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THE CIVIL MAGISTRATE



The Westminster Confession of Faith Chapter 23: Of the Civil Magistrate

Sec. 1. God, the supreme Lord and King of all the world, hath ordained civil magistrates, to be, under Him, over the people, for His own glory, and the public good: and, to this end, hath armed them with the power of the sword, for the defence and encouragement of them that are good, and for the punishment of evil doers.

Sec. 2. It is lawful for Christians to accept and execute the office of a magistrate, when called thereunto: in the managing whereof, as they ought especially to maintain piety, justice, and peace, according to the wholesome laws of each commonwealth; so, for that end, they may lawfully, now under the new testament, wage war, upon just and necessary occasion.

Sec. 3. Civil magistrates may not assume to themselves the administration of the Word and sacraments; or the power of the keys of the kingdom of heaven; or, in the least, interfere in matters of faith. Yet,

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as nursing fathers, it is the duty of civil magistrates to protect the Church of our common Lord, without giving the preference to any denomination of Christians above the rest, in such a manner that all ecclesiastical persons whatever shall enjoy the full, free, and unquestioned liberty of discharging every part of their sacred functions, without violence or danger. And, as Jesus Christ hath appointed a regular government and discipline in His Church, no law of any commonwealth should interfere with, let, or hinder, the due exercise thereof, among the voluntary members of any denomination of Christians, according to their own profession and belief. It is the duty of civil magistrates to protect the person and good name of all their people, in such an effectual manner as that no person be suffered, either upon pretense of religion or of infidelity, to offer any indignity, violence, abuse, or injury to any other person whatsoever: and to take order, that all religious and ecclesiastical assemblies be held without molestation or disturbance.

Sec. 4. It is the duty of people to pray for magistrates, to honour their persons, to pay them tribute or other dues, to obey their lawful commands, and to be subject to their authority, for conscience' sake. Infidelity, or difference in religion, doth not make void the magistrates' just and legal authority, nor free the people from their due obedience to them: from which ecclesiastical persons are not exempted, much less hath the Pope any power and jurisdiction over them in their dominions, or over any of their people; and, least of all, to deprive them of their dominions, or lives, if he shall judge them to be heretics, or upon any other pretence whatsoever.



Why we have government, what its purpose and role are, and how governmental authority relates to the sovereign authority of God himself are important considerations in this chapter on the civil magistrate.

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Chapter 23 of the confession begins with the words **God, the supreme Lord and King of all the world, hath ordained civil magistrates, to be, under Him, over the people, for His own glory, and the public good.** Virtually every aspect of this opening statement is on a collision course with the assumptions that hold sway in our culture with respect to civil government. There was a crisis in the role of government in the first half of the twentieth century, which produced the greatest level of international conflict, violence, and warfare in recorded history. The level of armed conflict each century was calculated several years ago by a professor at Harvard University. The greatest era of peace was the first century. The second most peaceful century was the nineteenth century. The most violent century was also the most recent, the twentieth century. There is, therefore, a tendency on our part to assume that international conflict is normal.

Adolf Hitler and his Third Reich and Joseph Stalin and his Soviet Union illustrate what happens when government goes berserk and declares its independence from God. Increasingly, we hear rhetoric from people in the government and in the press about the separation of church and state. What they mean is the separation of the state from God. Their idea is that the civil government is not under God, but independent of him. It has its own autonomous authority. Hitler, Stalin, and Chairman Mao in Red China all held that same assumption. It is a fearful thing to see governments declaring independence from God himself.

Some people say that the longest word in the dictionary is *antidisestablishmentarianism*. That word is awkward because it includes a double negative. Antidisestablishmentarianism is the same thing as

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establishmentarianism, which is a political philosophy that argues that the state should have an established church, such as the Church of England. In many European and Asian nations, a particular faith is supported financially by government taxation and politically by the power of the sword.

Pilgrims from many nations came to the shores of the New World to flee persecution because they were not in concert with the established church. Among the most significant of those groups were the English Puritans, who were Nonconformists. They found themselves under severe persecution in England, not only from the Roman Catholic Church during the reign of Bloody Mary, but also from her successor, Queen Elizabeth, whose rigorous persecution of the Puritans caused them to flee. Various colonies in America had established churches, and they could not agree on an established church for the new nation. Instead, the principle of freedom of religion was enshrined in the first amendment to the United States Constitution. This meant that the civil magistrate could not establish a particular church. Those who were against an established church were disestablishmentarian, and those who favored it were antidisestablishmentarian in their outlook—giving us that long and cumbersome word.

The first amendment does not express the idea that our nation is independent of God or that it was founded on atheism. It was actually self-consciously theistic in its origin, but refused to grant any particular theistic group favored status under the law. Having said that, let us get back to the confession.

First of all, the Westminster divines describe God as **the supreme Lord and King of all the world**. It is significant that in the discussion of the role of the civil magistrate, they begin with an affirmation of the supremacy of God in his lordship and kingship over the world.

