apathy or electoral laziness ("supineness of the people"). Sadly today, Washington and our Founders are generally ignored, diminished, discounted or marginalized. They are denigrated as just "old, dead, white men" that have little relevance for a post-modern world that has emerged out of decades of liberalizing progressivism. What George Washington worried about has come. It is not mere political hype or conservative hysteria. It is our reality.

Here are some ways we are losing our Constitution:

1. *We no longer teach it.* We are educating ourselves out of our inheritance. Jefferson said, "A nation has never been ignorant and free. That has never been and never will be." We teach "government", but we no longer teach "civics". Thus we have experienced what Bruce Cole has called "American Amnesia".
2. *We no longer read it.* When's the last time you as an American read the Constitution or heard it read? There are beginnings of Constitution readings across the country. Get involved with one. Start one. If you do, one surprise you may discover is that the phrase "the separation of church and state" is not in the Constitution! It has been read into it by the Supreme Court from a private letter of President Thomas Jefferson.
3. *We no longer honor it.* The Supreme Court's decisions are citing international law as superior to our own Constitution. This not only comprises our national sovereignty, but it diminishes our Constitution as the supreme law of our land.
4. *We no longer follow it.* The expansive interpretations of the Courts (as for example in *Roe v. Wade*) have in effect amended the Constitution by taking powers from the states, powers that are by the Constitution reserved for the states. The genius of the Constitution was to create a strong central government but prevent it from becoming autocratic and tyrannical by specifying its powers. The Framers sought to limit its powers to only what was specified in the Constitution. There is a procedure to amend the Constitution. But instead, our Courts have determined to make law which is contrary to the Constitution, rather than interpret law which is their constitutional duty.

5. *We as citizens no longer preserve, protect and defend the Constitution as "We The People"*—the first three words of the Constitution. The people's general political apathy has allowed their ultimate check and balance power to be compromised by creating the current equivalent of a one party system. In our inactivity, ignorance and complacency, we have become politically and spiritually lazy. We are no longer the guardians of our freedoms. The Constitution is being set aside, changed and disregarded with more and more impunity as We The People slumber. The price of liberty is eternal vigilance. The vigilance of sleeping citizens means that liberty will slip through our national fingers and we will not even notice that it has happened.

6. *In our lethargy we enable Congress and the President to ignore the Constitution* without regard for the will of the people. The Congress recently passed legislation without voting on it. It was merely deemed to have been passed. Why would they do this? This creates law and lets the lawmakers remain unaccountable since no one knows who voted for the bill. Is this procedure permissible under the Constitution? Does the President really have the right to sign a bill into law that puts our national sovereignty at risk by saddling us and our future generations with an ever escalating and crushing debt service? Does his foresworn Constitutional duty to "preserve, protect and defend" the Constitution mean that he should not secure a national debt with a foreign power that puts our very national survival in that Country's economic policy? In America, it's not just said: "made in China". Instead it can now also be said: "owned by China". Does the Constitution give Congress and the President the power to bail out failed businesses? Does the Constitution give Congress and the President the power to impose health care on the nation even if Congress does not have the economic wherewithal to do so? Does Congress have the power to pass legislation so they can "read it to find out what's in it"?

It is my hope that we might reclaim the spirit and vision of the great American advocate of civil rights and civil liberties, the Rev. Dr. Martin Luther King Jr. In his epic *Letter From Birmingham Jail*, he wrote,

One day the South will know that when these disinherited children of God⁶⁰ sat down at lunch counters, they were in reality standing up for what is best in the American dream and for the most sacred values in our Judaeo-Christian heritage,⁶¹ thereby bringing our nation back to those great wells of democracy which were dug deep by the founding fathers⁶² in their formulation of the Constitution⁶³ and the Declaration of Independence.⁶⁴

It is time to stop watching liberty's death march to a thousand years of darkness under statist political absolutism. Today, begin your return to "our Judaeo-Christian heritage, thereby bringing

our nation back to those great wells of democracy which were dug deep by the founding fathers in their formulation of the Constitution and the Declaration of Independence”!

In 1838, a young Abraham Lincoln declared, “Shall we expect some transatlantic military giant to step the ocean and crush us at a blow? Never! All the armies of Europe, Asia, and Africa combined, with all the treasure of the earth (our own excepted) in their military chest, with a Bonaparte for a commander, could not by force take a drink from the Ohio or make a track on the Blue Ridge in a trial of a thousand years. At what point then is the approach of danger to be expected? I answer. If it ever reach us it must spring up amongst us; it cannot come from abroad. If destruction be our lot we must ourselves be its author and finisher. As a nation of freemen we must live through all time or die by suicide.”

