

Part I

The Evolution of English Constitutional Government

Preface

Why Begin a Study of Christianity in America With an Overview of English Political and Religious History?

- (1) We cannot learn history in an historical vacuum.
- (2) We can't understand religious history without a broader understanding of the social, economic and political milieu of the times.
- (3) American colonial civilization was transplanted English civilization.

Development of English Constitutionalism Constitutional Government.

- Basic premise: Governmental powers are not absolute.
- Corollaries:
 - ▶ The concept of inalienable rights.
 - ▶ Limited government.
 - ▶ Constitutionalism.
- Two forms of constitutional government:
 - (1) Constitutional Monarchy.
 - (2) Constitutional Republic.

Foundation of the English Legal System.

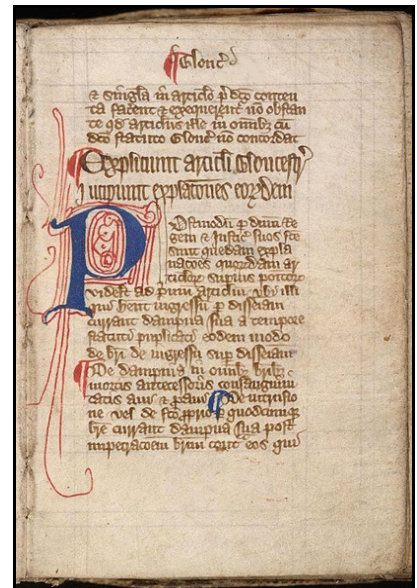
- King Henry I (r. 1100-35) and the Charter of Liberties.
- King Henry II (r. 1154-89) and the establishment of royal courts, grand jury investigations and jury trials.

The Magna Carta (1215).

- King John (r. 1199-1216) and the "Articles of the Barons."
 - ▶ The cornerstone of English constitutional government.
- Major features:
 - ▶ All Englishmen are guaranteed equal justice in the courts and due process of law.
 - ▶ All new taxes must be approved by the Great Council, composed of the nobility and the higher clergy.
 - ▶ The King's powers are limited, not absolute, and that he is subject to the rule of law.

English Common Law.

- The principle of **judicial precedent**.
- Common law: Civil and criminal laws that apply equally to all persons.



The Magna Carta

Establishment of Parliament (1295).

- King Edward I (r. 1272-1307) and the inclusion of knights and burgers in the Great Council.
- Evolution of a bicameral legislature.
- House of Lords: The nobility and higher clergy.
- House of Commons: The gentry class and burgesses.

Parliamentary Law-making.

- Parliament's assertion of the right to make new laws.
- The king may lobby for new laws, but he may not unilaterally make new laws without the consent of both houses of Parliament.

Parliament and the Monarchy

King Henry VIII (r. 1509-47).

- Rule by persuasion, flattery, patronage, bribery, and force.

Queen Elizabeth (r. 1558-1603).

- Rule by personal charm, political savvy, patronage, bribery, and manipulation.

James I (r. 1603-25).

- Son of Mary, Queen of Scots (1542-87) and a distant cousin of Elizabeth.
- Royal absolutism and the “divine right of kings.”
 - James I: “The king comes from God, and law comes from the king.... Kings are little Gods on earth.”
- Disrespect for English laws and traditions.
- Hostility toward the Puritans.
- The “Authorized (King James) Bible” of 1611.

Charles I (r. 1625-49).

- Second son of James I.
- A royal absolutist.
- Harassment and persecution of Puritans.
 - ▶ William Laud, Archbishop of Canterbury.
 - ▶ Charles I: “I will make them conform themselves, or else I will harrie them out of the land, or do worse.”
 - ▶ The Puritan mass migration to America.
- Relations with Parliament.
 - ▶ The Petition of Right (1628).
 - ▶ Dismissal of Parliament.
- Revolt in Scotland.
 - ▶ Charles I's attempt to unite England and Scotland under one Church.
- The “Long Parliament.”
 - ▶ Curtailing royal power.
- ▶ The Irish Rebellion.



