

An Examination of the Validity of the American Revolution
In the Light of Scripture and English Law

By

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Submitted in Partial Fulfillment of the Requirements for the Degree of Master of Divinity
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Dedicated to the memory of my direct ancestors
 who fought for their country in the War for American Independence:

Quartermaster Christian Falckenburg, Captain Robert Hunkins, Captain Nathaniel Gilbert, Ensign Dirk Heemstraat, Ensign Sebastian G. Loescher, John Atwell, George Adam Batz, Samuel Buck, Caleb Bugbee, Oliver Burt, Thomas Burt, James Crocker, John Day, George Denninger, Wilbur Deuel, Nathan Fellows, Varney Fellows, Henry Hess, Ziba Hunt, Benajah Loomis, Peter Lorentz, Enos Meacham, John Plum Sr., John Plum Jr., Abraham Presher, Benjamin Robinson, Robert Roorbach, Joseph Sexton, Benjamin Stubbs, Zophar Teed, Joshua Totman, Adolph Van Duzer, John Wabel, David Wattles, and James Whitney.

Table of Contents	2
Introduction	3
The Biblical Principles of Government	4
The Context of the New Testament	13
The Lutheran Understanding	15
The Principles of English Government	24
The Principles of Colonial Government	32
The Buildup to War	37
Conclusion	48
Appendix: Interview of Deutschlander	53
Bibliography	56

Introduction

The American Revolution continues to be an important topic of study, even though it happened over two-hundred years ago. Of course it is significant because it led to the establishment of the United States as an independent nation. Not only this, but the Revolution and the circumstances surrounding the buildup to it have had a lasting effect on how the citizens of the United States view their government and also their fundamental liberties as United States citizens. However, since the time of the Revolution, there have been those who have had serious doubts regarding the Scriptural validity of this war. This is because, they would claim, it was inherently sinful for the colonists to rebel against their God-ordained king, George III, and his Parliament. They claim that the American Revolution cannot be justified on the basis of the Word of God, no matter how many times God's name is dragged into it.¹ This position is based on the belief that the colonists were inspired solely by the writings of John Locke, Adam Smith, Voltaire, and Montesquieu, as opposed to what God's Word says about the relationship between government and citizen.²

Those who take this position are not incorrect in that a number of the leaders of the American cause were inspired by the writings of the above-mentioned individuals. However, it is incorrect to state that the American Revolution can only be justified on the basis of the social-contract theory of government. Oftentimes, those who make this claim simply do not understand the systems and understanding of government that were in place in Great Britain and the American colonies at the time of the American Revolution.³

The purpose of this paper is to show that the American Revolution was a legitimate war for independence on the basis of both God's Word and the principles of England and colonial government. To this end, this paper will present several things. First, a summary of the Biblical principle of

1 Daniel M. Deutschlander, *Civil Government: God's Other Kingdom* (Milwaukee, WI: Northwestern PH, 1998), 154.

2 *Ibid.*, 153.

3 *Ibid.*, 153.

submitting to the governing authorities will be offered. Second, the historical and legal principles of the English and colonial governments will be explained, including how the two were related to each other. Third, a summary will be given of the course of events that led up to the outbreak of war between England and the colonies. Finally, this paper will explain how, in light of Scriptural and legal principles, the American Revolution was a justifiable war for independence, not a sinful rebellion.

The Biblical Principles

There are many places in Scripture where the inspired writers explain God's institution of government and His desire that the government be obeyed. For the purpose of this study, a total of six sections of Scripture will be examined. These are ones which, this author believes, together present the “whole counsel” of God's view of government. These sections are; Genesis 9:5-7, Romans 13:1-7, 1 Peter 2:13-17, Galatians 3:15, Matthew 5:38-42, and Matthew 22:17-22. This selection of passages show God's institution of government (Genesis 9), apostolic admonitions to submit in a theoretical (Romans 13) and practical (Galatians and 1 Peter) way, and the direct words of Jesus on submission to persecution (Matthew 5) and taxation (Matthew 22) The first section, Genesis 9:5-7, reads as follows:⁴

And for your lifeblood I will require a reckoning: from every beast I will require it and from man. From his fellow man I will require a reckoning for the life of man. "Whoever sheds the blood of man, by man shall his blood be shed, for God made man in his own image. And you, be fruitful and multiply, teem on the earth and multiply in it."

Theologians have traditionally taken these verses to be God's institution of government and His granting it the authority to punish those who, by murder and other crimes, would inhibit the ability of others to live and be fruitful. As Luther put it:

Here we have the source from which stem all civil law and the law of nations. If God grants to man power over life and death, surely He also grants power over what is less, such as property, the home, wife, children, servants, and fields. All these God wants to be subject to the power of certain human beings, in order that they may punish the guilty.⁵

⁴ This and all other selections of Scripture are taken from the English Standard Version.

⁵ **Martin Luther, AE 2, 140.**

It should be noted that before God spoke these words to Noah and his family after the flood, God had never given His permission for any man to take the life of another. Even in the case of Cain killing his brother, Abel, God did not kill Cain or instruct Adam to do so but rather exiled Cain, still allowing him to be fruitful and multiply in his own right. However these verses mark a change in how God desires murderers to be punished. From this point on in the history of creation, it would be God's will that those who break the law and kill would be punished in a manner commensurate with their crime. This is because murder is an act which strikes against God's creation and giving of life in His own image.

The next selection, Romans 13:1-7, is probably the section of Scripture in which the proper relationship between the Christian and his government is explained most directly and clearly. The epistle to Romans is the closest that Paul ever came to writing a systematic presentation of Christian doctrine. The reason why Paul was able to write Romans in this manner was because it was not for the purpose of addressing any particular error or problem among the Roman Christians. Rather, this epistle was written for the purposes of generally instructing and encouraging the Roman Christians who, before this epistle, had not enjoyed any substantial apostolic contact or instruction.⁶ These verses read as follows:

Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God. Therefore whoever resists the authorities resists what God has appointed, and those who resist will incur judgment. For rulers are not a terror to good conduct, but to bad. Would you have no fear of the one who is in authority? Then do what is good, and you will receive his approval, for he is God's servant for your good. But if you do wrong, be afraid, for he does not bear the sword in vain. For he is the servant of God, an avenger who carries out God's wrath on the wrongdoer. Therefore one must be in subjection, not only to avoid God's wrath but also for the sake of conscience. For because of this you also pay taxes, for the authorities are ministers of God, attending to this very thing. Pay to all what is owed to them: taxes to whom taxes are owed, revenue to whom revenue is owed, respect to whom respect is owed, honor to whom honor is owed.

These verses are truly a wealth of information and guidance regarding the Christian view of

⁶ "Introduction to Romans," in *The Lutheran Study Bible* (St. Louis, MO: Concordia PH, 2009), 1905.

government. Paul, by the inspiration of the Holy Spirit, writes that everyone, and this would include even the highest and mightiest of society, are to be subject to the governing authorities. Here the understanding of “authorities” should not be limited to any one individual or group of individuals, because in many societies and countries, the written law or constitution is actually the highest authority of the land.⁷ But whoever or whatever this authority is, it is from God, deriving its just power from Him. Because of this, Paul cautions any who resist the legitimate government to be aware that in doing so, they are also resisting God and are making themselves open for judgment and punishment. This is because a chief purpose of any government is to punish those break the law.

When Paul writes, “Would you have no fear of the one who is in authority?,” Luther says that it is as if Paul is cautioning those reading these words against desiring to overthrow the government and scheming up ways to do so. Rather, any complaints one has regarding how he is being treated will be solved simply by doing good, living in accord with the laws of the land. It is telling as well that Paul writes that the government is God's servant, even if he (or it, as the government is understood in democratic and constitutional societies) is not aware of it. This throws aside any notion that the only good government is one that is entirely God-pleasing and whose laws are in complete agreement with the will of God.⁸

However there is the question of what these verses say about those situations when a government, on account of a perverted definition of “doing good,” would encourage or require its citizens to sin. Here the distinction needs to be made between allowing sin to exist and making sin mandatory. A government may permit a particular sin to be committed without forcing its citizens to sin. For example, even though abortion is permitted in the United States, it is certainly not compulsory. The legality of any sin is a problem, although not nearly as great a one as there would be if a

⁷ υπερεχουσαις

⁸ **Martin Luther, AE 25, 110.**

government went so far as to compel its citizens to sin. The most common example of this in history has been the compulsory worship of false gods, including the state-mandated atheism of communism. As Paul writes in Acts 5:29, those forced to make such a decision as this must always obey God rather than men.

The extent to which a government persists in demanding sin determines the extent to which it may be disobeyed. If a government were to persist and advance in commanding sin, it would eventually cease to really be the legitimate government because it would have become a criminal organization. To rebel against such a government as this would not be a rebellion against the legitimate government. Rather it would be the overthrowing of a body usurping the role of legitimate government. This is what the Lutheran theologian Joseph Stump taught in connection with these verses, writing that “Resistance is justifiable only when those in authority persist in violating the basic principles of the State, and when resistance therefore is really a defense of the State against those who are seeking to revolutionize it from above.”⁹

A necessary part of respecting and honoring the government as God's institution is willingly paying taxes. Just as God is owed his offerings from believers for the upkeep and expansion of His church, so also it is God's will that all those who have been placed under a governing authority would pay any and all taxes that this body justly requires. However, Christians are not bound by Scripture to submit to taxation that is not actually owed. St. Paul writes, “Pay to all what is owed to them: taxes to whom taxes are owed, revenue to whom revenue is owed.” Luther agrees, as he writes that what is not owed should not be paid.¹⁰ Examples of this would be cases where a foreign government, or a branch of the government not empowered to tax, attempted to levy a tax. But, those taxes that are owed are owed completely, and there is no way for the Christian to get around paying what he actually owes to the

9 Joseph Stump, *The Christian Life* (New York, NY: The Macmillan Company, 1930), 267.

10 **Martin Luther, AE 25, 111.**

government without sinning.

What is also owed, without limitation, to all those whom God has set as rulers and leaders is respect and honor. This is true even if one does not agree with the beliefs or policies of an individual holding a governmental position. It is possible respectfully to oppose the policies of a particular leader while still, at the same time, respecting that person and his office and following the laws of the land.¹¹

The next passage, Galatians 3:15, is not one that is usually brought up in a discussion of government. It reads: “To give a human example, brothers, even with a man-made covenant, no one annuls it or adds to it once it has been ratified.” Paul spoke these words in the context of arguing that God's promise to Abraham that He would send a messiah to free mankind from the curse of sin was not annulled by the later giving of the law on Mount Sinai. The reason why Paul referenced the fact that certainly no covenant or contract is annulled or amended once it has been ratified was to make an argument of a lesser to greater. If a contract made by and between sinful, insignificant, humans is entirely legally binding, how much more is it impossible for God's covenant promise to Abraham and his seed to be annulled or amended?

The reason Galatians 3:15 is important for this study is that Paul writes that certainly no contract, understandable too as a treaty, charter, or constitution, can or should be illegally annulled or amended once it has been ratified. This is true to an even greater degree in situations where these changes are being made against the will of some of the parties involved! The direct application of this passage to the topic of God's view of government is that the promises made by a government to its citizens, colonies, or even the governments of other nations, are legally binding in both the eyes of men and those of God. This means that it is a sin in God's eyes for a properly, legally, ratified contract, charter, treaty, or constitution to be annulled, amended, or ignored without “due cause,” as this would be defined in a given contract.

¹¹ *Ibid.*, 110-111.

But is it proper to apply Galatians 3:15 in this way? After all, Paul was not dealing with the topic of civil government when he made this statement. However, Paul's use of this illustration in this verse shows how strongly he felt that human contracts and treaties are binding. After all, he is explaining how God's promise to send the Messiah was not negated by the giving of the written law. Also, this application of Galatians 3:15 is supported by the seventh and eighth commandments. For an individual, group, or nation to break, or simply ignore, a treaty which has been legally ratified makes that one a liar before God and men. This is because signing a treaty or granting a charter is an act by which one solemnly pledges to honor whatever agreement is being made. To break a treaty for the sake of obtaining something in a way that is forbidden by said treaty is stealing, a violation of the seventh commandment.

