

**“Of the Civil Magistrate”
(WCF 23.3b-4)**

WCF 23.3 (American Edition) 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 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.

III. What is the relationship between the state and church?

A. The civil magistrate does not have authority to minister the Word (see WCF 23.3 **handout).**

1. He may not preach or teach the Word, administer the sacraments, or exercise church discipline.
2. This authority has been entrusted to the elders of the church.
3. In addition, he may not interfere in matters of faith.

B. What is the magistrate’s duty with respect to the church?

1. He is to protect the church as a nursing father.
 - a. “Kings will be your guardians, and their princesses your nurses. They will bow down to you with their faces to the earth and lick the dust of your feet; and *you* will know that I am the LORD; those who hopefully wait for Me will not be put to shame” (Isa. 49:23).
 - b. “Cyrus, Darius, Artaxerxes, and other Persian monarchs, as well as Alexander the Great, and his successors, particularly Demetrius, conferred many privileges and immunities on the Jewish people, and were munificent benefactors to their temple. But the prophecy was more remarkably and fully fulfilled in the favour which Constantine the Great, and other Christian princes and princesses from his time to the present day, have shewn to the church of Christ . . .” (R. A. Torrey, *TSK*).
 - c. As it is the duty of the magistrate to protect the life and liberty of his subjects, so it is his duty to protect the church.
2. He is also to protect the rights of each Christian church.
 - a. He is not to give preference to any denomination of Christians.
 - b. He is to give all Christians the freedom to worship as they believe.
 - c. He is not to interfere with the authority of church government.

- d. He is to ensure that the rights of all Christians are maintained, including their right to assemble.

3. Biblical basis:

- a. The king is to rule righteously, which includes protecting the one who does what is right and punishing the one who does what is evil:
 - (i) “The Spirit of the LORD spoke by me, and His word was on my tongue. The God of Israel said, the Rock of Israel spoke to me, ‘He who rules over men righteously, who rules in the fear of God, is as the light of the morning *when* the sun rises, a morning without clouds, *when* the tender grass *springs* out of the earth, through sunshine after rain” (2 Sam. 23:2-4).
 - (ii) “For it is a minister of God to you for good. But if you do what is evil, be afraid; for it does not bear the sword for nothing; for it is a minister of God, an avenger who brings wrath on the one who practices evil” (Rom. 13:4).
 - (iii) If the church is doing what is right by God’s standards, the magistrate may not touch them: “He permitted no man to oppress them, and He reproved kings for their sakes: ‘Do not touch My anointed ones, and do My prophets no harm” (Ps. 105:14-15).
- b. We are to pray that the magistrate would protect the peace of the church and allow the church to exist in godliness and dignity, which implies that this is his duty before God: “First of all, then, I urge that entreaties *and* prayers, petitions *and* thanksgivings, be made on behalf of all men, for kings and all who are in authority, so that we may lead a tranquil and quiet life in all godliness and dignity” (1 Tim. 2:1-2).
- c. In doing this, the magistrate is not to involve himself with disputes over doctrine: “But when Paul was about to open his mouth, Gallio said to the Jews, ‘If it were a matter of wrong or of vicious crime, O Jews, it would be reasonable for me to put up with you; but if there are questions about words and names and your own law, look after it yourselves; I am unwilling to be a judge of these matters.’ And he drove them away from the judgment seat” (Acts 18:14-16).

4. Questions:

- a. Should the magistrate allow all religions to co-exist? What about Christian churches?
- b. What if the church deviates so far that it is no longer a church? (Marks)
- c. What if the church doesn’t teach soul-destroying doctrine, but doctrine that is dangerous?
- d. Was Gallio’s refusal to deal with the Jews’ complaint normative for the magistrate? Is there another way of interpreting this?

WCF 23.4 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 magistrate’s 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.

IV. What is our duty towards the civil magistrate?

A. We are to pray for our leaders in government.

1. “First of all, then, I urge that entreaties *and* prayers, petitions *and* thanksgivings, be made on behalf of all men, for kings and all who are in authority, so that we may lead a tranquil and quiet life in all godliness and dignity” (1 Tim. 2:1-2).
2. We are to pray that the Lord, who holds the hearts of all men, would turn their hearts into His paths, both for His glory, and for the good of His people.

B. We are to honor them.

1. “Honor all people, love the brotherhood, fear God, honor the king” (1 Pet. 2:17).
2. We are to consider their high office and give them the respect that is their due – even though those who occupy an office are unworthy, their office must be respected.

C. We are to pay taxes.

1. “For because of this you also pay taxes, for *rulers* are servants of God, devoting themselves to this very thing. Render to all what is due them: tax to whom tax *is due*; custom to whom custom; fear to whom fear; honor to whom honor” (Rom. 13:6-7).
2. Taxes are the means the Lord has provided for government to function; therefore we must pay them.

