

## INTRODUCTION

The Westminster Confession of Faith states so eloquently and so faithfully, “*God alone is Lord of the conscience and has left it free from the doctrines and commandments of men which are in anything contrary to his Word or beside it if matters of faith or worship.*” (Chapter 20, Section II). However, having made this good beginning, unfortunately its trumpet gives an uncertain sound on this issue. It does admirably go on to say, “*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,*” restricting the power of government in things ecclesiastical. And similarly, it restricts the church in things civil, declaring that church “*synods and councils are to handle or conclude nothing, but that which is ecclesiastical: and are not to intermeddle with civil affairs.*” However, all this is seriously compromised with statements such as, “*...yet he (the civil magistrate) has 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.*” (Chapter 23, Section III). A broader statement of the state’s control over the church can scarcely be imagined. Set forth by a body assembled at the request of the government to advise it on ecclesiastical standards for doctrine and worship to be made obligatory on the three kingdoms of England, Scotland, and Ireland, in fulfillment of the terms of the Solemn League and Covenant, one should not be surprised at such statements. Nonetheless, they have been a sensitive area for many Presbyterians ever since. Presbyterians in the United States of America have consistently, since the Adopting Act

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of 1729, at the formation of the first presbytery, dissented from this statement and taken a much less intrusive position with respect to the state's involvement with the church. It is to give a more consistent, a more scriptural, foundation to these departures from and corrections of the original standards that this book was written. It is to defend American Presbyterianism from the criticism of their continental brethren and their adherents on these shores that the following arguments are set forth. The debate is conducted entirely on scriptural grounds. We acknowledge no other ultimate standard to which we can appeal. After all, as Presbyterians, we all believe that, "*The Supreme Judge, by whom all controversies of religion are to be determined and all decrees of councils, opinions of ancient writers, doctrines of men, and private spirits are to be examined and in whose sentence we are to rest, can be no other but the Holy Spirit speaking in the Scripture.*" (Westminster Confession of Faith, Chapter 1, Section X).

**CHAPTER 1**  
**THE DEFINITION**

At the beginning of any debate one ought to define one's terms. This is a particularly difficult and controversial debate, especially among Presbyterians historically. To fail to do so is almost to ensure that the argument will degenerate into an impasse. It will slide into the abyss of semantics from which it is very hard to recover it, once everyone has their semantic mindsets cast in stone.

What is religious liberty? More elemental still, what is liberty? Only God is free. God, and God alone, is free to do only as he pleases, and always as he pleases. "*He doeth according to his will in the army of heaven, and among the inhabitants of the earth: and none can stay his hand, or say unto him, What doest thou?*" God knows no bounds. There is no limit to his power or to his knowledge and wisdom. He is not bound by time or place. And most significantly, he is not bound by any laws. God is a law unto himself. He makes the laws, he sets the standards, and the fact that they are often fixed (i.e., the moral law) is because they are the expression of his unchanging, immutable, holy nature. Therefore, he has not only the power to do his holy will, but more importantly, since might does not make right, he has the lawful, sovereign authority to do whatsoever he pleases, and to sovereignly declare it to be right and good. Consequently God, and God alone, is totally free. Such freedom is not possible for any mere creature. Man is a creature, a creature subject to many limitations: limitations of strength, knowledge, energy, and power; limitations of time and place and distance; and most of all, moral and ethical limitations, for man as a creature is subject to the law of the Creator. Man can never be totally free.

What freedom can man then have? Man can only have the freedom to be what God has created him to be. Man

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was created by God in his own image as a responsible moral being to fulfill God's purposes and not his own. Adam was free, yet not totally free as only God can be. However, Adam was as free as a man, a creature, can be. He was free to do all of God's holy will. He was free to be what God had created him to be. He was free from the power and bondage of sin. Unlike Paul, he did not have to confess "*For the good that I would I do not: but the evil which I would not, that I do.*" (Romans 7:19). He was free to live a perfect and sinless life. When he was in the Garden of God, keeping and dressing the garden, naming the animals, and obediently fulfilling God's purposes, then he was truly free. When he sinned he was no longer free, but became a servant of sin and all the misery that that entails.

So ultimately, the best that man can do is to, by God's grace, seek a return to the Garden. The progeny of the first Adam are born in sin and conceived in iniquity and are in bondage to a corrupt and sinful fallen nature. They need to be born again in the image of Jesus Christ, the second Adam, who was holy, harmless, and undefiled, and separate from sinners. Only through him can they return to the state of our first parents. Only through him can they again live in holiness and happiness, fully subject to God's holy will and his just commandments. Only in this way and by no other, only through him who is the Way, the Truth, and the Life, can man maximize his liberty and free himself from the tyranny and curse of sin. As the scriptures pointedly state,

*"Then said Jesus to those Jews which believed on him, If ye continue in my word, then are ye my disciples indeed; And ye shall know the truth, and the truth shall make you free. They answered him, We be Abraham's seed, and were never in bondage to any man: how sayest thou, Ye shall be made free? Jesus answered them, Verily, verily, I say unto you, Whosoever committeth sin is the servant of sin."* (John 8:31-34).

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While the Jews were hung up on political liberty, Christ taught that all liberty, including political and economic liberty, is based on spiritual liberty which is found by being his disciple and submitting to his truth. Liberty is not license to sin. It is only the freedom to do what you have a moral right to do. It is the right to do what is right. And it is God, not man, who decides what we have a moral right to do. It is God, the great Lawgiver, who tells us what is right.

So far there ought to be very little disagreement among Christians. But if we go no further than this then we have no religious liberty. We are bound to submit to all of God's truth and obey all his commandments, especially in our worship. We are required to fully and faithfully, and from the heart, practice the true religion. We are required to love the Lord our God with all our heart, and mind, and soul, and strength, and to fail to do so is sin. There is no freedom to sin, and we fully agree that before God there is no religious liberty. Before Him with whom we have to do there can only be full and complete submission to his holy will. But there is another kind of liberty that does not deal with God but with man. There is what we call civil liberty. This has to do with the liberty we have with respect to the constraints over men exercised by human governments. It has to do with the liberty we have before civil government. It is there that we must look to see if there truly is such a thing as religious liberty. It is only in this restricted sense that any argument for religious liberty can ever be put forth.

### **AUTHORITY:**

All Christians believe that sin should be punished. They believe this because it is the teaching of scripture that all sin deserves the wrath and curse of God. Created in the image of God and renewed in the image of Christ, Christians share the divine anger against sin and desire to see sin punished and justice done. And while all sin deserves to be punished, some sins are more heinous than

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others. And while Christians may deplore all the ungodly violence of our society, and deplore theft, murder, fraud, deceit, and immorality, there is a class of sin to which they are especially sensitive. And that class is blasphemy against the Lord our God, the desecration of the name of Jesus Christ, and gross heresies that perversely corrupt the Christian faith. Nothing in the pages that follow should be construed to in the least condone any sin or to lighten the seriousness and heinousness of any sin. The question before us is not one of sin or what constitutes sin. "*Sin is the transgression of the law,*" of God's law as revealed in the scriptures. Neither is the question before us an issue of the worthiness of any sin to be punished. All sin deserves the divine penalty appointed in the word and may subject the perpetrator to misery in this life and eternal condemnation in the life to come. No, the question is not one of what sin is or whether sin is worthy to be punished. Rather, the question is one of authority. The real issue is who has the authority to punish sin. Who has the authority to deal with the sinner?

The consistent answer of scripture to this question is God, and God alone. The basic principle that is operative with respect to this issue is, "*Dearly beloved, avenge not yourselves, but rather give place unto wrath: for it is written, Vengeance is mine; I will repay, saith the Lord.*" (Romans 12:19). Ultimately all sin is against God. It is first and foremost against God even when it strikes our fellow men. As David put it when he repented of some of the evil that he had done, "*Against thee, thee only, have I sinned, and done this evil in thy sight.*" (Psalm 51:4). He had seduced his neighbor's wife, committed adultery, and had murdered an innocent man to cover it up, yet he professes that his sin was ultimately only against God. And the teaching of scripture is that God, and God alone, can avenge that sin and take vengeance on the sinner.

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This is brought out ever so clearly in the case of Cain and Abel. This was the first murder in human history, and it was probably one of the most heinous as well. It was fratricide. It was totally unprovoked and without a cause, being driven by nothing more than envy and a jealous rage. Now the scriptures emphatically set forth the teaching that the murderer should die. Texts such as “*Whoso sheddeth man’s blood, by man shall his blood be shed.*” (Genesis 9:6), and “*He that smiteth a man, so that he die, shall be surely put to death.*” (Exodus 21:12) make this abundantly clear. The reason for this is that murder is an attack on man who is made in the image of God. It therefore becomes an attack on God and his image in man, and this makes the deed, without exception, one that is worthy of death. Again, the issue is not the heinousness of the crime. Neither is the issue the worthiness of punishment, for clearly under Biblical law Cain deserves to die. Cain himself recognizes this, for he complains to the Lord, “*My punishment is greater than I can bear....and it shall come to pass, that every one that findeth me shall slay me.*” (Genesis 4:13-14). The issue ultimately is who can put Cain to death. And here the answer is more than clear as God jealously guards his prerogative. The Lord maintains the principle that vengeance is his and his alone, and threatens his vengeance on those that would presume to take the law into their own hands. The Lord’s response to Cain’s fear of human vengeance and vigilante justice is, “*Therefore whosoever slayeth Cain, vengeance shall be taken on him sevenfold. And the LORD set a mark upon Cain, lest any finding him should kill him.*” (Genesis 4:15).