Paul was not the only apostle who wrote about the proper relationship between the Christian and governing authorities. 1 Peter 2:13-17, reads as follows:

Be subject for the Lord's sake to every human institution, whether it be to the emperor as supreme, or to governors as sent by him to punish those who do evil and to praise those who do good. For this is the will of God, that by doing good you should put to silence the ignorance of foolish people. Live as people who are free, not using your freedom as a cover-up for evil, but living as servants of God. Honor everyone. Love the brotherhood. Fear God. Honor the emperor.

In these verses, Peter explains that it is not merely for the sake of the government that Christians submit to it. Rather, it is for the sake of God, who has instituted government and desires that His children submit to it. It is certainly God's will that all governments would punish evildoers and reward those who do good, living in accord with the laws of the land.¹² But again, it is not only to those governments which are just in all their dealings that Christians owe obedience and respect. Peter here mentions honoring the emperor in the same sentence as loving the brotherhood of believers and fearing God. This shows the extent of how important it is in God's eyes that His people be law-abiding,

¹² Martin Luther, AE 30, 73.

respectful, citizens. Respecting the government is not an adiaphoron which Christians may, or may not, elect to do, depending on their situation. It is an absolute mandate from God, because part of living the Christian life and letting one's faith shine forth through actions is to live as God's servant, obeying the government which rules in His stead and by His mandate.

What God does not mandate is what form of government is best or easiest for Christians to obey. This is why Peter refers to government as a human institution.¹³ God no longer reaches down from heaven and hand-selects the individual who will be king or queen, nor does he purchase commercial time to tell people which political party He wants to be in control of the government. There are some forms of government in which Christians are actually expected to participate in electing leaders, or even being elected themselves to be leaders. It is not sinful for them to be doing this, because in such democratic forms of government, part of the Christian's submission to the governing authorities is acting on his right to give input on who should be in charge for a given period of time. To refuse to take part is a form of rebellion, refusing to give the input and activity for which the government asks. Therefore, to say that it is a sin for Christians to vote, hold office, or be involved in the political process is legalism, going far beyond the direction of Scripture.¹⁴

Now the two selections from Matthew will be examined. The first, Matthew 5:38-42, explains how Christians should interact with one another and how they should be willing to set aside their own rights and interests for the sake of others. These words of Jesus read as follows:

You have heard that it was said, 'An eye for an eye and a tooth for a tooth.' But I say to you, Do not resist the one who is evil. But if anyone slaps you on the right cheek, turn to him the other also. And if anyone would sue you and take your tunic, let him have your cloak as well. And if anyone forces you to go one mile, go with him two miles. Give to the one who begs from you, and do not refuse the one who would borrow from you.

These verses speak against the practice of seeking revenge when someone believes he has been

¹³ **Ibid., 73-74.**

¹⁴ "The Augsburg Confession XVI," in *The Book of Concord* (Minneapolis, MN: Fortress Press, 2000), 48-49.

wronged by another, as opposed to the God-pleasing practice of turning the other cheek and, implicitly, allowing the courts of law decide what, if anything, shall be done against the evildoer. In Jesus' time, the scribes and Pharisees had concluded that the principle of “eye for an eye and tooth for a tooth,” as it was explained in the writings of Moses, meant that those who had been wronged had the absolute right to see that any offense committed against them was avenged with the utmost severity.¹⁵

In these verses, Jesus does not reverse or speak against the prosecution of criminals by the government. On the contrary, as God has given the law and its enforcement into the hands of the government, so He has placed another law into the hands and hearts of Christians—the law of love. By this law, Christians are ready to give up their rights and even suffer pains for the sake of others so that in the end, evil might be defeated by good.¹⁶

The direct implication of these verses for Christians is that they should not, for their own sake, seek redress or revenge against those who oppress or steal from them. However, when it comes to the administration of the government, and the governance and protection of the family by Christian fathers, the seeking of redress and justice is both allowed and necessary.¹⁷ This is because, as R.C.H. Lenski puts it, “The law of love is not intended to throw open the floodgates to unrestrained cruelty and crime.”¹⁸ Even though Christians, as individuals, should turn the other cheek, those who have been tasked with protecting others and the enforcing of laws would be neglecting their God-given responsibilities if they allowed those over whom they have been placed to be stolen from or oppressed. As Lenski writes, “Christ never told me not to restrain the murderer's hand, not to check the thief and robber, not to oppose the tyrant, or by my gifts to foster shiftlessness, dishonesty, and greed.”¹⁹

The final selection, Matthew 22:17-22, contains the most well-known words in the Bible on the

15 R.C.H. Lenski, *The Interpretation St. Matthew's Gospel*, in *Commentary on the New Testament* (Minneapolis, MN: Augsburg Fortress, 1961), 240.

16 *Ibid.*, 240-241.

17 “The Large Catechism,” in *The Book of Concord* (Minneapolis, MN: Fortress Press, 2000), 403-404.

18 Lenski., 242.

19 *Ibid.*, 244.

topic of submitting to taxation.

Tell us, then, what you think. Is it lawful to pay taxes to Caesar, or not?" But Jesus, aware of their malice, said, "Why put me to the test, you hypocrites? Show me the coin for the tax." And they brought him a Denarius. And Jesus said to them, "Whose likeness and inscription is this?" They said, "Caesar's." Then he said to them, "Therefore render to Caesar the things that are Caesar's, and to God the things that are God's." When they heard it, they marveled. And they left him and went away.

These words speak clearly to the right of governments to tax their subjects and the necessity for individuals to pay these taxes. Just as God has tasked governments with protecting good and prosecuting evil, so it is his will that governments should have the right to require money from those they protect to fund the ongoing benefits that the taxed enjoy. Jesus does not add any conditions about taxes having to be used for purposes that Christians would consider moral or necessary. On the contrary, the political conditions in place at the time when Jesus spoke these words imply the opposite. The emperors of the Roman Empire, to varying degrees depending on the individual, were evil, idolatrous, men who only allowed Judaism to be practiced in the empire because history had shown that it was not worth the trouble involved for the foreign conquerors of Palestine to interfere with the religious practice of the Jews. And after it became clear that Christianity was a religion distinct from Christ-rejecting Judaism, it was persecuted ferociously throughout the Empire. This persecution was funded by taxes, even the money paid by Christians.

There are several fundamental principles of the Christian view of government which are taught by these selections. These are not intended to be "all-inclusive" in their nature. Rather, these are the principles that are most pertinent to the discussion of whether or not the American Revolution was in conflict with the teachings of Scripture. These five principles are as follows.

1. God has instituted government, and it is from God that all ruling authorities derive their just power.
2. It is the government's right to enforce the law and punish evildoers, not the right of the

individual citizen.

3. It is the government's right to tax its subjects, meaning that it is a sin for its citizens to attempt to avoid paying those taxes which the government requires of them.
4. Christians should be prepared to suffer injustices and persecution. However, when one has been placed into a position of authority, it is a sinful neglecting of one's office to allow the persecution of those over whom one has been placed to continue.
5. When a government compels its citizens to sin and habitually breaks its own laws, thus becoming a tyrannical organization, it is not a sin to rise up against this body because it is no longer the legitimate government but a fraudulent one.

At this point a brief summary will be offered of the social and political context in which the New Testament was written. This is necessary because some have partly based their condemnations of the American Revolution on the context in which the New Testament was written.

The Context of the New Testament

In the time immediately following Pentecost, Christians continued to enjoy the same levels of acceptance and protection in the Roman Empire as the Jews. This was because the Roman authorities had not yet become fully aware that Christianity was a distinctly different faith than post-messianic Judaism.²⁰ However, this ignorance did not last long because those Jews who rejected Christ as the messiah rejected the Christians as well. The Jews threw the Christians out of the synagogues and alerted the authorities that Christianity was a new, and illegal, religion. As a result of this, Christians began to be persecuted for practicing their faith and refusing to take part in the worship of the Emperor.²¹

This persecution reached its highest level yet during the reign of Emperor Nero. Nero was an

²⁰ Justo L. Gonzalez, *The Story of Christianity*, 6th ed. (Peabody, MA: Prince Press, 2006), 32.

²¹ *Ibid.*, 33.

unstable individual who was grossly offended by the thought that some of his subjects would refuse to completely subject themselves to his will and worship him as the “divine emperor.”²² Christians were a group who refused to worship Nero, so they were a focus of Nero's aggression. One of Nero's most sadistic practices was to tie Christians to poles in his garden and set them on fire, thus providing a source of light for his garden at night.

Christianity was offensive to Roman society and government for several reasons. Most Romans did not like that the Christians were unwilling to go along with the civic religion of Emperor worship. But this was not the only aspect of Christianity that the Romans hated. In the eyes of the Roman authorities, Jesus of Nazareth was a criminal who had been crucified in Palestine. This is an objective historical fact; even though Jesus was not actually guilty of anything, Pontius Pilate condemned him to be scourged and crucified. The Romans did not like that a crucified criminal was the object of Christian worship. Any religion whose head had been crucified was a preposterous, offensive, superstition. Roman society in general did not trust religious dissenters. The mistrust of Christianity was amplified because Christianity was so illogical.

This made Christians an easy and ready target when there was the need to blame someone for a disaster. This was the case in the great fire of Rome. It is actually strongly suspected that the fire was started by Emperor Nero as his way of getting back at those who criticized his rule. It is said that he calmly sat in his palace, in full view of his burning capitol, strumming his lyre. Nero blamed the Christians for starting the fire, and the people of Rome were perfectly content to go along with his accusations. This led to Christians enduring all sorts of horrible deaths. These included but were not limited to: the aforementioned death by burning, being killed by gladiators or wild beasts in arenas, being skinned alive, and being boiled alive. Even in those areas where the authorities did not think it necessary that Christians be killed, Christians found themselves barred from economic and social

²² Ibid., 33.

advancement.²³

This is the context in which the books of the New Testament were written, with their admonitions to submit to and respect the government as God's representative on earth. With this, how can one hope to justify insurrection on the basis of Scripture or say that Scripture does not condemn some forms of rebellion? First of all, this point needs to be clearly made: the Bible does not condone resistance or rebellion simply for the sake of bettering one's social or economic condition. This much is definitely clear from Scripture and Scripture's historical context. But, Scripture does not condemn all wars and uprisings which some would label as “sinful rebellions.”

None of the Biblical principles outlined several pages earlier are weakened by the context in which the Bible was written. It is true that Christians are counseled by Scripture to “turn the other cheek,” bearing difficulties and persecution for their own sake. But it is also true that those in authority, in both the family and also in all levels of government, have been tasked with protecting, in body and privilege, those over whom they have been set. Also, It is a clear truth that all sorts of contracts which have been ratified are binding in God's eyes.

The Lutheran Understanding

This section will present some of the writings and actions of past and present Lutheran theologians for the purpose of shedding more light on this topic. These will be, in order, Martin Luther, Henry Melchior Muhlenberg, Joseph Stump, and Daniel Deutschlander.

Much of what Luther wrote about the passages dealt with in the first section of this paper has already been presented. However, probably his clearest, most concise statements on the topic of government are to be taken from his commentary on the fourth commandment.