King James I



King Charles I

English Civil War (1642-51)

Basic Causes.

- The spark.
- The seminal issue.
 - Royal absolutism v. constitutional monarchy.

Phase I: Cavaliers v. Roundheads (1642-46).

- Royalists and Cavaliers.
- Roundheads.
- Scottish “Covenanters.”
- Oliver Cromwell (1599-1658).
- The “New Model Army.”
 - Sir Thomas Fairfax.

Phase II: Royalists and Presbyterians v. Independents (1646-48).

- Shifting alliances and the resumption of the Civil War.

The “Rump Parliament” and the Execution of King Charles I.

- Thomas Pride and the purge of Parliament.
- “A tyrant, traitor, murderer, and public enemy.”
- The public reaction.

Subjugation of Ireland (1649-53).

- Massacres at Drogheda and Wexford.
- Redistribution of land and English settlement in northern Ireland.

Subjugation of Scotland (1650-52).

- Prince Charles.
- Gen. George Monck.
- The “Tender of Union” (1652).

The Butcher’s Bill.

The Interregnum (1649-60)

A Puritan Commonwealth.

- Cromwell as “Lord Protector.”
- Richard Cromwell.

The Restoration (1660-85)

Charles II (r. 1660-85).

- Exile in France.
- A closet Catholic and a royal absolutist.
- A limited monarchy.
- The “Cabal.”
- Royal mischief.
- King and Parliament.
 - The Corporation Act (1661).
 - The Act of Uniformity (1662).
 - The Conventical Act (1664).



Oliver Cromwell



King Charles II

- The Great Plague and the Great Fire (1665-66).
- Charles II and Louis XIV.
 - Treaty of Dover (1670).
- The Declaration of Indulgences (1672).
 - A “popish plot.”
- Parliament’s response.
 - The Test Act (1673).
 - Habeas Corpus Act (1679).
- Charles II’s dissolution of Parliament in 1681.

James II (r. 1685-88).

- Duke of York and the second son of Charles I.
- An unabashed Catholic.
- A turbulent reign.
 - Promotion of Catholicism.
 - Usurpation of the veto.
 - Attempts to repeal the Test Act and Habeas Corpus Act.
 - The Declaration of Indulgence (1687).
- Abuse of power and misuse of the army.
- A royal birth and a royal rebellion.



King James II

The Glorious Revolution (1688)

William and Mary (r. 1688-1702).

- Parliament’s appeal to William and Mary.
- The Dutch liberation.
- James II’s abdication.

A New Era.

- The triumph of Parliamentary governance.



William and Mary

England’s Constitutional Monarchy

Bill of Rights (1689).

- Major provisions:
 - The monarch is an official chosen by Parliament and subject to its laws.
 - The monarch may not issue or suspend any law, levy taxes, or maintain a standing army without Parliament’s consent.
- Parliamentary authority:
 - Parliament should meet frequently and its members freely elected.
 - MP’s have the right to debate and express themselves freely without harassment or suppression by the monarch.
- Civil liberties:
 - English citizens are guaranteed “the right of the subjects to petition the king” without fear of retribution.
 - Citizens charged with crimes are entitled to a trial by a jury of their peers.
 - Prohibitions on “excessive bails” and fines, and no “cruel and unusual punishments.”
 - Freedom of the press.

Act of Toleration (1689).**Act of Settlement (1701).**

- An orderly succession to the throne.
- An Anglican monarchy.

Act of Union (1707).

- Unification of England and Scotland into Great Britain.



Sir Robert Walpole

Political Parties.

- Tories.
- Whigs.
- Contemporary Conservatives and Liberals.

The Cabinet.

- The “Cabal.”
- The tradition.
- The prime minister.
- Sir Robert Walpole (fl. 1721-42).

Post-Script: The Emergence of Classical Liberalism**Enlightenment Political Theory.**

- A new political ideology.
- The *philosophes*.
- The ultimate aim: What is the best, most humane form of government?

