

European Origins of Freedom in America

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This chapter will treat the providential development of freedom in Europe to which the American colonies fell heir prior to the Revolutionary War. Only a few highlights in that development can be covered here. To establish the context, we discuss the importance of agency and freedom in the divine plan and God's role in the promotion of just laws and good government. In a broad historical sweep, we touch on the development of democracy in Greece and the rule of law in the Roman experience. We review the slide into apostasy of the Christian church and the subsequent loss of freedom during the Middle Ages. The treatment then focuses on the development of freedom in Western Europe from the first flicker of freedom in the Middle Ages, through the early morning lights of the religious Reformation, to the growing concept of liberty in the Enlightenment.

We conclude by tracing the British development over the centuries of limited representative government, the rule of law and the enshrinement of fundamental rights and freedoms, which provided the immediate foundation for the colonial development of freedom. The American Revolution, it must be remembered, started, at least in part, as a revolt of American colonists in defense of the traditional rights of Englishmen, which in the colonies were being violated by oppressive government. John Locke's formulation of the notion of a social contract between the government and the governed furnished the justification for this revolt. The chapter thus highlights the rich, multifaceted, divinely orchestrated legacy of freedom in the American colonies before the Revolution, which served as the basis for the further development of freedom—particularly religious freedom—during the Revolutionary era.

AGENCY AND FREEDOM IN THE DIVINE PLAN

Latter-day Saints are privileged, because of revelation to the Prophet Joseph Smith, to have additional insights on the importance of agency and freedom in the divine plan. The principle of agency is an eternal principle and a fundamental part of our Heavenly Father's plan for the salvation of his children (see Moses 4:1–4). This principle of action or power bestowed on man by God affords every intelligent being the opportunity to act for himself or herself and to make choices between good and evil (see D&C 93:29–31). As Elder John A. Widtsoe observed, "The being which later became man, even in the first day possessed intelligence."¹ "The will of man was left undisturbed. Progress if any, and the rate of progress, must be and has ever been, the result of the operation of the untrammelled will." The divine bestowal of agency upon man is a reflection of God's love. Without the exercise of agency, there can be little individual growth or development. Through the wise exercise of his agency man may eventually become like God.²

Freedom is anchored in the divine principle of agency. While agency resides within the individual, freedom, as Byron R. Merrill has noted in an earlier chapter of this volume, refers to "the external circumstance enabling an individual to carry out the choices made."³ Hence, the term "freedom" may be adapted to speaking of "freedom from" certain external restraints or limitations and "freedom to" choose or exercise one's free will in accordance with one's desires and goals to the extent that these actions do not trespass on the rights of others. To the famous Jeffersonian formula in the Declaration of Independence in 1776, defining human rights as "life, liberty and the pursuit of happiness," the latter to include property rights and economic freedom, must be added religious freedom, which guarantees the free exercise of religious belief and practice.

Latter-day Saint prophets have affirmed that the rise of freedom in America was in preparation for the Restoration of the gospel.⁴ As the Lord revealed to Joseph Smith, God provided for the establishment of a free system of government under the American Constitution to preserve man's "moral agency," so that "every man may be accountable for his own sins in the day of judgment" (D&C 101:77–78). David O. McKay has observed, "God intends man to be free. . . . Next to the bestowal of life itself, the right to direct that life is God's greatest gift to man. . . . Freedom of choice is more to be treasured than any possession earth can give. It is inherent in the spirit of man."⁵ The fullest development of the human person can be attained only in an atmosphere of freedom.

DIVINE IMPULSES FOR GOOD LAWS IN ANCIENT SOCIETIES

The first government among men was a theocracy under the direction of the priesthood. This patriarchal order under Adam and his righteous successors, however, soon gave way to the kingdoms of the world, which retained only fragments of the patriarchal order.⁶ God nevertheless has continued to work for the improvement of man, even in the absence of the fullness of the gospel. In 1978 the First Presidency published an official statement entitled "God's Love for all Mankind," which declared: "The great religious leaders of the world such as Mohammed, Confucius, and the Reformers, as well as philosophers including Socrates, Plato, and others, received a portion of God's light. Moral truths were given to them by God to enlighten whole nations and to bring a higher level of understanding to individuals."⁷

Likewise, under divine influence, many individuals in the course of human history have been motivated and enlightened to accomplish divinely appointed mortal missions in providing for improved laws and greater freedom for the betterment of mankind. As John Taylor ex-

plained, "There is an inherent principle of right planted in the human bosom, which God has placed there . . . which all intelligent men, when they have sought for the truth with unbiased mind and desired sincerely to know, have invariably found. Governed by the principles of right . . . there have always been men inspired by an infallible divine afflatus [inspired creative impulse], who have recognized an innate, inalienable principle of justice and equity, in every age and among all nations, and the records of the Babylonians, the Medo-Persians, the Greeks, Romans, and more modern nations bear ample testimony to this fact."⁸ The constitutional development of the United States he attributed to the same divine inspiration.⁹ Joseph F. Smith likewise declared that God has inspired "all who have in the ages past contributed to the progress of civil and religious freedom."¹⁰

FREEDOM AND DEMOCRACY IN GREECE

Some of these remarkable individuals, whom God raised up with special missions, pioneered the ideas of democracy and freedom in early Greek society. The Greeks lived in small, independent city-states which permitted the citizenry to gather in the marketplace to elect officials and discuss public business. The city-states in the formative period (approximately 750 to 490 BC) were governed by the landowning aristocracy, resulting in oligarchic rule.¹¹ However, "ideas began to form . . . [including] the concept of democratic government, in which all members were equal under the laws and the laws were made by the people directly by majority rule."¹² The term *democracy* is derived from the Greek word *demos*, meaning hamlet or community.

In 594 BC Solon was empowered by the Athenians to create new laws that would resolve the problems between the poor majority and the rich minority. Solon, an aristocrat and merchant with a reputation for wisdom, proceeded by canceling the debts of those who had fallen into slavery and by bringing back to Athens those who

had been sold as slaves outside Attica and setting them up once more as free citizens. He drew up a constitution which provided for representative government through elected assemblies. Although Solon's constitution gave citizens of higher economic classes a greater input into the political process and made only limited concessions to popular participation,¹³ it was an important milestone on the road to freedom.

A hundred years later Cleisthenes revised the Athenian constitution in order to dissolve the power of the rich families once and for all and to create a more representative democracy. Cleisthenes extended voting rights to all adult free men and provided equal representation for all citizens of Athens. The constitution gave legislative, executive, and judicial power to elective bodies—an assembly, a council and a court—for whose members citizens might vote. Cleisthenes' reforms had to be approved by the assembly, a final step in the new democratic legislative process, which established the principle of checks and balances.¹⁴ Athenian government in its final form thus looked strangely modern, with its system of constitutional government, direct democracy and separation of powers.

But democratic rule in Greece was neither long-lived nor widespread. A variety of forms of government were practiced in the Greek city-states, including aristocracy, oligarchy, democracy and despotism, which sometimes succeeded each other. In his famous *Republic*, Plato (c. 429–347 BC), the greatest philosopher of his time, warned of the dangers of uncontrolled passions in a democracy, which could result in mobocracy, and of the potential subversion of a democracy by a tyrant or demagogue in time of trouble.¹⁵ Thus, while the Greeks pioneered many of the fundamental ideas that would later play a role in the development of American concepts of democracy, their history demonstrated that democracy could be fragile and unstable.

THE ROMAN REPUBLIC AND THE RULE OF LAW

The Romans showed a particular aptitude for “organization, administration, government, and law.”¹⁶ Roman law nonetheless was biased towards the public interest as seen by Roman government rather than the basic rights of individuals. The Romans, over a period of centuries, developed in piecemeal fashion their own distinct political institutions. In the early period of the Republic, the government and its key advisory body, the Senate, were controlled by wealthy patrician families; and all other citizens, called plebeians, even though they had the right to vote, enjoyed only limited power and few political rights. In the fifth century BC, the plebeians won the privilege to form their own assembly known as the *Concilium Plebis* and to elect their own leaders called tribunes.¹⁷ This created a bicameral legislative system, which has served as a model for many modern states.

