

# Of Magistracy

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In the 20th chapter of the Confession of Faith, our Westminster Divines say - "They who, upon pretence of Christian liberty, shall oppose any lawful power, or the lawful exercise of it, whether it be civil or ecclesiastical, resist the ordinance of God. And for the publishing of such opinions, or maintaining of such practices, as are contrary to the light of nature, or to the known principles of Christianity, whether concerning faith, worship, or conversation; or to the power of godliness; or such erroneous opinions or practices, as either in their own nature, or in the manner of publishing or maintaining them, are destructive to the eternal peace and order which Christ hath established in the church, they may lawfully be called to account, and proceeded against by the censures of the church, and by the power of the civil magistrate." In the 23d chapter it is said - "The civil magistrate may not assume to himself the administration of the word and sacraments, or the power of the keys of the kingdom of heaven: yet he hath authority, and it is his duty to take order, that unity and peace be preserved in the church, that the truth of God be kept pure and entire, that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and discipline prevented or reformed, and all the ordinances of God duly settled, administered and observed. For the better effecting whereof, he hath power to call Synods, to be present at them, and to provide that whatsoever is transacted in them be according to the mind of God."

In the 2nd Book of Discipline, the same sentiments are more distinctly expressed.- "The civil power should command the spiritual to exercise, and to do

their office according to the word of God: the spiritual rulers should require the Christian magistrate to minister justice and punish vice, and to maintain the liberty and quietness of the Kirk within their bounds. The magistrate neither ought to preach, minister the sacraments, nor execute the censures of the Kirk, nor yet prescribe any rule how it should be done, but command the ministers to observe the rule commanded in the word, and punish the transgressors by civil means. The ministers exercise not the civil jurisdiction, but teach the magistrate how it should be exercised according to the word,- The magistrate ought to assist, maintain, and fortify the jurisdiction of the Kirk. The ministers should assist their princes in all things agreeable to the word, providing they neglect not their own charge, by involving themselves in civil affairs. Finally, as ministers are subject to the judgment and punishment of the magistrate, in external things, if they offend; so ought the magistrate to submit themselves to the discipline of the Kirk, if they transgress in matters of conscience or religion."

As our views of civil government must be tried by these documents, it is necessary that they be well understood. It must not, then, be supposed, that ministers have not a power to meet of themselves, in synods and assemblies, as circumstances require, without being called by the civil magistrate, and without his attendance in their courts: for it is expressly declared in chap. 31st of the Westminster Confession, that ministers have "such a power of themselves, and by virtue of their office," Neither is it to be understood, that while the civil magistrate may, in certain cases, call

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synods, be present at them, and provide that whatever is transacted in them “be according to the mind of God,” he has consequently a right to reason and vote as a regular member in such assemblies, or to control them in their proceedings; since this would give him the power of the keys of the kingdom of heaven, a power from the exercise of which he is expressly excluded. Neither yet, as we imagine, must it be understood, that all the power which our Confession allows to the magistrate in ecclesiastical assemblies and matters of religion, belongs to him, or ought to be exercised by him in ordinary cases and in a settled state of the church; for the act of the General Assembly, by which the Confession of Faith was authoritatively received, refers to chap. 31, sec. 2, and declares, that the Assembly understood this part of it, “only of Kirks not settled, or constituted in point of government;”<sup>1</sup> - that is to say, when a church has not formed her standards, and is not finally settled, but only forming them with a view to being settled, as was the condition of the church in these kingdoms, when the Westminster Assembly was called, and the Westminster Standards composed. At that memorable period, differences in religious opinion had actually disturbed, and threatened still farther to disturb, the public peace, and had divided both Church and State in to violent factions. At such a critical juncture, what means so likely to heal divisions and to restore peace and harmony, as an assembly of gospel ministers, assisted by a suitable number of fit persons, whose object was to consult together about matters of religion, and to draw up a public profession of the church’s faith? And who so proper to call such an assembly as the civil magistrate, the public minister of the state, the ‘nursing-father of the church,’ and the guardian of public peace and decorum? And seeing he is allowed, from Scripture and reason, to approve and authorise the public profession of the church’s faith, is it not reasonable, that, although he cannot be permitted to control the assembly’s

proceedings, or to vote as a member, he may be present to propose his scruples, if he has any, and to hear the assembly’s reasoning on religious topics, that he may be fully satisfied that the profession of faith which they have drawn up, and which he is to sanction, is agreeable to the word of God? - It is a Popish, not a Protestant doctrine, that the magistrate is bound to yield obedience to the decisions of the church.