If we are to become the United “Statists” of America, truly, WE THE PEOPLE have only ourselves to blame.

¹ <http://www.monticello.org/site/jefferson/government-big-enough-give-you-everything-you-want>quotation

² The word "statism" (and its adverbial form "statist") is a bit of a neologism. Its meaning can be summarized in the following way. The word "state" refers to centralized executive authority (administration of laws and maintenance on what is sometimes called "monopoly on violence" -- police and military establishments). Thus the words "statism" and "statist" describe institutions and political practices in which executive authority gathers increasing levels and varieties of power into its hands.

Such executive power neutralizes the remarkable institutional creations of the liberal era ("parliaments" or democratic "representative bodies", civil liberties, independent courts and regional governing bodies within a federated hierarchy of institutions).

Statist executive or managerial authority side-steps traditional "Western" notions of independent judicial authority. Even when it extols "rule of law", statism means obedience to regulations handed down by the state [the nation-state]. However prescriptive and however exempt it is itself from legal restraint, statist power has an inclination to insist on its version of "rule of law". The choice of "rule" rather than "governance" in this famous phrase is significant. From: <http://pages.uoregon.edu/kimball/sttism.htm>

³ Karl Marx, *Selected Writings*, ed. David McLellan, Oxford University Press, 1977, pp. 221-47.

⁴ *Ibid.*, p. 222.

⁵ *Ibid.*, pp. 222ff.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ Madison, James, in *The Complete Madison: His Basic Writings*, ed. Saul K. Padover. (New York: Harper & Brothers, 1953), p. 335.

⁹ *Writings of George Washington*, Vol. 30, 4-1789).

¹⁰ <http://townhall.com/columnists/calthomas/2015/02/19/chris-cuomo-our-rights-do-not-come-from-god-n1959137/page/full>

¹¹ This entry from a French "Encyclopedie" labeled "not Theiste" is found in early American patriot Joel Barlow's notes that well reveals the atheistic antipathy for theism:

Questions. If man in all ages and countries had understood astronomy and physics as well as they do now generally in Europe would the ideas of God and religion have ever come into their minds?

Have not these ideas been greater sources of human calamity than all other moral causes?

Is it not necessary in the nature of things that they should be so, as long as they exist in the minds of men in such a strong degree as to form the basis of education?

If we admit that these ideas are wholly chimerical having arisen altogether from ignorance of natural causes is it not the duty of every person who sees this evil tendency to use his influence to banish them as much as possible from society?

Is it not possible wholly to destroy their influence and reduce them to the rank of other ancient fables to be found only in the history of human errors?

If the existence of philosophy would have prevented their existence why shall it not destroy them?

(Letter Books notebook (13) of Joel Barlow, "Notes on the History of Religion, Atheism, 'The Genealogy of the Tree of Liberty, The History of Algiers., etc."")

¹² *Journals of Congress*, March 1776, pp. 208-09.

¹³ *Journals of Congress*, November, 1777, pp. 854-55. For other examples of days of fasting and prayer, compare *Journals of Congress*, June 12, 1775; December 11, 1776; March 1778; March 20, 1779; March 1780; March 1781; March 1782. The last paragraph of the Proclamation in March 1782 is most remarkable because of the interest of the Congress in the expansion of the religion of Jesus Christ. It says, ". . .that He would incline the hearts of all men to peace, and fill them with universal charity and benevolence, and that the religion of our Divine Redeemer, with all its benign influences, may cover the earth as the waters cover the seas." (*Journals of Congress*, March 1782, p. 138.) The Thanksgiving proclamations can be found *idem.*, November 1778; October 1779; October 18, 1780; October 26, 1781; October 1782; October 18, 1783; August 1784. From these several Thanksgiving Proclamations, note the clear emphasis upon Christianity: (1779), ". . .and above all, that he hath diffused the glorious light of the gospel, whereby, through the merits of our gracious Redeemer, we may become the heirs of his eternal glory. . . .prayer for the continuance of his favor and protection to these United States; to beseech him. . .that he would grant to his church the plentiful effusions of divine grace, and pour out his holy spirit on all ministers of the gospel; that he would bless and prosper the means of education, and spread the light of Christian knowledge through the remotest corners of the earth. . . ." (1780), ". . .to cherish all schools and seminaries of education, and to cause the knowledge of Christianity to spread over all the earth." (1782), ". . . to testify their gratitude to God for his goodness, by a cheerful obedience to his laws, and by promoting, each in his station, and by his influence, the practice of true and undefiled religion, which is the great foundation of public prosperity and national happiness."