After Greece was conquered by Rome in 146 BC, the Romans rapidly absorbed Greek culture. Drawing upon Greek philosophy, Roman judges, in settling disputes through the empire, came to hold that “no custom is necessarily right, that there is a higher or universal law by which fair decisions may be made,” which “will be understandable or acceptable to all men, since it arises from human nature and reason.”¹⁸ They thus laid the foundation for the concept of natural law.¹⁹

An important architect of Roman law was Marcus Cicero (106–43 BC), Rome’s greatest orator and statesman, who “insisted that law is legitimate only when it is consistent with standards of liberty and justice, based on . . . natural law.”²⁰ Human beings possess reason, he wrote, which enables them to develop principles of justice which are rooted in supreme, moral, natural laws that have always existed, even before written laws or established governments existed.²¹ This natural law, which he considered of divine origin, applies at all times and places.²² Cicero’s

ideas helped to shape the structures of law in Western civilization. Edward Gibbon recalled that while reading Cicero, “I tasted the beauties of language, I breathed the spirit of freedom.”²³ Thomas Jefferson, an admirer of the Roman concept of natural law, called Cicero “the first master of the world.”²⁴

Roman law, as revised by the emperor Justinian (in the Justinian Code, AD 534), later became the basis of the legal system of most countries in western Europe and Latin America. One prominent historian has summarized it thus: “As Greece stands in history for freedom, so Rome stands for order; and as Greece bequeathed democracy and philosophy as the foundations of individual liberty, so Rome has left us its laws, and its traditions of administration, as the bases of social order.”²⁵ With the classical educational tradition of colonial American colleges, the U.S. founding fathers were much more conversant with the Greek and Roman heritage than are students of the current age. Intellectuals of the American Enlightenment, such as Madison, Jefferson and Adams, were very familiar with the Athenian experiment with democracy and its demonstrated dangers and with the Roman concept of law as put forth by Cicero and others.²⁶ These ideas played a significant role in the founding of the United States system of government.

FREEDOM OF RELIGION AND CHURCH/STATE CONFLICT

The thousand-year period which saw the development of the Greco-Roman civilization also witnessed the origin of several of the great world religions, including Christianity, which would spread throughout Europe by the fifth century. “All in all, no more attractive religion has ever been presented to mankind,” writes Will Durant of Christianity. “It offered itself without restriction to individuals, classes, and nations; it was not limited to one people, like Judaism, nor to the freemen of one state, like the official cults of Greece and Rome. By making all men heirs of

Christ's victory over death, Christianity announced the basic equality of men, and made transiently trivial all differences of earthly degree."²⁷ Prior to His ascension, Christ gave specific instructions to His apostles to go "into all the world and preach the gospel to every creature" (Mark 16:15). They carried out this injunction to the best of their ability, and, utilizing non-compulsory procedures, established independent, self-governing Christian churches in various cities, functioning under the general direction of the apostles. After the death of the apostles, however, there was a breakdown of priesthood leadership. Small congregations became subject to the more powerful bishops in the larger cities of the empire, and gospel principles were disputed and ordinances transformed marking a significant departure or "apostasy" from earlier practice.²⁸

Despite repeated and severe persecutions, the new religion expanded and became a major religious and socio-political force in the empire, ultimately becoming the religion of state. In AD 313, the co-emperors Constantine and Licinius issued the Edict of Milan which granted freedom of religion to all peoples of the Roman Empire, and later the Christian religion was granted preferred status.²⁹ However in the years that followed, several theological disputes arose causing Constantine to convene the Council of Nicea in 325 in an attempt to settle existing doctrinal differences, unify the Christian church, and bring order to the empire. The learned clerics were at a stalemate as to the nature of God, so Constantine settled the issue himself by deciding in favor of the concept of the trinity, which has held sway in Christian doctrine ever since.³⁰

Constantine thus began the practice of imperial involvement in the affairs of the church, which soon thereafter became the official state religion. The first six ecumenical church councils (in the period 325–680), which defined many church doctrines, were convened by the emperors of Rome rather than by ecclesiastical leaders. This growing Caesaro-papism within the church

marked a further stage in its apostasy (see 2 Thesalonians 2:1–4). Under Emperor Theodosius I, Christianity became mandatory and the only acceptable religion in 380. This resulted in religious intolerance and the use of force to compel belief.³¹ The eastern and western branches of the church began to drift apart from the time of Constantine's relocation of his capital to Constantinople in 330 until their final schism in 1054. The eastern or Orthodox branch of the church maintained a close union of church and state under the concept of "harmony" in Byzantium and state domination of the Patriarchate in Czarist Russia, providing little opportunity for the rise of religious toleration in these lands.³²

Following the sacking of Rome in 470 and the separation of western Europe from the realm of the Emperor at Constantinople, the Roman Catholic Church in the west filled the vacuum of Roman power, and, relying on the support of barbaric chieftains, engaged in the conversion of western European peoples. Falling heir to the Roman Empire as the one force of order and civilization, the Roman church took on an increasingly secular role. In 800 Charlemagne was crowned Holy Roman Emperor by the Pope. Despite periods of declining fortunes, by the later Middle Ages the church had become the universal power, the dominant partner in church-state relations. The crusades into the Holy Land against the Muslims (1100–1250) and the period of the Inquisition (1100–1500) were reflective of the consolidation of church power. Often prevailing in disagreements with kings and emperors, the medieval church had reached its apogee by the end of the twelfth century.³³

It was an age of religious intolerance. As BYU scholars Noel Reynolds and Cole Durham have observed, "In the medieval era, dissent was labeled heresy, and likened to treason—even to the point of imposing the death penalty. It was the age of the Inquisition and antiheresy crusades. In the medieval mind, the notion of reasonable disagreement had no place." Dissent being

viewed as an act of “willful rebellion; . . . persecution was considered a necessary remedy to prevent others from following such renegades to hell.”³⁴ The church relied on secular rulers to use military force and other means to suppress dissidents and heretics. Movements of religious diversity such as those of the Albigensians and Waldensians of the thirteenth century were crushed by force or driven into exile.

The later Middle Ages proved nonetheless to be an incubation period for the basic rights of man, as tentative first steps were taken in the development of concepts of political and religious liberty. Joseph Fielding Smith recognized God’s intervention during this time by stating that the Spirit of the Lord had already begun to work upon the minds of the people of the later Middle Ages, preparing for the rise of freedom.³⁵

St. Thomas Aquinas, a brilliant theologian and philosopher who lived in Italy (1225–74), attempted to reconcile faith and reason. In his most famous work, *Summa Theologica*, Aquinas wrote that to be just, laws passed by men must not contradict divine law. All people desire to be happy, he concluded, and true happiness can only be realized through direct communion with God by the righteous use of individual conscience. While Aquinas held that one’s belief is an act of will and cannot be coerced, which seems to champion the cause of religious freedom, and taught that non-believers ought not to be forced to accept Christianity, he concluded that those who were once believers and who had left the faith, heretics and apostates, must forcibly be brought to conform. Thus, to subsequent generations, despite his progressive ideas, he became known as the “philosopher of the Inquisition.”³⁶

In 1324 Marsilius of Padua, Italy, published his masterwork political treatise, *Defensor Pacis*, which argued that since Jesus taught that His kingdom was not of this world, the Catholic Church had no temporal powers to coerce or punish heretics and infidels. Marsilius also advocated specific democratic reforms for both the

church and state, emphasizing local administrative control of the church but holding all church officials to civil jurisdiction and law.³⁷ The ideas of Marsilius, who was a leader in the papal schism of his time, are of special interest as they prefigure later ideas of church government in the Reformation.