By attentively considering the above quotations, it will be abundantly evident, that whatever authority is granted to the civil magistrate, for preserving the peace and unity of the church - for keeping the ordinances of God pure and entire - and for the suppression of blasphemies, heresies, and corruptions, is both scriptural and reasonable, and every way necessary for the glory of God and the public good. It is also evident, that any restraint laid upon the liberty of the subject, by the doctrine of the Westminster Confession, is highly necessary for promoting the best interests both of Church and State. Those who may be censured by the church are the openly licentious, scandalous, and the profane: and those who may be proceeded against by the power of the civil magistrate, are persons who oppose lawful civil authority, or the lawful exercise of it, and consequently disturb the peace and good order of society. That the magistrate may restrain and punish gross violations of the second table of the moral law, as murder, adultery, theft, robbery, and the like, is readily allowed, because these crimes are hurtful to the State: why, then, should he not restrain and punish open acts of idolatry, blasphemy, sabbath-profanation, &c., since these crimes are not less hurtful to the interests of the community than the former? It is certain, that several violations of the first, as well as of the second table of the moral law, were punishable, and actually punished, by the Jewish magistrate; and yet we have no complaints about the rights of conscience being thereby invaded. Was not Hone punished, some years ago, for supposed blasphemy, according to the laws of our

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<sup>1</sup> Acts of the General Assembly- Session 23, 1647.

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own country? And does not this prove that the magistrates of the nation consider themselves the guardians of the first, as well as of the second table of the moral law? To those, indeed, who deny the necessity of Scriptural qualifications in magistrates, this doctrine must appear absurd; and to such it should always have appeared so, as being in direct opposition to their theory of the constitution and nature of civil government. If the call and approbation of a *majority* of the body politic, be all that is necessary in constituting a magistrate, they may invest an infidel with civil power, as readily as a true Christian. And if such become a magistrate, how shall he “call Synods and be present at them, and provide that whatsoever is transacted in them be according to the mind of God,” when he does not believe the Scriptures to reveal the mind of God at all? In such a dilemma, to preserve something like consistency, it has been thought advisable to expunge certain passages of the Confession of Faith, to frame a new testimony, by which the orthodoxy of the Westminster Confession is to be tried, and to confine the exercise of the magistrate’s power to things merely civil. Without passing any farther judgment, at present, on these fashionable innovations, we beg leave to express our unqualified approbation of the Westminster standards; and to say that we consider them as orthodox on the article of magistracy, as on any other part of our creed.

Having made these few explanatory remarks, we shall now endeavour to throw our sentiments on *Magistracy* into the form of a doctrinal proposition, as the argument of the following essay, viz. :- “*That in all Christian countries, it is the bounden duty of the civil Magistrate, as heaven’s vice-regent on earth, to foster and protect true religion and virtue; and, at the same time, to discourage, suppress and punish vice, according to its demerit, whether it respect the first or second table of God’s law.*” As we intend to discuss the merits of Religious Establishments, Church Patronage, Toleration, &c., in some future numbers, we shall, at present confine our attention more

immediately to the consideration of magistracy in general.

1. Civil power and authority are *originally derived from God*, the Creator and Possessor of heaven and earth, and the bountiful Giver of every good and perfect gift. This is clear from the joint attestation of Scripture and reason. - “God hath spoken once: twice have I heard this: that power belongeth to God.” -[Ps. 62: 11.] “By me princes rule, and nobles, even all the judges of the earth,” -[Prov. 8: 15, 16.] Since God formed us of the dust of the earth, and endowed us with a variety of powers and faculties, suited to the situation in which we were placed, whatever ability, mental or corporeal, we are capable of exerting, either in behalf of ourselves or others, must be derived from God as its proper source. So the divine Teacher intimates - “For thine is the kingdom, and the power, and the glory for ever. Amen.”

2. The power under immediate consideration is *delegated to civil society*, in the first instance, and by it to *one or more of its members*, who are publicly invested with official power and authority, *for the benefit of the community at large*. This position, though by many denied, is so axiomatical and self-evident, that it scarcely requires confirmation. Power has been denominated *civil*, because it belongs to the State,<sup>2</sup> and because it can never be exercised save where civil society exists. No man needs it for himself as a solitary individual; nor has the person who exercises it, any right to assume it but by public consent. In order to set this matter in a more intelligible point of view, let us suppose a ship’s crew to take possession of an uninhabited island, where they mean to settle as a colony, and which they intend in future to cultivate, as the place of their common residence. In such circumstances, common sense will immediately suggest the propriety of selecting some individuals for the purpose of drawing up a code of laws and of appointing others (one or more) to administer the laws for the benefit of all

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<sup>2</sup> From *Civis*, a citizen or member of a state.