As we deal with the issues of religious liberty we must keep all this in mind. As we consider the heinousness of blasphemies and heresies directed against the true God in spite of all his goodness, greatness, and mercy, and as we consider the worthiness of the perpetrators of such to severe punishments, we must never lose sight of the fact that it is

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God's, and God's prerogative alone, to punish such things. And only where he has clearly delegated specific authority to any human agency can man visit man with divine vengeance for these things.

If nothing had changed in the arrangements by which God governs man since the days of Cain, we could resolve the issue of religious liberty right now in a few sentences. We could state that under God there is no religious liberty and we will all be held accountable for our faith as well as our actions, for our worship as well as our works. One day we will all stand before the judgment throne of Jesus Christ to give account and then there will be no pleas of religious liberty. There is no liberty under God for any sin, and all those who have committed blasphemy and idolatry, or propagated gross heresies in the name of Christ, will receive their just reward. As Christ himself says of that day,

*Not every one that saith unto me, Lord, Lord, shall enter into the kingdom of heaven; but he that doeth the will of my Father which is in heaven. Many will say to me in that day, Lord, Lord, have we not prophesied in thy name? and in thy name have cast out devils? and in thy name done many wonderful works? And then will I profess unto them, I never knew you: depart from me, ye that work iniquity. (Matthew 7:21-23).*

However, other than this final reckoning at the last day and other than God's providential judgments in this life, there would be no accountability for any sins. Other than God dealing directly with the sinner as he did with Cain, when he sentenced him to exile and subjected him to the curse of a wanderer, there would be no judgments in this life. Other than God dealing with the sinner by his providential judgments such as war, famine, disease, storm, flood, tempests, earthquakes, etc., there would be no punishments in this temporal existence for any of these sins. There would be no accountability to any human agency



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whatever. There would be no civil government and we would have complete civil liberty. We would have total religious liberty in the civic sense.

However things have changed since the days of Cain. God's arrangements for ruling his creatures have gone through numerous changes throughout the six millennia that have passed since Cain slew his brother Abel. These arrangements have been revealed by God to man in a series of gracious covenants. It is only by carefully studying these covenants and the arrangements that they include that we can begin to focus in on what the scriptures teach with respect to the issue of religious liberty. Only then can we begin to see what the scriptures teach with respect to civil liberty. Only then can we determine what they teach with respect to the authority that man has over his fellow man, especially in the realm of faith and conscience. We must examine all the divine covenants revealed from Genesis through Revelation. Then and then alone can we come to a Biblical conclusion on this issue.

## CHAPTER 2 THE DIVINE COVENANTS

### THE DIVINE COVENANTS:

What does covenant theology have to do with religious liberty? Very much as we shall see. And what are divine covenants? Covenants, theologically speaking, are unilateral agreements, promulgated by God, whereby he reveals the principles whereby he is willing to deal with his creatures, particularly man. These covenants deal mainly with God's plan of salvation, but they also include other matters. It is by examining these other matters that we can determine God's will with respect to the issue of religious liberty. This is important, since it is confusion with respect to these other matters that has historically generated most of the "scriptural" arguments against religious liberty. All the attempts to defend harsh measures by the civil government to suppress blasphemy, heresy, and idolatry are based on a misunderstanding of and confusion of the distinct covenants that God has revealed in his word. It is only by a careful review of these covenants that we can determine the scriptural doctrine of religious liberty.

### THE TRINITARIAN COVENANT:

Let us take an example of a divine covenant. The Bible speaks of God's plan of salvation, not as something that was made up as history unfolded, but rather as something God worked out in the councils of eternity past. This is indicated by scriptures, such as the following, that refer to our salvation as something decreed before the foundation of the earth.

*Then shall the King say unto them on his right hand, Come, ye blessed of my Father, inherit the kingdom prepared for you from the foundation of the world. (Matthew 25:34).*

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*Blessed be the God and Father of our Lord Jesus Christ, who hath blessed us with all spiritual blessings in heavenly places in Christ: According as he hath chosen us in him before the foundation of the world, that we should be holy and without blame before him in love: Having predestinated us unto the adoption of children by Jesus Christ to himself, according to the good pleasure of his will. (Ephesians 1:3-5).*

And although in the fullness of time God sent his Son to die for our sins, yet Christ is referred to as...“*the Lamb slain from the foundation of the world*” (Revelation 13:8).

These and other scriptures have led theologians to teach that there was an agreement, a covenant, between the members of the Trinity, worked out in eternity past, in which the redemption of God’s people was worked out. This covenant is generally called the “Trinitarian Covenant,” because it was made between the members of the Trinity, or the “Covenant of Redemption,” because it involved our redemption from sin, and death, and hell. In this covenant God the Father covenanted to elect a people unto salvation; God the Son covenanted to redeem them by his blood; and God the Holy Spirit covenanted to regenerate them, sanctify them, and glorify them. This covenant is the foundation for all the other divine covenants. All the other covenants flow out of this covenant. All the other covenants involve the implementation and the working out in history of this original covenant.

### **THE COVENANT OF WORKS:**

This is the first covenant that God made with man and it is very instructive for us. This covenant is essentially the law. It says, “*The soul that sinneth, it shall die.*” (Ezekiel 18:20).

As Paul stated it to the Galatians,

*For as many as are of the works of the law are under the curse: for it is written, Cursed is every one that continueth*

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*not in all things which are written in the book of the law to do them. But that no man is justified by the law in the sight of God, it is evident: for, The just shall live by faith. And the law is not of faith: but, The man that doeth them shall live in them. (Galatians 3:10-12).*

Our first parents, Adam and Eve, received this covenant in the following form:

*And the LORD God commanded the man, saying, Of every tree of the garden thou mayest freely eat: But of the tree of the knowledge of good and evil, thou shalt not eat of it: for in the day that thou eatest thereof thou shalt surely die. (Genesis 2:16-17).*

This covenant said that if you break the law you die, but if you keep the law you live. On these terms our first parents were placed in Eden, the Garden of God. They sinned and broke this covenant when they partook of the forbidden fruit. The result was that they died. They became subject to death: physical death (They started aging, i.e., dying; the Hebrew says, “dying ye shall die”), spiritual death (They became corrupt in their natures and passed this sinful nature on to all their posterity.), and eternal death (eternal separation from God in the lake of fire). However, God did not leave them without hope. He gave them a promise.

*And the LORD God said unto the serpent, Because thou hast done this, thou art cursed above all cattle, and above every beast of the field; upon thy belly shalt thou go, and dust shalt thou eat all the days of thy life: And I will put enmity between thee and the woman, and between thy seed and her seed; it shall bruise thy head, and thou shalt bruise his heel. (Genesis 3:14-15).*

Here God promises that someday Christ, born of a woman, will come and destroy Satan, undo the curse, and deliver mankind from the consequences of sin. And Christ

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has come. He has kept the law for us. He took our sins upon himself and clothed us with his righteousness. In other words, Christ fulfilled the covenant of works for us. He suffered its penalties on our behalf by his death on the cross, and in our place he perfectly kept the law for us. All men will be judged by this covenant. The wicked will be condemned by it. By the merits of Christ's atonement we will be acquitted.

But what we want to look at here is the issue of religious liberty. We need to note that Adam and Eve's sin didn't consist only of theft, of stealing the forbidden fruit. Eve had listened to Satan. She had placed him ahead of God; she had obeyed him and made Satan her god; she had broken the first commandment, "*Thou shalt have no other gods before me.*" We have previously defined religious liberty as not including any liberty to sin before God, but rather only that certain sins are not to be punished by the civil government. And that is precisely what we see here. Adam and Eve are not confronted with their sin by any human agency. It is God himself who deals with them. As scripture records it,

*And they heard the voice of the LORD God walking in the garden in the cool of the day: and Adam and his wife hid themselves from the presence of the LORD God amongst the trees of the garden. And the LORD God called unto Adam, and said unto him, Where art thou? And he said, I heard thy voice in the garden, and I was afraid, because I was naked; and I hid myself. And he said, Who told thee that thou wast naked? Hast thou eaten of the tree, whereof I commanded....Unto the woman he said, I will greatly multiply thy sorrow and thy conception; in sorrow thou shalt bring forth children; and thy desire shall be to thy husband, and he shall rule over thee. And unto Adam he said, Because thou hast hearkened unto the voice of thy wife, and hast eaten of the tree, of which I commanded thee,*

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*saying, Thou shalt not eat of it: cursed is the ground for thy sake; in sorrow shalt thou eat of it all the days of thy life; Thorns also and thistles shall it bring forth to thee; and thou shalt eat the herb of the field; In the sweat of thy face shalt thou eat bread, till thou return unto the ground; for out of it wast thou taken: for dust thou art, and unto dust shalt thou return. (Genesis 3:8-11, 16-19).*

What we are seeing is that under the covenant of works Adam and Eve had religious liberty as we have defined it. They are accountable to God and to God only for their religious sins. It is also important to note that this covenant is not some ancient thing that has long passed away. This covenant will persevere to the very end of the age. The wicked will be judged by their works in accordance with the terms of this covenant at the end of the world, when they will all stand before the judgment seat of Jesus Christ. And therefore, what we see is that the religious liberty that Adam and Eve experienced continues to be the case. In the next generation we have a classic case that illustrates our point. We have the first murder in human history as Cain rises up and kills his brother Abel.