In theory, medieval theologians and canonists alike upheld the supremacy of the individual conscience of man over both the church and state, insofar as a person’s conduct was concerned. The chief medieval thinkers echoed Aquinas that one must always follow the dictates of one’s conscience, even when it was mistaken; “one ought to suffer any evil rather than sin against conscience. . . . Medieval doctrine always taught that non-Christians could not be forcibly converted to Christianity [because] God’s grace was a free gift and it had to be freely accepted.”³⁸ The philosophical basis for freedom of religion was thus established. In practice, however, the church continued to persecute dissident members, and when the interests of church and state happened to coincide, both institutions cooperated in the suppression of religious dissent—the church passing judgment and the state acting as executioner.³⁹ Hence, neither political nor religious freedom was possible.

THE PROTESTANT REFORMATION AND THE RISE OF RELIGIOUS PLURALISM

The winds of change nonetheless were beginning to blow across Europe. New challenges to the established order opened the door to greater political and religious pluralism, which eventually culminated in new freedoms.⁴⁰ With the rise of the nation states at the end of the Middle Ages, the new monarchs began to challenge the power of the church. Kings established elements of local control of the church and refused to remit taxes to Rome.

In France the French monarchy often found itself in conflict with the papacy. French governmental and ecclesiastical leaders promoted poli-

cies to restrict the Pope's power, maintaining that the king was independent of the papacy in temporal matters and that the pope's decrees regarding France could be overturned by a French ecumenical council. In 1438 King Charles VII issued the Pragmatic Sanction of Bourges, which claimed considerable independence for the church in France.⁴¹

In England Edward III, who likewise demanded immunity from papal levies and church temporal authority, sent a deputation to Bruges in 1374 to discuss England's differences with the church. John Wycliffe (c. 1320–1384), a professor at Oxford University, was a member of that delegation. Wycliffe argued that the church should be subordinate to the state, that the church's rightful authority was in spiritual not temporal matters and that the power of the church in England should be limited. He also argued that the church should give up its rich possessions, which were, in his view, the chief source of its corruption.⁴² The political challenge to the church was thus buttressed by a challenge to its temporal authority.

The delegation was unsuccessful in obtaining concessions from the papal representatives, but on his return to England Wycliffe continued to denounce abuses and criticize church doctrines, causing the Pope in 1377 to demand that Wycliffe be investigated and arrested.⁴³ Attempts to bring Wycliffe to trial for his teachings were unsuccessful due to his popularity with the English people and to the protection of powerful political leaders.⁴⁴ Wycliffe believed that the scriptures should be available to the people in their own language,⁴⁵ and he and others translated the Bible into English.⁴⁶ As Elder Thomas S. Monson indicated, the translation of the Bible was an important step in preparing the way for the Restoration.⁴⁷

Although Wycliffe's writings were condemned and banned by the Pope, Wycliffe had considerable and widespread influence. Jan Hus, a professor at the University of Prague, knew of

Wycliffe's ideas and defended them publicly. Hus continued to criticize corrupt practices of the clergy and was excommunicated in 1411. In 1415 Hus was burned at the stake for heresy.⁴⁸ For their courageous attacks on church doctrines and practices on the basis of their study of the Bible, Wycliffe and Hus should be recognized as important precursors of the Reformation.⁴⁹

The divine hand was likewise manifest in what has been called the Renaissance, the period in early modern European development extending from about 1350 to 1550.⁵⁰ President Hinckley has lauded this period as having produced a "magnificent flowering of art, architecture and literature."⁵¹ The movement, which focused on the rediscovery of classical art, literature, and culture, soon developed a new spirit of inquiry and released creative energy in many fields of endeavor. So far as the quest for freedom is concerned, the movement represented a significant liberation of the mind.

Students of the movement should recognize, however, that it had its excesses. The widespread depiction of nudity as an art form, for example, reflected an uncritical acceptance of all things Greek and the worldliness of the movement as opposed to the otherworldliness of medieval thought. A proper balance had yet to be struck.

The study of classical texts spawned a new literary movement in Italy called humanism, which emphasized the worth and dignity of the individual, and a new freedom of thought. While the Italian humanists were largely secular in orientation, Christian humanists of northern Europe, such as Erasmus of Rotterdam, studied Hebrew and Greek texts of the Bible and read the writings of early church fathers in both Latin and Greek in an attempt to restore the moral vitality of Christianity. These writers hoped to correct erroneous doctrines and practices and to reform the church from within. Erasmus, in particular, advocated a return to Christlike daily living.⁵² An

advanced thinker, he strongly supported the idea of religious toleration.⁵³

The church nonetheless did not respond to the spirit of the age. The papacy had become corrupt, out of touch with the people, tangled in bureaucracy, preoccupied with maintaining wealth and power, "unable to reform itself, and unwilling to let anyone else reform it."⁵⁴ The level of pastoral care with many absentee prelates had reached a very low point.

Then appeared Martin Luther, one of the reformers whom modern prophets have identified as inspired of God, to move forward the cause of religious reforms and lay the basis for greater personal liberty.⁵⁵ Luther was a pious Augustinian monk who became a professor of philosophy and theology at the University of Wittenberg in Germany. He studied the Bible diligently, struggling with the issues of his personal salvation, which he resolved in the concept of salvation by grace, through faith alone in Christ.⁵⁶ He became increasingly troubled by the church's practice of selling indulgences throughout Europe. On October 31, 1517, Luther nailed his famous *95 Theses* to the door of Wittenberg Cathedral, thus launching his personal, open campaign against the abuses and corruption of the papacy and what he considered the incorrect doctrines of the Catholic Church.⁵⁷

Luther's efforts were successful, and within a period of thirty years, large areas of Germany had become "Protestant." Luther succeeded where Hus had failed a century earlier because of two main factors. First, the printing press, invented by Johannes Gutenberg in 1451, allowed Luther to flood Germany with pamphlets attacking the church and rapidly putting forth his own ideas. Second, many of the German princes, such as Frederick the Wise of Saxony and Emperor Maximilian, gave Luther support and protection. Without the printing press and the protection of the German princes, Luther likely would have met the same fate as earlier dissenters.⁵⁸

In his attempts to sever the yoke of the Roman Catholic Church, Luther translated the Bible into German and proclaimed the right of everyone, women included, to read and interpret the scriptures for themselves. Such new freedom would enable the development in the individual of an inward religious consciousness never before realized. However, Luther did not go so far as to allow real freedom of conscience. Where his influence prevailed, people were free to reject Catholicism, but Luther did not tolerate disagreement with his own interpretation of scriptures, as illustrated in his attitude toward the Peasant Revolt of 1524 and his persecution of other reformers.⁵⁹ Even so, Luther profoundly affected the course of religious freedom by breaking the exclusive hold of the Catholic Church on Europe.

Subsequent reformers, such as Huldrych Zwingli and John Calvin, continued the Reformation in other parts of Europe. Calvin led an austere reform movement in Geneva, Switzerland, where he set up a society based on the laws of God and governed strictly by reformed clergymen and civil magistrates.⁶⁰ But Calvin's Geneva was a severe and intolerant society where many were banished, tortured, or executed for heresy, blasphemy, and witchcraft.⁶¹ Nevertheless, Calvin's teachings of Christian living and community life and his doctrines of predestination and the absolute sovereignty and omnipotence of God drew many converts. The Calvinist movement spread to other parts of Europe, forming the foundation of the Presbyterian Church in Scotland, the Dutch Reformed Church, the French Huguenots, and the English Puritans. A significant portion of early American colonists, particularly those in New England, were spiritual descendants of John Calvin.⁶²

Anabaptists were a more liberal facet of the Reformation. They believed that only adults should make the free choice to be baptized and to enter into a congregation of true Christian believers. They endorsed complete religious toleration,

the separation of church and state, and pacifism. They set up independent communities of Christians who, like the early Christians, held their goods in common.⁶³ Various branches of Anabaptists developed into Mennonites, Hutterites, Amish, and Baptists, who were severely persecuted in Europe, frequently by fellow Protestants.⁶⁴ Many of these people, along with other persecuted religious groups such as the English Puritans, Quakers, French Huguenots, and Catholics, eventually came to America seeking freedom to worship as they wished. The religious diversity of the new world would in due course provide a climate favorable to the development of religious toleration.⁶⁵

Henry VIII's severing the English church from Rome in 1534, though motivated by personal and political considerations and not doctrine, further eroded the hold of the Catholic Church on Europe.⁶⁶ By the end of the sixteenth century most of Scandinavia, England, Scotland, and large parts of Germany had broken with Rome and embraced some form of Protestantism as their official state religion. By 1648, at the end of the Religious Wars, Europe was irrevocably divided along the lines of religious confession. Although there was very little religious toleration and severe persecution of dissenters, Europe had become a more pluralistic society, and the hegemony of the Catholic Church had been broken, paving the way for later development of religious freedom.