Luther wrote that it is the duty of subjects to obey their superiors “diligently and carefully” so as to not leave anything undone that has been asked of them. No one can really consider himself to be

²³ Ibid., 34-35.

living properly if he is not living in submission to the governing authorities. Only in those cases where the government requires its subjects to do something which contradicts the Law of God is the requirement of obedience annulled. This is because people must obey God rather than men in those cases where the requirements of the two are in conflict.²⁴ Luther gives the example of a prince desiring to go to war for clearly unrighteous reasons. In such a situation as this, the prince's subjects are not bound to fight or support this war in any way. This is because of God's command to not kill or harm one's neighbor.²⁵

Luther also dealt with this topic in his “Address to the Christian Nobility:” Temporal authority is instituted by God to punish the wicked and protect the good. It needs to be free to do this without interference and restriction “whether it affects pope, bishops, priests, monks, nuns, or anyone else.”²⁶ Whoever is guilty of crimes should suffer for this. This is why St. Paul wrote that every soul should be subject to the temporal authority. The government does not exercise its authority in vain but serves God in enforcing the law. St. Peter too wrote that people should be subject to all human ordinances for the sake of the will of the Lord.²⁷

Finally, a statement from Luther which shows that even though he never lived in a land with a democratic form of government, he considered such a polity to be both God-pleasing and very reasonable.²⁸

Magistrates should be chosen by the votes of the people, as reason also demands. Therefore this nation, too, is taken in charge by this means through the word of Moses, and it gladly follows and praises Moses. For to thrust government upon a people against its will is dangerous or destructive. He calls them “known” because they should be known among the people; much more, however, because they should be experienced and acquainted with affairs, so that you may understand well-known and knowledgeable to be the same. They are the wise men who

24 **Martin Luther, AE 44, 100.**

25 *Ibid.*, 100.

26 **Martin Luther, AE 44, 130.**

27 *Ibid.*, 100.

28 Luther would have encountered the concept and practice of democracy because some of the cities that accepted Lutheranism were imperial free cities. These cities were governed by mayors and councils who were elected by the burgers.

understand affairs divine and human, especially those who know the statutes and laws and all that is necessary for the life of the people.²⁹

Judging from the above summaries and quotation, Luther clearly held to the principle that government is God's institution. People should be subject to it, “not allowing themselves to be dragged or driven from this task, regardless of what others do.”³⁰ However, civil government is not absolute, because it does not hold sway over people's consciences. This is brought out in Luther's example of a prince desiring to wage an unrighteous war (unjust or illegal being suitable synonyms in this case) and his citizens not being bound to support him in this. Also, Luther believed that since the government is God's institution to rule on earth, it should be allowed to do so freely, “without hindrance” from all outside forces. Luther specifically mentions religious institutions as bodies which would pose a threat to the authority of the government. However, as Luther writes “and anyone else,” his statement would also apply to other forces, such as foreign or domestic governments, who attempt to infringe upon the authority of another legitimate government.

The Peasants War of 1524-1525 was a rebellion which, so the rebels claimed, was inspired by Luther and his writings. However, Luther wholly rejected this connection and urged the governing authorities to put down the rebellion by any means necessary. There were two main reasons why Luther opposed the rebellious peasants. First, the peasants had ignored the scriptural command to “Render unto Caesar the things that are Caesar's.” The princes against whom the peasants were rebelling were their legitimate governing authorities, so the peasants were sinning in no longer serving or obeying them. Second, the peasants had engaged in robbery, pillaging, and mass destruction in the name of God and Luther. Because of this, Luther believed that the peasants deserved to be put to death for their worldly crimes and to suffer eternal death for their heresy.³¹

29 Luther, LW 9, 18.

30 Luther, LW 44, 99

31 Michael Mullet, *Martin Luther* (London, Great Britain: Routledge, 2004), 166.

Important as Luther and his insights are, he was not living in the American Colonies at the time of the Revolution. Someone who did reside in the colonies was Henry Melchior Muhlenberg. Muhlenberg was a Lutheran pastor who is considered to have been the most influential Lutheran in the colonies at the time of the Revolution. Muhlenberg is an interesting person to study for several reasons. First of all, when war broke out in 1776, Muhlenberg decided to remain personally neutral. Muhlenberg had, throughout his life, attempted not to take part in politics, in favor of focusing on preparing men for heaven.³² He also did not approve when two of his minister sons left their pulpits to take up posts in the army and politics.³³

There were several factors which led Muhlenberg to initially remain neutral. Muhlenberg was worried that his taking a side might result in his church and its members becoming targets of retaliation.³⁴ Also, Muhlenberg was from the German kingdom of Hanover. George III was the king of both England and Hanover. This meant that George III was Muhlenberg's king "twice." But with this, Muhlenberg was strongly attached to the government of Pennsylvania, and to the local power which he saw had been granted it in its charter. He particularly appreciated the liberty of conscience that was guaranteed to all citizens of the king.³⁵

By 1778, Muhlenberg had become personally convinced that the revolution was a just war. This was due in no small part to the close friendship between his son, General Peter Muhlenberg, and George Washington. After having met with his son and Washington in the winter of 1777-78, Muhlenberg "became fully convinced that a revolution sanctioned by George Washington and supported by his son could not be running counter to religion."³⁶ Specifically, Muhlenberg wrote,

I heard a fine example today, namely that His Excellency General Washington rode around

32 Paul A.W. Wallace, *The Muhlenbergs of Pennsylvania* (Philadelphia, PA: University of Pennsylvania Press, 1950), 106.

33 *Ibid.*, 109

34 *Ibid.*, 108.

35 *Ibid.*, 106.

36 *Ibid.*, 144.

among his army yesterday and admonished each and every one to fear God, to put away wickedness that has set in and become so general, and to practice Christian virtues. From all appearances General Washington does not belong to the so-called world of society, for he respects God's Word, believes in the atonement through Christ, and bears himself in humility and gentleness. Therefore, the Lord God has also singularly, yea, marvelously preserved him from harm in the midst of countless perils, ambuscades, fatigues, etc., and has hitherto graciously held him in his hand as a chosen vessel.³⁷

Also, in a private correspondence, Muhlenberg wrote, "The young people are right in fighting for their God-given native liberty."³⁸

Muhlenberg's change of heart was a result of his coming to realize that Romans 13 did not condemn the American Revolution as a sinful rebellion against God's chosen king, George III. His understanding of the phrase, "Let every soul be subject unto the higher powers," included both the king and, even more intimately, his relationship to the colonial governments. This was because it was his local, colonial, government that had been tasked with protecting the bodies and best-interests of Muhlenberg and his fellow colonial citizens. Muhlenberg kept his allegiance to George III as long as he could in good conscience. But when it became clear that the king had joined with Parliament in waging war on the colonies and their governments, Muhlenberg saw that the time for neutrality had passed.³⁹ He believed it was his Christian duty to side with his local, colonial, government just as had been the case when the princes and free cities of the Smalcaldic League united against the Emperor.⁴⁰

This was not a case where Muhlenberg changed his doctrines for the sake of convenience. On the contrary, the war was not going well for the colonies at the time when Muhlenberg became convinced that he should support it. Muhlenberg had carefully, prayerfully, thought through the issues at hand and then applied the Biblical principles to his situation. Because Muhlenberg was a Lutheran

37 Henry Melchior Muhlenberg, *The Notebook of a Colonial Clergyman*, trans. and ed. by Theodore G. Tappert and John W. Doberstein, (Philadelphia: Fortress Press, 1975), p. 195.

38 Wallace, p. 123. Endnote reference: H.M.M. to Emanuel Schulze, March 7, 1776: Frederick Nicolls Collection, Reading; microfilm copy, A.P.S.

39 *Ibid.*, 158-159

40 Lars P. Qualben, *The Lutheran Church in Colonial America* (New York, NY: Thomas Nelson & Sons, 1940), 260.

pastor and leader in the colonies at the time of the Revolution, his opinions and actions should carry great weight in this discussion. He had initially remained neutral for sound, doctrinal, reasons.

However when Muhlenberg came to understand the causes of the Revolution more clearly he supported the war on the basis of the same Biblical principles. Muhlenberg was not someone who was detached from the conflict or protected from it. He taught and acted thoughtfully and carefully as a pastor, knowing that what he believed and taught could and would have a real impact on the spiritual and physical health of his parishioners.

Moving forward in history again, another influential Lutheran theologian who wrote on the topic of the proper relationship between the government and its citizens was Joseph Stump. He wrote:

The duty of obedience to the State is enjoined in Scripture (Matt. 22:21; Rom. 13:1-5; 1 Pet. 2:13). Insurrection and rebellion are forbidden (Rom. 13:2). Changes in the forms and methods of government are to be obtained by legal means. Resistance is justifiable only when those in authority persist in violating the basic principles of the State, and when resistance therefore is really a defense of the State against those who are seeking to revolutionize it from above.⁴¹

From the above quotation, it is clear that Stump held to Scripture's teaching that obedience to the state is not an option. He also held to the understanding that the state is not above its own laws and contracts. Notice that Stump does not write that the state is subject to the "laws of nature" or "laws of reason." This means that one cannot claim that what Stump writes is influenced by enlightenment thought. Instead, in accord with Galatians 3:15, Stump points out that resistance and rebellion are justifiable legally and religiously when the government is in violation of its "basic principles." These basic principles would not even necessarily have to be the written laws of the land but could also include basic *unwritten* principles. An example of this would be pre-constitutional England, when politicians often referred to the "constitution" of rights even though there was no written constitution as such.

Stump again:

41 Stump, Joseph. *The Christian Life*. New York, NY: The Macmillan Company, 1930, 267.

Since the Church possesses an external organization, it is in temporal matters subject to the laws of the State; but in spiritual matters, in those which concern the sphere of the Church as such, the State has nothing to say. On the other hand the Church has no right to interfere in the affairs of the State. She has no right as an organization to take any part in politics. . . . [Church members] have political rights and duties which they are to assert and fulfill in a Christian and conscientious manner. But the Church as a Church should confine herself to that work which belongs to her; namely, the work of preaching the Gospel of Jesus Christ and of enunciating the principles of love and righteousness which should guide men in their social and political relations.⁴²

Here Stump explains the difference between the purposes of the Church and of the government, with neither having the right or calling to interfere with the rights and operations of the other. However the part which is most pertinent to this study is what Stump writes about the right of the Christian to be involved in politics. In certain societies and governmental organizations, it is the Christian's duty to be conscientiously involved, giving genuine thought to the issues at hand and voting accordingly. Such is the Christian's way of honoring and subjecting themselves to the government authorities in democratic societies. To vainly abstain from involvement would actually be a sin of omission for a Christian living in a democratic society such as the United States. This is because the government depends on the input and involvement of its citizens to operate.⁴³

Up to this point, it seems that the trio of Luther, Muhlenberg, and Stump, while all from different eras and cultures, held to the same general understanding of the institution and role of government, the duty of the Christian to submit to it, and to the principle that rebellion and resistance are not always sinful because sometimes they are justified. Now this paper will highlight the positions taken by Daniel Deutschlander regarding, in general, God's institution of Government and, in particular, the American Revolution.

Deutschlander writes that obedience and respect are owed to the government and government officials because it is God who has instituted them and given them the authority to fully carry out their

42 Ibid., 246.

43 Ibid., 246.

responsibilities. Also, there is no one form of government which God demands, meaning that many different forms of polity can be God-pleasing.⁴⁴ These sentiments are in total agreement with Scripture and the aforementioned Lutheran theologians. However Deutschlander is not in agreement with them when he writes, “Since God established government, rebellion is always a sin, for it is waged against the authority God himself has established. Rebellion is wrong because God tells us to submit.”⁴⁵

In explaining his position, Deutschlander writes that the apostle Paul left no room for rebellion. When Paul wrote his instructions for the Christian to submit to the government, “he knew full-well that government often does not do what it is supposed to do.” The problem with this position is that it ignores the possibility of a form of polity where it is possible that a government can be in violation of its own laws, thus violating what Paul wrote in Galatians 3:15 about contracts being binding. As Stump explained, “When those in authority persist in violating the basic principles of the State, resistance is really a defense of the State against those who are seeking to revolutionize it from above.”⁴⁶ Deutschlander's not agreeing with this gives the impression that it is impossible for the authority of a government to be subject to any laws or constitution.