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around. In every community, some men are endued by nature with more physical power than others. Some have more sagacity of mind, and some are more industrious: and consequently, the members of society, considered individually, can never long possess an exact equality, either of property or power. Considering, then, the pernicious influence of passions, propensities, and inordinate desire, to which all are more or less subject, the weak must inevitably endure the oppression of the strong, in cases of dispute, were there no umpire or magistrate invested with power adequate to the settlement of all such disputes, according to law and justice. Hence it is evident, that whoever is legally invested with civil dominion, receives and holds it from society; to whom it is originally given, by whom it is delegated to certain individuals, for the purposes above-mentioned, and to whom it naturally reverts, when forfeited by misapplication and abuse.

3. As all civil power emanates from God, the source of justice, wisdom and goodness, *no authority can be delegated to his deputies on earth*, or exercised by them for the purpose for which it was originally intended, *but what is righteous, just, and lawful*. To assert and maintain the contrary of this, would be to make God the author of evil, disorder, and confusion, among His rational creatures. Besides, such a sentiment is in direct opposition to the divine institution of government. "The God of Israel spake to me: He that ruleth over men must be just, ruling in the fear of God." -(2 Sam. 22: 3.) This exactly coincides with the Apostle's doctrine on the same subject. Speaking of the civil magistrate, he says, "He is a Minister of God to thee for good - he beareth not the sword in vain; for he is the minister God; a revenger to execute wrath upon him that doeth evil. - (Rom. 13: 4.) This is the character which the magistrate ought to sustain; and the Divine Word acknowledges and recognises none of any other description. This is its explicit and comprehensive statement on the subject. "The powers that *be* are ordained of God:"

- not that every tyrant and oppressor who is invested with power has the sanction of Divine approbation: but the meaning is, that no civil powers are considered to have any legal existence at all, unless ordained of God. Whenever civil power, therefore, degenerates into oppression and tyranny, or is exercised in opposition to the interest of society, the body politic who conferred it on their servant and representative, have a natural right to resume it again; and, if they do not assert this right, all the mischief resulting from its lawless exercise is to be attributed to their criminal indulgence and forbearance. It is evident, that if God grants the community a *constituting* power, with regard to the organisation of civil authority, he must, at the same time, grant them a *controlling power*, otherwise he would give them a power which they could not wield; and which, therefore, instead of promoting their advantage, would ultimately procure their destruction. Hence we see the natural consequences of the courtly doctrine of passive obedience and non-resistance.

4. *The Institution, constitution, extent, and exercise of civil government, are accurately ascertained, defined, and described in the Word of God, and nowhere else*. It has, indeed, been strenuously maintained, that "magistracy is founded *in nature*;" and it would, no doubt, be difficult for us to prove, that it is founded out of it, since nature, in one sense, may be said to be the foundation of sin, of Satan's empire, &c. What the advocates of this doctrine understand by *nature*, is not human nature in its original perfection, for that is substantially the same with human nature, as under the direction and influence of the Word of God. It is the nature which Saints and Christians have, in common with Heathens and Infidels, in which the abettors of this opinion found magistracy; and hence they insist, that all the essentials of civil authority are substantially the same in every nation, Christian or Heathen, throughout the world at large. It is generally allowed, that man's nature is sadly debased and vitiated by sin; and, indeed, the Apostle asserts as much, when he says, "For I know that in me, that is, in my flesh, dwelleth no

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good thing.” How, then, magistracy should be exempted from the general corruption of human nature, we are utterly unable to determine. The Apostle, in concluding the first chapter of his Epistle to the Romans, mentions a variety of things which heathens do by nature; yet he takes no notice of setting up magistrates, in his general enumeration.

Those who contend, that the Word of God has nothing to do with the constitution of civil authority, refer us to the 1st chapter of Genesis, and there they say, we have a convincing proof that the ordinance in question is founded in nature. The proof is this, “And God blessed them, and God said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it; and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth.” Had we been informed, in this passage, that God granted supreme dominion to one particular fish or fowl, over all the rest of its species, there might have been some ground, at least for an analogical inference, that a similar dominion was granted to some individuals of the human race, over the rest of their kind: but to infer from these words, that magistracy is founded in nature, is certainly a conclusion which the ordinary rules of reasoning will not justify. It has also been alleged, that because there are angels and archangels, cherubim and seraphim, about the throne of God in heaven, therefore magistracy is founded in nature. In this manner we would reason, were we allowed to conclude, that, because there are various grades in human society, some men being taller, stronger, and wiser than others, therefore some of them must naturally be magistrates.

What would have been the state and order of human society, had not sin entered into the world, it is vain to conjecture, and impossible to determine. Whilst man retained his primitive innocence, God was his sole legislator and governor. After he sinned, the Lord Jesus Christ is revealed as the medium, through whom alone he could enjoy any benefit from God. If magistracy,

as a distinguished privilege and blessing, could have been continued with fallen man, without the interposition of Christ, why might not other blessings have been continued in a similar manner? and in that case, what need of the interposition of a Saviour at all? If magistracy be founded in nature, and not defined and limited, as to its exercise in the Word of God, then it must continue as long as nature continues, that is, for ever. But we are assured that this will not be the case. “Then cometh the end, when he shall have delivered up the kingdom to God, even the Father; when he shall put down all rule, and all authority and power.” Is it not reasonable here to ask, what greater need was there for magistracy in man’s primeval innocence, than in his state of future felicity? Yet, we are assured from the question above, that all magistratical rule and power will be put down at the end of the world.

