

Foundations for Faith and Freedom

Francis A. Schaeffer

The Founding Fathers of the United States (in varying degrees) understood very well the relationship between one's worldview and government. John Witherspoon (1723-1794) has always been important to me personally, and he is even more so since I have read just recently a biography of him by David Walker Woods¹. John Witherspoon, a Presbyterian minister and president of what is now Princeton University, was the only pastor to sign the Declaration of Independence. He was a very important man during the founding of the country. He linked the Christian thinking represented by the College of New Jersey (now Princeton University) with the work he did both on the Declaration of Independence and on countless very important committees in the founding of the country. This linkage of Christian thinking and the concepts of government were not incidental but fundamental. John Witherspoon knew and stood consciously in the stream of Samuel Rutherford, a Scotsman who lived from 1600-1661 and who wrote *Lex Rex* in 1644. *Lex Rex* means law is king—a phrase that was absolutely earthshaking. Prior to that it had been *rex lex*, the king is law. In *Lex Rex* he wrote that the law, and no one else, is king. Therefore, the heads of government are under the law, not a law unto themselves.

Jefferson, who was a deist, and others, knew they stood in the stream of John Locke (1632-1704), and while Locke had secularized *Lex Rex* he had drawn

heavily from it. These men really knew what they were doing. We are not reading back into history what was not there. We cannot say too strongly that they really understood the basis of the government which they were founding. Think of this great flaming phrase: “certain inalienable rights,” Who gives the rights? The state? Then they are not inalienable because the state can change them and take them away. Where do the rights come from? They understood that they were founding the country upon the concept that goes back into the Judeo-Christian thinking that there is Someone there who gave the inalienable rights. Another phrase also stood there: “In God we trust.” With this there is no confusion of what they were talking about. **They publicly recognized that law could be king because there was a Law Giver, a Person to give the inalienable rights.**

Most people do not realize that there was a paid chaplain in Congress even before the Revolutionary War ended. Also we find that prior to the founding of the national congress all the early provincial congresses in all thirteen colonies always opened with prayer. And from the very beginning, prayer opened the national congress. These men truly understood what they were doing. They knew they were building on the Supreme Being who was the Creator, the final reality. And they knew that without that foundation everything in the Declaration of Independence and all that followed would be sheer un-

adulterated nonsense. These were brilliant men who understood exactly what was involved.

As soon as the war was over they called the first Thanksgiving Day. Do you realize that the first Thanksgiving Day to thank God in this country was called immediately by the Congress at the end of the war? Witherspoon's sermon on that day shows their perspective: "A republic once equally poised must either preserve its virtue or lose its liberty." Don't you wish that everybody in America would recite that, and truly understand it, every morning? "A republic once equally poised must either preserve its virtue or lose its liberty." Earlier in a speech Witherspoon had stressed: "He is the best friend of American liberty who is most sincere and active in promoting pure and undefiled religion." And for Witherspoon, and the cultural consensus of the day, that meant Christianity as it had come to them through the Reformation. This was the consensus which then gave religious freedom to all-including the "free thinkers" of that day and the humanists of our day.

This concept was the same as William Penn(1644-1718) had expressed earlier: **"If we are not governed by God, then we will be ruled by tyrants."** This consensus was as natural as breathing in the United States at that time. We must not forget that many of those who came to America from Europe came for religious purposes. As they arrived, most of them established their own individual civil governments based upon the Bible. It is, therefore, totally foreign to the basic nature of America at the time of the writing of the Constitution to argue a separation doctrine that implies a secular state.

When the First Amendment was

passed it only had two purposes. The first purpose was that there would be no established, national church for the united thirteen states. To say it another way: There would be no "Church of the United States." James Madison (1751-1836) clearly articulated this concept of separation when explaining the First Amendment's protection of religious liberty. He said that the First Amendment to the Constitution was prompted because "the people feared one sect might obtain a preeminence, or two combine together, and establish a religion to which they would compel others to conform."²

Nevertheless, a number of the individual states had state churches, and even that was not considered in conflict with the First Amendment. "At the outbreak of the American Revolution, nine of the thirteen colonies had conferred special benefits upon one church to the exclusion of others."³ "In all but one of the thirteen states, the states taxed the people to support the preaching of the gospel and to build churches."⁴ "It was not until 1798 that the Virginia legislature repealed all its laws supporting churches."⁵ "In Massachusetts the Massachusetts Constitution was not amended until 1853 to eliminate the tax-supported church provisions."⁶

The second purpose of the First Amendment was the very opposite from what is being made of it today. It states expressly that government should not impede or interfere with the free practice of religion.

Those were the two purposes of the First Amendment as it was written.

As Justice Douglas wrote for the majority of the Supreme Court in the United States v. Ballard case in 1944:

The First Amendment has a dual aspect. It not only “forestalls compulsion by law of the acceptance of any creed or the practice of any form of worship” but also “safeguards the free exercise of the chosen form of religion.”