In the Old Testament, two of the most important titles given to Yahweh (which is his name) are *adonai* and the title *melek*. *Adonai* means “the one who is absolutely sovereign.” It is translated in our

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English Bibles as “Lord.” *Melek* is translated as “king.” To the Jew in Israel, God was viewed as both the sovereign Lord and the King of the nation of Israel, the supreme King over all of the world. The earth is the Lord’s and the fullness thereof, and all of those that dwell therein. He is the Creator of all things; therefore, his realm and reign extend beyond the borders of Israel. He is the Most High God, and the theater of his operation is universal.

When the people of Israel clamored for a king, God spoke to them through the prophet Samuel and told them that because they rejected him as their king, he would let them have a king. But their king would be like everybody else’s kings. He would conscript their young people into the army, tax their property and income, and do other objectionable things. God let them have a king, but he was never autonomous. He was always held accountable to the King’s law.

When David sinned so egregiously in his affair with Bathsheba, Nathan rebuked and confronted him. It was then that David penned his penitential psalm, Psalm 51. One of the statements that he made in that psalm was, “Do not take your Holy Spirit from me.” He was not worried that God would take away the regenerating power of the Holy Spirit, because God never does that. What concerned him was that God might rescind his anointing of him as king. There, at least, David recognized God’s authority over him. This became a major crisis in the history of Israel, when the wicked kings, such as Ahab, ruled as if the Lord could be ignored. They sought to be independent from the reign of God.

The central motif in the tapestry woven through the Old and New Testaments is that of the kingdom of God. The New Testament work of Christ is couched in the language of the breaking through of the messianic kingdom. Almost every parable that Jesus told was a parable of the kingdom: “The kingdom of God is like . . .” The gospel that Jesus preached, which was previously declared by John the Baptist, was a gospel of the kingdom: “The kingdom of God is at hand. Repent, and believe in the gospel” (Mark 1:15). The culmination of

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the ministry of Christ was not the resurrection, but the ascension, when he was elevated and escorted on the clouds of glory into heaven. There he received the throne of his Father, where he is and will be our King and Priest forever.

The Old Testament passage most frequently quoted in the New Testament is Psalm 110:1: “The LORD said to my Lord, ‘Sit at My right hand.’” At the center of God’s work of redemption is a political consideration. It is the city of God, the reign of God. The person who holds the highest political office in the universe is the Lord Jesus Christ. To him we are to give our supreme allegiance and devotion. We are not Americans first and Christians second. Our highest loyalty, our first allegiance, is to the King of Kings and the Lord of Lords. That concept is seldom mentioned even within devout Christian circles.

John Guest came to the United States from Liverpool, England, as an evangelist in the 1960s. He spent most of his first week in Philadelphia, visiting all the historic sights. He went to antique stores that specialized in Revolutionary War memorabilia. He saw placards that said, “Don’t tread on me” and “No taxation without representation,” as well as an earlier one that declared, “We serve no sovereign here.” John said to me, “That’s in your blood as an American. How can I preach the kingdom of God to a people who have a built-in cultural allergy to monarchy?” That is a problem we have as we seek to understand the Bible. The kingdom of God does not exist by referendum. It is not a democracy. It is rooted and grounded in a principle of absolute monarchy, absolute sovereignty, where the Lord God Almighty reigns. Americans resist that.

Before we talk about government, we must understand that God is the supreme Lord and King of all the world. It is he who has ordained civil magistrates. In Romans 13, Paul says: “Let every soul”—or every person—“be subject to the governing authorities. For there is no authority except from God, and the authorities that exist are appointed by God.” Another way to translate that last clause is, “The powers that be are appointed by God.” We may struggle to think that

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God cast the deciding ballot in our national elections or that he appointed Adolf Hitler to be the chancellor of Germany and Joseph Stalin to rule over Russia. What Paul is saying, of course, is that all government is under God's authority. The Scriptures say, "The Most High rules in the kingdom of men, and gives it to whomever He chooses" (Dan. 4:25). If, in his sovereign government of the earth, he installs a despicable person, that does not mean that God therefore sanctions everything the corrupt official does. He used Nebuchadnezzar, Belshazzar, and others to chasten his own people. He uses evil powers to achieve his own righteous goals. When Paul said that the governing powers are appointed by God, he was writing to the Roman Christians, who were on the threshold of living under the oppressive tyranny of Nero. Under Nero's decree, the apostle Paul was executed.

What is government? The simplest, most basic definition is this: government is legal force. Governments are agencies that have the power and the legal right to coerce people to obey their dictates. Their laws are not simply suggestions, but requirements. Laws are backed up by the law enforcement agencies that are established to ensure that the law be maintained. Every law that is passed restricts somebody's freedom and exposes people to the violence of law enforcement if they fail to submit to that law. Governments must have legal force. If they don't, they are no more than advisory committees.

Where did government start? Earthly government started in the garden of Eden after the fall, when God sent Adam and Eve out of the garden and prohibited them from returning. He put a "No Trespassing" sign up in front of the gates to Paradise. He put an angel there with a flaming sword, which was an instrument of force. Had Adam and Eve tried to return, they would have been stopped by force.