*And Cain talked with Abel his brother: and it came to pass, when they were in the field, that Cain rose up against Abel his brother, and slew him. (Genesis 4:8).*

Again we see that Cain is not dealt with by any human agency in spite of the heinousness and severity of his crime. It is God that confronts Cain with his sin.

*And the LORD said unto Cain, Where is Abel thy brother? And he said, I know not: Am I my brother's keeper? And he said, What hast thou done? the voice of thy brother's blood crieth unto me from the ground. And now art thou cursed from the earth, which hath opened her mouth to receive thy brother's blood from thy hand; When thou tillest the ground, it shall not henceforth yield unto thee her strength;*

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*a fugitive and a vagabond shalt thou be in the earth.*  
(Genesis 4:9-12).

Cain at first attempts to deny his guilt, but once he is confronted and condemned by God he acknowledges his guilt and he fears human retribution.

*And Cain said unto the LORD, My punishment is greater than I can bear. Behold, thou hast driven me out this day from the face of the earth; and from thy face shall I be hid; and I shall be a fugitive and a vagabond in the earth; and it shall come to pass, that every one that findeth me shall slay me.* (Genesis 4:13-14).

However, God has not authorized any human agency to punish sin in his stead and he jealously guards his prerogatives.

*And the LORD said unto him, Therefore whosoever slayeth Cain, vengeance shall be taken on him sevenfold. And the LORD set a mark upon Cain, lest any finding him should kill him.* (Genesis 4:15).

As Moses and Paul record it, the Lord has said,

*Dearly beloved, avenge not yourselves, but rather give place unto wrath: for it is written, Vengeance is mine; I will repay, saith the Lord.* (Romans 12:19).

So it continued for the entire Ante-Diluvian Age. God, and God alone, punished sin. Men were unrestrained in their sins by any human agency that would hold them accountable for their wickedness. Men continued to have religious liberty. The case of Lamech in the seventh generation from Adam in the line of Cain is illustrative.

*And Lamech took unto him two wives: the name of the one was Adah, and the name of the other Zillah. And Adah bare Jabal: he was the father of such as dwell in tents, and of such as have cattle. And his brother's name was Jubal: he was the father of all such as handle the harp and organ. And Zillah, she also bare Tubalcain, an instructor of every*

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*artificer in brass and iron: and the sister of Tubalcain was Naamah. And Lamech said unto his wives, Adah and Zillah, Hear my voice; ye wives of Lamech, hearken unto my speech: for I have slain a man to my wounding, and a young man to my hurt. If Cain shall be avenged sevenfold, truly Lamech seventy and sevenfold.* (Genesis 4:19-24).

By the seventh generation the wickedness of Cain and his progeny was well developed. Lamech was a prolific sinner. He was the first known polygamist, breaking the rule of monogamous marriage that God had established in Eden. He was a proud, violent, and vengeful man who had killed and was prepared to kill again for the slightest offense against his person. He was an unrepentant murderer, a true son of Cain. Finally, he was an arrogant blasphemer. He was going to outdo God. People had better fear him, Lamech, more than they feared God. If God will avenge Cain sevenfold on those who interfere with God's justice and try to take the law into their own hands, Lamech will avenge himself seventy-seven times on those who interfere with him! But nobody dealt with Lamech. He was left to the justice and judgment of God, and so it continued right up until the Great Flood. As scripture records it,

*And God saw that the wickedness of man was great in the earth, and that every imagination of the thoughts of his heart was only evil continually. And it repented the LORD that he had made man on the earth, and it grieved him at his heart. And the LORD said, I will destroy man whom I have created from the face of the earth; both man, and beast, and the creeping thing, and the fowls of the air; for it repenteth me that I have made them.* (Genesis 6:5-7).

Again man's sinfulness was exceedingly great. Man's continuous wickedness dominated the earth, and it seemed completely unrestrained. Men did as they pleased, as if they were only accountable to themselves. However, they were still accountable to God although they had forgotten that.



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And soon God would exact a terrible retribution on their sin as they were all swept away in the flood. From Adam through the entire Ante-Diluvian Age we see that men had no civil restraints on their actions. They had religious liberty in the civil sense as we have defined it. It was God alone who continually dealt with men directly as he visited them for their sin.

### **THE NOAHIC COVENANT:**

After the flood God made a covenant with Noah. This covenant would significantly change the way that God would deal with his creation. First of all, God promised that he would never again destroy the world with another universal flood. The sign of this covenant was the rainbow. After the flood was over and the ark had landed safely on dry ground, Noah made a sacrifice of thanksgiving to the Lord. The Lord responded graciously.

*And the LORD smelled a sweet savour; and the LORD said in his heart, I will not again curse the ground any more for man's sake; for the imagination of man's heart is evil from his youth; neither will I again smite any more every thing living, as I have done. While the earth remaineth, seedtime and harvest, and cold and heat, and summer and winter, and day and night shall not cease. (Genesis 8:21-22).*

And the Lord made a covenant with Noah and all his posterity until the end of the world.

*And I will establish my covenant with you; neither shall all flesh be cut off any more by the waters of a flood; neither shall there any more be a flood to destroy the earth. And God said, This is the token of the covenant which I make between me and you and every living creature that is with you, for perpetual generations: I do set my bow in the cloud, and it shall be for a token of a covenant between me and the earth. And it shall come to pass, when I bring a cloud over the earth, that the bow shall be seen in the cloud: And I will remember my covenant, which is between me and*

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*you and every living creature of all flesh; and the waters shall no more become a flood to destroy all flesh. And the bow shall be in the cloud; and I will look upon it, that I may remember the everlasting covenant between God and every living creature of all flesh that is upon the earth. (Genesis 9:11-16).*

Not only did this covenant deliver man from the fear of another deluge, but it contained some other very important items.

*Every moving thing that liveth shall be meat for you; even as the green herb have I given you all things. But flesh with the life thereof, which is the blood thereof, shall ye not eat. And surely your blood of your lives will I require; at the hand of every beast will I require it, and at the hand of man; at the hand of every man's brother will I require the life of man. Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man. (Genesis 9:3-6).*

The first was an end to vegetarianism. In the Garden of Eden God had given Adam and Eve permission to eat of the fruit of the garden. Now God expanded this and gave men permission to kill animals for food and eat meat. New Age heresies are much caught up with vegetarianism, but the Apostle Paul calls forbidding to eat meat a doctrine of devils. What God has granted let not man deny, and Christians ought not to be intimidated by such strident heretics.

Most importantly for our purposes is that we see here an end to the way that God had formerly been dealing with sin. Having covenanted to forego any further universal judgments till the end of the world, God does something to restrain the universal sin that necessitated such a judgment. For the first time in human history God delegates to mankind the authority to punish sin. Sin is still the transgression of the law as the scriptures declare. When we

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sin we still sin primarily against God as the Psalmist states, and sin is still punished by God. It remains his prerogative to punish sin. Vengeance is still his and he will repay. Now, however, he delegates this authority in a limited way to man. He says whoever commits murder, whoever makes a lethal attack on God's image in man, that person must be put to death by man. What we have here is the institution of civil government. God has now established the state. Civil magistrates are his ministers to enforce his law. As Paul states it in his famous treatment of civil government,

*Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation. For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same: For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. (Romans 13:1-4).*

Civil government is of God, and that is why we ought to obey it. Civil magistrates are God's ministers, and they carry out his vengeance on sin. The complete civil liberty that men had before the flood is now gone. They are now subject to and accountable to a human agency for their sins against God. And what has happened to religious liberty? Is it gone also? No, there is no indication that religious liberty has been repealed. The particular sin that men have been authorized to punish in the here and now is murder. This is a breach of the second table of the law. Man's sins against his neighbor will be punished by the sword of the civil magistrate acting as God's minister. But there is nothing mentioned here of any authority to punish sins of

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faith and worship. The authority to punish these God retains to himself. Religious liberty is still intact.

### THE ABRAHAMIC COVENANT:

By Abraham's time we have an abundance of scriptural evidence of the existence of civil government. Abraham had to deal with Pharaoh, King of Egypt, and Abimelech, King of Gerar. He paid tithes to Melchizedek, King of Salem, and, in the war that pitted the Kings of Sodom and Gomorrah against a confederacy of Northern Kings, Abraham rescued his nephew Lot. And now something new is introduced as the Lord makes a covenant with Abraham, and again we see a change in God's dealings with men.

*And when Abram was ninety years old and nine, the LORD appeared to Abram, and said unto him, I am the Almighty God; walk before me, and be thou perfect.....And I will establish my covenant between me and thee and thy seed after thee in their generations for an everlasting covenant, to be a God unto thee, and to thy seed after thee.....This is my covenant, which ye shall keep, between me and you and thy seed after thee; Every man child among you shall be circumcised.....And the uncircumcised man child whose flesh of his foreskin is not circumcised, that soul shall be cut off from his people; he hath broken my covenant. (Genesis 17:1,7,10,14).*

If in the Noachic Covenant God instituted civil government, then in this covenant, the Abrahamic, God instituted the church. Theologians have generally identified three marks of the true church. They are the preaching of the word of God, the administration of the sacraments, and the exercise of church discipline. All three elements can be identified in this covenant and are found together for the first time in man's recorded history. Repeatedly we see the word of the Lord coming to Abraham. Secondly, we have God giving Abraham the sacrament of circumcision as a sign and seal of this covenant. As Christ taught in the

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gospels, circumcision is not of Moses but of the fathers (i.e., Abraham, Isaac, and Jacob). Thirdly, we see the exercise of church discipline. Those who reject the sacrament of the covenant are to be cut off; they are to be excommunicated. By this covenant the household of Abraham became the church of God. The basis of this covenant is justification by faith. As Moses states it, “*And he [Abraham] believed in the LORD; and he counted it to him for righteousness.*” (Genesis 15:6). God’s command to Abraham that preceded the making of the covenant and was the basis for God covenanting with him was, “*walk before me, and be thou perfect*” (Genesis 17:1), a command that Abraham could never fulfill by his own righteousness, but only as he is justified by faith and clothed with the righteousness of Jesus Christ. Only as Abraham is perfect can he come into covenant with a thrice holy God of purer eyes than to behold evil. And so it is today, that only those who give a credible profession of faith in Jesus Christ are admitted into the visible church.