D. We are to obey their lawful commands and be subject to them.

1. We are to submit to their authority.
 - a. “Therefore it is necessary to be in subjection, not only because of wrath, but also for conscience’ sake” (Rom. 13:5).
 - b. “Remind them to be subject to rulers, to authorities, to be obedient, to be ready for every good deed” (Tit. 3:1).
2. What if obeying their commands requires that we sin against God? Then we must not obey them.
 - a. “And when they had summoned them, they commanded them not to speak or teach at all in the name of Jesus. But Peter and John answered and said to them, ‘Whether it is right in the sight of God to give heed to you rather than to God, you be the judge; for we cannot stop speaking about what we have seen and heard’” (Acts 4:18-20).
 - b. Rutherford wrote *Lex Rex* (The Law and the King, or, The Law Is King”) to refute biblically the prevalent principle *Rex Lex* (the king is law). The king is to be subject to the Law of God, and if he does not subject himself, but exercises a tyrannical power, we may not only refuse to submit, but we may overthrow the tyrant:

For the lawfulness of resistance in the matter of the king’s unjust invasion of life and religion, we offer these arguments. (From apuritansmind.com).

Arg. 1: That power which is obliged to command and rule justly and religiously for the good of the subjects, and is only set over the people on these conditions, and not absolutely, cannot tie the people to subjection without resistance, when the power is abused to the destruction of laws, religion, and the subjects. But all

power of the law is thus obliged, (Rom. xiii. 4; Deut. xvii. 18-20; 2 Chron. xix. 6 ; Ps. cxxxii. 11, 12; lxxxix. 30, 31; 2 Sam. vii. 12 ; Jer. xvii. 24, 25,) and hath, and may be, abused by kings, to the destruction of laws, religion, and subjects. The proposition is clear. 1. For the powers that tie us to subjection only are of God. 2. Because to resist them, is to resist the ordinance of God. 3. Because they are not a terror to good works, but to evil. 4. Because they are God's ministers for our good, but abused powers are not of God, but of men, or not ordinances of God; they are a terror to good works, not to evil; they are not God's ministers for our good.

Arg. 2: That power which is contrary to law, and is evil and tyrannical, can tie none to subjection, but is a mere tyrannical power and unlawful; and if it tie not to subjection, it may lawfully be resisted. But the power of the king, abused to the destruction of laws, religion, and subjects, is a power contrary to law, evil, and tyrannical, and tyeth no man to subjection: wickedness by no imaginable reason can oblige any man. Obligation to suffer of wicked men falleth under no commandment of God, except in our Saviour. A passion, as such, is not formally commanded, I mean a physical passion, such as to be killed. God hath not said to me in any moral law, Be thou killed, tortured, beheaded; but only, Be thou patient, if God deliver thee to wicked men's hands, to suffer these things.

Arg. 3: There is not a stricter obligation moral betwixt king and people than betwixt parents and children, master and servant, patron and clients, husband and wife, the lord and the vassal, between the pilot of a ship and the passengers, the physician and the sick, the doctor and the scholars, but the law granteth, (l. Minime 35, de Relig. et sumpt. funer,) if these betray their trust committed to them, they may be resisted: if the father turn distracted, and arise to kill his sons may violently apprehend him, and bind his hands, and spoil him of his weapons; for in that he is not a father.....The servant may resist the master if he attempts unjustly [to] kill him, so may the wife do to the husband; if the pilot should willfully run the ship on a rock to destroy himself and his passengers, they might violently thrust him from the helm. Every tyrant is a furious man, and is morally distracted, as Althusius said, Polit. c. 28, n. 30, and seq.

Arg. 4: That which is given as a blessing, and a favour, and a screen, between the people's liberty and their bondage, cannot be a given of God as a bondage and slavery to the people. But the power of king is given as a blessing and favour God to defend the poor and needy, to preserve both tables of the law, and to keep the people in their liberties from oppressing and treading one upon another. But so it is, that if such a power be given of God to a king, by which, *actu primo* [in basic fact, in first actuality], he is invested of God to do acts of tyranny, and so to do them, that to resist him in the most innocent way, which is self-defence, must be a resisting of God, and rebellion against the king, his deputy; then hath God given a royal power as uncontrollable by mortal men, by any violence, as if God himself were immediately and personally resisted, when the king is resisted, and so this power shall be a power to waste and destroy irresistibly, and so in itself a plague and a curse; for it cannot be ordained both according to the intention and genuine formal effect and intrinsical operation of the power, to preserve the tables

of the law, religion and liberty, subjects and laws, and also to destroy the same. But it is taught by royalists that this power is for tyranny, as well as for peaceable government; because to resist this royal power put forth in acts either ways, either in acts of tyranny or just government, is to resist the ordinance of God, as royalists say, from Rom. xiii. 1-3. And we know, to resist God's ordinances and God's deputy, formaliter [formally], as his deputy, is to resist God himself, (1 Sam. viii. 7; Matt. x. 40,) as if God were doing personally these acts that the king is doing; and it importeth [implies] as much as the King of kings doth these acts in and through the tyrant. Now, it is blasphemy to think or say, that when a king is drinking the blood of innocents, and wasting the church of God, that God, if he were personally present, would commit these same acts of tyranny, (God avert such blasphemy!) and that God in and through the king, as his lawful deputy and vicegerent in these acts of tyranny, is wasting the poor church of God. If it be said, in these sinful acts of tyranny, he is not God's formal vicegerent, but only in good and lawful acts of government, yet he is not to be resisted in these acts, not because the acts are just and good, but because of the dignity of his royal person. Yet this must prove that those who resist the king in these acts of tyranny, must resist no ordinance of God, but only resist him who is the Lord's deputy, though not as the Lord's deputy. What absurdity is there in that more than to disobey him, refusing active obedience to him who is the Lord's deputy, not as the Lord's deputy, but as a man commanding besides his master's warrant.