Government is necessary because of evil. Augustine said that civil government is a necessary evil made necessary because of evil. We are sinners, and we have a propensity to violate other human beings, to commit injustices or cause bodily harm. We may take property or threaten life. People need to be protected by the civil magistrate, who

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is instituted and ordained by God to bear the sword. The magistrate has legitimate power and authority to protect us from one another.

The hierarchical structure of the universe, as God has ordained it, finds God himself at the top. Immediately under God is Christ, to whom he has given all authority in heaven and on earth. Under Christ are the civil magistrates, such as kings, senators, presidents, governors, parents, employers, teachers. There is an order of authority and of law. The definition for sin, given by the Shorter Catechism, is “any want of conformity unto, or transgression of, the law of God.” Where there is no law, there is no sin. God has delegated the right and authority to enact laws to lesser magistrates. He has not delegated to them the right to enact unjust laws. He never gives anybody the right to do wrong or to do evil. Authorities are there biblically, but the basic structure of government is to be under God and over the people.

Is vengeance bad? No, if vengeance were a bad thing, then God would have no part of it, because God cannot sin. But private vengeance—personal, vigilante vengeance—is bad, for God tells us, “Vengeance is Mine, I will repay” (Rom. 12:19, quoting Deut. 32:35). He prohibits us from being the avengers of the wrongs that are done to us, because he knows that we are never interested in getting even; we want to get one up. If vengeance is left to us, we will commit an injustice by seeking our vindication. However, God does delegate vengeance to the civil magistrate. In the Old Testament, those who were wronged could go to the court for justice and for satisfaction. The same principle operates in the New Testament. The session of the church is a court, and if one person in the congregation violates another person in the congregation, the victim has the right to appeal to the session for justice. The victim does not have the right to take matters into his own hands and inflict punishment on the other person. Government is under God and over the people. However, our culture increasingly understands government to be over the people and independent of God.

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I once asked Francis Schaeffer what his biggest concern for America was at that time. He said his biggest concern for the church and for the people was statism, the increasing encroachment and domination of the federal government in the lives of people: in the school, in the community, in the church, in all areas. One could not turn around without bumping into the federal government. That was his major concern, and since then the intrusion of the federal government in the lives of people has greatly increased.

God has ordained government **for His own glory, and the public good**. I once received a letter which said, "I've talked to many teachers and many ministers about why God would create a universe where he knew people would fall into sin and come under his judgment for eternity. Why would God do such a thing, knowing what the consequences of his act of creation would be?" My response was three words: "For his glory." God did not create us for our glory. He created us for his glory, and God is glorified in his grace. When he saves a fallen sinner who does not deserve to be saved and so manifests his grace, that glorifies God. When he withholds his grace from a willful sinner, and punishes with judgment, he manifests his justice, which glorifies God. There are two places where God is given all glory: heaven and hell. The sinner gets no glory in hell, but God does. Perfect righteousness is vindicated by divine punishment.

God ordains government, first of all, **for His own glory**. Nothing is more insulting to God's glory than our sin. God refuses to let insults to his glory go unpunished. Therefore, he established government to uphold righteousness and to punish wickedness and evil. That is why a sword guarded the gate of Eden. Why must we obey the civil magistrate? The apostle Peter tells us to obey the civil magistrate for Christ's sake. How can my civil obedience glorify Christ? When I am a law-abiding citizen, I am submitting to a magistrate who is under the authority of Christ. If Christ delegates authority to that lesser authority, my submission to the lesser authority redounds to the honor of the One who delegated it. That is the principle that Paul sets forth

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in Romans 13. The main reason that we are called to be obedient to civil magistrates is to glorify God and honor Christ.

God has also ordained government for **the public good**. He has established government to protect you and me. There may be times when we think the best of all possible worlds would be a world without human government, but anarchy is absolute lawlessness. That is why, historically, political theorists have said that the most corrupt government is preferable to anarchy. That is why our forefathers tried to establish a system of government with checks and balances, so that there would be a division of power at the top to put restraints and restrictions on those in government to guard against moving toward oppressive dictatorship. Government exists both for God's glory and for our good, so that we can be protected from ourselves. It is to this end that God has armed government **with the power of the sword**.

Sec. 2. It is lawful for Christians to accept and execute the office of a magistrate, when called thereunto: in the managing whereof, as they ought especially to maintain piety, justice, and peace, according to the wholesome laws of each commonwealth; so, for that end, they may lawfully, now under the new testament, wage war, upon just and necessary occasion.

Section 2 of chapter 23, begins, **It is lawful for Christians to accept and execute the office of a magistrate, when called thereunto: in the managing whereof, as they ought especially to maintain piety, justice, and peace, according to the wholesome laws of each commonwealth.** It may seem strange that the Westminster divines took the time to include in the confession an affirmation that it is legitimate for Christians to serve in offices of the state and to serve in the government as representatives, governors, or presidents. Throughout our country's history, we have assumed the lawful right of Christians so to serve, and we are accustomed to Christian believers running for elected office and being elected.