Having established civil government to restrain the outward wickedness and violence of man, God now established the church to restrain man from idolatry and false worship. Abraham lived in an age of gross universal idolatry and polytheism. Again God graciously intervened in human history and established the church to minister to man’s spiritual needs, even as the civil government ministers to his temporal needs for justice and protection. God provided an additional restraint against the unbridled sin of man to prevent that universal wickedness that necessitated the destruction of the old world by water.

However, there is still no scriptural indication that the civil government is to enforce God’s commandments in the area of faith and worship. Instead, we have a clear indication to the contrary in the case of Ishmael. Ishmael started to “*mock*” Isaac. It seems that this “*mocking*” of Isaac, the heir of the birthright, and of the covenant

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promises, was something akin to Esau's later scorn for his birthright that led him to sell it for a mess of pottage. This was a sin. It was a sin in the area of faith and worship. And what was the result? It resulted in his being sent away at Sarah's insistence and at God's command. Ishmael was excommunicated from the family of Abraham which in his day was the church of God. Again we see no civil penalty for Ishmael's profane and blasphemous mocking. All we see is the exercise of church discipline. Neither should we interpret this as a lapse on the part of the civil magistrate or a void in the coverage of his authority at this time and place. The scriptures indicate that Abraham was a great prince. Kings were to come out of him. When his nephew Lot was kidnapped, Abraham certainly acted as a prince. Abraham did things that an ordinary person could not do. Abraham made alliances, waged war, and negotiated peace. These are all functions of civil government. Abraham acted as a civil magistrate. Certainly no private person can wage war and do these things. And Abraham was a faithful servant of the Lord. He would not have done these things without divine authority and usurped God's prerogative to take vengeance and punish sin. Concerning his faithfulness, God says of him, *"For I know him, that he will command his children and his household after him, and they shall keep the way of the LORD, to do justice and judgment; that the LORD may bring upon Abraham that which he hath spoken of him."* (Genesis 18:19). If it had been the duty of the civil magistrate to punish sins of faith and worship, Abraham would have done so, even if it was in his own household. If Abraham, as a Prince and a civil magistrate, was required by God to visit Ishmael with civil penalties for his profane mocking, Abraham surely would have obeyed. After all, when his obedience was more sorely tested in the matter of his only son Isaac, he willingly offered him up at God's command. This is a clear indication that there were no civil

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penalties for sins of faith and worship under the Abrahamic Covenant.

### **CONCLUSION:**

We have covered the history of mankind from Adam through Abraham, a period of history that actually takes us up to the time of Moses. We have seen the institution of the family when God created Eve as a helpmeet for Adam. We have seen the institution of civil government in Noah's time and of the church in Abraham's time. However, we have seen nothing yet that would constitute an infringement on the principle of religious liberty. So far it has not been the Lord's will that man should have his faith and worship controlled by the civil magistrate. It has not been God's will that there should be any civil punishments for sins in such matters. The only sanction that God has allowed for such sins is to be excommunicated from the church of God. And so through all this man continues to have religious liberty.

**CHAPTER 3**  
**THE SINAITIC COVENANT**

The next major change in God's dealings with men took place in the Sinaitic Covenant. This is the covenant that the Lord made with the children of Israel at Mount Sinai. This is the covenant of which Moses was the mediator, as Paul taught in Hebrews. By this covenant a band of two million ex-slaves was formed into a nation. They were set apart from all the nations of the world and called to be a holy nation. They were a special nation consecrated to the service of the Lord. Moses records for us the making of this covenant.

*Now therefore, if ye will obey my voice indeed, and keep my covenant, then ye shall be a peculiar treasure unto me above all people: for all the earth is mine: And ye shall be unto me a kingdom of priests, and an holy nation. These are the words which thou shalt speak unto the children of Israel. And Moses came and called for the elders of the people, and laid before their faces all these words which the LORD commanded him. And all the people answered together, and said, All that the LORD hath spoken we will do. And Moses returned the words of the people unto the LORD.* (Exodus 19:5-8).

They were to be a holy people. Therefore the heart of the covenant was the "ten words," the Decalogue, better known as the Ten Commandments. This was the moral law, which would make them a righteous people if they walked in it. But the covenant contained much more. It included the civil laws that made them a nation. It included the ceremonial law that established them as a holy nation consecrated to the worship of the true God.

In it they covenanted to be his peculiar people, to receive him as their God and their King, and to obey all his commandments. God covenanted to be their God and their



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King, to rule over them, to protect them, to provide for them, and give them the land, upon condition of covenant faithfulness. Under the terms of the covenant they were to keep all the words of God, his statutes, ordinances, precepts, and commandments. They accepted all his words, his promised blessing on their faithfulness, as well as his threatened curse on their faithlessness. Upon condition of keeping the covenant they were promised national status in the land in perpetuity, with the blessings of peace, liberty, and prosperity.

Under this covenant God established what was to be a type of the eternal kingdom of God, a theocratic commonwealth where the LORD was not only their God, but also their King. God established a nation where he dwelt with his people, gave them his laws, and personally ruled over them, a nation where constitutionally the people were committed to worship and serve Jahweh as their true God and King, and in which to commit idolatry and blasphemy was high treason worthy of death. This covenant established a unique and a new thing in human history. This was a unilateral and gracious act on the part of God. Never before and never since have a people been so blessed to have the Lord, not only as their God, but as their King, to personally rule over them and dwell with them.

Again, this is an entirely new covenant situation, and for the first time we see that God institutes significant infringements on liberty of conscience. For the first time we see civil penalties for sins of faith and worship. For the first time we see the sword of the civil magistrate unsheathed against blasphemy and idolatry. A sample of some of these new restrictions are reviewed in the following texts.

*Six days shall work be done, but on the seventh day there shall be to you an holy day, a sabbath of rest to the LORD: whosoever doeth work therein shall be put to death.* (Exodus 35:2).

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*And he that blasphemeth the name of the LORD, he shall surely be put to death, and all the congregation shall certainly stone him: as well the stranger, as he that is born in the land, when he blasphemeth the name of the LORD, shall be put to death. (Leviticus 24:16).*

*A man also or woman that hath a familiar spirit, or that is a wizard, shall surely be put to death: they shall stone them with stones: their blood shall be upon them. (Leviticus 20:27).*

*If there arise among you a prophet, or a dreamer of dreams, and giveth thee a sign or a wonder, And the sign or the wonder come to pass, whereof he spake unto thee, saying, Let us go after other gods, which thou hast not known, and let us serve them; Thou shalt not hearken unto the words of that prophet, or that dreamer of dreams: for the LORD your God proveth you, to know whether ye love the LORD your God with all your heart and with all your soul. Ye shall walk after the LORD your God, and fear him, and keep his commandments, and obey his voice, and ye shall serve him, and cleave unto him. And that prophet, or that dreamer of dreams, shall be put to death; because he hath spoken to turn you away from the LORD your God, which brought you out of the land of Egypt, and redeemed you out of the house of bondage, to thrust thee out of the way which the LORD thy God commanded thee to walk in. So shalt thou put the evil away from the midst of thee. (Deuteronomy 13:1-5).*

*And when the tabernacle setteth forward, the Levites shall take it down: and when the tabernacle is to be pitched, the Levites shall set it up: and the stranger that cometh nigh shall be put to death. (Numbers 1:51).*

*And thou shalt appoint Aaron and his sons, and they shall wait on their priest's office: and the stranger that cometh nigh shall be put to death. (Numbers 3:10).*

The covenant contained an entire criminal code. This included the death penalty for a wide spectrum of offenses.

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God was truly teaching his people that “*the wages of sin is death*” and that “*the soul that sinneth it shall die.*” These offenses included murder as specified in the Noahic Covenant and also a wide variety of sexual sins such as adultery, incest, homosexuality, and rape. A brief review of just the capital crimes shows the dramatic effect on the issue of religious liberty. The above noted texts specify the death penalty for sabbath breaking, blasphemy, occultism, and idolatry. Certain sins of worship such as unauthorized individuals involving themselves in the priesthood or the tabernacle rituals were also to be punished by death. We might well ask, “Why this dramatic change?” What was special about Israel as opposed to all the other nations where religious liberty continued to be God’s will? Why were the civil magistrates of the nations not authorized to enforce these requirements? The answer is that Israel was a theocracy. For all the other nations of the world the Lord was their God, but for Israel, the Lord was not only their God but their King. God ruled over the other nations by his providence and through the testimony of creation and conscience; he ruled directly over Israel as their King from the mercy seat on the Ark of the Covenant in the Holy of Holies. As such, idolatry and blasphemy became political as well as religious crimes. Idolatry and blasphemy were treason, and treason is always punishable by death. Israel was a theocracy, and in a theocracy there is no religious liberty.