Notwithstanding all that has been said, we do not mean to deny that magistracy is founded in the *law* of nature; because we believe the law of nature, when rightly understood, is virtually the same with the moral law, revealed and detailed in the Holy Scriptures. To suppose, however, that when God has been pleased to give us His word, to dispel the darkness of our minds, and to supply the defects occasioned by sin, we should nevertheless have recourse to what is called the law or light of nature, and follow its dictates in preference to Divine revelation, in setting up magistrates who are strictly required to rule in the fear of God, cannot be considered by us in any other light than deism; nor can we see how such a doctrine should be espoused and defended by any, but those who are willing to acknowledge and justify any kind of civil authority, because their temporal interests may be promoted by the patronage and bounty of the secular powers.

The Heathen, no doubt, set up magistrates to rule over them, as well as Christians who enjoy the benefit of divine revelation; and it may be that in doing so, they are more or less, or even solely guided and influenced by the light of nature. But

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what if it could be shown, that they might be considerably, if not entirely influenced by some other principle? It cannot be allowed, because it is far from being certain that such Heathen nations as enjoy the benefit of magistracy have derived no information from the word of God, through their commercial intercourse with those nations who enjoy the benefit of the Holy Scriptures. Neither can it be shown, that any Heathen nation, where justice is administered by a civil magistrate, is totally destitute of arts, sciences, and political refinement, which, in all probability, were originally derived from other nations more refined, that obtained their knowledge from the word of God. Every school-boy knows, that the Grecian sages travelled eastward to Egypt, Chaldea, Syria, &c., in quest of knowledge, where they became acquainted with the religion, laws, and civil policy of the Jews; and that the Romans adopted the state maxims of the Greeks, which they established among all the nations they subdued. What influence this kind of intercourse may or must have had, on those nations called Heathen, we pretend not to determine. It is manifest, however, from an attentive perusal of Stackhouse's History of the Bible, as well as from the writings of Herodotus, Plato, Lucretius, Ovid, Horace, &c. that it was great; which proves, that divine revelation, wherever it came to be more or less known, had an obvious influence on religion and politics.

Magistracy, we are told, is founded in nature. Suppose the position granted, what follows? Why, if it be fallen and debased nature that is intended, Satan's dominion is so founded, for he is the god of this world, and rules *naturally* in the hearts and minds of the children of disobedience. The licentious abominations of wicked men are also, in this view, founded in nature; for, in following the dictates of their corrupt hearts, they are said to act "naturally like brute beasts."

And if the term be taken in a less exceptionable sense, marriage, in the same way, is founded in nature, as we find it in the history of all nations; yet Christians who

have access to the Scriptures, are required to "marry in the Lord." In Nehemiah's time, some of the Jews, it seems, had forsaken the divine rule, and contracted marriage according to the dictates of vitiated nature; such marriages, however, were not sustained as valid, but annulled by special direction from God himself, even in cases where there were children. "In those days, also, saw I Jews that had married wives of Ashdod, of Amon, and of Moab - and I contended with them, and cursed them, and smote certain of them, and plucked off their hair, and made them swear by God, saying, Ye shall not give your daughters unto their sons, nor take their daughters unto your sons, or for yourselves." (Neh. xiii. 23, 25.) According to the mild genius of the gospel, indeed, the Apostle gives it as his opinion, that when believers and infidels were joined together in marriage, especially if the union had been contracted when both parties were unbelievers, there should be no forcible separation, for a number of important reasons which he assigns; but still the positive precept was - "Be not unequally yoked with unbelievers;" because they only might expect true conjugal happiness, who married in the Lord.

If it be true, as daily experience demonstrates, that men in general are degenerate, foolish, and wicked - guided by their inordinate affections, prejudices, and passions, more than any other consideration, may we not reasonably suppose, that a *majority* may as readily, nay, more readily agree in carrying on a wrong scheme, than one which is right? This being granted, how can we suppose that the infinitely wise God, whose ways and works are all perfect, would leave a matter of so much moment, as the constitution of civil magistrates, to the capricious voice and opinion of a fluctuating multitude, especially as all his other institutions are so accurately defined in divine revelation? The Lord Jehovah says of his people Israel, "They have set up kings, but not by me: they have made princes, and I knew it not." (Hosea viii. 4.) But how such a charge could be brought against a people, for following the

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light of nature, or their own inclinations, if that be really the manner in which men ought to proceed in such cases, is more than we can comprehend. Enough, however, we presume, has been said to prove our position, viz. that the institution and exercise of civil government, are to be ascertained in the word of God, and not by the light of nature, darkened as it necessarily is, through the moral depravity of the human heart.