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The confession was written, however, in the seventeenth century. The Reformation in the sixteenth century had opened up broad and spirited debate about the relationship between church and state. The particular nuances of this debate became exceedingly complex. We can, for simplicity's sake, reduce the views that arose at that time to three. One is what we call *the unity of church and state*. In this view, the church is subsumed under the state, or vice versa. The civil magistrate is also the ecclesiastical magistrate, or the ecclesiastical magistrate is also the civil magistrate. For much of church history, the papacy controlled political territories as well as exercising ecclesiastical jurisdiction. In this approach, there is a merging or confusing of church and state, with the tendency for the two to be grouped as one. There are those who believe that the goal of the Christian church, the earthly kingdom, is to manifest the heavenly kingdom, with the kingdoms of this world under the authority of the church. That would be a kind of theocracy, such as existed in the Old Testament.

In the theocratic state of Israel, there was a clear division of responsibility between the king and the priesthood. It was not the king's responsibility to offer sacrifices on behalf of the people; that was done by the priests. One of the five greatest kings in the Old Testament, who reigned for over fifty years, was named Uzziah. He ranked alongside David, Solomon, Hezekiah, and Josiah. For most of his reign, Uzziah was a godly and able ruler. His economic policies and military strength were assets to the nation. However, he provoked a crisis late in his life when he went into the temple and assumed the right to offer sacrifices. The priests were horrified that the king would do such a thing. God punished Uzziah with leprosy, making him incapable of finishing out his reign. Before he died, his son ascended to the throne. Even in Israel's theocracy, with a union between church and state, there was a division of labor.

The second view is *the separation of church and state*. In certain Anabaptist groups of the Reformation, there was such a radical

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separation of church and state, that Christians were not permitted to be involved in the ministry of the state at all. Some of the Anabaptists believed that a Christian could not serve in secular government because that would involve compromise with his commitment to Christ. They declared that church and state are not only two different spheres, but spheres that are not to have any kind of joint activity. Some Anabaptists refused to take oaths in the civil courts. They would not serve in the army or in the government. They would have nothing to do with the evil in the secular state.

The third view is that of *the two kingdoms*, or the two spheres, which was set forth in antiquity by Augustine in his work on the city of God. Luther also talked about the two kingdoms, the kingdom of the government and the kingdom of the church. Calvin embraced this idea of the distinction between the two kingdoms. There were nuanced differences between Luther and Calvin. The idea was that both the state and the church are ordained by God, and when the state is carrying out its God-given mandate, a Christian certainly may be involved in the fulfilling of that mandate.

Part of this has to do with the Reformation concept of vocation, which has been largely obscured in our culture today. The idea of vocation is that God calls people to their life's work in many different spheres. God gifts people in different ways, and it is not only church-related jobs that are to be considered a calling or a vocation. Just as God calls people to the gospel ministry, so he also calls the ministers of the state to perform their tasks. He calls farmers to farming, businessmen to business, and artists to art. The first people said to be filled with the Holy Spirit were the artisans whom God called to fashion the holy vessels and the furniture for the tabernacle in the Old Testament. The Spirit did not come upon them to preach the gospel or to minister as priests or prophets. The Spirit gifted them to produce works of art, to be musicians, and to be sculptors.

As Christians, we should think of our careers as vocations. We should be a banker because God calls us to be a banker. If banking

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is a legitimate enterprise and contributes to the general welfare of human beings, then it is a legitimate sphere of labor in which a Christian may be engaged. God will and does call people to that and to other vocations.

The Reformation concept of vocation was that God's calling is not limited to the isolated realm of the church. His calling can involve tasks outside the church and can include government service. We have two kingdoms with different job descriptions and responsibilities, but God can call people to be engaged in either one. He calls people to the gospel ministry; he also calls people to be civil magistrates.

That does not mean that every job is something that a Christian can, in good conscience, do. God does not call people to be prostitutes, because that business is forbidden by the Word of God. We have to be careful not to assume that any job we want is sanctioned by God.

So, for that end, they may lawfully, now under the new testament, wage war, upon just and necessary occasion. This was written to refute the Anabaptists, who developed the theory of pacifism, arguing that Christians are not permitted to participate in warfare. They cannot serve in the military. They must be pacifists, and should exercise, wherever possible, the right of conscientious objection. Even if the state does not give them the right of conscientious objection, they must still refuse to be involved in the military or in law enforcement. They must refuse submission to the civil magistrate, even to the point of death. Contrary to that position, the Westminster Confession affirms the classic Christian "just war" theory, which accepts the "just involvement" of Christians in warfare.

This can be a complicated matter. The just war theory goes back again to Augustine, and was given fuller exposition by Thomas Aquinas in the Middle Ages. This theory states that all wars are evil. People are not to take up arms to harm and to kill each other. But not everyone's involvement in war is evil. For example, God has given the civil magistrate the power of the sword, and that gives the magistrate

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not only the *right* to use the sword, but also the *obligation* to use it under certain circumstances. The magistrates in Israel were rebuked by God for failing to execute criminals convicted of capital crimes. The law in Israel for premeditated murder required capital punishment. If the civil magistrate failed to follow through, God would call him to task for his failure to carry out the punishment.