There was certainly no religious liberty for those who had subscribed to the covenant, and that included the entire nation. The covenant included their wives and children and even, like in the Abrahamic Covenant, their slaves. As Moses records it,

*Ye stand this day all of you before the LORD your God; your captains of your tribes, your elders, and your officers, with all the men of Israel, Your little ones, your wives, and*

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*thy stranger that is in thy camp, from the hewer of thy wood unto the drawer of thy water: That thou shouldest enter into covenant with the LORD thy God, and into his oath, which the LORD thy God maketh with thee this day: That he may establish thee to day for a people unto himself, and that he may be unto thee a God, as he hath said unto thee, and as he hath sworn unto thy fathers, to Abraham, to Isaac, and to Jacob. (Deuteronomy 29:10-13).*

Although religious liberty was proscribed, there was no inquisition, especially not for foreigners and strangers who were outside the covenant. For all, citizen or stranger, within the covenant or without the covenant, all public acts of idolatry and blasphemy were to be punished as the following text makes clear.

*And he that blasphemeth the name of the LORD, he shall surely be put to death, and all the congregation shall certainly stone him: as well the stranger, as he that is born in the land, when he blasphemeth the name of the LORD, shall be put to death. (Leviticus 24:16).*

For those within the covenant the requirements were very strict. There was a limited amount of religious liberty as we shall see, but only for strangers and foreigners. All Israelites were required to enforce the covenant on their friends, neighbors, and even family members.

*If thy brother, the son of thy mother, or thy son, or thy daughter, or the wife of thy bosom, or thy friend, which is as thine own soul, entice thee secretly, saying, Let us go and serve other gods, which thou hast not known, thou, nor thy fathers; Namely, of the gods of the people which are round about you, nigh unto thee, or far off from thee, from the one end of the earth even unto the other end of the earth; Thou shalt not consent unto him, nor hearken unto him; neither shall thine eye pity him, neither shalt thou spare, neither shalt thou conceal him: But thou shalt surely kill him; thine hand shall be first upon him to put him to death, and*

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*afterwards the hand of all the people. And thou shalt stone him with stones, that he die; because he hath sought to thrust thee away from the LORD thy God, which brought thee out of the land of Egypt, from the house of bondage. And all Israel shall hear, and fear, and shall do no more any such wickedness as this is among you. (Deuteronomy 13:6-11).*

Although there was no formal inquisition, once reports of public idolatry came to the attention of the civil magistrates, a formal inquiry was required, and if idolatry was uncovered, a fearful sentence was imposed.

*If thou shalt hear say in one of thy cities, which the LORD thy God hath given thee to dwell there, saying, Certain men, the children of Belial, are gone out from among you, and have withdrawn the inhabitants of their city, saying, Let us go and serve other gods, which ye have not known; Then shalt thou inquire, and make search, and ask diligently; and, behold, if it be truth, and the thing certain, that such abomination is wrought among you; Thou shalt surely smite the inhabitants of that city with the edge of the sword, destroying it utterly, and all that is therein, and the cattle thereof, with the edge of the sword. And thou shalt gather all the spoil of it into the midst of the street thereof, and shalt burn with fire the city, and all the spoil thereof every whit, for the LORD thy God: and it shall be an heap for ever; it shall not be built again. And there shall cleave nought of the cursed thing to thine hand: that the LORD may turn from the fierceness of his anger, and show thee mercy, and have compassion upon thee, and multiply thee, as he hath sworn unto thy fathers. (Deuteronomy 13:12-17).*

All public worship and sacrifices had to be brought to the tabernacle and offered to the God of Israel, no matter who brought the sacrifice.

*And thou shalt say unto them, Whatsoever man there be of the house of Israel, or of the strangers which sojourn among*

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*you, that offereth a burnt offering or sacrifice, And bringeth it not unto the door of the tabernacle of the congregation, to offer it unto the LORD; even that man shall be cut off from among his people. (Leviticus 17:8-9).*

Nonetheless there was no inquisition. Strangers and foreigners had liberty of conscience. There was no compulsion to force them to worship the true God or to convert to the religion of the Israelites. They were not cross-examined with respect to their beliefs. They could of course become proselytes according to the terms of Exodus 12, but they could also continue to privately worship and believe in their own gods. This was an additional reason for the prohibition against marrying foreign wives. Such wives would be unmolested in the practice of their private religious beliefs. This is how Solomon was corrupted into idolatry in his old age. He had not only broken the specific prohibition of marrying outside Israel but also the prohibition against polygamy.

*Neither shalt thou make marriages with them; thy daughter thou shalt not give unto his son, nor his daughter shalt thou take unto thy son. For they will turn away thy son from following me, that they may serve other gods: so will the anger of the LORD be kindled against you, and destroy thee suddenly. (Deuteronomy 7:3-4).*

*Thou shalt in any wise set him king over thee, whom the LORD thy God shall choose: one from among thy brethren shalt thou set king over thee: thou mayest not set a stranger over thee, which is not thy brother.....Neither shall he multiply wives to himself, that his heart turn not away. (Deuteronomy 17:15-17).*

The results of these breaches of the covenant were predictable.

*For it came to pass, when Solomon was old, that his wives turned away his heart after other gods: and his heart was*

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*not perfect with the LORD his God, as was the heart of David his father. For Solomon went after Ashtoreth the goddess of the Zidonians, and after Milcom the abomination of the Ammonites. And Solomon did evil in the sight of the LORD, and went not fully after the LORD, as did David his father. (1 Kings 11:4-6).*

The question before us now is, “How does this covenant relate to us?” Is this covenant still in force? If so, to whom does this covenant apply today? If this covenant still stands and includes us in its scope, then we do not have religious liberty today. It is interesting to note that almost all the arguments throughout history on behalf of religious persecution stem from this covenant. It is these scriptures that have been invoked time and time again to justify religious repression. From Calvin’s Geneva through the “Christian” nations of the old world, Israel and its civil enforcement of the worship of Jahweh was the model. Even on these shores, in Puritan New England, they spoke of their New Israel in the wilderness and quoted these texts to justify their persecution of Quakers, Baptists, and even dissenting brethren such as Roger Williams. If we can show that this covenant has been abolished and does no longer apply to anyone, including ourselves, we will have effectively established the position that today, by God’s will and design, we ought to have religious liberty.

The fact is that the New Testament clearly teaches that this covenant has been abrogated and set aside. First of all, it was a conditional covenant that depended on Israel’s faithful obedience for its fulfillment. However, first the Northern Kingdom of Israel, and then the Southern Kingdom, Judah, fell into idolatry and came under the sanctions rather than the blessings of the covenant. As Paul put it concerning this covenant,

*For what the law [the Sinaitic Covenant] could not do, in that it was weak through the flesh, God sending his own Son*

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*in the likeness of sinful flesh, and for sin, condemned sin in the flesh. (Romans 8:3).*

This covenant was a failure through the sinfulness and inability of Israel to live up to its requirements. After all, as Paul told the Hebrews, “.....it is not possible that the blood of bulls and of goats should take away sins.” (Hebrews 10:4).

Something better was required, and the entire book of Hebrews is devoted to a comparison of the superiority of the New Covenant of our Lord and Savior Jesus Christ with the inferiority of the covenant that God made with Israel at Sinai. Paul makes it clear that the old has passed away and has been superseded by the new. We have an even clearer testimony respecting the fate of the Sinaitic Covenant in a prophecy of Zechariah.

*And I took my staff, even Beauty, and cut it asunder, that I might break my covenant which I had made with all the people. And it was broken in that day: and so the poor of the flock that waited upon me knew that it was the word of the LORD. And I said unto them, If ye think good, give me my price; and if not, forbear. So they weighed for my price thirty pieces of silver. And the LORD said unto me, Cast it unto the potter: a goodly price that I was prized at of them. And I took the thirty pieces of silver, and cast them to the potter in the house of the LORD. (Zechariah 11:10-13).*

This covenant is broken. It is broken not only because Israel continually broke it, failing to live up to its requirements, but because God himself eventually broke it. In the above passage God warns Israel of this impending judgment. He tells them that in the day that they sell the Shepherd of Israel, in that very day God will himself break his covenant with Israel. In the day that the nation of Israel formally rejected his Son, in the day their leaders sold Jesus of Nazareth for thirty pieces of silver, and the Sanhedrin sentenced him to death—in that day the Sinaitic Covenant



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was forever broken. It no longer applies to anyone, not even Israel. When they tried to maintain it God sent in the Romans to destroy the temple in A.D. 70. There is nothing special anymore about the land of Israel. It no longer belongs to anyone in particular by divine right. It is only special in the historical sense that Jesus once walked there and that God once dwelled there with his people and ruled them as their King. The Sinaitic Covenant has passed away and the theocracy with it, the only theocracy that God ever established, the only place where religious liberty did not exist.

So where does this leave us? We have now examined the period of human history from Adam to Christ. And we have seen that under every covenant administration there has been religious liberty with one single exception. That exception was the Sinaitic Covenant, and it applied to only one nation, Israel. We have seen that the Sinaitic Covenant has passed away and is no more. Unless we have further divine revelation to the contrary, that leaves us with religious liberty.