5. There is a material difference between *legislative* and *executive* power, or between the legislature and administration, although both should be regulated by the Divine Word. Legislative power, regularly constituted, must be free and uncontrolled in its exercise, else there would be some other power, superior to the laws, having a commanding influence over the deliberations of the highest national council, or those who legislate for the benefit of the community. Executive power, on the other hand, is necessarily limited, is delegated and subordinate, and must be watched by the subjects with the strictest attention, as its excesses are always detrimental to their happiness. Legislative power can hardly be abused, (although any number of men may err in judgment,) provided the community be fairly represented in the national councils, and have a full and adequate share of the legislature; for as a man cannot steal his own property, so an act of the legislature must be considered as much the same with that of the community, whom common sense must restrain from legislating to their own disadvantage. Executive power, again, is liable to the greatest abuses - because the laws intended to guard and secure the interests of the whole are usually administered by a few, who, if they can secure their own interest, are generally regardless about that of others. Legislative power is, in some measure, sacred, for the reasons abovementioned, and would not be violently resisted, unless when it becomes necessary to new-model the whole political system; whereas, executive power, being subject to so many dangerous abuses, can seldom be kept pure, or brought within

suitable limits, but by the most determined opposition on the part of the community. For want of due attention to these simple distinctions, the absurd doctrine of passive obedience and non-resistance was strenuously inculcated by the hireling priesthood of former times; but the patriotic and successful struggles of the Swiss, Americans, French, &c., have rendered it so ridiculous that even the venal clergy of the present day are ashamed to avow it. The sentiments of Covenanters on this point have at length completely triumphed.

6. There is no essential difference between the two tables of God's law, as it respects the duty of the civil magistrate, the divine authority by which it is sanctioned, or the end for which it was given, viz., the glory of God and advantage of men. The law has generally been divided into three parts, the Moral, Judicial, and Ceremonial. The moral law is termed, in Scripture, "The words of the Covenant, or Ten Commandments:" and was obviously intended to regulate the moral deportment of the human family at large, from the time of its promulgation till the end of the world. The judicial law, termed in Hebrew *Mishpatim*, or judgments, was employed in ascertaining civil rights, privileges, punishments, &c., among the Jews, whilst they sustained a distinct national character in the land of Canaan. As the judgments of God are always according to truth and justice, such decisions as are referred to this branch of the law, making due allowance for the local and peculiar circumstances of the Jews, seem, for the most part, to have been of a moral nature, and may be safely followed as precedents and examples in administering justice among men, in any age or country. What was naturally just and right to be done by a Jewish magistrate, in judging of disputes between man and man, may warrantably be done by Christian magistrates, where circumstances are strikingly similar. The ceremonial or typical law, respected the Ritual of Jewish worship, which pointed to, and had its consummation in the Lord Jesus Christ. It has been a long-established practice with

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many, in order to prevent theological controversies, to account for difficulties and to support favourite theories, to tell us that certain things in the Jewish system were typical, and that all such things were abrogated and done away by the coming of Christ. This is true in relation to the Mosaic economy and Jewish mode of worship, literally and externally considered; but it would be more correct to say, that the types and shadows under the law had a direct allusion to Christ, and, instead of being abrogated and set aside, centred in him, and have their spiritual and more glorious fulfilment under the Gospel. Thus, with regard to the office of the kings of Judah, which is allowed to have been typical of the kingly office of Christ, so far from its not being a pattern for other kings, it is the best and the only perfect model for their imitation. In the 72d Psalm, it is predicted of Solomon - "He shall judge the poor of the people; he shall save the children of the needy, and shall break in pieces the oppressor. In his days shall the righteous flourish, and abundance of peace so long as the moon endureth." This, no doubt, had its literal accomplishment in the reign of Solomon; but it had also, and shall yet have, a more complete fulfilment in our glorious Redeemer, who, whilst his Church continues in her militant state, exercises his regal authority in her defence, through means of human agency - making kings her nursing fathers, according to the predictions of the Prophets. To tell us, then, that such and such things were typical, under the law, and can have nothing to do with the Gospel dispensation, is mere delusion and subterfuge, calculated to mislead the simple and unwary, but is easily detected by those who try all suspicious doctrines by the touch-stone of divine truth.