If the civil magistrate has the sword, and his domain or jurisdiction is invaded by a hostile force, it is not only the right of that nation to defend its borders, but the obligation of the civil magistrate to protect his citizens from harm or death by the invader. A war of aggression, where one nation invades another nation's territorial boundaries, is basically murder on a grand scale.

In a war, is there always one side that can claim justice? There have been wars in history where neither side had a justifiable basis for engaging in armed conflict. There have also been wars where one side was clearly the aggressor. When Hitler marched into Poland and into the Low Countries, it was a classic example of unprovoked aggression, though he claimed to be justified in his action. What the confession teaches is that a Christian in Germany should not have participated in Hitler's aggressive war. One may participate in war, but only when the cause is just. We cannot hide behind the axiom, "My country, right or wrong, my country," because that assumes that our country is always right. History is replete with examples of nations engaging in military activities that are morally unjustifiable. When our government is so involved, we cannot and must not participate.

In this age of sophistication, it is often difficult to know who is right and who is wrong. In the Civil War, Christians stood staunchly on both sides of the conflict. Christians in the South believed that their states' rights were being violated by an aggressor, and the states in the South did not want to wage war. They wanted peace and the freedom to withdraw from an alliance with the North into which they had freely entered. Many Christians in the South believed that since they

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had been invaded by a hostile foe, they had the right and the obligation to defend themselves.

In the meantime, there were people in the North who believed that the Confederate rebellion was an ungodly, unjustified disruption of the union. They believed that the action of the Northern government was proper and just, and that their involvement in this war was legitimate. At least one side in that war was wrong, even though Christians on both sides fought in good conscience.

Christians who believed that it is never right to rebel against an established government refused to participate in the American Revolution. Other people who were devout Christians believed that lesser magistrates had the right to overthrow the superior magistrate if the superior magistrate becomes corrupt. They willingly engaged in armed conflict against the king of England. The biblical principle and the confession say that we have the right to wage war if the war is just. If it is not just, we are morally obligated to stay out.

In World War II, the atrocities by the German high command included the organized genocide of eight million people. Think how many people had to be involved in that activity. There were those who engineered the trains and those who herded people into boxcars and carried them off to death camps. There were soldiers who shot these people in the back and put them into mass graves. There were people who herded them into the “showers” to be gassed. Many people were involved. The excuse during the war crimes trial was that they had to follow orders. The United States took the position at the Nuremberg trials that they did not have to follow those orders. They saw their government performing a criminal activity. It was their moral duty to refuse to serve. The government of the United States, at that point, was following the principle of just war and necessary-at-times conscientious objection.

Up until the middle of the Vietnam War, the position of the United States government was that people who had conscientious objections to war had the opportunity to be excused from armed conflict. They might be assigned to some peaceable enterprise, but they could receive

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conscientious objector status. No war in American history provoked the use of this claim as did the Vietnam War. Never in our history, except for the Civil War, was the populace of America so divided over our government's involvement in a war.

Sec. 3. Civil magistrates may not assume to themselves the administration of the Word and sacraments; or the power of the keys of the kingdom of heaven; or, in the least, interfere in matters of faith. Yet, as nursing fathers, it is the duty of civil magistrates to protect the Church of our common Lord, without giving the preference to any denomination of Christians above the rest, in such a manner that all ecclesiastical persons whatever shall enjoy the full, free, and unquestioned liberty of discharging every part of their sacred functions, without violence or danger. And, as Jesus Christ hath appointed a regular government and discipline in His Church, no law of any commonwealth should interfere with, let, or hinder, the due exercise thereof, among the voluntary members of any denomination of Christians, according to their own profession and belief. It is the duty of civil magistrates to protect the person and good name of all their people, in such an effectual manner as that no person be suffered, either upon pretense of religion or of infidelity, to offer any indignity, violence, abuse, or injury to any other person whatsoever: and to take order, that all religious and ecclesiastical assemblies be held without molestation or disturbance.

There was a man who, in addition to being the minister of a church, was a member of the League of the South. The League of the South encourages state legislators to examine, discuss, and work for the preservation of states' rights against the continued intrusion by the federal government. It is not a subversive or racist group. The minister didn't recruit for the organization from within his church or preach sermons on the League of the South. He had a session member who was fiercely patriotic to the federal government and thought

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that the minister was being less than faithful to the American government by belonging to the League of the South. He brought charges against his minister before the session and lost, and then he lost again when he appealed to the presbytery.