(This was written by John Witherspoon, a Presbyterian Minister from New Jersey, a member of Congress and the only clergyman to sign the Declaration of Independence.) (1783), ". . .and above all, that he hath been pleased to continue to us the light of the blessed gospel, and secured to us in the fullest extent the rights of conscience in faith and worship. . . .to smile upon our seminaries and means of education, to cause pure religion and virtue to flourish. . . ." (1784), "And above all, that he hath been pleased to continue to us the light of gospel truths, and secured to us, in the fullest manner, the rights of conscience in faith and worship."

¹⁴ John T. McNeill, "Calvinism and European Politics in Historical Perspective in *Calvinism and the Political Order*, ed. George L. Hunt (Philadelphia: The Westminster Press, 1965), pp. 36-37. McNeill, John T. "The Democratic Element in Calvin's Thought." *Church History* 18, no. 3 (1949): 153–71.

¹⁵ John T. McNeill, "Calvinism and European Politics in Historical Perspective in *Calvinism and the Political Order*, ed. George L. Hunt (Philadelphia: The Westminster Press, 1965), pp. 23-24.

¹⁶ Paul T. Fuhrmann, "Philip Mornay and the Huguenot Challenge to Absolutism" in *Calvinism and the Political Order*, ed. George L. Hunt (Philadelphia: The Westminster Press, 1965), p. 50.

¹⁷ Yardeni, "French Calvinist Political Thought, 1534–1715," 320–24.

¹⁸ This section reflects a portion of a forthcoming article entitled, "The Relationship of Church and State" in a volume on the Protestant Reformation edited by Matthew Barrett to be published by Crossway.

¹⁹ "Resistance Theory" by Robert M. Kingdon in *The Oxford Encyclopedia of the Reformation*, ed. Hans J. Hillerbrand, (Oxford, 1996), Vol. 3, pp. 423-425.

²⁰ Fuhrmann, "Philip Mornay and the Huguenot Challenge to Absolutism," 48–49.

²¹ "Resistance Theory" by Robert M. Kingdon in *The Oxford Encyclopedia of the Reformation*, ed. Hans J. Hillerbrand, (Oxford, 1996), Vol. 3, pp. 423-425.

²² Yardeni, "French Calvinist Political Thought, 1534–1715," 320–24.

²³ McNeill, "Calvinism and European Politics in Historical Perspective," 16–17.

²⁴ "Resistance Theory" by Robert M. Kingdon in *The Oxford Encyclopedia of the Reformation*, ed. Hans J. Hillerbrand, (Oxford, 1996), Vol. 3, pp. 423-425; Fuhrmann, "Philip Mornay and the Huguenot Challenge to Absolutism," 47–49.

²⁵ Skinner, *The Foundations of Modern Political Thought*, 2:334.

²⁶ *Ibid.*

²⁷ The St. Bartholomew's Day Massacre is a key event in French history which influenced Huguenots' political views. At the eve of St. Bartholomew's day, on August 24, 1572, the Huguenot leader, Gaspard de Coligny was murdered in Paris and thousands other Huguenots were killed alongside him in France. Yardeni asserts, "What characterized French Calvinist political thought between the Conspiracy of Amboise and the massacre of St Bartholomew was a slide from the *right* to resist to the *duty* to resist ..." Yardeni, "French Calvinist Political Thought, 1534–1715," 319.

²⁸ *Ibid.*, 321.

²⁹ Fuhrmann, "Philip Mornay and the Huguenot Challenge to Absolutism," 64.

³⁰ J. H. Burns, "John Knox and Revolution, 1558," *History Today* 8 (1958): 565ff.; Richard G. Kyle, *Theology and Revolution in the Scottish Reformation* (Grand Rapids, MI: Baker, 1980). John R. Gray, "The Political Theory of John Knox," *Church History* 8, no. 2 (1939): 132–47; Richard L. Greaves, "John Knox and the Covenant Tradition," *Journal of Ecclesiastical History* 24 (January 1973): 23–32.

³¹ S. A. Burrell, "The Covenant Idea as a Revolutionary Symbol: Scotland, 1596–1637," *Church History* 27, no. 4 (December 1958): 338–50.

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⁵³ First Inaugural Address on April 30, 1789.