Not surprisingly, Deutschlander cites the example of the Smalcaldic League. The reason this league was formed was to actively, militarily, oppose the emperor in case he decided to attack them and their subjects. This was because the states and cities of the Smalcaldic League had refused to cave in to his demand that they throw off Lutheranism.⁴⁷ But what these leaders were doing was preparing for the real, present, possibility that the Emperor would overstep his authority by waging war on his subjects because of their religious beliefs. In this, the Emperor would become a tyrannical force whom the Smalcaldic leaders, as those who had been tasked by God with protecting their subjects, would be

44 Daniel M. Deutschlander. *Civil Government: God's Other Kingdom* (Milwaukee, WI: Northwestern PH, 1998), 40-42.

45 Ibid., 42-43.

46 Stump, 267.

47 Deutschlander., 132.

obligated to oppose. Frederick the Wise also believed that even though the Emperor was his God-ordained superior, there were still limitations on his authority. Frederick did not hand Luther over to the Emperor and Pope when they demanded this of him. This was because Frederick was duty bound by the laws and principles of his land to ensure that his subject, Luther, was protected and given a fair trial.

Interestingly enough, Deutschlander dealt the topic of the American Revolution nothing more than a glancing blow in his book on civil government. One would think that as a Lutheran living in the United States, Deutschlander would have felt it necessary to devote more time to explain his position on the American Revolution. Nevertheless, Deutschlander gave his views on the religious validity of the American Revolution in little more than one page before moving on to his next topic.

Deutschlander writes:

The rebels were inspired by each of the authors mentioned above [Jean-Jacques Rousseau, John Locke, Adam Smith, Montesquieu, and Voltaire]. They accepted the social contract theories and assumed that people had a right to revolt, regardless of what the Bible said. To be sure, when we read the documents that came out of the American Revolutionary War, there are many references to God. But those references often lack any support in the Bible. The authors assumed that what their reason had concluded was as valid as what the Bible says. And what the Bible says had validity only if it agreed with their reason. The American Revolution cannot be justified on the basis of the Word of God, no matter how many times God's name is dragged into it. . . . The man who is often called the father of American Lutheranism, Pastor Henry Melchior Muhlenberg, lamented the action of two of his own sons, who had given up their work as Lutheran pastors to serve the cause of the revolution.⁴⁸

The above paragraph is not a position held only by Deutschlander but is a clear, direct, representation of the main arguments put forth by many who claim that it is impossible to justify the American Revolution on the basis of God's Word.⁴⁹ However, this statement is not so much of an explanation of a Biblical principle as it is an assessment of the facts of the Revolution. Because of this, the above

48 Ibid., 153-154.

49 This is, or is very similar to, the explanation of the validity of the American Revolution which is commonly taught in the schools of the Wisconsin Evangelical Lutheran Synod. This is based on the experiences of this author and others from several generations. Today, Daniel Deutschlander is considered by many in Confessional Lutheran circles to be an authority on the topic of proper relationship between Christians and civil government.

quotation will be analyzed in the conclusion of this paper after the histories and principles of the governments of Britain and the American Colonies have been presented.

Up to this point, this paper has offered a summary of the Biblical principles of the Christian view of government. This was followed by a selection of writings and actions pertinent to a study of the American Revolution from the Lutheran theologians Luther, Muhlenberg, Stump, and Deutschlander. Now this paper will summarize the principles of British and colonial government. Following this will be offered a timeline of writings from the time of the initial colonization of American by British Subjects up to the outbreak of the war. Finally, this paper will conclude by responding to the claim that the American Revolution cannot be justified on the basis of God's Word.

The Principles of British Government

A difficulty which anyone studying the history of the English government will encounter is that even though the English firmly believed in their fundamental rights and the fundamentals of their government, these were not written down in a complete, systematic, way until after the conclusion of the Revolutionary War.⁵⁰ However, even though these fundamental rights, principles, and limitations were never codified as such, they were written about at length. These were also presented as the basis for the deposing of several monarchs who refused to recognize them.

Ever since king John of England signed the Magna Carta in 1215, English monarchs have not been absolute. Rather they have been forced to govern in accord with the laws of the land, and in such a way so as to not violate the legally inalienable rights of their citizens. The Magna Carta states that if a ruler did not rule in this way, then the barons of the land could overthrow and replace him.⁵¹ The first time that a Parliament was actually called was by John's son, Henry III. Henry owed the Pope a large sum of money and he wanted the barons to give it to him. They agreed to do so, but only on the

50 Margaret A. Judson, *The Crisis of the Constitution: An Essay in Constitutional and Political Thought in England, 1603-1645* (London, England: University Press, 1988), 11

51 "Magna Carta," <http://www.fordham.edu/halsall/source/magnacarta.asp>

condition that the king appoint certain, permanent, groups of advisers. Even though Henry III and the barons contended over this arrangement for the duration of his reign, this structure endured because those monarchs who came after Henry had to petition Parliament for money.⁵² There is much more that could be said about the specifics of British history between the 1200's and the Revolutionary War. However for the sake of remaining on task, this paper will now move forward in history approximately three hundred and fifty years to the time when James I had succeeded Elizabeth as ruler of Britain.

By the 1600's, Parliament had become a much more developed, permanently influential, body. With the growth of Parliament had come a sort of power struggle between those who advocated for the influence of Parliament and those who supported the continued, increased, authority of the monarchy. But in this debate, both sides agreed on three fundamental concepts. First, Parliament was a fundamental part of the English government.⁵³ Second, both parties saw the king as God's lieutenant and viceroy, and believed that a monarchy was the most natural form of government.⁵⁴ Thirdly, even with this “high view” of the monarchy, there were certain rights and privileges which the king could not infringe upon because these were granted to men directly from God.⁵⁵ For example, even though there was no written bill of rights at this time, it was universally accepted that the king could not just take his subjects' money whenever he wanted to. Instead, he had to “ask” for it by petitioning the Parliament.⁵⁶ This principle was a source of pride for Englishmen in regard to both their own rights and also their admiration for the king. This is because the British people believed that the sanctity of property and the respecting of citizens' rights were indicators of the highest and purest forms of monarchy.⁵⁷

But James was dissatisfied with this arrangement, even though decisions on war, foreign policy,

52 Goldwin Smith, *A Constitutional and Legal History of England* (New York, NY: Dorset Press, 1990), 145.

53 Judson, 14.

54 *Ibid.*, 17-18.

55 *Ibid.*, 36-37.

56 Ivan Roots, *The Great Rebellion: 1642-1660* (United Kingdom: Sutton Publishing, 1998), 10.

57 Judson, 41.

and the national economy were still his to make apart from Parliament.⁵⁸ James would frequently disband Parliament without recalling it for some time when it did not do what he wanted. This led many to fear that England was on the verge of becoming like its greatest and nearest rival, France, where the king ruled on his own and as he pleased without having to defer to a legislature. Without a regular and influential Parliament, English citizens would become like those of other nations in having no legal rights at all.⁵⁹

Seeing both the actions of the king and the fears of the people, proponents of the power of Parliament argued that Parliament, specifically the House of Commons, was ultimately responsible for the well-being of the nation at large. Also, all members of Parliament from both Lords and Commons saw that Parliament was becoming the last bastion of the rights of English citizens. They banded together and vowed to not leave their descendants worse off than they, having fewer guaranteed rights.⁶⁰ In 1610, motivated to preserve their rights and those of their descendants, Parliament produced the “Petition of Grievances to the King.”

The policy and constitution of this your kingdom appropriates unto the kings of this realm, with the assent of the parliament, as well the sovereign power of making laws, as that of taxing or imposing upon the subjects goods or merchandizes, wherein they have justly such a propriety, as may not without their consent be altered or changed.⁶¹

The leaders of the Parliamentary opposition stopped short of claiming complete sovereignty for Parliament. Instead they rested their position and petition on the legal limitations of the king, especially the principle that in times of peace no property could be taken from a subject except by act of

58 Ibid., 220.

James was also free to grant charters to companies and individuals to settle his holdings on the North American Continent. James granted the charters which sanctioned the colonization of both Virginia and Plymouth. Charles I, James II, and Charles II also granted charters which sanctioned the settlement and government of “Charter Colonies” in North America.

59 Ibid., 221.

60 Ibid., 225-229.

61 Ibid., 235.

Parliament.⁶²

James' son, Charles I, was a believer in the divine right of kings as his father had been.⁶³

However, Charles lacked the political sense and patience which had enabled his father to work, for the most part, within the legal limitations of the land. At one point, Charles ruled without calling Parliament for eleven years. These years are known in British history as the eleven years of tyranny.⁶⁴ Eventually a civil war broke out between the Parliamentarians and Monarchists over Charles' refusal to rule with Parliament. The Parliamentarians won the war, captured Charles, and put him on trial. Charles was charged with treason against England because he had pursued his own personal interest over and against those of the country and its people.⁶⁵ For example, Charles had agreed with Scottish leaders to impose Presbyterianism in England for three years in exchange for their aiding him militarily in re-asserting his authority there.⁶⁶

The act of putting Charles on trial in a court of law was justified by the legal reasoning that the king of England was not just a person but an office. Anyone holding this office was wholly bound to govern according to the laws of the land.⁶⁷ Even though the trial of Charles was legally legitimate, it does not matter for the sake of this discussion whether or not it was. It was an action which had a significant and lasting effect on the country and people. It also played into the minds and actions of those who were involved in the restoration of the British Monarchy.

The people had never felt completely right about no longer having a monarch. Also, the Protectorate government did not satisfy the needs which it had originally been intended to meet.

62 Ibid., 236.

63 Roots, 16.

64 Charles Carlton, *Charles I: The Personal Monarch* (Great Britain: Routledge, 1995), 154.

65 "The Charge against the King," in *The Constitutional Documents of the Puritan Revolution 1625–1660*, edited by Samuel R. Gardiner (Great Britain: Oxford University Press, 1906), <http://www.constitution.org/eng/conpur082.htm>

66 Roots, 125.

67 Geoffrey Robertson, *The Tyrannicide Brief: The Man Who Sent Charles I to the Scaffold* (Great Britain: Chatto & Windus, 2005).