The elder then took his case to the civil court and filed suit against the minister, charging that he was not fit to be the minister. When the civil magistrate agreed to hear the court case, my son wrote an open letter in which he pleaded with the judge not to hear the case because it was a violation of the first amendment. It didn't fall under the jurisdiction of the civil magistrate because it was an ecclesiastical issue. The judge heard the case, found in favor of the plaintiff, and removed the minister from his pulpit. The presbytery of that denomination did nothing. My son pleaded on the floor of the presbytery, to no avail, for support of one of their own against this egregious violation of ecclesiastical rights by the civil magistrate. We are in a perilous situation when the civil magistrate arrogates to himself authority to decide who is fit to be a pastor in a local church. That is the church's sphere of authority, not the state's.

Had the minister committed murder or robbed a bank, then, for those crimes, he would be rightly under the jurisdiction of the civil magistrate. But there are clearly dividing lines of jurisdiction within the two spheres.

Civil magistrates may not assume to themselves the administration of the Word and sacraments; or the power of the keys of the kingdom of heaven; or, in the least, interfere in matters of faith. We are not examining the Constitution of the United States of America, but a theological confession concerning the proper relationship between the state and the church. Nevertheless, section 3 of chapter 23 is an American revision of the original confessional text. The words quoted here follow the original version in substance from "Civil magistrates may not assume" to "the keys of the kingdom of heaven." After that, the American text goes on to set forth a theory of church-state relations substantially different from that of the seventeenth-century British

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Reformers. In their view, it was the responsibility of the state to suppress heresy, to prevent or reform corrupt worship, and so forth. The idea of an institutional church-state separation developed later in the American context.

I previously referred to King Uzziah, and how he arrogated to himself the role of the priesthood, for which God punished him with leprosy. King Uzziah stepped across the line, usurped the role of the priesthood, and violated the distinction between the two orders of church and state. Civil magistrates are not to assume the authority to administer the Word and sacraments or the power of the keys of the kingdom of heaven.

Even though, in our culture, there may be no danger of the state taking to itself the right to administer the sacraments, what about the power of the keys of the kingdom? Historically, in the United States, the so-called wall of separation between church and state became part of the fabric of American tradition. The concept was that the exercise of church discipline is not the state's business, but is a matter for the church in conducting its affairs. According to the Reformation, the third necessary mark of a true church, in addition to the preaching of the gospel and the administration of the sacraments, is the exercise of discipline. It is the church's function to determine who may or may not be members of its body. The state cannot tell the church who must be accepted into membership. We do have the right to discriminate *according to creed* because we are a confessional body, and there is a minimal content of affirmation that a person must embrace in order to become a member of the body of Christ. For example, one who does not believe in the deity of Jesus Christ would not qualify for membership, nor would he be permitted to receive the sacrament of the Lord's Supper. That is discriminating according to creed. It is not done in the secular world, but in the church we not only *may*, but *must*, do so in order to maintain the integrity of the church.

We have seen some incidences in recent years where the civil authorities have encroached on the church's right to discipline by ex-

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communication. The civil government has heard some suits, ruled in favor of the excommunicated person, and ordered churches either to pay damages or to receive the person back into their fellowship. That is not only a gross breach of our traditional wall of separation, but also a violation of this principle in the confession. It is a radical violation of the first amendment, which guarantees the right of the free exercise of religion. Part of the exercise of the Christian religion involves the exercise of church discipline. Church discipline is the “power of the keys.” The church has the power to impose moral sanctions for the ungodly behavior of church members, starting with rebuke, followed by censure and then temporary suspension from the sacraments, and concluding with excommunication.

According to the confession, civil magistrates never have the right, in the least, [to] interfere in matters of faith. **Yet, as nursing fathers, it is the duty of civil magistrates to protect the Church of our common Lord, without giving the preference to any denomination of Christians above the rest—there is the principle of disestablishmentarianism—in such a manner that all ecclesiastical persons whatever shall enjoy the full, free, and unquestioned liberty of discharging every part of their sacred functions, without violence or danger.**

Let me tell you how that applies in a very practical way. As I preached in a church in Memphis one Sunday, a man who was violently hostile to Christianity stood in the back of the church and hurled radical epithets at me and at the church. I told him he was out of order, asked him to be quiet, and continued my sermon. When he started again, two ushers tried gently to escort him from the building. Finally, they had to call the police, who removed this man because he was disturbing the peace of our rightful worship. He posed a threat of violence to that free assembly for worship. Therefore, the church had the right to call upon the civil magistrate to protect them.

On another occasion, I spoke at a conference where there had been threats against my life. The local church took those threats seriously and had the police escort me everywhere I went between

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services. We are grateful for the protection offered by the civil magistrate, whose task is to ensure the free exercise of religion, rather than to impede the free exercise of religion by imposing its own will.

What Americans call the separation of church and state would, from a Reformed viewpoint, be described as a “separation of powers and duties.” We distinguish between the role of the state and the role of the church, because they are two separate institutions. That does not mean that they cannot support each other. Just as the church has a responsibility to honor the civil magistrates, to pray for them, and to render obedience to them, so, by the same token, the civil magistrate has the responsibility to honor the functions of the church. They are to support, rather than oppose, each other.