Today the separation of church and state in America is used to silence the church. When Christians speak out on issues, the hue and cry from the humanist state and media is that Christians, and all religions, are prohibited from speaking since there is a separation of church and state. The way the concept is used today is totally reversed from the original intent. It is not rooted in history. The modern concept of separation is an argument for a total separation of religion from the state. The consequence of the acceptance of this doctrine leads to the removal of religion as an influence in civil government. This fact is well illustrated by Kohn W. Whitehead in his book *The Second American Revolution*.⁷ It is used today as a false political dictum in order to restrict the influence of Christian ideas. As Franky Schaeffer V says in the *Plan for Action*:

*It has been convenient and expedient for the secular humanist, the materialist, the so-called liberal, the feminist, the genetic engineer, the bureaucrat, the Supreme Court Justice, to use this arbitrary division between church and state as a ready excuse. It is used, as an easily identifiable rallying point, to subdue the opinions of that vast body of citizens who represent those with religious convictions.*⁸

To have suggested the state separated from religion and religious influence would have amazed the Founding Fathers. The French Revolution that took place shortly afterwards, with its continuing excesses and final failure leading quickly to Napoleon and an authoritative rule, only emphasized the difference between the base upon which the United States was founded and the base upon which the French Revolution was founded. History is clear and the men of that day understood it. Terry Eastland said in *Commentary* magazine:

As a matter of historical fact, the Founding Fathers believed that the public interest was served by the promotion of religion. The Northwest Ordinance of 1787, which set aside federal property in the territory for schools and which was passed again by Congress in 1789, is instructive. “Religion, morality, and knowledge being necessary to good government and the happiness of mankind.” Read the act, “schools and the means of learning shall forever be encouraged.”....

In 1811 the New York state court upheld an indictment for blasphemous utterances against Christ, and in its ruling, given by Chief Justice Kent, the court said, **“We are Christian people, and the**



Harvard College, 1720.

morality of the country is deeply engrafted upon Christianity.” Fifty years later this same court said that “Christianity may be conceded to be the established religion.”

The Pennsylvania state court also affirmed the conviction of a man on charges of blasphemy, here against the Holy Scriptures. The Court said: “Christianity, general Christianity is, and always has been, a part of the common law of Pennsylvania.... not Christianity founded on any particular religious tenets; nor Christianity with an established church and tithes and spiritual courts; but Christianity with liberty of conscience to all men.”....

The establishment of Protestant Christianity was one not only of law but also, and far more importantly, of culture. Protestant Christianity supplied the nation with its “system of values”—to use the modern phrase—and would do so until the 1920’s when the cake of Protestant custom seemed most noticeably to begin crumbling.⁹

As we continue to examine the question of law in relation to the founding of the country, we next encounter Sir William Blackstone (1723-1780). William Blackstone was an English jurist who in the 1760s wrote a very famous work called *Commentaries on the Law of England*. By the time the Declaration of Independence was signed, there were probably more copies of his *Commentaries* in America than in Britain. His *Commentaries* shaped the perspective of American law at that time, and when you read them it is very clear exactly upon what that law was based.

To William Blackstone there were only two foundations for law, nature and revelation, and he stated clearly that he

was speaking of the “holy Scripture.” That was William Blackstone. And up to the recent past not to have been a master of William Blackstone’s *Commentaries* would have meant that you would not have graduated from law school.

There were other well-known lawyers who spelled these things out with total clarity. Joseph Story in his 1829 inaugural address as Dane Professor of Law at Harvard University said, “There never has been a period in which Common Law did not recognize Christianity as laying at its foundation.”¹⁰

Concerning John Adams (1735-1826) Terry Eastland says:

....most people agreed that our law was rooted, as John Adams had said, in a common moral and religious tradition, one that stretched back to the time Moses went up on Mount Sinai. Similarly almost everyone agreed that our liberties were God-given and should be exercised responsibly. There was a distinction between liberty and license.¹¹

What we find then as we look back is that the men who founded the United States of America really understood that upon which they were building their concepts of law and the concepts of government. And until the takeover of our government and law by this other entity, the materialistic, humanistic, chance world view, these things remained the base of government and law.

Notes

1. David Walker Woods, *John Witherspoon* (Old Tappan, NJ: Fleming H. Revell Co., 1906)
2. Edward Corwin, *The Supreme Court as National School Board*, Law and Contemporary

- Problems, 14, (1949), pp. 3, 11-12.
3. Herbert W. Titus, Professor of Law, O.W. Coburn School of Law, *Education, Caesar's or God's: A Constitutional Question of Jurisdiction*.
 4. *ibid.*
 5. *ibid.*
 6. *ibid.*
 7. Published by David C. Cook, Elgin, IL, 1982
 8. Franky Schaeffer V, "The Myth of Neutrality," *Plan For Action* (Old Tappan, NJ: Fleming H. Revell Co., 1980), p. 37. *Plan for Action* is an action handbook for *Whatever Happened to the Human race?*.
 9. Terry Eastland, "In Defense of Religious

- America," *Commentary* (June 1981), p. 39.
10. Quoted in Perry Miller, editor, *The Legal Mind in America* (New York: Doubleday, 1962), p. 178.
11. Eastland, p. 41.

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The First Sunday Worship at New Haven

The humanistic, secularistic thinkers have merely carried their philosophy to its logical end. They have remained true to their worldview in both words and actions while, unfortunately, Christians have equivocated...Christians have largely shut up their spirituality into a small corner of life—Sunday church or their Bible studies—instead of realizing that the Lordship of Christ is to permeate the whole spectrum of me. They have coasted along complacently, often serving up such dogmas as “you can’t mix religion and politics”, or “you can’t legislate morality”, or “we just need to pray and witness to people”—when what they really meant was “we just don’t want to be disturbed”. They were content in their “comfort zone”.

—Francis A. Shaeffer