## CHAPTER 4 THE NEW COVENANT

I have skipped over the Davidic Covenant because it is not germane to our argument and had no effect on the issue of religious liberty. Where the Sinaitic Covenant established the holy nation over which God would rule forevermore, the Davidic Covenant provided the eternal king that would sit on the throne of his father David forever. It promised a greater David, David's Son, the Messiah, who would rule over his people in a kingdom that would have no end. It was fulfilled in the coming of Jesus of Nazareth, born of the seed of David, in Bethlehem, the City of David, and will have its ultimate fulfillment at the second coming, when he will return as the Lion of the Tribe of Judah to establish his eternal kingdom. And that brings us to the New Covenant.

Jeremiah prophesied of the coming of a new covenant to replace the Sinaitic Covenant. By his time the failure of the latter was evident. The Northern Kingdom had already been carried away by the Assyrians and was fading into oblivion. Judah, the Southern Kingdom, was rejecting the Lord, sliding into idolatry, and facing a captivity of their own, a captivity that Jeremiah came under persecution for predicting. Like Noah, another preacher of righteousness, Jeremiah had been warning the nation of the calamity to come from the North and attempting to call the nation to repentance and avert the national disaster. But they had not listened, and the King had burned the scroll of Jeremiah's words from the Lord in an act of contempt. Once more God had called Judah to repentance

*And it came to pass in the fourth year of Jehoiakim the son of Josiah king of Judah, that this word came unto Jeremiah from the LORD, saying, Take thee a roll of a book, and write therein all the words that I have spoken unto thee*

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*against Israel, and against Judah, and against all the nations, from the day I spake unto thee, from the days of Josiah, even unto this day. It may be that the house of Judah will hear all the evil which I purpose to do unto them; that they may return every man from his evil way; that I may forgive their iniquity and their sin. (Jeremiah 36:1-3).*

And once more Judah hardened her heart against the Lord.

*So the king sent Jehudi to fetch the roll: and he took it out of Elishama the scribe's chamber. And Jehudi read it in the ears of the king, and in the ears of all the princes which stood beside the king. Now the king sat in the winterhouse in the ninth month: and there was a fire on the hearth burning before him. And it came to pass, that when Jehudi had read three or four leaves, he cut it with the penknife, and cast it into the fire that was on the hearth, until all the roll was consumed in the fire that was on the hearth. Yet they were not afraid, nor rent their garments, neither the king, nor any of his servants that heard all these words. (Jeremiah 36:21-24).*

And once more the Lord spoke his judgment. But this time it had a finality to it.

*As I live, saith the LORD, though Coniah the son of Jehoiakim king of Judah were the signet upon my right hand, yet would I pluck thee thence; And I will give thee into the hand of them that seek thy life, and into the hand of them whose face thou fearest, even into the hand of Nebuchadrezzar king of Babylon, and into the hand of the Chaldeans. And I will cast thee out, and thy mother that bare thee, into another country, where ye were not born; and there shall ye die. But to the land whereunto they desire to return, thither shall they not return. Is this man Coniah a despised broken idol? is he a vessel wherein is no pleasure? wherefore are they cast out, he and his seed, and are cast into a land which they know not? O earth, earth,*

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*earth, hear the word of the LORD. Thus saith the LORD, Write ye this man childless, a man that shall not prosper in his days: for no man of his seed shall prosper, sitting upon the throne of David, and ruling any more in Judah. (Jeremiah 22:24-30).*

Under such circumstances it is clear that the Sinaitic Covenant will never fulfill its glorious potential. It is not surprising that Jeremiah prophesies that even God has wearied of Israel's covenant faithlessness. God will replace this covenant with a new one. It will be replaced with a covenant that will be based not on man's faithfulness but on God's. This time God will not just write his holy law in tables of stone; he will write them on the hearts of his people. This will be the New Covenant.

*Behold, the days come, saith the LORD, that I will make a new covenant with the house of Israel, and with the house of Judah: Not according to the covenant that I made with their fathers in the day that I took them by the hand to bring them out of the land of Egypt; which my covenant they brake, although I was an husband unto them, saith the LORD: But this shall be the covenant that I will make with the house of Israel; After those days, saith the LORD, I will put my law in their inward parts, and write it in their hearts; and will be their God, and they shall be my people. (Jeremiah 31:31-33).*

The Apostle Paul refers to this when he is instructing the Hebrew Christians that there is a new and better covenant and they must be prepared to let go of the old.

*But now hath he (Jesus Christ) obtained a more excellent ministry (than Moses, the mediator of the old covenant), by how much also he is the mediator of a better covenant, which was established upon better promises. For if that first covenant had been faultless, then should no place have been sought for the second. For finding fault with them, he saith, Behold, the days come, saith the Lord, when I will*

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*make a new covenant with the house of Israel and with the house of Judah: Not according to the covenant that I made with their fathers in the day when I took them by the hand to lead them out of the land of Egypt; because they continued not in my covenant, and I regarded them not, saith the Lord. For this is the covenant that I will make with the house of Israel after those days, saith the Lord; I will put my laws into their mind, and write them in their hearts: and I will be to them a God, and they shall be to me a people: And they shall not teach every man his neighbour, and every man his brother, saying, Know the Lord: for all shall know me, from the least to the greatest. For I will be merciful to their unrighteousness, and their sins and their iniquities will I remember no more. In that he saith, A new covenant, he hath made the first old. Now that which decayeth and waxeth old is ready to vanish away. (Hebrews 8:6-13).*

And Christ refers to this at the last supper. We have seen that the old covenant was to be broken by God himself when the nation officially rejected Christ and its leaders sold the Shepherd of Israel for thirty pieces of silver. And at that very time in history, at that very point in time, when Judas is preparing to go out from Christ's presence and consummate his traitorous bargain with the Sanhedrin, and at the very moment when the Sinaitic Covenant has been irrevocably broken, Christ institutes the New Covenant, a new covenant based not on the blood of bulls and goats, but on the shedding of his own precious blood.

*And as they were eating, Jesus took bread, and blessed it, and brake it, and gave it to the disciples, and said, Take, eat; this is my body. And he took the cup, and gave thanks, and gave it to them, saying, Drink ye all of it; For this is my blood of the new testament (covenant), which is shed for many for the remission of sins. (Matthew 26:26-28).*

Now where does this leave us with the issue at hand? As we have seen, religious persecution expired with the

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passing of the Sinaitic Covenant. Unless it was reinstated in the New Covenant, we are still under a civil administration that practices religious liberty. Let us examine the New Covenant in this regard. Under the New Covenant we see no evidence that God has authorized the civil government to judge men in matters of faith and worship. There are absolutely no commands or even suggestions that the civil magistrate should do so and several things that suggest otherwise. Several times the book of Acts notes that Roman magistrates refused to enforce the religious prejudices of the Jews in their civil courts. There is not a hint of condemnation of this practice in these scripture passages, but rather a sense of approval. Pontius Pilate wanted no part of the Sanhedrin's religious vendetta against Jesus of Nazareth, sought to release him, and told the Jews, "...Take ye him, and judge him according to your law." (John 18:31). Similarly, in the following passage, Gallio, the Roman Deputy in Corinth, refuses to be a judge of such religious quarrels.

*And when Gallio was the deputy of Achaia, the Jews made insurrection with one accord against Paul, and brought him to the judgment seat, Saying, This fellow persuadeth men to worship God contrary to the law. And when Paul was now about to open his mouth, Gallio said unto the Jews, If it were a matter of wrong or wicked lewdness, O ye Jews, reason would that I should bear with you: But if it be a question of words and names, and of your law, look ye to it; for I will be no judge of such matters. And he drave them from the judgment seat. Then all the Greeks took Sosthenes, the chief ruler of the synagogue, and beat him before the judgment seat. And Gallio cared for none of those things. (Acts 18:12-17).*

When Paul was almost killed by a mob at the temple in Jerusalem, he was rescued by a Roman centurion. That

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centurion, in forwarding him to the Roman Governor Felix, expressed a similar conviction.

*Claudius Lysias unto the most excellent governor Felix sendeth greeting. This man was taken of the Jews, and should have been killed of them: then came I with an army, and rescued him, having understood that he was a Roman. And when I would have known the cause wherefore they accused him, I brought him forth into their council: Whom I perceived to be accused of questions of their law, but to have nothing laid to his charge worthy of death or of bonds. And when it was told me how that the Jews laid wait for the man, I sent straightway to thee, and gave commandment to his accusers also to say before thee what they had against him. Farewell. (Acts 23:26-30).*

And when the Jews on religious grounds sought to have Paul condemned and executed by the Roman Governor Festus, he refused to condemn him, and along with King Agrippa declared him innocent.

*And when he had thus spoken, the king rose up, and the governor, and Bernice, and they that sat with them: And when they were gone aside, they talked between themselves, saying, This man doeth nothing worthy of death or of bonds. Then said Agrippa unto Festus, This man might have been set at liberty, if he had not appealed unto Caesar. (Acts 26:30-32).*

These men may be pagan magistrates, but as Paul argued elsewhere they are ministers of God. They were attempting to rule justly. These magistrates were not under the Sinaitic Covenant and were not disposed to practice religious persecution. Paul seems to agree with their position. He who once persecuted for conscience's sake now wants nothing to do with religious persecution. When he was asked by the Roman Governor Felix if he would agree to be judged by the Jews in religious matters he declined and appealed unto Caesar.