Classical Conservatism.

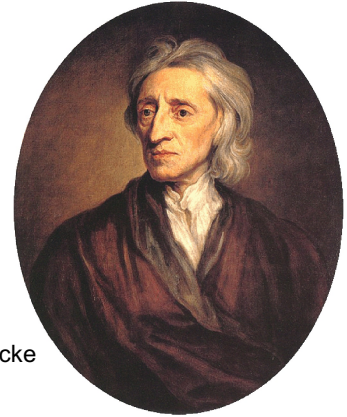
- Three foundations:
 - (1) Monarchy.
 - (2) An established state church.
 - Christian sacralism.
 - (3) The traditional class system.

Classical Liberalism.

- Foundational principles:
 - ▶ Natural (moral) laws that govern the social sciences.
 - ▶ Natural (moral) Law is “self-evident” and can be discovered by logic and reason.
 - ▶ Nothing should be accepted solely on the basis of tradition.
 - ▶ Natural Law as the basis for government and other social institutions.
 - ▶ If free, man will pursue his own natural inclinations and create a better society.
- The relationship between Enlightenment rationalism and Protestant Christianity.
 - ▶ The primacy of Natural Law theory.
 - ▶ Baron de Montesquieu: “Men make their own laws, but these laws must conform to the eternal laws of God.”
 - ▶ John Quincy Adams: “Our political way of life is by the laws of nature, of nature’s God, and of course presupposes the existence of God, the moral ruler of the universe, and a rule of right and wrong, of just and unjust, binding upon man, preceding all institutions of human society and government.”
 - ▶ Alexander Hamilton: “Good and wise men, in all ages, have... supposed that the Deity... has constituted an eternal and immutable law, which is indispensably obligatory upon all mankind, prior to any human institution whatever.”

John Locke (1632-1704).

- The premier Whig theoretician.
- *First Treatise on Government* (1690).
 - Disputing the “divine right of kings.”
- *Second Treatise on Government* (1690):
 - Human nature as a *tabula rasa*.
 - The inherent goodness of humanity.
 - The doctrine of “natural rights.”
 - The social contract theory.
 - Constitutional government.
 - Separation of powers.
 - Minimalist government: “That government is best which governs least.”
 - Thomas Jefferson: “A government big enough to give you all you want is strong enough to take everything you have.”
 - A written constitution and the rule of law.
 - The right of revolution.
 - Locke on religious liberty.
 - *Letters Concerning Toleration* (1689-92).



John Locke

Baron de Montesquieu (1689-1755).

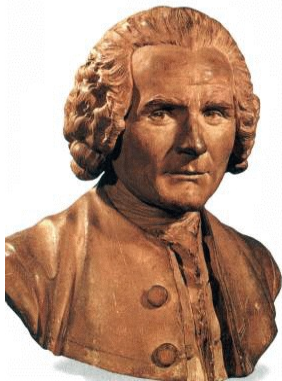
- The doctrine of separation of powers: “Power checks power.”
- *The Spirit of the Laws* (1748).
- Montesquieu’s influence on America’s Founding Fathers.
 - John Witherspoon: “Every good form of government must be complex... so that one may check the other.”
- Lord Acton: “Power corrupts, and absolute power corrupts absolutely.”

Voltaire (Francois-Marie Arouet, 1694-1778).

- *Letters Concerning the English Nation* (1733).
- The doctrine of civil liberties.
 - Voltaire: “I disapprove of what you say, but I shall defend to the death your right to say it.”
- The issue of religious tolerance.



Voltaire

Jean-Jacques Rousseau (1712-78).

Jean-Jacques Rousseau

- The first great critic of modern society.
- *Discourse on the Origin and Basis of Inequality Among Men* (1754).
- Rousseau on the “state of nature.”
- *The Social Contract* (1762): “Man is naturally good.... It is through these institutions that men become bad.”
- Concept of the “general will.”
- The social compact theory of government.