Therefore in 1660 Parliament decided to ask Charles II (the son of Charles I), living in exile in France, to come back to England and re-assume the throne. However, Parliament erred in not asking Charles II to make any promises concerning either Parliament or constitutional guarantees before he assumed the throne. But even with this lack of guarantees, once Charles assumed the throne he found himself unable to force loans or raise taxes apart from Parliament.⁶⁸

The restoration of Charles II not only revived the old institutions of government but also put an end to the arbitrary civilian and military rule of the protectorate. The executive power of the monarchy and the legislative and fiscal authority of parliament were both restored. In fact, it was even declared that the reign of Charles II had begun when Charles I was executed, thus effectively erasing from history the years when England was ruled without a monarch.⁶⁹

But Charles II was not satisfied to be a king whose authority was limited by Parliament. As his father, he wanted to be an absolute monarch like his fellow Roman Catholic ruler and ally, Louis XIV. Charles II and Louis XIV agreed in the secret treaty of Dover of 1670 that with the help of French troops, Charles would establish an absolute, Roman Catholic, monarchy in England.⁷⁰ Of course this treaty was kept secret from Parliament and was never acted upon. But it does give a clear explanation of why Charles constantly clashed with Parliament even though similar actions had led to the overthrow and death of his father. In 1679, Parliament passed the Habeus Corpus Amendment Act. The act was officially titled, “An Act for the Better Securing of the Liberty of the Subject and for the Prevention of Imprisonment Beyond the Seas.” This legislation was intended to block loopholes which allowed the king to infringe on the liberties of his subjects.⁷¹

Something else which Parliament wanted to do was to pass a bill that would have effectively

68 Smith, 347.

69 Ibid., 346.

70 Ibid., 353.

71 Ibid., 358.

forbidden the Catholic duke of York, Charles' brother James, from assuming the throne after Charles' death. The bill would have stated that the ruler of England could not be a Roman Catholic. It also did not help matters that James was completely unqualified in his manner and abilities to rule.⁷² Charles even found himself compelled to send his brother out of the country for a time so that he could negotiate with moderate leaders to ensure James's succession.⁷³ Obviously Charles did not any bill which excluded his brother to be passed. With his brother somewhat muzzled, Charles managed to block the passage of all bills that would have excluded James from succeeding him.⁷⁴

At Charles' death, James assumed the throne. Like his brother, James was a firm believer in the divine right of kings to rule as they saw fit. But unlike his brother, James was not a negotiator. He was someone who thought and acted in extremes.⁷⁵ James saw Parliament as the only barrier between him and his goals for himself and the country. When both houses of Parliament refused to do what he desired, he dissolved them. Parliament would not again officially meet during his reign.⁷⁶ James attempted to find legal justification to dispense with Parliament permanently. He did manage to find a court that supported him, but only after he had dismissed many judges who were unwilling to cave in to his demands.⁷⁷

In 1687, James unilaterally declared that the old rules prohibiting Catholics and other religious non-conformers, such as Anabaptists and Unitarians, from holding political office were no longer in effect. This opened the door of political influence to a large segment of the country which had previously been shut out. James also required that this decree be read from the pulpits of churches all over the country. But, was it legal for James to declare this on his own? Several prominent bishops did

72 Michael Mullett, *James II and English Politics 1678-1688* (New York, NY: Routledge, 1994), 1.

73 Ibid., 14.

74 Smith, 360.

75 Mullett, 14.

76 Smith, 363.

77 Tim Harris, *Revolution: The Great Crisis of the British Monarchy, 1685-1720* (London, England: Penguin Books, Ltd., 2006), 192.

not believe so. These petitioned James in protest that his declaration was actually illegal. In response, James imprisoned these bishops and accused them of libel and sedition. However they were not convicted of either crime because the court ruled that there was no actual evidence to support the king's claims.

On the same day when the bishops were acquitted of their accused crimes, the political leaders of the country issued an invitation to William of Orange to come with his army to rescue the country from the possibility of absolutism the likes of which was found in France. James' actions had indicated that he, a Catholic, was attempting to wage war against the Church of England.⁷⁸ Also, unlike his brother, James had produced a legitimate heir. James had previously been seen by his detractors as an aging Catholic monarch whose policies and preferences would be done away with by William and Mary, Protestants who had been in line to succeed James. But the birth of an heir changed everything. Instead of an aberration, these attacks upon the Church of England could become the norm.⁷⁹

The political leaders had seen that they had erred in re-instituting the monarchy without requiring the restoration monarchs to pledge to respect English laws and customs and rule in accord with them.⁸⁰ William of Orange was the husband of Mary Stuart, James II's daughter. William came with his army, but there was no need for force. James saw that history would repeat itself upon him if he did not flee. He did flee, but not without first ordering the royal seal to be thrown into the Thames River. This was his way of insulting the country on his way out. Even for those wary of doing away with another monarch under any circumstances, this act convinced them that James had essentially abdicated his throne, thereby severing the "contract" of his rule.⁸¹ This time, the House of Commons did not recognize William and Mary's rule until they had accepted the newly-drafted "Declaration of

78 Mullett, 67.

79 Ibid., 72.

80 Harris, 365-366.

81 Michael Barone, *Our First Revolution: The Remarkable British Upheaval That Inspired America's Founding Fathers* (New York, NY: Crown Publishers, 2007), 184.

Rights.” This document left open the question of whether James' abdication was due to his having fled the country or his having abused and overstepped his kingly authority.⁸²

It was first proposed that Mary would be queen and William would be queen consort, but neither William nor Mary desired this arrangement. William refused to be a royal puppet and Mary refused to rule without her husband. Therefore it was decided that after they had accepted the Declaration of Rights and the Bill of Rights, William and Mary would become the joint monarchs of England. The Bill of Rights, in the tradition of the Magna Carta and the Petition of Right, listed most of the arbitrary acts of which the Stuart monarchs had been guilty and declared them all to be contrary to the laws of England. These included the execution of laws without Parliament and the levying of money without grant of Parliament.⁸³ The Scottish convention did not initially offer their crown to William and Mary when Parliament did. They did so after they decided that James had forfeited his right, and that of his heirs, to the crown by his violation of the laws and liberties of the kingdom. This was actually a clearer assertion of the “contract theory” of government than had been made in England.⁸⁴

The Glorious Revolution of 1688 is as far as this presentation needs to go in order to establish, from history, the principles of the English system of government. These principles are communicated most clearly in the events of the Glorious Revolution because this was the final “understanding” of the relationship between the monarchy and Parliament which would be in place from that time, through the Revolution. These principles, in no particular order of importance, are as follows:

1. The monarch rules by the authority of God.
2. The English monarchy is not one that is “absolute,” as in France. Rather, it is one that is bound and limited by English laws and customs.

82 Ibid., 190-191.

83 Judson, 367-368.

84 Barone, 200.

3. Parliament is an absolutely necessary and fundamental part of the English government. No monarch, even though he might be considered to be “above” his subjects in Parliament, can rule without it.
4. It is illegal for the monarch to tax or take money from his subjects without the consent of Parliament, because Parliament is the representative body of his subjects.
5. The monarch must recognize and respect the rules of his subjects. If he does not do so, he has severed himself from his authority and is subject to removal.

It is important to realize that Parliament did not always exercise a consistent amount of power and influence in relation to that held by the crown. This fluctuation was actually a source of the problems between England and the American colonies. Most of the colonies and their charters were instituted before Charles I was tried and executed. This was a time when the monarchy was very powerful in relation to Parliament. When the monarchy was re-instituted, Parliament was much more powerful than it had been in the past. This was even more so in connection with the Glorious Revolution, when William and Mary freely and openly submitted to Parliamentary superiority in certain aspects of government and society.⁸⁵

This paper will now shift its focus away from England and towards the colonies, to show how their systems of government were instituted and established. The purpose of the next section will be to show that the colonial governments were not legitimate, semi-autonomous bodies, simply because they declared themselves to be. Rather, this was an arrangement which was guaranteed them both by their colonial charters and also their rights as full-fledged subjects of the English crown.

The Principles of Colonial Government

The history of government in the American Colonies does not begin on land. Rather, it has its roots in the belly of a ship floating off the coast of what would come to be called Cape Cod,

⁸⁵ Judson, 367-368.

Massachusetts. The Pilgrims aboard the Mayflower had originally planned on settling further south along the coast in the territory of Virginia. However, rough storms throughout their journey had brought them further north, to Cape Cod. Because there was no government in place, many feared that lawlessness and evil would overwhelm their colony. The purpose of the Mayflower Compact was that all those living in Plymouth colony should “combine together in one body and submit to such government and governors as we [all those who were to live in the new colony] should by common consent agree to make and choose.”⁸⁶ It goes on to say:

[We] combine ourselves together into a civil body politic for our better ordering and preservation and furtherance of the ends aforesaid; and by virtue hereof to enact, constitute, and frame such just and equal laws, ordinances, acts, constitutions, offices from time to time as shall be thought most meet and convenient for the general good of the colony; unto which we promise all due submission and obedience.⁸⁷

The Mayflower Compact was drafted and signed so that there would be a God-pleasing government in the colony to serve the purposes outline in the quote above. Not everyone on the Mayflower was a Separatist “Pilgrim,” and even if they all had been, there would still have been the necessity for laws and their enforcement. But the Mayflower Compact was not the final document which outlined the government of what became Massachusetts.

In 1628, Charles I granted the Massachusetts Bay Colony its charter. This contract guaranteed the inhabitants of this colony the right to elect an assembly which would work with the governor to draft and enforce all laws and regulations, as would befit the congress of a land. This charter stated that this legislative body had the same lawful right to draft and enforce laws as any other body of the realm.⁸⁸ It also declared it lawful for the governor, with his advisers and the legislature, to establish all sorts of good and reasonable laws, directions, instructions, etc. that were not contrary to the laws of

⁸⁶ “The Mayflower Compact,” In *The Annals of America, Vol 1: 1493-1754*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica Inc., 1968), 64.

⁸⁷ *Ibid.*, 64.

⁸⁸ “First Charter of Massachusetts,” in *The Annals of America, Vol. 1: 1493-1754*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 101.

England. This charter also guaranteed the colony and its citizens the right to militarily repel and resist all forces who would destroy the colony or infringe upon the rights of its inhabitants.⁸⁹ Acting on this right, in 1641 the Massachusetts legislature adopted the “Massachusetts Body of Liberties.” This legislation was based on English common law and guaranteed the citizens of Massachusetts colony the common rights of Englishmen.⁹⁰

Other colonies had similar charters to that of the Massachusetts Bay Colony. The little-known colony of West New Jersey, which ceased to be a distinct colony from the rest of New Jersey in 1702, was a colony comprised mainly of Quakers. The charter of this colony, given indirectly by James II, guaranteed that the rights of the citizens of this colony could not be altered by any legislative authority from after the time of the issuance of the charter.⁹¹ The colony of Pennsylvania was different from other colonies because it was a grant of land given directly to William Penn and his heirs instead of to a company or group of people. This colony also had a charter which outlined how the colony would be governed.⁹² Penn, who had been granted all jurisdiction in the colony, outlined that the government of Pennsylvania would consist of a governor and an assembly of freemen “by whom all laws shall be made and public affairs transacted.”⁹³

There was something of a “Glorious Revolution” which took place in the American colonies in conjunction with that in England in 1688. Because of the limitations of those times, news of William and Mary's ascension took well over a month to reach the American colonies. However, when word did reach the colonies, the governors and officials of James II were overthrown and the magistrates who had ruled under the charter governments resumed their former duties. The colonies had endured similar

89 Ibid., 103.

90 “Massachusetts Body of Liberties” in *The Annals of America, Vol 1: 1493-1754*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica Inc., 1968), 163.

91 “The Charter of West New Jersey,” in *The Annals of America, Vol 1: 1493-1754*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica Inc., 1968), 262.

92 William Penn, “First Frame of Government of Pennsylvania,” in *The Annals of America, Vol 1: 1493-1754*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 267.

93 Ibid., 268.

hardships and infringements of rights as their kinsmen in England during the reigns of Charles II and James II. These included the breaking of colonial charters and contradictions of the Magna Carta and the right of Habeus Corpus.⁹⁴ For these reasons, the colonists would have gladly shipped these individuals back to England on the next boat. However, the colonial governments did not take any further actions against these people until they heard from England what the actual, final, outcome was regarding the monarchy. This is because the question of the legitimacy of the monarchy was something which affected both Britain and the colonies.⁹⁵ Despite some questions and isolated conflicts, most notably Liesler's Rebellion,⁹⁶ the overall smooth transition of power which took place in the colonies in conjunction with that which took place in England provided the framework for the monarchy's continued governance of the North American Colonies. One of the conditions under which the colonies prospered was the continuation and regularity of elected assemblies.⁹⁷

What is surprising is that the colonies were not immune to attacks upon their governance and charters even decades prior to the Revolution. Already in 1715, Parliament claimed that the colonies had merited the revocation of their charters due to misgovernance. In response, a politician named Jeremiah Dummer published "A Defense of the New England Charters."⁹⁸ Dummer had been born in the colonies but had moved back to England to serve as an agent for the province of Massachusetts. Even though Dummer wrote specifically about the New England colonies and their charters, much of what he wrote can and should be applied to the whole colonial situation. The following is a summary of the document.

The charters of the New England colonies grant the inhabitants of those lands the right to see to

94 "On the Rebellion Against Governor Andros," in *The Annals of America, Vol 1: 1493-1754*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 278-279.