And, as Jesus Christ hath appointed a regular government and discipline in His Church, no law of any commonwealth should interfere with, let, or hinder, the due exercise thereof, among the voluntary members of any denomination of Christians, according to their own profession and belief. I know of a man who was involved in a divorce process, and to the best of my knowledge he was the innocent party. However, the session of the church met with his wife and heard her complaints, without ever interviewing him, which is a violation of ecclesiastical law. Why didn't they interview him? The wife's attorney had gotten a court order that prohibited him from coming within so many yards of her or the church, and the church was afraid of civil sanctions if they carried through with the normal due process of ecclesiastical discipline. As far as I'm concerned, it was an outrageous act of cowardice on the part of the church to obey the civil magistrate at that point. They should have said to the civil magistrate, “You are out of order.” They should have exercised their duty to give due process to that man in the ecclesiastical court.

Problems arise when authorities collide with one another. For example, in marriage and divorce cases, we understand that the civil magistrate has the right to perform marriages and also the right to

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dissolve them. Historically, the church also has had the right to perform marriages and dissolve them. So the church and the civil magistrate have overlapping jurisdiction and could come into conflict. In such a situation, the state should only have the right to dissolve a marriage performed by the civil court, and only an ecclesiastical court should render the decision in ecclesiastical cases. Historically, however, the church in America has failed to exercise its duty in hearing cases of divorce. Most churches have to deal at some point with a divorce among its membership. Often the attitude is, "That's none of the church's business," but that is exactly the church's business. It is a matter for the church's spiritual oversight.

When we join a church, we submit ourselves and our conduct to the spiritual oversight of that Christian body. That is what church discipline is all about. Secular thinking has now so infiltrated the church, that even people who are faithful and obedient in their church involvement have the idea that the church should play no role in their spiritual discipline.

Jesus Christ hath appointed a regular government and discipline in His Church. Church government and church discipline were not invented by mean-spirited people, but by Christ himself for his church. The Reformers declared there is no church without church discipline because the church that Jesus Christ established included government and discipline. A cursory reading of the Pastoral Epistles and of 1 Corinthians makes that clear. Paul rebuked the Corinthians for failing to exercise discipline in their community.

Because Christ has set up church government and discipline, **no law of any commonwealth should interfere with, let, or hinder, the due exercise thereof, among the voluntary members of any denomination of Christians, according to their own profession and belief.** A number of years ago, I spoke with Anita Bryant, a well-known entertainer and singer, who was the spokesperson on national commercials for orange juice. She was on the board of a Christian school in Florida that had a policy that prohibited practicing homosexuals from becoming teachers

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at that institution. The gay community in Miami made headlines as they protested against Anita Bryant and against her employers in the orange juice industry because of her affiliation with the Christian school. Ninety percent of her other singing engagements were cancelled, and her contract for the orange juice commercials was cancelled as well. Her livelihood was destroyed because she was considered a bigot. The school policy was declared unjust because it discriminated against gays. Private organizations and public officials have come under increasing pressure from groups opposed to biblical standards for sexual relationships and the definition of marriage.

It is the duty of civil magistrates to protect the person and good name of all their people, in such an effectual manner as that no person be suffered, either upon pretense of religion or of infidelity, to offer any indignity, violence, abuse, or injury to any other person whatsoever. That puts restraints on Christians. Christians do not have the right to carry the sword, nor do they have the right to slander anybody. Slander and libel are prohibited under civil law.

It is the duty of civil magistrates . . . to take order, that all religious and ecclesiastical assemblies be held without molestation or disturbance. As the church is called to honor the magistrate, the magistrate also has the duty to protect the church from being hindered in carrying out its duties. This touches the American Bill of Rights, specifically the First Amendment, which guarantees the “free exercise” of religion.

Sec. 4. It is the duty of people to pray for magistrates, to honour their persons, to pay them tribute or other dues, to obey their lawful commands, and to be subject to their authority, for conscience' sake. Infidelity, or difference in religion, doth not make void the magistrates' just and legal authority, nor free the people from their due obedience to them: from which ecclesiastical persons are not exempted, much less hath the Pope any power and jurisdiction over them in their dominions, or over any of their people; and, least of all, to de-

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prive them of their dominions, or lives, if he shall judge them to be heretics, or upon any other pretence whatsoever.

It is the duty of people to pray for magistrates. The emphasis is switching to our Christian responsibility toward the civil magistrates. The first duty is to pray. This mandate is given repeatedly in the Scripture, and our prayers are not to be limited to pleas for judgment. We are to pray that God will bless our rulers and give them wisdom and integrity. We are also to **honour their persons, to pay them tribute or other dues, to obey their lawful commands, and to be subject to their authority, for conscience' sake.**

If the magistrate is not a Christian or is a different kind of Christian, that does not excuse us from our responsibility to pray for him and to submit to his authority in the civil sphere.

Infidelity, or difference in religion, doth not make void the magistrates' just and legal authority, nor free the people from their due obedience to them: from which ecclesiastical persons are not exempted, much less hath the Pope any power and jurisdiction over them in their dominions, or over any of their people; and, least of all, to deprive them of their dominions, or lives, if he shall judge them to be heretics, or upon any other pretence whatsoever.