To return, then, to the consideration of the moral law. The first table, as it is called, has an immediate reference to the service of God. As the advancement of his glory must be a matter of much more importance than the temporal interests of civil society, a magistrate who is required to make the divine law the rule of his

administration should certainly be more careful to enforce the duties of the first table than those of the second - for if the duties of the first be neglected, those of the second can never be rightly performed. A conviction, operating on the conscience of a man, that his conduct is under the Divine eye - that there is a judgment to come, and that he must hereafter account to the Sovereign Judge of all for the transactions of his past life, has more influence on his moral conduct than human laws can possibly have on a wicked person, who has nothing to deter him from the commission of crimes, but the dread of civil pains and penalties. True religion, consisting in the genuine fear of God, is either all or nothing. If it do not purify a man's heart, restrain his disorderly passions, rectify his mental powers, make him a better member of society, and entitle him to more confidence, trust, and respect, in whatever station he may be placed - in such a case, we say, it is a scheme unworthy of God, as its author, and deserves no credit among men. But daily experience proves, that the religious man who fears and worships God is the valuable citizen, the benevolent friend, and the person to be trusted. Religion, therefore, instead of being left to itself, should be inculcated and encouraged by the civil magistrate, on its own account, and in consideration of its beneficial effects in society, even supposing he were under no obligations to advance the glory of God at all.

As Dissenters, and as being desirous of standing fast in that liberty wherewith Christ has made his people free, we candidly confess we are ready enough to be jealous of the exercise of civil power in matters of religion; and the reason is, because we have seen it so seldom employed in a way which is unexceptionable, and so frequently to the manifest injury of true religion. Still, however, we are convinced that as God made some of the Jewish kings, nay, even heathen princes, as Cyrus, Darius, Artaxerxes, &c., instrumental in advancing reformation in the Old Testament Church, he may, in like manner, employ the powerful



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agency of Christian princes, for the same beneficial purpose, under the Gospel. Let us not be misunderstood here, but let our sentiments be tried by our avowed principles, viz., that this, as well as all other lawful power, is ordained of God, not for evil, but good - not for the injury, but the advancement of true religion. The best of blessings have been, and may be abused; but that circumstance will never prove that they may not be turned into a good account, when employed according to their original design.

7. The extent and exercise of the magistrate's power, in relation to the duties of both tables of the law, is to be ascertained from the Old Testament in particular, and not from the New alone. The truth of this position will be acknowledged by all, except those who are obliged to deny it in supporting their party-interests. The first civil magistrate of whom we have any particular account is Moses - a man highly celebrated in the story of God's dealings with the Church and nation of the Jews. To him, as king and governor of that ancient people, a complete system of laws was delivered from heaven, both respecting the worship and service of God, and those numerous duties incumbent on Abraham's posterity, and by natural consequence on all men, as members of civil society; wherever their lot might be cast, and under whatever form of government they might chance to be placed; and he was strictly commanded to enforce the observation of his laws, by subjecting offenders to those penalties with which the laws had been sanctioned. Accordingly, we have an instance of his punishing idolatry in the 32d chapter of Exodus - blasphemy, in the 24th of Leviticus - Sabbath profanation, in the 15th of Numbers, &c. The magistrates duty respecting the second table of God's law is circumstantially detailed in the 21st, 22d, and 23d chapters of Exodus, and in general, we may say, throughout the remainder of the Five Books of Moses.

Such is the account we have of the zeal and fidelity of the Hebrew legislator and magistrate, in promulgating and

executing the laws of God, whether to be considered as moral or judicial; and lest it might be supposed, as we find it has been by some, that Old Testament transactions were not intended for examples to Christian magistrates, it is expressly said, in the Epistle to the Hebrews, that Moses was faithful in all God's house, as a servant, "for a testimony of those things which were to be spoken after," or to be more clearly revealed and exhibited in the Gospel dispensation. Those who assert that magistrates, as such, have no right to intermeddle with the religious concerns of the New Testament Church, besides endeavouring to shelter themselves under the typical nature of the Mosaic laws and institutions, imagine they have an unanswerable argument in the Saviour's declaration, "My kingdom is not of this world." Let it be observed, however, in refutation of this fallacy, that the Old Testament Church, as well as the New, was the kingdom of Christ, and not of this world; and, indeed, as our Lord uses the present, and not the future tense, and as the New Testament Church was not then organised, it is evident he alludes to the Old Testament system in these memorable words. We readily allow that the phrases, *kingdom of God*, *kingdom of heaven*, &c., which so frequently occur in the Gospels, ordinarily refer to the Gospel state; yet the Jewish dispensation was likewise so denominated, for the Saviour said to his Disciples on a particular occasion, "*The kingdom of God shall be taken from you, and given to a nation bringing forth the fruits thereof.*" This text, then, will not avail those who fly to it in defence of their new doctrine respecting the magistrate's power, unless they could prove that the Christian Church either stands in no need of it, or is incapable of being benefited by it. To demonstrate the absurdity and unreasonableness of the forementioned doctrine still farther, we would here observe, that as miracles have now ceased, the New Testament Church stands in much more need of the magistrate's protection than the Church under the law. As God is absolutely sovereign in all his ways, he can accomplish