95 *Ibid.*, 280-281.

96 David Lovejoy, *The Glorious Revolution in America* (Middletown, CT: Wesleyan University Press, 1987), 339-340.

97 *Ibid.*, 201.

98 Jeremiah Dummer, "A Defense of the New England Charters," in *The Annals of America, Vol 1: 1493-1754*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 336.

well-ordering and governance of their respective colonies, making and enforcing all laws not “repugnant” to the laws of England.⁹⁹ These charters were granted by the crown, and the king is acknowledged to be the head and fountain of all “corporations and franchises.”¹⁰⁰ The New England colonies received their charters from the crown on the express condition of settling the land for the benefit of the crown. To strip the colonies of their charters after all the conditions and services have been satisfyingly met is “abhorrent from all reason, equity, and justice.”¹⁰¹

In response to the allegation that the colonial governments have ruled in an arbitrary manner, the charter governments have not exercised arbitrary power. In the charter colonies, the right to duly elect officials and officers is guaranteed. Therefore it is fundamentally impossible for the colonial governments to be tyrannical and arbitrary, because if the officials ruled in this manner, they would simply be voted out of office.¹⁰²

Another allegation was that the colonial assemblies had enacted laws repugnant to the laws of England, thereby forfeiting their charters. But this is also impossible. No law enacted by the assembly had force of law until the king's governor had assented to it. Also, a law might vary from the law of England without being repugnant to it because the colonies have different needs and circumstances than those of England.¹⁰³

Something else which had been urged against the charter colonies was that they would have the opportunity in coming years to throw off their dependence on England because of their growing populations and economies. If Parliament did not act to curb their liberties and freedom, they would soon declare themselves a free state. Dummer showed this to be a foolish concern. The only interest of the colonists was to thrive in commerce and trade, which was definitely in the best interests of the

99 Ibid., 336.

100 This means that the king has granted the colonial governments their authority.

101 Ibid., 337.

102 Ibid., 338.

103 Ibid., 340-341.

crown and the whole of England.¹⁰⁴

Dummer concluded his writing with the following arguments. It would be a severity without precedent that the people of the colonies should be deprived of the liberties which they and their forefathers have enjoyed for over a century. The question here is not one of power but one of legal right. “One may say that what Parliament can't do justly, they can't do at all.” The fear of the colonists was that once liberty is lost, it is lost forever.¹⁰⁵

It is interesting to note that the possibility of a colonial uprising was a concern in Parliament already in 1715. Ironically enough, this sort of attitude, and the actions that came from it, is what convinced the colonists that they would be better off without England. This was because the English Parliament was not devoted to the preservation of colonial liberty and economic advancement. Rather, the opposite was true. It was in the best interests of Parliament that the colonists not enjoy the full rights of Englishmen.

This is an appropriate point at which to transition from the principles and development of colonial government to the writings and events which led to the outbreak of armed conflict. Dummer's “Defense” is a particularly invaluable resource for this study because it clearly presents why the colonial governments were a legitimate governing authority. It also presents the arguments against the illegal infringing upon the rights and jurisdiction of the colonists and their legislatures. The colonists were not demanding some new rights which they believed were granted to them by God, nor were they fundamentally opposed to submission to their king and being part of his worldwide empire. However they did demand, with all fervor and resolve, that the rights and freedoms guaranteed to them by their colonial charters and their being subjects of the English crown not be attacked or diminished.

The Build Up To War

104 Ibid., 341-342.

105 Ibid., 343.

The Seven Years War, known in America as the French and Indian War, was very expensive for England.¹⁰⁶ Even though England was able to defeat France, it was at the cost of many lives and much money. The original reasoning behind the pieces of legislation which proved to be most offensive to colonial governments was that the colonies should bear part of the financial burden of the war since they had directly benefited from it.¹⁰⁷ However, it is evident that the reason Parliament persisted in attempting to impose such pieces of legislation upon the colonies was not simply for the sake of raising revenue but was to make the point that they had the right to do this if they wished. They were not going to be, in their perspective, bullied by their colonies; an example had to be made of them.¹⁰⁸ This section of the paper has two purposes. The first is to show how the disagreements between colonial leaders and the English government grew to the point of war. The second purpose is to show that the colonies were justified in throwing off the authority of the English government. This is because the English government had made itself into a tyrant by refusing to honor the previously-ratified contracts which established how the colonies and their citizens were to be governed.

Even forty-five years after Dummer wrote his “Defense,” there was still the idea in England and in Parliament that the American colonies were becoming too powerful. Their growth in economy and population had made them a danger, not an asset, to Britain. Obviously this was a belief which was not conducive to good relations between England and colonies. So in 1760, Benjamin Franklin wrote against this notion in his “Great Britain's Interest in Her Colonies.” Franklin wrote in this pamphlet that there was no need that the colonies should not continue to be an asset to the mother country, and they certainly posed no threat. He based the latter claim on the fact that each of the colonies had its own

106 This war was fought from 1756 until 1763.

107 Edmund Burke, “On Conciliation with America,” in *The Annals of America, Vol II: 1755-1783*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 318-319.

108 “Act Suspending the New York Assembly,” in *The Annals of America, Vol II: 1755-1783*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 181.

government and seemed to be in an almost-constant state of bickering with the others.¹⁰⁹

However, as history shows, the mistrust created by claims such as this by Parliament was not quickly done away with. Relations between the colonies and the home country were certainly not improved when Parliament began to pass legislation effecting the colonies the likes of which had not been enacted in the past. Among these were the “Navigation Acts” and “Writs of Assistance,” against which James Otis argued before the Massachusetts Supreme court in 1761. He argued that the right to search a private home on the basis of mere suspicion went against nearly every modern law code, which only allowed for the search of homes when a complainant swore that he suspected illegal goods were inside. One of the most essential branches of English liberty was that as long as a man should remain quiet, in good standing with the law, his home would remain untouchable for search and seizure.¹¹⁰ It was true that even Parliament had opposed those who had violated these principles, such as Charles I, Charles II, and James II.¹¹¹ But, even though they were not happy about this legislation, the Americans desired to be reasonable. Therefore the “Navigation Acts” had been accepted by colonial legislatures as a means of regulating international commerce, but not as a means of taxation.¹¹²

Many colonists saw the “Proclamation of 1763” as an equally illegal piece of legislation. This was a temporary measure enacted by Parliament intended to ensure the continued loyalty of Quebec and also peace with the Natives who lived west of the Appalachians. However, several colonial governments believed that it infringed upon the lands and privileges which they believed were guaranteed to them and their citizens by their charters. Even though it had been legal to settle lands west of the Appalachians, this Act commanded all settlers who had done so to remove themselves. It also stated that the colonial legislatures were under the “immediate government” of Parliament and

109 Benjamin Franklin, “Great Britain's Interest in Her Colonies,” in *The Annals of America, Vol II: 1755-1783*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 59-60.

110 James Otis, “Against the Writs of Assistance,” in *The Annals of America, Vol II: 1755-1783*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 75.

111 *Ibid.*, 77.

112 *Ibid.*, 77.

required them to issue licenses for free to those who desired to make fair trade with the Natives.¹¹³ Not only was Parliament wrong in claiming to be superior to the colonial legislatures, it also infringed upon the right of the colonies to regulate commerce as they saw fit.

In support of this argument was Thomas Fitch and his “On the Right to Raise Revenue.” Fitch wrote this while he was serving as governor of Connecticut. Fitch wrote that by the laws of Great Britain, no laws can be imposed upon the English people without their consent through representation in Parliament. Without such representation, their subjection to said laws cannot be compulsory but only voluntary.¹¹⁴ Also, no tax, forced loan, or any other means of raising revenue can be imposed on Englishmen without the consent of their representatives. This is the practice in both England and Ireland, where their own legislatures pass laws determining taxation in those lands.¹¹⁵ Americans are very much entitled to all the rights of Englishmen because they were either all born under the dominion of the crown or have become naturalized citizens of it. So even though Parliament has a sort of general authority over all British subjects, this body does not have the right to tax those not represented in it.¹¹⁶

Regarding Connecticut specifically, there is no question that their charter, and the crown that issued it, guarantees them all the rights and liberties of Englishmen when it says, “[Those] who shall inhabit the said colony. . . shall have and enjoy all liberties and immunities of free and natural subjects within any dominion of Us [the royal plural].”¹¹⁷ Therefore it is proper for the crown to govern the colonies by and with their legislative bodies, these bodies having been vested with the authority to make and enforce any laws that are not contrary to those of England. Writing specifically to Parliament, Fitch concluded that if Parliament wished to honor the constitution of the realm and the rights of the

113 “Proclamation of 1763,” in *The Annals of America, Vol II: 1755-1783*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 85-86.

114 Thomas Fitch, “On the Right to Raise Revenue,” in *The Annals of America, Vol II: 1755-1783*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 87.

115 *Ibid.*, 88.

116 *Ibid.*, 88-89.

117 *Ibid.*, 90.

King's subjects, "it will have a tender regard for the rights and immunities of the King's subjects in the American colonies and charge them no internal taxation without their consent."¹¹⁸

Even though what Fitch wrote was direct and almost certain to anger some members of Parliament, one cannot say that any of his arguments were legally unsound. What is surprising, though, is that Thomas Pownall, the former royally-appointed governor of Massachusetts and a member of Parliament, agreed with Fitch's sentiments. Pownall wrote that even if the provinces are subordinate to England and Parliament, the greater power is still obligated to respect the rights of the people there. The reason why the legislatures there view the control of revenue as something which they absolutely must retain control of is that it ensures the good conduct of government officers.¹¹⁹ As is guaranteed them by their respective charters and commissions, the colonial governments must have the same powers and extent thereof as the government of Britain. They have the freedom to enact legislation as long as no laws contradict those of England.¹²⁰

Pownall was in the Parliamentary minority concerning colonial rights, because Parliament continued to aggressively legislate down the path to armed conflict. In 1765 Parliament passed the Stamp Act, which many believe was the act that initiated the revolutionary activity which eventually led to colonial independence.¹²¹ The stated purpose of the Stamp Act was to defray the cost of the past and ongoing defense of the colonies. In summary, this act placed a tax on anything official that was written or printed on paper, vellum, or any paper equivalent. The money raised by the sale of stamps was to be handed over into the royal treasury, to be used by Parliament to pay for said defenses. The Stamp Act stated that if anyone was found guilty of forging a stamp, they were to be killed "without benefit of clergy." The trials to determine whether individuals were guilty of this crime were not to take

118 Ibid., 97-98.

119 Thomas Pownall, "The King and the Colonies," in *The Annals of America, Vol II: 1755-1783*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 98-99.

120 Ibid., 100.

121 "The Stamp Act," in *The Annals of America, Vol II: 1755-1783*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 143.

place in civilian courts with juries of peers but rather before the admiralty court [military tribunal].¹²²

In response to the Stamp Act, the Virginia legislature passed four resolutions. (1) All the inhabitants of Virginia, since its settling, have possessed all the rights of English citizens. (2) The colonists of Virginia are guaranteed these same rights by the royal charters from James I. (3) It is a characteristic of British freedom to not be taxed without the consent of one's representatives, and this is a fundamental guard against over-taxation. (4) The crown's citizens, the people of Virginia, continue to possess the aforementioned rights concerning their internal polity and taxation and have done nothing to give up this right.¹²³ It should be mentioned that, in point three, the Virginians were not claiming that they could only be taxed if their representatives voted for the tax. Rather, the consent for taxation is implicit in the presence and participation of one's representatives.