Being a Christian—including an **ecclesiastical person** (that is, a church leader)—does not exempt us from obeying the civil magistrate and the laws of the state. Church leaders are not to interfere in civil matters, just as civil magistrates are not to interfere in the free exercise of religion.

Is there ever a time when a Christian has the right to disobey the law or to disobey the civil magistrates? This question arises because of what the confession reaffirms here and what we read in Romans 13, where Paul emphasizes the need for civil obedience. Peter similarly writes that we are to obey the civil magistrate for the Lord's sake, because Christ is the one who redeems us from lawlessness. When laws are passed and we disobey them, we take our stand on

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the side of lawlessness, rather than on the side of divinely sanctioned obedience. But that does not mean that every law is just or binding upon the conscience of the Christian.

The fact that a law is unjust does not give us the right to disobey it. Every legal system in our world includes laws that, in the final analysis, are unjust and unrighteous. There are laws that inflict inconvenience, suffering, and pain upon its citizens, but that is not an excuse to disobey the civil magistrate. When is it right to disobey? The answer is easy to articulate, but difficult to apply to real-life situations. The principle is this: whenever any authority (civil magistrate, parent, employer, father in the home, husband in the marriage) commands us to do what God forbids or forbids us to do what God commands, we not only *may* disobey, but *must* disobey.

We see examples in the book of Acts where the Sanhedrin, the legal body that ruled over the Jews, stopped Peter and the apostles from preaching and forbade them to preach Christ. Peter replied, rhetorically, “Shall we obey God or man?” (see Acts 4:19). Christ had commanded the disciples to preach the gospel to every creature. They were fulfilling that mandate in Jerusalem. The civil authorities came and ordered them to stop preaching, and the disciples said that they could not obey the civil authorities. That is one of the reasons why Paul spent so much time in jail. He had to disobey human authorities in order to obey God.

When the human authorities inconvenience or inflict suffering upon us, what are we to do? It wasn’t convenient for Joseph and his wife to undergo an arduous journey to Bethlehem because the emperor wanted to take a census, so he could increase his taxes on the Jews. Yet Joseph risked the life of his wife and of their promised child to obey the civil magistrate, through which the Scriptures were fulfilled. “But you, Bethlehem Ephrathah, though you are little among the thousands of Judah, yet out of you shall come forth to Me the One to be Ruler in Israel, whose goings forth are from of old, from everlasting” (Mic. 5:2). Here we have a heroic example of obedience to

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the civil magistrate. Our emotions say they would have been justified to stay in Nazareth, but God had not commanded Joseph and Mary to stay there. God doesn't command us to be happy or to be wealthy. If we don't like the income tax structure and think the government is unjust, that is no excuse for us to disobey, even though it may inconvenience us and cause us discomfort.

We see examples in the Old Testament where, with the sanction of God, people are disobedient to the magistrates. Hebrew midwives, under the capricious decree of Pharaoh, were to kill all the male children born to the Israelites. The midwives delivered those male babies and hid them, rather than killing them. They even lied to cover up what they had done in order to save the lives of those babies, and they received the blessing of God for their acts of civil disobedience (Ex. 1:15–21). Shadrach, Meshach, and Abed-Nego were in the fiery furnace because they wouldn't serve Nebuchadnezzar's gods or worship the golden image as they were ordered to (Dan. 3:12–18). What about Mordecai in the book of Esther and Daniel in the lion's den? They were being obedient to God, rather than to the magistrates. There are occasions when we not only *may* disobey, but *must*.

The debate continues to this day regarding the Revolutionary War, through which this country became a free nation. One of the ideas advanced during the Reformation was that lesser magistrates may revolt against higher magistrates if the higher magistrates are operating in an unjust and illegal manner. Not all Christians adopted that principle, and not all Christians supported the Revolutionary War. There is no doubt that the magistrates who were in favor of revolution were duly appointed magistrates. It wasn't just a grassroots rebellion, for the lesser magistrates were protesting against Parliament and the king for violating British law and the terms under which the colonies were to be governed.

In the civil rights movement in this country in the 1950s and 1960s, Martin Luther King followed Gandhi's principles of peaceful resistance and intentionally engaged in acts of civil disobedience. The

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question then was, May Christians participate in civil rights protests with Dr. King?

The justification was that no state has the right to enact a statute that denies a guaranteed right of the Constitution. Every individual in the United States of America has certain constitutional rights that no magistrate and no majority has the right to take away. This country was established as a republic and not as a democracy. In a democracy, the majority rules, and the rights of a minority can be trampled underfoot. Majority rule can become mob rule, where the individual or minority falls victim to the desires of the majority. Because of the Bill of Rights, the citizen has the right to peaceably force a test case in the courts to determine the legitimacy of a statute. That was behind King's strategy. He wanted to test the laws and show that individual states, through their majority, had enacted legislation that discriminated against individuals unconstitutionally. I believe the Reformers would consider that a legitimate form of civil disobedience.