⁵⁴ To THE MECHANICAL SOCIETY OF BALTIMORE, Philadelphia, June, 1793.

⁵⁵ To THOMAS JEFFERSON Mount Vernon, August 31, 1788.

⁵⁶ To JOSEPH MANDRILLON Mount Vernon, August 29, 1788.

⁵⁷ Other examples of “asylum” are the following: To REVEREND FRANCIS ADRIAN VANDERKEMP, Mount Vernon, May 28, 1788, To MARQUIS DE CHASTELLUX Mount Vernon, April 25[-May 1], 1788, TO THOMAS JEFFERSON Mount Vernon, January 1, 1788, To LUCRETIA WILHEMINA VAN WINTER Mount Vernon, March 30, 1785, FAREWELL ORDERS TO THE ARMIES OF THE UNITED STATES Rock Hill, near Princeton, November 2, 1783, GENERAL ORDERS Friday, April 18, 1783.

⁵⁸ There are some thirty examples of Washington’s appeal to the “vine and fig tree” in his letters.

⁵⁹ To MARQUIS DE LAFAYETTE, Mount Vernon, July 25, 1785

⁶⁰ The theological tension in the phrase “disinherited children of God” is palpable. The blacks had been disinherited by the whites of the South through the policy of segregation. Nevertheless, they were still children of God, and thus were entitled to the divine inheritance. God’s adoption was holding fast, even while man’s rejection and disinheriting was the stated policy. This is an echo of John 1:11-12, “He came unto his own, and his own received him not. But as many as received him, to them gave he power to become the sons of God, even to them that believe on his name.” (KJV).

⁶¹ Dr. King’s “...the most sacred values in our Judaeo-Christian heritage” is an ironic statement since both Christian and Jewish clergymen were the immediate recipients of his *Letter*. The core idea of the Judaeo-Christian heritage is the belief that the one true God has given His people the true revelation of Himself seen especially in the Ten Commandments that define true worship and true justice. The phrase itself does not argue that Judaism and Christianity are the same. Rather, it implies that the core values and beliefs of America emerge from the teachings of the Old Testament prophets and the New Testament teachings of Jesus Christ. These values have created the culture of America that has enabled the great success of American liberty and law which are expressed in the political structures created by the Declaration of Independence and US Constitution. The phrase “Judaeo-Christian” also has been employed to broaden American culture’s description of its history. While America began as a largely Protestant and Christian nation, over time it has welcomed the contributions of the Jewish immigrants, and thus the phrase seeks to avoid an implicit or unintended anti-Semitism. Finally, the term has become even more relevant for many as American culture has engaged the twin forces of secularism and atheism and also encountered the hostilities of Islamic *jihad* as manifested in the September 11 terrorist attacks upon the US.

⁶² Dr. King’s phrase, “...great wells of democracy which were dug deep by the founding fathers” shows his belief that ultimately justice would emerge from the democratic system that the founders initiated. For example, the Declaration of Independence’s assertion in 1776 that, “we are endowed by our creator with certain unalienable

rights” certainly has direct application to African Americans. But the truth of this deeply dug well of democracy did not become a reality for African Americans for two more centuries. Thus Dr. King’s seeming radicalism in challenging segregation in his mind was grounded in his understanding of the democratic foundations of America.

⁶³ Dr. King’s phrase, “...their formulation of the Constitution” is simultaneously ironic and accurate. The irony is that the US Constitution began as a compromise between free and slave states. Thus the slave was not given the full dignity of personhood by the Constitution out of deference to both the northern and southern states. For the North, the compromise was reached that a slave was valued at only three fifths of a person that kept the south from having too many people for voting purposes so the southern and northern states were more equally represented in congress. For the south, the compromise was in the simple fact that slavery was allowed to continue. The framers of the Constitution believed that there would have been no Constitution if the compromise over slavery had not been accepted. It took the horrific bloodshed of the Civil War to resolve the issue. Nevertheless, Dr. King’s Americanism is clear in that his hope was that the process of desegregation would in effect include the African-American in the opening language of the US Constitution, “WE THE PEOPLE”, not as three fifths of a person, not as slaves, not as theoretically freed citizens who had nevertheless been denied their civil rights, but as fully functioning members and citizens of the United States under its Constitutional government exercising and enjoying the full privilege of its Bill of Rights.

⁶⁴ For a full study of The Letter From Birmingham Jail, see my *Annotations on a Letter that Changed the World from a Birmingham Jail* published by The Providence Forum in 2013.