John Adams, a Massachusetts politician, also drew up a set of resolutions against the Stamp Act. As Adams saw it, there were two problems with the Stamp Act; its unconstitutionality and, even more alarming, the prospect of a trial before the admiralty instead of before a jury. That no Englishman could be taxed without his consent in person or proxy had always been viewed as a fundamental English right. "No free man can be separated from his property except by fault or act."¹²⁴ This act was also a direct assault upon the charter of Massachusetts, because the charter guaranteed that no free man could be imprisoned, tried, or condemned except by the lawful judgment of his peers.¹²⁵

The Stamp Act did manage to accomplish what had, in the past, seemed impossible—unify the colonies. In response to this act, the first inter-colonial congress was called. Nine colonies sent delegates to this congress. This body adopted thirteen declarations, the most pertinent of which are

122 Ibid., 147.

123 "Virginia Stamp Act Resolutions," in *The Annals of America, Vol II: 1755-1783*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 148.

124 John Adams, "A Burdensome and Unconstitutional Tax, in *The Annals of America, Vol II: 1755-1783*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 154.

125 Ibid., 155.

summarized below.¹²⁶

6. The colonists owe the crown the same allegiance as his natural-born subjects.
7. The crown's subjects in the colonies were owed the same rights as the English.
8. It is an essential English right to not be taxed without “representation”
9. The colonists are not, and cannot be, represented in parliament
10. No taxes have ever been imposed on the colonies except those from their own legislatures
11. It is inconsistent with British values for the crown to seize colonial property
12. Trial by jury is an inherent right of every British subject in the colonies
13. Parliament, in taxing the colonies, is overstepping its “ancient limits” and subverting colonial rights. The colonies request that parliament repeal this act because of its unconstitutional impositions.¹²⁷

Perhaps Parliament could have ignored the writings of one politician or even a single colonial legislature. But something as significant as an inter-colonial Stamp Act Congress demanded a reply. Jenyns Soame, a member of Parliament, drafted a pamphlet in which, he believed, he would put the arguments of the colonists to rest.¹²⁸ The following is a summary of the pamphlet's content. Those statements placed in brackets are the comments and reactions of this author.

Parliament should have never thought it necessary to defend its right to tax the colonies. The recent colonial arguments are equally insolent and absurd, making use of words such as liberty, property, and Englishmen, which are more apt to make an impression on people who cannot think than those who are educated and aware of the issues.¹²⁹ [It was this sort of misunderstanding and insulting of the colonial position that increasingly raised the ire of the colonists as the debate neared the outbreak of war.] Their arguments are based on the hope of one of three propositions; no Englishman can be taxed without his consent, or by the consent of his proxy, or without the consent of the majority of a body of which his proxy is present. To respond to these, who is taxed with consent? Also, even some parts of

126 “No Taxation Without Representation,” in *The Annals of America, Vol II: 1755-1783*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 158.

127 Ibid., 159.

128 Jenyns Soame, “The Objections to the Taxation of Our American Colonies Considered,” in *The Annals of America, Vol II: 1755-1783*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 160.

129 Ibid., 160.

England are not represented in Parliament.¹³⁰ [It is interesting that Soame attempts to put down the colonial claim of injustice by justifying it with a similar injustice.]

Why can the colonies not see that they are “represented” in absence in the same way as the cities of Manchester and Birmingham, who have no representatives? [This ignored the fact that the colonies and England were different situations, again glossing over the complaints of the colonies.] It is also impossible that any charter could grant immunity from Parliamentary taxation, because the king cannot supersede Parliament. [Soame based this argument on the “current” situation. At the time of issuance of the charters, Parliament had not risen to its “present” stature and authority.] The colonial charters are really nothing more than something that would be given to a business, and these certainly do not make the colonies autonomous of the authority and taxation of Parliament. Parliament has the right to tax all English subjects. Soame closed by stating that it was “incomprehensible” that those across the Atlantic should think themselves immune in this. [In fact the colonies had been immune, or had at least been shown to be immune, for as long as they had existed. Even if Soame was correct in claiming this right for Parliament, this was still a new practice and interpretation of English and colonial law.]¹³¹

Even though Parliament seemed committed to asserting their authority in the colonies through such legislation as the Stamp Act, English merchants were very much opposed to Parliament's methods. This is because the Stamp Act was forcing the colonies to buy fewer manufactured goods due to the necessity of devoting a certain amount of money to buy stamped paper which would have otherwise been spent on merchandise. Just as the American colonies were the greatest source of raw goods for England, so also England was the greatest source of manufactured goods for the colonies. In reality, the

130 Ibid., 160.

131 Ibid., 161.

Stamp Act was nearly as detrimental and unpopular at home as it was in the colonies.¹³² This was because the colonists did not limit themselves to written opposition of the Stamp Act—they acted. The colonists set to manufacturing their own goods instead of continuing to only buy them from England. British officials working in the colonies remarked that colonial manufacturing progressed so fast that, in a few years, the colonies might no longer need to purchase anything from England.¹³³

Because of the Stamp Act's near-universal unpopularity, Parliament really had no other choice than to repeal it, which it did in 1766. However, the repeal of the Stamp Act was accompanied by the Declaratory Act, in which Parliament said that it had the same authority to pass laws in the colonies as it did in England. Then, in 1767, seeing that many of the colonial assemblies were simply refusing to carry out the Quartering Act of 1765, Parliament decided to make an example of New York by suspending their legislature until they agreed to carry out the Act. The reason why New York was chosen instead of some other colony was because it was the headquarters of the British army in America.¹³⁴ This was an obviously high-handed tactic which garnered much opposition throughout the colonies.

Even though only the New York legislature had been suspended, Parliament claimed the right to do this in any colony if it was not obeyed. Parliament had also sent troops to New York City to ensure that this ban was enforced, which only amplified these concerns.¹³⁵ Colonists from up and down the Atlantic seaboard began to see that the rights of Englishmen which they considered sacred were definitely at risk. In suspending the legislature of New York, Parliament accomplished the opposite of what it had hoped to do. Instead of scaring the other colonies into submission, Parliament had shown

132 “London Merchans Against the Stamp Act,” in *The Annals of America, Vol II: 1755-1783*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 162-163.

133 Thomas Gage, “On the Growing Economic Competition With England, in *The Annals of America, Vol II: 1755-1783*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 198.

134 “Act Suspending the New York Assembly,” in *The Annals of America, Vol II: 1755-1783*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 181.

135 John Dickinson, “On the Suspension of the New York Assembly,” in *The Annals of America, Vol II: 1755-1783*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 182-183.

them that they needed to band together. The alternative was to remain divided and be conquered.¹³⁶

It would be remiss of this paper to not point out that not all advocates of colonial rights limited themselves solely to legal arguments. In 1772, Samuel Adams wrote his “The Rights of the Colonists.” In this he stated that “all positive and civil laws should conform, as much as possible, to nature, reason, and equity.”¹³⁷ This is a qualification for which Adams lacked legal and Scriptural backing. However, even with weaknesses like this from Adams and other colonial writers, these individuals also based their arguments for colonial rights, and eventually independence, on the rights of Englishmen and the fundamental principles of English government.¹³⁸

In this same work, Adams specifically replied to the Parliamentary claim that the colonies were already represented in Parliament in the same way as those living in unrepresented areas of Britain. He wrote that to say the colonies are, or can be, represented in Parliament in the same way as Manchester or Birmingham is ridiculous. This is because the colonies are so much further removed from Britain in distance and circumstances than the unrepresented areas of the Island. In fact, even if the colonies were granted representation in Parliament on the basis of the size of their populations, they would still not be represented in an equitable way. This was because recent events had shown that Britain did not necessarily have the best interests of the colonists in mind, nor were the colonists respected as the equals of those living in England. In Parliamentary policy, the interests of England had superseded the legal rights of the colonists, and those who raised legal objections to recent actions had been labeled as rebels, traitors, and fools.¹³⁹

Adams was absolutely correct in writing what he did. This is because in 1774 Lord Dartmouth wrote a letter to General Gage in America in which he explained that the position of the English

136 Ibid., 184.

137 Samuel Adams, “The Rights of the Colonists,” in *The Annals of America, Vol II: 1755-1783*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 217.

138 Ibid., 219-220.

139 Ibid., 220.

governments was that the sovereignty of king and Parliament in the colonies required their full and absolute submission. There was to be no caving in to their rebellion. Because of this, Dartmouth instructed Gage to close the port of Boston.¹⁴⁰ The purpose of this was to compel the submission of Boston by striking at the wallets and stomachs of Bostonians. In fact, in this same letter, Dartmouth even advised Gage to interfere in the upcoming elections for the Massachusetts legislature so as to ensure that the most outspoken opponents of Parliament were not allowed to remain in office.¹⁴¹ The Massachusetts legislature, of course ignorant of this directive, officially pledged themselves to continue to support the king's just authority and to continue to carry out their responsibilities for the good of the colony. This was even though some in Parliament and among the king's advisers desired their subjection and destruction.¹⁴²

At this point the disagreement was reaching the point of no return. The colonists saw that their rights as Englishmen, and the rights guaranteed to them and their colonies in their charters, were being destroyed. Parliament and the king were not at all interested in discussing the legality of their recent actions beyond telling the colonists that they were fools and mistaken, having made claims acceptable only to those unable to think.¹⁴³

The differences between England and the colonies seemed irreconcilable in the minds of many. Tensions were at a point where armed conflict, once unthinkable to the British, now seemed a real possibility.¹⁴⁴ However, a member of Parliament named Edmund Burke was not ready to give up on diplomacy. Even though Burke believed that Parliament had the right to tax the colonies, he did not

140 Lord Dartmouth, "On Securing the Submission of Massachusetts," in *The Annals of America, Vol II: 1755-1783*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 248-249

141 Ibid., 250.

142 "The Independence of the Massachusetts Legislature," in *The Annals of America, Vol II: 1755-1783*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 247.

143 Soame, 160.

144 Dartmouth, 249.

believe this right was worth insisting upon at the cost of military suppression.¹⁴⁵

Burke called for Parliament to back away from its recent methods and to remove those things which the colonies claimed were offensive, thereby restoring the bond between England and her colonies. Burke pointed out that it was the indulgence of England, namely the colonies being exempt from direct taxation, which had largely contributed to the great growth and economic prosperity in the colonies. Also, the spirit of English liberty was greater in the colonies than anywhere else in the British Empire.¹⁴⁶ Colonial leaders were wrong in claiming that in the British system of government the people must hold the power to grant their own money. But they had been confirmed in this error by history and the level of democracy in their popular government.¹⁴⁷

Burke believed that when the complaint of unjust taxation was satisfied, the true object of the controversy would be revealed. With this in mind, Burke proposed replacing the methods of directly taxing the colonies with a system where the colonial legislatures would freely give money, which their legislatures had taxed, to the British government to pay for those things, such as defense, which Britain provided for their benefit.¹⁴⁸ Of course, this proposal was roundly rejected by Parliament because they were not going to be intimidated by the colonials and their foolish, unrealistic, ideals.

This was essentially the end of the discussion. Soon armed conflict broke out in Massachusetts, followed shortly thereafter by the declaration of colonial independence. When one examines the Declaration of Independence, the reasons why the colonists felt they needed to throw off English rule are clear. There are some statements made by the founding fathers which were directly inspired by the writings of John Locke and other Enlightenment writers, such as the statement, “It sometimes becomes necessary for people to dissolve political bands and to assume the separate station to which the laws of

145 Edmund Burke, “On Conciliation with America,” in *The Annals of America, Vol II: 1755-1783*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 312.

146 *Ibid.*, 314.

147 *Ibid.*, 315.