Latter-day prophets have recognized the important contribution of Reformation leaders. In 1978 the First Presidency issued a statement that the world's great philosophers and religious leaders, including the Reformers "received a portion of God's light."⁶⁷ In 1999 Gordon B. Hinckley lauded the courageous reformers such as Luther, Melancthon (Luther's chief spokesman), Hus, Zwingli, and Tyndale (translator of the Bible into English) for moving forward the cause of truth.⁶⁸ Joseph F. Smith wrote, "Calvin, Luther, Melancthon, and all the reformers were in-

spired in thoughts, words, and actions, to accomplish what they did for the amelioration, liberty and advancement of the human race. They paved the way for the more perfect gospel of truth to come."⁶⁹ Elder Bruce R. McConkie concludes, "The age of Renaissance and Reformation were part of the Lord's program preparatory to ushering in his great latter-day work."⁷⁰

ENGLISH CONTRIBUTIONS TO THE ADVANCEMENT OF POLITICAL FREEDOM

"Before the gospel could shine forth its splendid light," wrote Ezra Taft Benson, "a flickering flame of religious and political freedom had to commence somewhere. Heaven determined that it begin in England. The stage had been set premortally. The characters in the drama had been held in reserve to come at appropriate times and intervals to influence the course of events in history."⁷¹

A notable step in the development of English common law occurred in the twelfth century when King Henry II implemented legal reforms as a means of dealing with general disorder and lawlessness. Henry devised new methods of judicial procedure and set up a system of royal courts whose jurisdiction superseded local feudal courts. Royal justices traveled on regular circuits throughout England to hear criminal and civil cases, and they employed a jury system to resolve private land disputes, making royal justice available to all free persons of the realm. Henry issued the Assize of Clarendon in 1166 which established a grand jury system for indictment of suspected criminals.⁷² These reforms led to the further development of English common law, as justices drew on various local customs and practices, some of ancient origin, and applied them throughout the land and based decisions on previous judicial rulings in similar cases.⁷³

Henry's son John, faced with military defeat in France and crushing financial obligations including feudal payments to the Pope, resorted to

heavy and arbitrary taxation of his subjects and brutal punishments to those who opposed him. This caused growing discontent and alienation of his nobility and common people alike. In 1215 the crisis came to a head with the barons forcing John to sign the Magna Carta at Runnymede. The Magna Carta was essentially a feudal document with provisions dealing with specific abuses of the crown. But it enshrined the principle that the king is subject to law and that he can be compelled by force to comply.⁷⁴ While this historic document did not directly bestow rights on the common people, it established the principle that subjects can be arrested and punished only by due process of law, that punishments must be proportionate to the crime, and that the king may not sell or delay justice. It prohibited abuses by royal officials, such as arbitrary seizure of property, and protected tenants from being evicted from their land. Further, it required the approval of the nobility (later Parliament) for any new law or taxation.⁷⁵ The Magna Carta in effect began the transformation of an absolute monarchy into a limited and constitutional monarchy.

Conflict between the barons and the king erupted again in the mid-thirteenth century, over royal prerogatives. Under the leadership of Simon de Montfort, the barons forced King Henry III to implement administrative reforms and transfer some political control to them. De Montfort tried to broaden the base of government by inviting representatives from the towns to participate in Parliament. Although the immediate results of this baronial revolt were short-lived, some of de Montfort's ideas were a few decades later incorporated into law.⁷⁶

In 1295 King Edward I, drawing on the ideas of Simon de Montfort and traditions of the Middle Ages, enlarged Parliament to standardize representation from the knights, minor church leaders, and burghers. Later termed the Model Parliament, this expanded body was a key step toward the development of true representative government, as the knights and town representa-

tives eventually evolved into the House of Commons. Edward also initiated changes to the legal system which increased the rights of the people, particularly women, giving them dowry rights to one-third of their husbands' property and the rights to own, inherit, or bequeath property; make contracts; and sue and be sued. He also further eroded the power of the church in England.⁷⁷

The English common law continued to develop in the years that followed, based on community customs and a growing body of judicial precedents.⁷⁸ From the common law gradually distilled a universal set of legal principles applicable to all subjects of the crown. This body of law was complemented by royal statutes, as well as the development of courts of equity which looked beyond the letter of the common law to render justice in individual cases.⁷⁹

In 1996 former British Prime Minister, Lady Margaret Thatcher, delivered a convocation address at Brigham Young University in which she reviewed how the "fruits" of the long struggle in Britain to establish the basic rights of man were carried by the early colonists to America. "What did the early settlers bring with them from Britain, you might ask? They came away because they weren't allowed at that time to worship particularly in their own way. And so they came to these shores with their faith. America was founded on the moral foundations of Christianity by the people who came here. . . . But they brought something else—something very valuable. It is really the gift of Britain to the wider world. It is the common law of the land. There can be no freedom or liberty without a rule of law because otherwise . . . it would be the freedom of the strong to oppress the weak."⁸⁰

The two hundred years following Edward I, while very eventful in British history, brought little in the advancement of individual rights and freedoms. Edward's successors consolidated their own power, at the expense of the people, at a time when England was involved in a series of

devastating wars—the Hundred Years’ War with France and the dynastic War of the Roses. The Magna Carta with its guarantees against royal abuses was largely forgotten. When Shakespeare wrote *King John* in the 1590s, he did not even mention the Great Charter.⁸¹

In 1534 Henry VIII broke with Rome and established the Church of England, ushering in a long period of religious turmoil, creating a dialectic, which in the long term led to the ascendancy of parliament over royal power. The Anglican Church retained many of the doctrines and rituals of the Catholic Church, but many of its members, termed Puritans, believed the church should be purified and embrace a more Calvinistic protestantism. On the other end of the spectrum were loyal Catholics who longed for England to return to Rome. Although Henry’s daughter “Bloody Mary” restored Catholicism as the state religion from 1553 to 1558, his younger daughter Elizabeth reversed Mary’s policies and reinstated the Church of England in 1558, ushering in the “golden age” wherein England became a major world power. Elizabeth, a strong and politically adept monarch, minimized religious strife by steering a course between extreme Protestantism and Catholicism, though many differences and dissatisfactions simmered below the surface.⁸²

The seventeenth century, which followed, was a turbulent and painful period, but it was extremely significant in the development of individual rights and liberties and the strengthening of the English Parliament. James I, who came to the throne on Elizabeth’s death in 1603, firmly believed that he ruled by “divine right of kings” and insisted that since kings derive their powers from God alone, it was morally wrong for people to oppose, resist, or even speak disrespectfully of their “anointed king.”⁸³ Parliament, on the other hand, tried to assert its own prerogatives, and Sir Edward Coke, a prominent justice, vigorously maintained that the law is superior to the king,⁸⁴ but these challenges were largely unsuccessful.