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his gracious purposes towards his people, either by a miraculous interposition, or in the ordinary course of his providence, which is his more usual way. By a train of miracles, in which his power shone conspicuously, he delivered Israel from Egyptian bondage, when he formed them into a separate nation, and organised them as a church. The miracles performed in Egypt seem to have been intended to convince them that Moses and Aaron were the accredited messengers of heaven, and that the laws and ordinances they promulgated were given by God himself. The signal deliverance wrought for them at that time, was accomplished not only without the help, but in spite of the opposition of earthly powers. In a similar manner, he could have delivered them from Babylon, restored them to their own land, and re-established his worship among them; but he saw meet to proceed on this occasion in a different way. Miracles are not employed, but the aid of civil power, formerly neglected, is now introduced; for it was by disposing the Persian monarchs to favour his people and their religion, that he delivered them from their Babylonish captivity.

Similar observations might be made on the economy of God's dealings with the New Testament Church. She was first set up and established in the world by the preaching of the Gospel, attested by miracles wrought by the Apostles, and accompanied by the influence of the Divine Spirit, not only without the aid, but in spite of the opposition of the heathen powers. In this signal manner, no less than under the Mosaic economy, did God manifest to all that the Church is his workmanship; and that her doctrines, laws, and ordinances are peculiarly from himself. Thus the Christian Church was maintained and protected during the three first centuries, after which God saw meet to vary his mode of dealing towards her. Miracles are discontinued; and agreeably to the predictions of the Prophet, kings are made nursing-fathers, and their queens nursing-mothers to the Church and people of God.

At the Reformation again, when God delivered from a darkness as bad as heathenism, miracles are not employed, the authority of the true Christian religion having been already sufficiently attested; yet, in connection with the preaching of the Gospel, and administration of the ordinances, the exercise of magisterial power, formerly neglected, was employed for the pulling down of the kingdom of Antichrist, and erecting the kingdom of Christ in its stead. Nations and their rulers, who formerly had employed their power and influence on the side of Antichrist, now voluntarily employ them on the side of the Redeemer. The kingdoms of this world become the kingdoms of our Lord and of his Christ; and we, according to God's gracious promise, look for more happy times, when these and other similar predictions concerning the peace and prosperity of the New Testament Zion, shall have a glorious accomplishment, when all dominion and power shall obey her exalted Head.

Such is a fair statement of our views respecting the alliance between Church and State, and of the Magistrate's power in matters of religion. We are extremely sorry to find, however, that a large portion of our Dissenting Brethren differ with us in opinion on this important subject. Disliking the Westminster Confession of Faith respecting magistracy, they have new-modelled their testimony - have dissolved the alliance between Church and State - have, in our opinion, thereby rendered the sanction of the first table of God's law void, by preventing the magistrate from enforcing it; and have endeavoured to justify all this by alleging, that the Mosaic plan of jurisprudence and political justice was peculiar to the Jewish nation, and consequently, abrogated when that nation ceased to exist. Could we believe this, we would naturally be disposed to look for some other system of politics, revealed and introduced by Christ and his Apostles; but in searching the New Testament throughout, no such system can be found, nor is there so much as a hint in it that the

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Jewish code, rightly understood and applied, is insufficient to direct the obedience of Christians in every age, with respect to morality and civil duties. We readily grant, that when Christ entered publicly on his prophetic office, and sat down on the Mount to instruct his followers in the knowledge of Divine Truth, he took a summary and critical survey of the law - opened up its intrinsic meaning, and relieved it from those false glosses and interpretations which the Scribes and Pharisees had imposed upon it; but this, instead of repealing any part of it, or removing its sanction, or discovering its deficiencies, was rather intended to purify it, and render it useful to the human family, as a rule of life to the end of time, whether considered as moral or judicial. Let it be farther noticed here, that whilst the New Testament Writers do not intermeddle with the sanction of God's law, so far as it regards relative duties, neither do they define the degree of punishment due to offences against the second table more than the first, as in both cases they seem to have considered the laws and decisions of Moses abundantly explicit, and capable of affording the civil magistrate suitable direction when he unsheathes the sword of justice against the lawless and disobedient, whether they be such as fear not God or regard not man.

We would yet remark, that by making the punishment of idolatry, blasphemy, and sabbath-profanation, and other such crimes as respect the first table of the law, a part of a typical or temporary dispensation, superseded and done away by the New Testament economy, we impose our own glosses on the Word of God - attempt to destroy the foundations of religion, morality, and civil justice among men, and exhibit the unchangeable Jehovah as irresolute and capricious; at one time, issuing laws, and requiring them to be executed with the utmost rigor - at another time, removing their sanction, and utterly dissolving their commanding influence; during the legal dispensation, requiring idolaters, blasphemers, sabbath-breakers, &c., to be capitally punished; in gospel

times, again, forbidding the magistrate to interfere with these offenders, but to allow mankind to indulge in every species of wickedness, provided their doing so did not injure the common rights of society. Such are the consequences of a departure from the doctrine of the Westminster standards, respecting the duties of the Christian magistrate.