148 *Ibid.*, 318-319.

nature and nature's God entitle them. Governments are instituted among men, deriving their power from the consent of the governed.”¹⁴⁹ But, looking beyond this, the Declaration of Independence does present the legal justification for the Revolution. The king and Parliament had committed the injustices addressed earlier in this paper, most glaringly taking away the colonial charters and abolishing, and altering, colonial governments. Finally, George III had abdicated his authority in the colonies by declaring them outside his royal protection and his having hired foreign mercenaries to come to the colonies and subdue their population.¹⁵⁰

In the face of the injustices and crimes which had been committed by king and Parliament, the drafters of the Declaration of Independence claimed to have continually and humbly petitioned for redress. However these petitions were met with insults and more offenses. Thus, the tyrannical government of England was no longer fit to rule the colonies. Even when reminded of the charters and the circumstances surrounding the settling of the colonies, Parliament had refused to listen. Therefore the Declaration of Independence deemed the British, “Enemies in war, friends in peace.”¹⁵¹

Conclusions

There are two main flaws in the explanation put forth by Daniel Deutschlander on why the American Revolution cannot be justified on the basis of God's Word. The first is the claim that the rebels had accepted the social contract theory of government and assumed that people had a right to revolt, regardless of what the Bible says.¹⁵² Now yes, some of the rebel leaders were influenced by the social contract theory of government. But to say the social contract theory of government was their *only* justification for throwing off English rule is an untenable position. Throughout the buildup to the Revolution, and in the Declaration of Independence, colonial leaders clearly and consistently

149 “The Declaration of Independence,” in *The Annals of America, Vol II: 1755-1783*, edited by Mortimer J. Adler (Chicago, IL: Encyclopedia Britannica, 1968), 447.

150 *Ibid.*, 448-449.

151 *Ibid.*, 449.

152 Deutschlander, 153.

maintained that king and Parliament were breaking the law, the laws both of the colonies and of England, in attempting to tax the colonies and suppressing the power of the colonial legislatures. In turn, Parliament had consistently dismissed the objections of the colonists, calling the colonists fools and describing their arguments as persuasive only to those who were unable to think.¹⁵³

Parliament believed that the colonies existed for the good of England. This, by itself, was certainly not an offensive proposition. However, the offense was that Parliament acted on this belief in such a way so as to show the colonists that they *themselves* existed for the good of England. The legal rights of the colonists were only guaranteed insofar as they did not interfere with what Parliament desired.

Also, what about the fact that Scripture does not condone the practice of illegally amending or annulling written agreements? It was not Parliament's right to violate the conditions of the colonial charters and to infringe upon the rights guaranteed to Englishmen by writ and centuries of English legal history. As Stump explains, "Changes in the forms and methods of government are to be obtained by legal means."¹⁵⁴ Parliament sought to change the methods of colonial government by trying to use the muscle of the British army to intimidate the colonists into caving to their demands. The objections, and eventually armed resistance, of the colonies was not a revolution against the true government of the land as much as it was a legally, morally, justifiable defense of the colonies against a tyrannical force. This is what initially and fundamentally inspired colonial leaders. There were overtones and examples of enlightenment thought and non-Scriptural principles in the actions and writings of some. But these were only secondary, and were certainly never the sole justification for rebellion.

In Galatians 3:15, Paul wrote that it is necessary to respect covenants, contracts, and charters that have been legally ratified. Therefore it was sinful for branches of the English government to

153 Soame, 160.

154 Stump, 267.

attempt to annul or amend the colonial charters against the will of the colonists. It was also definitely uncharitable, and perhaps sinful, for these same individuals to infringe upon the unwritten, but historically-established, rights of subjects of the English crown without giving any justification for doing so apart from “Because we can.”¹⁵⁵

The second flaw in Deutschlander's argument has to do with the example of Muhlenberg. Deutschlander correctly points out that Muhlenberg lamented the fact that his sons had given up their pulpits to aid the cause of the Revolution. However, this statement gives the impression that Muhlenberg opposed the colonies in the Revolution. This is simply incorrect. Muhlenberg was never an opponent of the war. He was neutral out the outbreak of the conflict but, within two years, had become convinced that the colonial cause was legally and Scripturally justified.

The assertion that there is *no way* to justify the American Revolution on the basis of God's Word is a claim based on an incomplete understanding of that history. One must be sure that he understands the systems of government in place in the colonies and England before concluding that all those who took part in the Revolution sinned by doing so.¹⁵⁶ It is also claimed that the colonists had no right to rebel against England and overthrow the monarchy. But this claim is made in ignorance of the fact that the charters of certain colonies guaranteed them the right to legislate with the crown, not with the crown *and* Parliament, and the right to wage war on those who would seek to infringe on this and other rights of the colony and its citizens.¹⁵⁷ Nowhere in Scripture does it say that a monarchical form of government must be maintained indefinitely in those places where such a polity is in place. The American colonies were free to re-order and unite their combined governments in the way that they did because these actions were in accord with both their laws and their desire to govern and protect their citizens.

155 Dummer, 336-343; Soame, 160; Dickinson, 182-183; “The Stamp Act,” 147.

156 **Deutschlander Interview**

157 Ibid.

The colonists were not rebelling against their legitimate government but rather had devoted themselves to defending it. Colonial leaders resisted the attempts by crown and Parliament to illegally alter the rules by which the colonies and their citizens were governed. The blame rests on Parliament for why the dispute between Britain and the American colonies resulted in war. Parliament consistently refused to consider the appeals of the colonial governments and resorted to using military force in the hope of putting down the complaints and resistance of the colonists. In view of this, what choice did the colonial governments have but to realize that any continued submission to British rule would be at the expense of their legitimate authority to govern and their responsibility to protect the rights of their citizens?

This author does not believe that the American Revolution was something which all those living in the colonies were morally obligated to support. Those who sided with Britain against the colonies did not necessarily sin by doing so, nor did those who sided with the colonies against Britain. Just as people today should not view the American Revolution in terms of black and white, undeniably righteous or entirely wrong, so also many colonists had mixed feelings about which government to support. Because of the injustices committed by the king and Parliament, a situation had developed in the colonies where it was no longer clear which government, that of the combined colonies or of England, was the legitimate authority in the land. There were many Lutherans on each side of the conflict. In fact, some of the fiercest fighting of the Revolutionary War took place at the Battle of Oriskany in upstate New York. A very large number of the soldiers who fought in this battle, for both sides, were Lutherans. American Lutherans today can take pride in the fact that those of their common faith who lived in this country at the time of the American Revolution felt so strongly in the legitimacy of the governments which they respectfully chose to support that they were willing to fight and die for them.

Lutherans living in the United States of America should not be bound to believe that their nation

was founded under a cloud of sin. This claim lacks backing from both Scripture and the facts of history. The American Revolution was not a fundamentally sinful rebellion. Its leaders based their arguments on English and colonial law and were inspired by these same principles. The American Revolution was a defensive war fought by the colonists for the sake of preserving English law and the laws of Englishmen all over the world. Those who have ancestors who fought in the American Revolution can take pride in the Christian patriotism of their forefathers. Christians living in the United States can rest assured that their nation was not founded in such a way so as to be in conflict with the clear revelation of Scripture.

Appendix: Paul Webber's Interview of Daniel Deutschlander

Webber: (W)

Is civil government something that has always been an interest of yours?

Deutschlander: (D)

Not really. I ended up being drafted into that job because of a thesis proposal that I made in grad school. Ever since then, people have always sort of assumed that I had an interest in this topic.

W: Is your position on the validity of the American Revolution something which you were taught throughout your education?

D: I don't know. I guess so. Revolution is bad, period. That was pretty much it. I've always thought this even though I can't exactly recall whether or not this was something that I was taught by any particular individual. What I do know is that there was never any negative reaction in WELS against my book or my position on the American Revolution.

W: Are you familiar with the arguments of some for why the Revolution was legitimate?

D: I have heard a few. A memory that stands out in my mind was when I was lecturing in Ukraine, and an ELS pastor who was the rector of the seminary over there raised some objections, but these didn't persuade me. (At this point I pointed out that I had heard about this conversation because this person, Jay Webber, is my father)

W: Did you do any research into the history of English or colonial government in connection with writing Civil Government?

D: Some, but not a lot. I had hoped to include a bibliography of suggested reading at the end of the

book but the publisher didn't want to include it.

W: In your opinion, were the crown and the English Parliament legally obligated to honor the colonial charters?

D: Sure they were. They were bound to honor them just as all governments were bound to honor their laws. But when the government doesn't do that, two wrongs don't make a right. There have been many times when the government didn't honor its commitments, such as when Japanese Americans were detained during WWII. St. Paul doesn't say that we only have to obey the government when it does everything right. The charters governments were subject to the crown. We wouldn't have people like Muhlenberg appalled that his sons took part in the revolution and being completely opposed to it.

W: Muhlenberg was opposed to it?

D: My research showed me that Muhlenberg was completely opposed to the Revolution.

W: But Muhlenberg supported the war. My research proves that Muhlenberg was neutral at the outset of the war but then openly supported it after a couple of years.

D: That doesn't change my mind. I'm not really interested in pursuing a long discussion on this. I couldn't tell you what sources I used to come to the conclusion that Muhlenberg was against the war.

W: What is your understanding of what the Bible says in regard to whether or not it is sinful for governments to break treaties or contracts?

D: Governments do illegal things all the time. People who defend the Revolution have only that one point to defend their position. This should always make someone a little suspicious when their position is based on the exception to a rule. Those who hold to this position need to realize that they might not have it right. The exceptional thing about the Revolution is that it took a while after the Revolution for things to actually become better. If you come back to the short term results of the Revolution, it took a while for things to settle down with the drafting of the constitution. History shows that revolutions pretty much always leave things worse than they were before.

W: But the Magna Carta and English history show that the English monarch was not absolute, and when he broke the law, he was deposed.

D: That is true, but the people were free to replace him with another king. The colonists did not have the right to abolish the monarchy. Included in the rights of Englishmen was not the right to revolt. You've got the right to bring grievances to parliament, but they've got the right to ignore you. Edmund Burke praised the English constitution because it had remedy of allowing for the overthrow of a monarch who did not obey the law. But you can't overthrow the three-legged stool of King, church, and parliament. This isn't what the American Revolution was all about.

W: What is your reaction to this statement of Joseph Stump on the relationship between the

government and its citizens?

The duty of obedience to the State is enjoined in Scripture (Matt. 22:21; Rom. 13:1-5; 1 Pet. 2:13). Insurrection and rebellion are forbidden (Rom. 13:2). Changes in the forms and methods of government are to be obtained by legal means. Resistance is justifiable only when those in authority persist in violating the basic principles of the State, and when resistance therefore is really a defense of the State against those who are seeking to revolutionize it from above.¹⁵⁸

- D: Well, that's an interesting principle, but you've got to define terms. The Christians resisted during apostolic times when they remained Christian, but they never revolted. I don't know if that last sentence is correct. I can see how you could take this argument, but I think that you would have an awfully difficult time to make this case. The colonies had a right to petition grievances but the English had a right to ignore them. This didn't give them the right to revolt. In Paul, I don't see this kind of wriggle room. Again, the idea that somehow this revolution was justified is hard to swallow. When the government exercises authority, it is the government that one obeys. That supersedes everything else. In the English system, it was king and Parliament. I don't see how the colonies had legitimate reasons to rebel.
- W: Do you believe that all those who went along with the American Revolution sinned by doing so?
- D: Well, did they sin in ignorance or in malice? Those are two different things. But yes, it is a sin to revolt. They may have sinned in ignorance, but they didn't have a right to do what they did. That doesn't make the U.S. Government illegitimate, because it is the authority in place. We do not need to return to submission to the English crown.
- W: What you're saying doesn't seem to allow for the possibility of there not being a clear cut legitimate government.
- D: This is something that Lutherans have always struggled with this. It was really a point of debate at the time of the American Civil War, particularly in the Missouri Synod. It has never been decided all neat and tidy. Civil wars are revolts against the powers that be, and they're wrong.
- W: Why didn't you include more on the American Revolution in the book?
- D: I didn't see it as the purpose of the book. A lot of things were covered in summary fashion. I could have written a lot more about a lot of things.

158 Joseph Stump, Stump, *The Christian Life* (New York, NY: The Macmillan Company, 1930), 267.

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