King James dismissed Coke as chief justice in 1616, but Coke continued his struggle with the crown from the floor of the House of Commons.⁸⁵

Charles I, James’s successor, continued in the autocratic pattern of his father and as a result encountered growing opposition from lawyers, puritans, and members of the House of Commons. These opposition groups united and obliged a reluctant Charles to sign the Petition of Rights in 1628. Through citing the Magna Carta and other statutes from the previous four hundred years, the petition sought to limit the power of the king by asserting the supremacy of the laws of Parliament over the pronouncements of the king. It forbade the king from levying new taxes without parliamentary consent, from imprisoning citizens illegally, and from establishing martial law.⁸⁶ This document, a milestone in the quest for individual rights, marked the beginning of a sixty-year struggle of the Parliament to establish its supremacy over the king.

In retaliation for Parliament’s opposition and open defiance, King Charles proceeded to rule without Parliament, refusing to call it into session from 1629 to 1640 and imprisoning some Parliamentary leaders. When Charles was finally forced to summon another Parliament in 1640, members of Parliament voted to withhold financial support to him until he agreed to their demands. When he again rejected their proposals, the English Civil War began.

The Parliamentary forces, led by Oliver Cromwell and his Puritan supporters, eventually triumphed militarily.⁸⁷ But the victors were far from unified, as several factions within the Parliament and anti-Royalist forces were unable to agree on key religious and political issues. Cromwell purged the Parliament of all who disagreed with him and had the king beheaded in 1649.⁸⁸

Cromwell declared England to be a republic, the Commonwealth of England, and instituted numerous reforms to the Church of England

(making it more Protestant in doctrines and forms of worship) and to the legal system and civil government. He proclaimed principles of individual liberty and justice. But in order to hold power amid the several opposing factions, he ruled England as a military dictator and severely trespassed on traditional rights.⁸⁹

One faction in this struggle was known as the Levellers. This radical group believed in republicanism, religious toleration, sovereignty of the people, and the equality of all people before the law.⁹⁰ John Lilburne was a champion in this movement. A “thoroughgoing democrat in a pre-democratic age,”⁹¹ Lilburne proposed that a new government be set up based on natural law with a House of Commons elected by every freeborn Englishman, that the monarchy and the House of Lords be abolished, and that religious liberty be guaranteed to all.⁹² He published more than eighty pamphlets championing free trade, private property, freedom of speech and press, and denouncing standing armies, censorship, and military conscription. Cromwell supported Lilburne and his ideas when it suited his purposes, but when Cromwell instituted compulsory religious observance, Lilburne resigned from the army in protest and was thrown into prison, where he spent most of his adult life. Lilburne died at age forty-three.⁹³

John Milton, best known as a poet, was also one of the most influential political thinkers and writers of the seventeenth century. He supported the Puritan cause, serving as an official in Cromwell’s government and writing many pamphlets in support of the Republic. However, Milton was very disappointed when the new government turned out to be as oppressive and intolerant as the monarchy it replaced. He was a passionate defender of freedom of the press and religious toleration (of Protestants).⁹⁴ He wrote, “Give me the liberty to know, to utter and to argue freely according to conscience, above all liberties.”⁹⁵

After Cromwell’s death, a new Parliament restored the monarchy under Charles II in 1660.

Strongly Anglican and royalist in sentiment, this first restoration Parliament—attempting to turn back the clock to before the revolution—passed legislation establishing the Anglican Church as the official state religion and strictly controlling the doctrines taught by the clergy in order to eliminate the Calvinistic ideas and practices that had crept in during the Puritans’ period of power. Rights of nonconformists (non-Anglicans) were seriously limited. Nonconformist meetings were banned and non-Anglicans were not permitted to hold office.⁹⁶ Although religious liberty was limited during this period, certain political liberties were strengthened. In 1679 Parliament passed the Habeas Corpus Act, which prevented arbitrary imprisonment.⁹⁷ The balance of power had shifted from the king to the Parliament, but even so, Charles in due course proved to be nearly as difficult as his father had been, dismissing Parliaments that opposed him and ruling without Parliament for the last four years of his reign.

When James II, Charles’s brother, assumed the throne on Charles’s death in 1685 and attempted to reestablish Roman Catholicism and even more absolutist rule, Parliament was strong enough to force James to abdicate in 1688 in favor of James’s Protestant daughter Mary and her husband, William of Orange. In this “Glorious Revolution” (almost bloodless), William and Mary accepted the English Bill of Rights passed by Parliament and officially became the new joint rulers of England.⁹⁸ The English Bill of Rights guaranteed English people basic civil rights and made it illegal for the king to suspend the laws on his own prerogative or to tamper with juries. It made it unlawful for the king to keep a standing army or levy taxes without Parliament’s approval. Furthermore, it guaranteed the free election of members of Parliament, safeguarded freedom of debate in Parliament, and provided that Parliament ought to be held frequently. It settled an important religious issue by making it illegal for the king to belong to the Roman

Catholic Church.⁹⁹ England was transformed into a limited, constitutional monarchy, with Parliament clearly supreme.

The English Bill of Rights stands with the Magna Carta and the Petition of Rights as the major written guarantors of English liberties. It was these same ideas of representative government, civil liberties and other legal rights that the colonists fought to maintain in the American Revolution.¹⁰⁰ Indeed, in the American colonists' resounding cry of "Taxation without representation is tyranny," we hear echoes of centuries of struggle in England against arbitrary taxation.

In summary, the British experience provided the bedrock for the rise of freedom in America. As historian Samuel B. Rudolph has written, "A study of the origins of our concept of liberty is, in great measure, a study of the history of England. The framers of our Bill of Rights themselves lived in the aftermath and afterglow of a great revolution, the Glorious Revolution that led to an English Bill of Rights in 1688. . . . While our own Revolution was uniquely American in origin and motivation, the whole of the Anglo-American struggle for liberty was, in its fundamental sense, fought on both sides of the Atlantic."¹⁰¹

At the rededication of the London Temple in 1992, President Gordon B. Hinckley acknowledged the divine hand in the development of British liberties: "We recognize that it was at Runnymede, in this county of Surrey, in the year 1215 that the Magna Carta was signed. . . . Through all of the centuries that have followed, these rights have been preserved, implemented, and enlarged. They have spread from here and have been incorporated in the constitutions and charters of other nations across the earth. . . . Freedom to think, to speak, to assemble, and to worship is basic to the happiness of mankind. We acknowledge thy divine hand in the establishment and preservation of that freedom in this the United Kingdom."¹⁰²

LOCKE AND THE FOUNDING OF AMERICA

John Locke was one of the most influential political thinkers of the seventeenth century. Living during the turbulent years of the English civil war and Cromwell's Commonwealth and aftermath, Locke reflected upon the conflict between the king, Parliament, and the people and applied his gifted mind to the political, social and economic issues of his day. Building on the concept of natural rights,¹⁰³ Locke articulated the concept of "natural law," which, established by God from the beginning, bestowed on man certain basic inalienable rights including life, liberty, and property. An apologist for the Glorious Revolution, Locke's philosophy was that justification for any government can only be found in its ability to protect human rights better than individuals could do so. Based on the idea of a social contract, government, he declared, should be by consent of the governed and could legitimately be overthrown if it failed in its duty to protect human rights.¹⁰⁴

On the question of religious practice, Locke maintained that religion is exclusively between God and man and that a correct application of the doctrine of Christ could yield nothing less than the principle of religious toleration.¹⁰⁵ These ideas would exert a powerful influence on the American colonial thinkers of the next century and on the rise of religious freedom.

Indeed, Locke's writings had been consumed over the years by almost every literate colonist in America. His works were required reading in all of the colleges and were widely disseminated to the general populace of the thirteen colonies. Thomas Paine's *Common Sense* was anchored in Lockean principles.¹⁰⁶ When Thomas Jefferson arrived at the Continental Congress in 1776 and penned the Declaration of Independence, his words echoed those of Locke:

"We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the

Pursuit of Happiness.—that to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.”