In finishing this article, to show still farther that our sentiments on magistracy are in complete accordance, not only with the authorities already quoted, but with those sound and judicious Divines of England and Scotland who highly distinguished themselves in defending reformation principles, we beg leave to make a few quotations from their writings on the subject in question.

“We say that the magistrate is, in a civil nation, the supreme governor in all causes ecclesiastical - the keeper of both tables - the nursing father of the Church; that it belongs to him, by his political power, to reform the Church when corrupted - to preserve it when reformed - to suppress idolatry, heresy, schism, and profaneness, and whatsoever is contrary to godliness and sound doctrine, that the people under him may lead a quiet life, in all godliness and honesty; that he is sent of God for the punishment of evil doers, (among which are heretics, as well as others, and, therefore, by the Apostle called *evil workers*, and heresies *evil deeds*;) and for the praise of them that do well; that he is the bishop of those things that are without the Church, as Constantine styled himself; that to him it belongs to punish church-officers with civil punishments, when they abuse their power, and to give protection to the public exercise of church government within his dominions.” - (*Sentiments of an Association of Presbyterian Ministers, met in a Parochial Assembly in London, Nov. 2, 1649.*)

“In the third place, we are to observe, that the power of the civil sword (the supreme managing whereof belongeth to the king alone,) is not to be restrained

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unto temporal causes only, but is, by God's ordinance, to be extended likewise unto all spiritual ecclesiastical things and causes. That as the spiritual rulers of the Church do exercise their kind of government, in bringing men into obedience, not of the duties of the first table alone, which concerneth piety and the religious service which man is bound to perform unto his Creator, but also of the second, which respecteth moral honesty, and the offices that man doth owe unto man - so, the civil magistrate is to use his authority also in redressing the abuses committed against the first table, as well as against the second - that is to say, as well as in punishing of an heretic, or an idolater, or a blasphemer, as of a thief, or a murderer, or a traitor; and in providing, by all good means, that such as live under his government may lead a quiet and peaceable life, in all piety and honesty.” - *(Bishop Usher's Speech on the Oath of Supremacy, delivered in the Castle-Chamber, at Dublin, Nov. 22, 1622.)*

“If a synod err, and decree a man to be an heretic who is sound in the faith, the king is not obliged to err with the Synod, and so punish the innocent - he is to decree righteous judgment; and to *the king is to judge of heresy*, but after a regal and civil way, and with coactive power - as the synod or church assembly is to judge of heresy after an ecclesiastical way, and with a spiritual power. The king punisheth heresy, as it troubleth the commonwealth, and the synod, as it is scandalous and infectious in the Church.” - *(Rutherford's Peaceable and Temperate Plea for Paul's Presbytery in Scotland, p. 303.)*

“It is far from our meaning, that the Christian magistrate should not meddle with matters of religion, or things and causes ecclesiastical. Certainly, there is much power and authority, which, by the Word of God, and by the Confessions of Faith of the Reformed Churches, doth belong to the Christian magistrate in matters of religion. If the magistrate be offended at the sentence given, or censure inflicted by a presbytery or

synod, they ought to be ready, in all humility and respect, to give him an account and reason of such their proceedings, and by all means to endeavour the satisfaction of the magistrate's conscience - or, otherwise, to be warned and rectified, if themselves have erred. Though the case be merely spiritual and ecclesiastical, the Christian magistrate, by himself and immediately, may not only examine, by the judgment of discretion, the sentence of the ecclesiastical court, but also, when he seeth cause, either upon the complaint of the party, or scandal given to himself, interpose by letters, messages, exhortations, and sharp admonitions, to the presbytery or synod, who in that case are bound in conscience, with all respect and honour to the magistrate, to give him a reason of what they have done, and to declare the grounds of their proceedings, till, by the blessing of God upon this free and equal dealing, they either give a rational account to the magistrate, or be themselves convinced of their mal-administration of discipline. Yea, also, as church-officers, they are to be kept within the limits of their calling, and compelled, if need be, by the magistrate to do these duties, which, by the clear Word of God, and received principles of Christian religion, or by the received ecclesiastical constitutions of the Church, they ought to do.” - *(Gillespie's Aaron's Rod Blossoming, b. 2, c. 3. p. 81.)*

From these documents, taken in connection with the foregoing dissertation, our intelligent readers will see and judge what pretensions they have to the appellation of *Reformers*, who reject an alliance between Church and State, and restrict the Magistrate's power to things merely secular.

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