Arg. 5: That which is inconsistent with the care and providence of God in giving a king to his church is not to be taught. Now God's end in giving a king to his church, is the feeding, safety, preservation, and the peaceable and quiet life of his church. (1 Tim. ii. 2 ; Isa. xlix. 23 ; Psal. lxxix. 71). But God should cross his own end in the same act of giving a king, if he should provide a king, who, by office, were to suppress robbers, murderers, and all oppressors and wasters in his holy mount, and yet should give an irresistible power to one crowned lion, a king, who may kill ten hundred thousand protestants for their religion, in an ordinary providence; and they are by an ordinary law of God to give their throats to his emissaries and bloody executioners. If any say the king will not be so cruel, - I believe it; because, *actu secundo* [in actual exercise, in second actuality], it is not possibly in his power to be so cruel. We owe thanks to his good will that he killeth not so many, but no thanks to the nature and genuine intrinsical end of a king, who hath power from God to kill all these, and that without resistance made by any mortal man. Yea, no thanks (God avert blasphemy!) to God's ordinary providence, which (if royalists may be believed) putteth no bar upon the unlimited power of a man inclined to sin, and abuse his power to so much cruelty. Some may say, the same absurdity doth follow if the king should turn papist, and the parliament all were papists. In that case there might be so many martyrs for the truth put to death, and God should put no bar of providence upon this power, then more than now; and yet, in that case, the king and parliament should be judges given of God, *actu primo*, and by virtue of their office obliged to preserve the people in peace and godliness. But I answer, If God gave a lawful official power to king and parliament to work the same cruelty upon millions of martyrs, and it should be unlawful for them by arms to defend themselves, I should then think that king and parliament were both *ex officio*, by virtue of their office, and *actu*

primo, judges and fathers, and also by that same office, murderers and butchers,- which were a grievous aspersion to the unspotted providence of God.

Arg. 6: If the estates of a kingdom give the power to a king, it is their own power in the fountain ; and if they give it for their own good, they have power to judge when it is used against themselves, and for their evil, and so power to limit and resist the power that they gave. Now, that they may take away this power, is clear in Athaliah's case. It is true she was a tyrant without a title, and had not the right of heaven to the crown, yet she had, in men's court, a title. For supposing all the royal seed to be killed, and the people consent, we cannot say that, for these six years or thereabout, she was no magistrate: that there were none on the throne of David at this time: that she was not to be obeyed as God's deputy. But grant that she was no magistrate; yet when Jehoash is brought forth to be crowned, it was a controversy to the states to whom the crown should belong. 1. Athaliah was in possession. 2. Jehoash himself being but seven years old, could not be judge. 3. It might be doubted if Joash was the true son of Ahaziah, and if he was not killed with the rest of the blood royal. Two great adversaries say with us; Hugo Grotius.....saith he dare not condemn this, if the lesser part of the people, and every one of them indifferently, should defend themselves against a tyrant, ultimo *necessitatis proesidio*. The case of Scotland, when we were blocked up by sea and land with armies: the case of England, when the king, induced by prelates, first attempted to bring an army to cut off parliament, and then gather an army, and fortified York and invaded Hull, to make the militia his own, sure is considerable. Barclay saith, the people hath....a power to defend themselves against prodigious cruelty. The case of England and Ireland, now invaded by bloody rebels of Ireland, is also worthy of consideration. I could cite hosts more.

3. Should we submit to the magistrate if he believes differently than we do or is an unbeliever?
 - a. "Submit yourselves for the Lord's sake to every human institution, whether to a king as the one in authority, or to governors as sent by him for the punishment of evildoers and the praise of those who do right. For such is the will of God that by doing right you may silence the ignorance of foolish men. *Act* as free men, and do not use your freedom as a covering for evil, but *use it* as bondslaves of God" (1 Pet. 2:13-16).
 - b. We must submit, as long as they do not require us to violate God's Law.
4. Does this apply to the officers of the church as well? Yes, even to the pope.
 - a. "Every person is to be in subjection to the governing authorities. For there is no authority except from God, and those which exist are established by God" (Rom. 13:1).
 - b. "But Festus, wishing to do the Jews a favor, answered Paul and said, 'Are you willing to go up to Jerusalem and stand trial before me on these *charges*?' But Paul said, 'I am standing before Caesar's tribunal, where I ought to be tried. I have done no wrong to *the* Jews, as you also very well know. If, then, I am a wrongdoer and have committed anything worthy of death, I do not refuse to die; but if none of those things is *true* of which these men accuse me, no one can hand me over to them. I appeal to Caesar'" (Acts 25:9-11).