THE FRENCH CONTRIBUTION

The French *philosophes*, or thinkers of the eighteenth-century Enlightenment, also made a contribution to the rise of freedom in America. Enamored by the accomplishments of the Scientific Revolution of the seventeenth century, they attempted to apply reason to the solution of political and social problems. Believers in progress, most favored greater personal liberty while some, like Voltaire (1694–1778), also argued in favor of religious toleration.

The French philosophe Montesquieu, who published his *Spirit of Laws* in 1748, had the greatest impact on the leaders in the American colonies as they formulated ideas on government and freedom. An admirer of the British system of government, he argued that the British system, with its elements of monarchy, aristocracy, and democracy placed as checks in opposition to each other, provided for the greatest individual liberty. The concept of separation of powers in a constitutional system of government was the unique contribution of Montesquieu. Power should be a check to power, he said, advocating a system of checks and balances among branches of government lest officials in one branch try to usurp powers not granted by the constitution.¹⁰⁷ These ideas were written into the American Constitution.¹⁰⁸

In his *Social Contract or Principles of Political Right*, published in 1762, Jean-Jacques Rousseau, not unlike Locke, conceived of a social contract between the government and the governed in which the people consent to be governed and obey the laws, and the government agrees to provide protection of life and property and maintain individual liberties.¹⁰⁹ While Rousseau’s writings were available in American libraries,¹¹⁰ his views on the “general will” and popular sovereignty

would not take permanent root in America until a later generation.¹¹¹ The French Revolution, which incorporated key ideas of Rousseau in certain phases, started just ten years after Rousseau’s death.

CONCLUSION

Freedom in America did not spring forth solely from American roots. Rather, the groundwork for the establishment of political and religious freedom in the United States derived from hundreds of years of development in Europe. Religious reformers broke the exclusive hold of the Catholic Church on Europe and prepared the way for religious pluralism. The growth of pluralism in the American colonies laid the foundation for the later development of religious freedom. As indicated by modern apostles and prophets, the divine hand was manifest in those European movements which helped pave the way for the Restoration.

The American colonists inherited the concepts and practices of representative, constitutional government and the rule of law which had been won over centuries of struggle in Great Britain. Multifaceted in their application, these provided for “immemorial rights of Englishmen,” for which the American colonists fought in the Revolutionary War. It is inconceivable that the American quest for freedom in the revolutionary era, described by Milton V. Backman in the next chapter, could have been so successful had it not been undergirded with the British achievement. Locke, in his idea of the social contract, provided the justification for the American revolt. In addition, American colonists had as part of their intellectual heritage the Greek experiment with democracy and the Roman concept of law and had distilled important ideas from the French thinkers, notably Montesquieu, of the eighteenth century. As the Lord’s prophets have indicated, the American quest for freedom was divinely inspired. The ground was thus prepared in this extraordinary blending of heritages

according to the Lord's timetable for the further elaboration of rights and freedoms in the American revolutionary period.

NOTES

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1. John A. Widtsoe, *A Rational Theology* (Salt Lake City: Deseret Book, 1937), 16–17.

2. John A. Widtsoe, *Program of the Church of Jesus Christ of Latter-day Saints* (Salt Lake City: Department of Education, The Church of Jesus Christ of Latter-day Saints, 1936), 202–5.

3. See Byron R. Merrill, "Agency and Freedom in the Divine Plan," herein, for a further discussion of these issues.

4. For sample statements, see Donald Q. Cannon, ed., *Latter-day Prophets and the United States Constitution* (Provo, UT: Religious Studies Center, Brigham Young University, 1991), 21, 77, 110, 125–26, 159, 210.

5. David O. McKay, *Gospel Ideals: Selections from the Discourses of David O. McKay* (Salt Lake City: Improvement Era Publication, 1953), 299.

6. For further details of government under the patriarchal order, see Robert R. Newell, *World History for Latter-day Saints*, vol. 1: *Preexistence to the Promised Land* (Orem, UT: Granite Publishing and Distribution, 2000), 59–80.

7. Spencer W. Kimball, Statement of the First Presidency of the Church of Jesus Christ of Latter-day Saints, Salt Lake City, February 15, 1978, quoted in James E. Faust, "Communion with the Holy Spirit," *Ensign*, May 1980, 12. See also R. Lanier Britsch, "I Have a Question," *Ensign*, January 1988, 46.

8. John Taylor, *Gospel Kingdom*, ed. by G. Homer Durham (Salt Lake City: Bookcraft, 1987), 308.

9. See Taylor, *Gospel Kingdom*, 308–9.

10. Joseph F. Smith, *Gospel Doctrine* (Salt Lake City: Deseret Book, 1989), 31.

11. See Sarah B. Pomeroy and others, eds., *Ancient Greece, A Political, Social, and Cultural History* (New York: Oxford University Press, 1999), 88.

12. Pomeroy and others, *Ancient Greece*, 82.

13. See Pomeroy and others, *Ancient Greece*, 165–68.

14. See Pomeroy and others, *Ancient Greece*, 177–78. For a detailed treatment, see David Stockton, *The Classical Athenian Democracy* (Oxford: Oxford University Press, 1990).

15. See Kelley L. Ross, *Plato's Republic*, <http://www.friesian.com/plato.htm>.

16. R. R. Palmer and Joel Colton, *A History of the Modern World*, 4th ed. (New York: Alfred A. Knopf, 1971), 11.

17. Anthony Kamm, *The Romans: An Introduction* (New York: Routledge, 1995), 13–18; John P. McKay, Bennett D. Hill, and John Buckler, eds., *A History of World Societies*, 5th ed. (New York: Houghton Mifflin, 2000), 147–49.

18. Palmer and Colton, *A History of the Modern World*, 11.

19. For further reading on the history of the Roman Republic and the development of its political institutions, see T. J. Cornell, *The Beginnings of Rome: Italy and Rome from the Bronze Age to the Punic Wars* (New York: Routledge, 1995) and Karl Christ, *The Romans, An Introduction to Their History and Civilization* (Berkeley: University of California Press, 1984). See also Donald W. Treadgold, *Freedom: A History* (New York: New York University Press, 1990), 52–74.

20. Powell, *Triumph of Liberty* (New York: Free Press, 2000), 3.

21. Powell, *Triumph of Liberty*, 7; see also Internet Encyclopedia of Philosophy, <http://www.utm.edu/research/iep/c/cicero.htm>.

22. Powell, *Triumph of Liberty*, 7.

23. Quoted in Powell, *Triumph of Liberty*, 7.

24. Quoted in Powell, *Triumph of Liberty*, 3.

25. Will Durant, *The Story of Civilization*, part 3: *Caesar and Christ: A History of Roman Civilization and of Christianity from their Beginnings to AD 325* (New York: Simon and Schuster, 1944), 391.

26. David McCullough, *John Adams* (New York: Simon & Schuster, 2001), 19, 376–77.
27. Durant, *Caesar and Christ*, 602. For a good, brief history, see Donald W. Treadgold, *A History of Christianity* (Belmont, MA: Norland Publishing, 1979).
28. See Kent P. Jackson, *From Apostasy to Restoration* (Salt Lake City: Deseret Book, 1996), 1–51, for a recent account which links the Apostasy largely to the loss of apostolic authority. For an emphasis on the departure from gospel truths, see Alexander B. Morrison, *Turning from Truth: A New Look at the Great Apostasy* (Salt Lake City: Deseret Book, 2005). See also James E. Talmage, *The Great Apostasy* (Salt Lake City: Deseret Book, 1994), viewed for a long time as the standard work on the subject. The nature and extent of the apostasy is the subject of scholarly study and review in Latter-day Saint circles. In addition to the first two volumes cited above, see Eric Dursteler, “Inheriting the ‘Great Apostasy’: The Evolution of Mormon Views on the Middle Ages and the Renaissance,” *Journal of Mormon History* 28 (Fall 2002): 23–59; and chapters in *Prelude to the Restoration: From Apostasy to the Restored Church: The 33rd Annual Sidney B. Sperry Symposium* (Salt Lake City: Deseret Book, 2004).
29. Treadgold, *A History of Christianity*, 37–54.
30. James L. Barker, *Apostasy from the Divine Church* (Salt Lake City: Bookcraft, 1984), 205–49; Talmage, *The Great Apostasy*, 97–112.
31. See Barker, *Apostasy from the Divine Church*, 205–49.
32. See Treadgold, *A History of Christianity*, 37–87, 228–30; Barker, *Apostasy from the Divine Church*, 205–49; Deno John Geanakoplos, *Byzantium: Church, Society and Civilization Seen through Contemporary Eyes* (Chicago: University of Chicago Press, 1984), 127–64.
33. For recent books on the medieval era and its accomplishments, see Clifford R. Backman, *The Worlds of Medieval Europe* (New York: Oxford University Press, 2003); Susan Reynolds, *Kingdoms and Communities in Western Europe, 900–1300* (Oxford: Clarendon Press, 1997).
34. Noel B. Reynolds and W. Cole Durham Jr., eds., *Religious Liberty in Western Thought* (Atlanta: Scholars Press, 1996), 12.
35. See Joseph Fielding Smith, *The Progress of Man* (Salt Lake City: Bookcraft, 1964), 197–98. See also Mark E. Peterson, *The Great Prologue* (Salt Lake City: Deseret Book, 1975), 1.
36. See R. W. Dyson, ed. and trans., *St. Thomas Aquinas: Political Writings* (Cambridge: Cambridge University Press, 2002), 267–68, 272–73. For further reading, see Brian Davies, ed., *Thomas Aquinas: Contemporary Philosophical Perspectives* (Oxford: Oxford University Press, 2002).
37. See Brian Tierney, “Political and Religious Freedom in Marsilius of Padua,” in Reynolds and Durham, *Religious Liberty in Western Thought*, 59–67.
38. Brian Tierney, “Religious Rights: A Historical Perspective,” in Reynolds and Durham, *Religious Liberty in Western Thought*, 37–38.
39. See Tierney, “Religious Rights,” 36.
40. See Treadgold, *Freedom: A History*, 5.
41. See McKay, Hill, and Buckler, *A History of World Societies*, 456.
42. Edwin Robertson, *John Wycliffe: Morning Star of the Reformation* (Hants, UK: Marshalls, 1984), 22–25.
43. L. J. Daly, *The Political Theory of John Wyclif* (Chicago: Loyola University Press, 1962), 40–43.
44. Daly, *Political Theory*, 49–53; Robertson, *John Wycliffe*, 26–29.
45. John Wycliffe, *De Officio Pastoralis (concerning the office of the Pastor)*, in William L. Sachse’s *English History in the Making*, vol. 1: *Readings from the Sources, to 1689* (Waltham, MA: Xerox College Publishing, 1967), 132–33.
46. Walter Phelps Hall, Robert Greenhalgh Albion, and Jennie Barnes Pope, eds., *A History of England and the Empire Commonwealth*, 4th ed. (New York: Blaisdell Publishing, 1965), 134; Palmira Brummett, and others, *Civilization, Past & Present*, 9th ed. (New York: Longman, 2000), 389.
47. Thomas S. Monson, “The Way Home,” *Ensign*, May 1975, 15–16. William Tyndale also translated the Bible into English nearly 150 years later, after the advent of the printing press. Although his translation was condemned by the Catholic Church and thousands of copies of it were burned, his translation later became the basis for the English Bible adopted by the

Church of England. Condemned as a heretic, Tyndale was strangled and his body burned (Brummett and others, *Civilization, Past & Present*, 389).

48. Brummett, and others, *Civilization, Past & Present*, 389. Although Wycliffe was protected by the English monarch from enduring a similar fate, he was declared a heretic after his death in 1384, and in 1428, at the orders of the Pope, Wycliffe's remains were dug up and burned.

49. Barker, *Apostasy from the Divine Church*, 677–81.

50. For further reading, see Peter Burke, *The Italian Renaissance: Culture and Society in Renaissance Italy* (Princeton: Princeton University Press, 1987), and De Lamar Jensen, *Renaissance Europe: Age of Recovery and Reconciliation*, 2nd ed. (Lexington, MA: D. C. Heath, 1992). On the debate challenging the traditional concept of the Renaissance in the development of early modern Europe, see *The American Historical Review*, 103 (February 1998): 51–124.

51. Gordon B. Hinckley, "At the Summit of the Ages," *Ensign*, November 1999, 73. See also Peterson, *The Great Prologue*, 1.

52. De Lamar Jensen, "Renaissance: The Beginning of Religious Reform," herein. For further information on humanists and humanist thought, and thinkers of the Renaissance and Reformation whose ideas paralleled the later concepts of the Restoration, see De Lamar Jensen's two chapters, "Renaissance: The Beginning of Religious Reform" and "Reformation and Pre-Restoration," herein.

53. To Erasmus, the parable of the wheat and tares (Matthew 13:24–30) clearly taught that Christians should leave dissenters alone, and let God resolve the issue at Judgment Day (Manfred Hoffman, "Reformation and Toleration," in *Martin Luther and the Modern Mind: Freedom, Conscience, Toleration, Rights*, ed. Manfred Hoffman, Toronto Studies in Theology [Lewiston, NY: E. Mellon Press, 1985], 22:85).

54. Palmer and Colton, *A History of the Modern World*, 48.

55. Joseph F. Smith, *Gospel Doctrine*, 31. See also Steven Ozment, "Martin Luther on Religious Liberty,"

in Reynolds and Durham, *Religious Liberty in Western Thought*, 75.

56. John M. Todd, *Luther: A Life* (New York: Crossroads Publishing, 1982), 25–26. For further reading on Luther, see Martin Brecht, *Martin Luther*, trans. James L. Schaaf, 3 vols. (Minneapolis: Fortress Press, 1990).

57. G. R. Elton, *Reformation Europe* (Oxford: Blackwell Publishers, 1999), 2–3.

58. Elton, *Reformation Europe*, 6. Philipp Melanchthon, a friend and supporter of Luther, wrote doctrinal discourses on Protestant doctrines and beliefs. One document, known as the Augsburg Confession, which Melanchthon wrote in 1530, still remains the authoritative creed for Lutheranism.

59. Hoffman, "Reformation and Toleration," 85–88; Steven Ozment, "Martin Luther on Religious Liberty," in Reynolds and Durham, *Religious Liberty in Western Thought*, 75. Luther began his efforts at reformation with a more tolerant attitude, but he came to believe, through an "unshakable conviction that he represented the truth," that all others were in error and must not be tolerated. Indeed, it was the duty of government to protect true believers from such heresies (Hoffman, "Reformation and Toleration," 85–88).

An important legacy of Luther and other reformers was the advent of recordkeeping. Baptisms and marriages performed by Protestant clergymen were recorded, a great blessing to genealogists of later times.

60. Ronald S. Wallace, *Calvin, Geneva and the Reformation: A Study of Calvin as Social Reformer, Churchman, Pastor and Theologian* (Edinburgh: Scottish Academic Press, 1988), 27–28.

61. Brummett and others, *Civilization: Past and Present*, 397–400.

62. Milton V. Backman Jr., *American Religions and the Rise of Mormonism* (Salt Lake City: Deseret Book, 1965), 155–57, 161–66.

63. For a fuller treatment, see De Lamar Jensen, "Reformation and Pre-Restoration," herein.

64. Treadgold, *A History of Christianity*, 144–46.

65. Backman, *American Religions and the Rise of Mormonism*, 166–85.

66. Pierre Chaunu, ed., *The Reformation* (New York: St. Martin's Press, 1990), 206–9.
67. Statement of the First Presidency regarding God's Love for All Mankind, February 15, 1978, cited in James E. Faust, "Communion with the Holy Spirit," *Ensign*, May 1980, 12–13.
68. Gordon B. Hinckley, "At the Summit of the Ages," *Ensign*, November 1999, 73.
69. Joseph F. Smith, *Gospel Doctrine*, 31.
70. Bruce R. McConkie, *Mormon Doctrine*, 2nd ed. (Salt Lake City: Bookcraft, 1966), 717, referencing Joseph Fielding Smith, *The Progress of Man* (Salt Lake City: Bookcraft, 1964), 196–237.
71. Ezra Taft Benson, *This Nation Shall Endure* (Salt Lake City: Deseret Book, 1977), 3.
72. J. R. Lander, *Ancient and Medieval England: Beginnings to 1509* (New York: Harcourt Brace Jovanovich, Inc., 1973), 81–86, 91–94.
73. Lander, *Ancient and Medieval England*, 84–87; Alan Harding, *Medieval Law and the Foundations of State* (Oxford: Oxford University Press, 2002), 128; Clayton Roberts and David Roberts, *A History of England* (Englewood Cliffs, NJ: Prentice Hall, 1998), 106; J. G. A. Pocock, *The Ancient Constitution and the Feudal Law: A Study of English Historical Thought in the Seventeenth Century* (Cambridge: Cambridge University Press, 1957), 30–55.
74. Lander, *Ancient and Medieval England*, 94–99; Roberts and Roberts, *A History of England*, 122.
75. "Magna Carta 1215," quoted in Sachse, *English History in the Making*, 1:79–83; A. E. Dick Howard, *Magna Carta: Text and Commentary* (Charlottesville: University Press of Virginia, 1964), 33–52; Roberts and Roberts, *A History of England*, 122.
76. Lander, *Ancient and Medieval England*, 137–41.
77. Roberts and Roberts, *A History of England*, 151–57.
78. F. W. Maitland, "History of English Law," in F. W. Maitland, *Selected Historical Essays of F. W. Maitland* (Cambridge: Cambridge University Press, 1957), 104–6. Henry of Bracton, one of Henry III's justices, compiled a book containing numerous judicial decisions from the records of various judges, which he used in citing precedents.
79. Maitland, "History of English Law," in Maitland, *Selected Essays*, 106–10, 151, 153. See also Harding, *Medieval Law and the Foundations of the State*, 128. For further reading on British common law, see Maitland, "History of English Law," and "English Law, 1307–1600," in Maitland, *Selected Essays*, 97–121, 122–34; and Pocock, *The Ancient Constitution and the Feudal Law*.
80. Margaret Thatcher, "The Moral Challenges for the Next Century," in *Brigham Young Magazine*, August 1996, 19.
81. Howard, *Magna Carta: Text and Commentary*, 3–4.
82. Treadgold, *A History of Christianity*, 138–40.
83. G. P. Gooch, *English Democratic Ideas in the 17th Century*, 2nd ed. (New York: Harper & Row, 1959), 53–54. James I, although criticized by later historians for his autocratic rule, did make a significant contribution to the religious progress of mankind by commissioning the King James Bible.
84. Sir Edward Coke, quoted in Sachse, *English History in the Making*, 1:242–44; Hall and others, *A History of England*, 275; J. R. Tanner, *English Constitutional Conflicts of the Seventeenth Century: 1603–1689* (Cambridge: Cambridge University Press, 1962), 35–37, 40–42.
85. Hall, Albion, and Pope, *A History of England and the Empire Commonwealth*, 217, 219.
86. "The Petition of Rights, 1628," quoted in Sachse, *English History in the Making*, 1:248–50; Henry Hallam, *The Constitutional History of England* (New York: Garland Publishing, 1978), 388–92. Sir Edward Coke was a principal force behind this petition (Tanner, *English Constitutional Conflicts*, 61–63).
87. Tanner, *English Constitutional Conflicts*, 100–133.
88. Tanner, *English Constitutional Conflicts*, 134–67.
89. Tanner, *English Constitutional Conflicts*, 168–200; Treadgold, *Freedom: A History*, 155–56; Palmer and Colton, *A History of the Modern World*, 179–81.
90. Gooch, *English Democratic Ideas*, 118–20; "An Agreement of the People, 1649," in Sachse, *British History in the Making*, 1:266–71.
91. Treadgold, *Freedom: A History*, 156.

92. Gooch, *English Democratic Ideas*, 120–22; Roberts and Roberts, *A History of England*, 368–69.
93. Gooch, *English Democratic Ideas*, 122–24, 170–71; Powell, *Triumph of Liberty*, 11–13; Roberts and Roberts, *A History of England*, 369.
94. Gooch, *English Democratic Ideas*, 151–55, 204–7.
95. John Milton, *Areopagitica*, in Charles R. Geisst, *The Political Thought of John Milton* (London: Macmillan, 1984), 34. For further reading, see Christopher Hill, *Milton and the English Revolution* (London: Faber and Faber, 1977). Lilburne and Milton are but two examples of radical thinkers during this period. The tumultuous years of the mid-seventeenth century produced a dizzying variety of social, political, and religious ideas among all classes of society ranging from the communist Diggers to the millenarian Fifth Monarchists and Muggletonians to the anticlerical familists (see Christopher Hill, *The World Turned Upside Down: Radical Ideas during the English Revolution* [London: Temple Smith, 1972]).
96. “The Corporation Act, 1661,” and “The Act of Uniformity, 1662,” quoted in Sachse, *English History in the Making*, 1:286–89, and “Some Consequences of the Conventicle Act, 1664,” from the autobiography of Presbyterian clergyman Richard Baxter, quoted in Sachse, *English History in the Making*, 1:289–90.
97. Sachse, *English History in the Making*, 1:303–4. The writ of habeas corpus had existed in English law for many years prior to the passage of this act, but the government had found means to evade it, especially in the case of political offenses.
98. Tanner, *English Constitutional Conflicts*, 250–67.
99. “The Bill of Rights, 1689,” in William L. Sachse, *English History in the Making*, vol. 2: *Readings from the Sources, since 1689* (Waltham, MA, Toronto: Ginn-Blaisdell, 1970), 3–7; Roberts and Roberts, *A History of England*, 409–10). The Toleration Act, passed by Parliament in 1689, guaranteed limited religious free-
- dom to Catholics, but barred them from high office and the right to vote (Hall and others, *A History of England and the Empire Commonwealth*, 275).
100. Howard, *Magna Carta: Text and Commentary*, 28–30; Benson, *This Nation Shall Endure*, 3.
101. Samuel B. Rudolph, ed., *The Philosophy of Freedom: Ideological Origins of the Bill of Rights* (Lanham, MD: University Press of America, 1993), 3–4.
102. Gordon B. Hinckley, in “News of the Church,” *Ensign*, January 1993, 75.
103. Brian Tierney, “Religious Rights: A Historical Perspective,” in Reynolds and Durham, eds., *Religious Freedom in Western Thought*, 38–41.
104. John Locke, “An Essay Concerning the True Original Extent and End of Civil Government,” in *Great Books of the Western World* (Chicago: Encyclopedia Britannica, 1971), 35:25–28; Roberts and Roberts, *A History of England*, 410–11.
105. John Locke, “Letter Concerning Toleration,” in *Great Books*, 35:1–3.
106. Paine, “Common Sense.” On Locke’s influence in America, see Carl L. Becker, *The Declaration of Independence* (New York: Vintage Books, 1960), 25.
107. Charles de Secondat, baron de la Montesquieu, *Esprit des Lois*, trans. Thomas Nugent, cited in Treadgold, *Freedom: A History*, 201–02.
108. Powell, *Triumph of Liberty*, 413–20; Treadgold, *Freedom: A History*, 211.
109. Treadgold, *Freedom: A History*, 202–03.
110. See Jacques-Donat Casanova, with d’Armour Landry, *Une Amérique française* (Quebec: L’Éditeur Officiel du Québec, 1975), 97–98. For an evaluation of the impact of French Enlightenment thinkers in America, see 97–102.
111. The “general will” was not defined in terms of parliamentary institutions, and could in fact be used as a justification for demagoguery, a term not alien to the critics of Jacksonian democracy.