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*But Festus, willing to do the Jews a pleasure, answered Paul, and said, Wilt thou go up to Jerusalem, and there be judged of these things before me? Then said Paul, I stand at Caesar's judgment seat, where I ought to be judged: to the Jews have I done no wrong, as thou very well knowest. For if I be an offender, or have committed any thing worthy of death, I refuse not to die: but if there be none of these things whereof these accuse me, no man may deliver me unto them. I appeal unto Caesar. (Acts 25:9).*

Now these may be pagan Roman magistrates, but the sense of these passages seems to be that they are closer to the mark with respect to justice than the Jews who are seeking to slay Paul over their religious differences. It is obvious that Paul is prepared to stand before even pagan magistrates and be judged of civil matters, but he refuses to be judged by the Sanhedrin on account of his faith in Jesus of Nazareth, the Christ. Another telling clue to God's will in this matter under the New Covenant is the following episode in Paul's missionary work on Cyprus.

*So they, being sent forth by the Holy Ghost, departed unto Seleucia; and from thence they sailed to Cyprus. And when they were at Salamis, they preached the word of God in the synagogues of the Jews: and they had also John to their minister. And when they had gone through the isle unto Paphos, they found a certain sorcerer, a false prophet, a Jew, whose name was Barjesus: Which was with the deputy of the country, Sergius Paulus, a prudent man; who called for Barnabas and Saul, and desired to hear the word of God. But Elymas the sorcerer (for so is his name by interpretation) withstood them, seeking to turn away the deputy from the faith. Then Saul, (who also is called Paul,) filled with the Holy Ghost, set his eyes on him, And said, O full of all subtlety and all mischief, thou child of the devil, thou enemy of all righteousness, wilt thou not cease to pervert the right ways of the Lord? And now, behold, the*



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*hand of the Lord is upon thee, and thou shalt be blind, not seeing the sun for a season. And immediately there fell on him a mist and a darkness; and he went about seeking some to lead him by the hand. Then the deputy, when he saw what was done, believed, being astonished at the doctrine of the Lord. Now when Paul and his company loosed from Paphos, they came to Perga in Pamphylia: and John departing from them returned to Jerusalem. (Acts 13:4-13).*

Under Paul's ministry on Cyprus the Roman Governor of the island is converted to Christianity. However, after this remarkable and dramatic conversion, Paul does nothing different but simply continues on his missionary journey. Under the old world model, maintained in Europe for centuries, before and after the Reformation, the religion of the Prince decided the religion of the nation. If it really was the Roman magistrate's duty and responsibility under the New Covenant to enforce God's will in matters of faith and worship, and to establish Christianity as the official religion of Cyprus, then Paul should have stayed and instructed this Christian civil magistrate in his duty. But Paul obviously wants no part of any such scheme and, simply regarding the deputy as another convert, continues his evangelistic work. Paul's example is clear. Under the New Covenant the magistrates are not to use the sword to coerce men in matters of religion. Under the New Covenant we are to have religious liberty.

The only administration in which God authorized the civil magistrate to prosecute and punish sins of faith and worship has, by God's own decree, passed away forever. And since God, and God alone, can authorize civil government (who are his ministers) to do so, that leaves us clearly, and by God's own command and revealed will, in a state of religious liberty. Those who would argue that the relative silence of the New Testament with respect to religious liberty leaves things unchanged, and therefore

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authorizes us to continue persecuting sins of faith and worship, are clearly confused. The Sinaitic Covenant to which they are appealing is forever gone. We are under the New Covenant and God, who alone is Lord of the conscience, has not left ours under the coercion of the civil magistrate.

**CHAPTER FIVE  
THE TWO TABLES**

*And he gave unto Moses, when he had made an end of communing with him upon mount Sinai, two tables of testimony, tables of stone, written with the finger of God. (Exodus 31:18).*

*And Moses turned, and went down from the mount, and the two tables of the testimony were in his hand: the tables were written on both their sides; on the one side and on the other were they written. And the tables were the work of God, and the writing was the writing of God, graven upon the tables. (Exodus 32:15-16).*

*And the LORD said unto Moses, Write thou these words: for after the tenor of these words I have made a covenant with thee and with Israel. And he was there with the LORD forty days and forty nights; he did neither eat bread, nor drink water. And he wrote upon the tables the words of the covenant, the ten commandments. (Exodus 34:27-38).*

Can the amount of civil liberty vary to any degree? Can civil liberty be anything from zero to one hundred per cent? Can religious liberty exist scripturally in various degrees? Is it left up to man to sort out what degree of civil and religious liberty we ought to have under the New Covenant? One can imagine all sorts of arrangements of religious toleration and religious liberty. Just how are we to define toleration and to define liberty? And to what degree should either exist? Are we to endlessly dispute this issue with men in a quagmire of conflicting opinions? Or is there a pattern we can discern in these covenant arrangements? Is there a clear scriptural definition of religious liberty? Instead of a hundred choices are we scripturally limited to only two or three choices? And has God made the choice for us and clearly communicated it to us in his word? To

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answer these questions we need to look at the way God has given us his law, the moral law, the Decalogue.

The Holy Spirit deliberately and repeatedly reveals to us in persistent detail that the moral law, the ten commandments, was given by God to Moses on two tables of stone. Not only are we told that this law is from God, and written by the very finger of God, but we are told that it was divided into two tables. What is the significance of that? For scripturally determining the issue of religious liberty, the significance cannot be overestimated. The failure to discern that the law is divided into two tables can easily lead to the conclusion that there should be no religious liberty in the civil commonwealth.

Moses summarized the law as requiring Israel to love the Lord their God with all their heart and soul.

*“And it shall come to pass, if ye shall hearken diligently unto my commandments which I command you this day, to love the LORD your God, and to serve him with all your heart and with all your soul.”* (Deuteronomy 11:13).

*If thou shalt hearken unto the voice of the LORD thy God, to keep his commandments and his statutes which are written in this book of the law, and if thou turn unto the LORD thy God with all thine heart, and with all thy soul.* (Deuteronomy 30:10).

But Christ expounded this even deeper. Christ showed that the division of the law was more than simply a physical division onto two separate tables of stone. There was a logical division of the law reflected by the physical division. When questioned about what was the greatest commandment, Christ responded by noting the two tables and the precedence of the first table over the second.

*Master, which is the great commandment in the law? Jesus said unto him, Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. This is the first and great commandment. And the second is like*

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*unto it, Thou shalt love thy neighbour as thyself. On these two commandments hang all the law and the prophets. (Matthew 22:36-40).*

Christ clearly taught that the first table defines our relationship to God. It teaches us what it means to love God with all our heart. If “*love is the fulfilling of the law.*” (Romans 13:10), as Paul taught, then the first table of the law teaches us how to love God. Similarly the second table teaches us what it means to love our neighbor. Both Paul and James appealed to Christ’s summary of the meaning of the second table of the law as a standard of how Christians ought to treat one another.

*For all the law is fulfilled in one word, even in this; Thou shalt love thy neighbour as thyself. But if ye bite and devour one another, take heed that ye be not consumed one of another. (Gal 5:14-15).*

*If ye fulfil the royal law according to the scripture, Thou shalt love thy neighbour as thyself, ye do well: But if ye have respect to persons, ye commit sin, and are convinced of the law as transgressors. (James 2:8-9).*

Traditionally the Decalogue, the Ten Commandments, has been divided into two tables by Protestants as follows: The first four commandments comprise the first table and the fifth through the tenth commandments comprise the second table of the law. The first commandment teaches us who to worship. We are to worship the Lord and him alone. The second commandment teaches us how to worship. We are to worship God his way, not our way, and not by means of images, icons, etc., nor in any other way not prescribed in his word, but only as he has commanded us to worship him. The third commandment teaches us to reverence the Lord’s name and give him the fear, respect, and honor of which he, and he alone, is worthy. The fourth commandment teaches us to keep his sabbaths holy and sanctify the day that he has set aside for his public worship. If we do all these things

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with all our heart then we demonstrate that we truly love the Lord our God. Similarly if we refrain from stealing from and murdering our fellow men, from committing adultery with another's wife, from slandering his good name, and from coveting his goods, then we show that we love our neighbor. We love him by respecting all his God given rights and treating him as God would have us treat someone who is created in his image. If we clearly understand this, we can finally define religious liberty.

When the civil magistrate is only authorized by God to enforce the second table of the law then we have religious liberty. Then government is only concerned with administering justice in the affairs between men and in punishing sins that men commit against each other. The civil magistrate then takes no steps to involve himself in enforcing the first table, and matters of faith and worship are left to the conscience of man and for God himself to judge. When the civil magistrate is authorized by God to enforce both tables of the law, we have no religious liberty. Then the sword of the civil magistrate will be unsheathed against all public violators of the first table and men will be judged by their fellow men in the "here and now" for their idolatries, blasphemies, and heresies. Religious liberty is not some kind of inalienable right that men have. Neither is its presence or absence necessarily right or wrong. It is all a question of God's will at a particular time in history. It is all a matter of what God has authorized the civil government to do in any particular era.

Before the flood it was the will of God that men have no authority over other men to enforce either table of the law. In Noah's day God authorized men to punish sins of the second table of the law such as murder. This continued through Abraham's day until the covenant that God made with Israel at Sinai. In that covenant God clearly authorized and commanded the judges and kings of Israel to enforce both tables of the law. But under the New Covenant this is

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no longer true, and the civil magistrate enforces only the second table of the law. This is God's will for our dispensation and that is why, and the only reason why, we ought to have religious liberty.

And if we carefully examine the premier passage on civil government in the New Testament, that is exactly what we find.

*Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation. For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same: For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. Wherefore ye must needs be subject, not only for wrath, but also for conscience sake. For for this cause pay ye tribute also: for they are God's ministers, attending continually upon this very thing. Render therefore to all their dues: tribute to whom tribute is due; custom to whom custom; fear to whom fear; honour to whom honour. **Owe no man any thing, but to love one another: for he that loveth another hath fulfilled the law. For this, Thou shalt not commit adultery, Thou shalt not kill, Thou shalt not steal, Thou shalt not bear false witness, Thou shalt not covet; and if there be any other commandment, it is briefly comprehended in this saying, namely, Thou shalt love thy neighbour as thyself. Love worketh no ill to his neighbour: therefore love is the fulfilling of the law.** (Romans 13:1-10, Emphasis mine).*

In this passage, where Paul so eloquently and forcefully enjoins submission to pagan civil magistrates, he ties this all

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in with the second table of the law. One of the reasons that we are to submit to the civil magistrate is that he is enforcing the second table of the law. We obey him, not out of fear or because might makes right, but because he is God's minister enforcing God's law. And specifically which laws does Paul bring to mind? He quotes exclusively the commandments of the second table of the law. And then he concludes his argument by quoting Christ's summary of the second table. This he says is all we owe our fellow man. And it is in this that we are subject to the civil magistrate. If we submit to the civil rulers that God has providentially placed over us and keep the second table of law, then we have kept Paul's doctrine with respect to the civil magistrate. This is God's ordained will and order of things under the New Covenant. And this gives us religious liberty!

### **CIVIL OBEDIENCE:**

Consistently throughout the New Testament Christians are exhorted to obey the civil magistrates. The Apostles Peter and Paul teach that this is God's will for them as the following passages clearly demonstrate.

*Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation. For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same: For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. Wherefore ye must needs be subject, not only for wrath, but also for conscience sake. (Romans 13:1-5).*



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*Put them in mind to be subject to principalities and powers, to obey magistrates, to be ready to every good work. (Titus 3:1).*

*Submit yourselves to every ordinance of man for the Lord's sake: whether it be to the king, as supreme; Or unto governors, as unto them that are sent by him for the punishment of evildoers, and for the praise of them that do well. For so is the will of God, that with well doing ye may put to silence the ignorance of foolish men: As free, and not using your liberty for a cloak of maliciousness, but as the servants of God. Honour all men. Love the brotherhood. Fear God. Honour the king. (1 Peter 2:13-17).*

Now when these admonitions were written, and the saints of God were so instructed, the magistrates that they were providentially under were for the most part Roman magistrates. Rome at the time was thoroughly pagan in its religion, which included a host of idols as well as emperor worship. If, under the New Covenant, citizens are subject to a government authorized to enforce both tables and therefore has authority in religious as well as civil matters, this required submission would indeed be strange. But if, as we have seen, the civil magistrate is only to enforce the second table of the law, then Christians ought to obey them regardless of their religious proclivities. As long as they are maintaining civil order and punishing theft, murder, fraud, and sexual crimes, Christians ought to submit and be model citizens. And that is exactly what they are commanded to do.

And then the following words of Christ ring true and clear as never before...

*Tell us therefore, What thinkest thou? Is it lawful to give tribute unto Caesar, or not? But Jesus perceived their wickedness, and said, Why tempt ye me, ye hypocrites? Show me the tribute money. And they brought unto him a penny. And he saith unto them, Whose is this image and*

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*superscription? They say unto him, Caesar's. Then saith he unto them, Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's. (Matthew 22:17-21).*

If Caesar enforces only the second table then Christians ought to obey him and render to Caesar the things that are his. But we are to render to God the things that are God's. Our relationship to God as defined in the first table is not Caesar's; it is God's, and we must faithfully submit to him in all areas of faith and worship. And if Caesar attempts to interfere in first table matters then we "*ought to obey God rather than men.*" This is what the Christians in the early church did. They were good citizens; they paid their taxes; they kept the peace; but they refused on the pain of death to be involved in any emperor worship. Commands to stop preaching the gospel, which violated their first table duties, they steadfastly refused to obey.

**CHAPTER SIX**  
**A COVENANT EXAMPLE**

Much of the covenant confusion that is endemic in even Reformed circles comes from the historic two covenant model set forth in such symbols as the Westminster Confession of Faith. When one has only the Old Covenant and the New Covenant, or the Covenant of Works and the Covenant of Grace, and fails to consistently distinguish the different covenants set forth in the scriptures, confusion is inescapable. What then is the Old Covenant? The standards are not clear. Proof texts for the Old Covenant in the Westminster Standards refer to various covenants recorded in the Old Testament such as the Covenant of Works, the Abrahamic Covenant, and the Sinaitic Covenant. I have come across sermons by Reformed ministers where as many as four covenants, which are distinguished as separate covenants in the scriptures, are all referred to as the Old Covenant. This is confusion! Which really is the Old Covenant? Which Covenant has really passed away? Which Covenant has been replaced by the New Covenant? The answers to these questions are critical in understanding the issues of religious liberty.

In 2 Kings 1 we have an example of fire coming down from heaven in judgment on those that rejected Jahweh as the true King of Israel. The king is specifically told that the reason he is being judged is that he does not believe that there is a God in Israel and has resorted to foreign gods, which are no gods at all. The king has been sentenced to death by the prophet of Jahweh, by Elijah.

*And Ahaziah fell down through a lattice in his upper chamber that was in Samaria, and was sick: and he sent messengers, and said unto them, Go, inquire of Baalzebub the god of Ekron whether I shall recover of this disease. But the angel of the LORD said to Elijah the Tishbite, Arise,*

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*go up to meet the messengers of the king of Samaria, and say unto them, Is it not because there is not a God in Israel, that ye go to inquire of Baalzebub the god of Ekron? Now therefore thus saith the LORD, Thou shalt not come down from that bed on which thou art gone up, but shalt surely die. And Elijah departed. (2 Kings 1:2-4).*

The king rejects this judgment and sends soldiers to find Elijah. His intent is obvious, to overrule the Lord's judgments and deal with his prophet by military force. When the companies of soldiers confront Elijah, the scriptures do not hesitate to state what the results were.

*Then the king sent unto him a captain of fifty with his fifty. And he went up to him: and, behold, he sat on the top of an hill. And he spake unto him, Thou man of God, the king hath said, Come down. And Elijah answered and said to the captain of fifty, If I be a man of God, then let fire come down from heaven, and consume thee and thy fifty. And there came down fire from heaven, and consumed him and his fifty. Again also he sent unto him another captain of fifty with his fifty. And he answered and said unto him, O man of God, thus hath the king said, Come down quickly. And Elijah answered and said unto them, If I be a man of God, let fire come down from heaven, and consume thee and thy fifty. And the fire of God came down from heaven, and consumed him and his fifty. (2 Kings 1:9-12).*

The king has already been judged and now those who support his rebellion against Jahweh, the true King of Israel, are judged by fire from heaven. Commentators have been divided in their treatment of this passage. Many have squirmed in trying to justify such harsh measures and are clearly uncomfortable with it. Some like Calvin have fully supported it and gone on to use it as a defense for similar treatment of heretics in our day. Calvin used it as a defense for the burning of Servetus, a Socinian, who rejected the deity of Jesus of Nazareth. Where does the truth lie? A

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good indicator is a passage in the New Testament in which, when also subject to provocation and rejection, Christ was urged to call down fire from heaven on his enemies, as did Elijah.

*And it came to pass, when the time was come that he should be received up, he stedfastly set his face to go to Jerusalem, And sent messengers before his face: and they went, and entered into a village of the Samaritans, to make ready for him. And they did not receive him, because his face was as though he would go to Jerusalem. And when his disciples James and John saw this, they said, Lord, wilt thou that we command fire to come down from heaven, and consume them, even as Elias did? But he turned, and rebuked them, and said, Ye know not what manner of spirit ye are of. For the Son of man is not come to destroy men's lives, but to save them. And they went to another village. (Luke 9:51-56).*

This passage clearly demonstrates that, while Calvin may have been correct in supporting the actions of Elijah, which were after all specifically the actions of Elijah's God, who can do no wrong, there is little support here for any attempt to carry over this practice into the New Testament era. We must ask "Why?" The difference is that these were not Israelites, but Samaritans. The difference is that here was a different covenant situation. Ahaziah was under the Sinaitic covenant as were his soldiers. Despite the apostasy and idolatry of the Northern Kingdom, they had never been released from their covenant obligations to the true God, the God of Israel. Under the terms of the covenant made by their fathers at Mount Sinai and later renewed on the plains of Moab before their entrance into the land of promise, Jahweh was not only their God, but their King. To reject him for foreign gods was high treason and worthy of death. Under the terms of that covenant the responsibility of the king, ruling as Jahweh's prime minister, enforcing Jahweh's

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laws, who was the true Lawgiver of the nation, was to execute all public idolators and blasphemers against the God of Israel. God is not mocked, and when the corrupt Northern Kingdom failed to enforce the covenant, God enforced it himself by fire from heaven. But these Samaritans were not under the Sinaitic Covenant. It would have been totally inappropriate to judge them according to that covenant and to visit them with the sanctions of that covenant. The Samaritans were not under the Sinaitic Covenant and neither are we, no more than New Zealand is under the Napoleonic Code and Mongolia is under the United States criminal code. It would therefore be equally inappropriate for the civil government to carry out those sanctions in our day. Those who call for us to do so do not understand what spirit *“they are of”* and are under the rebuke of Jesus Christ.

**CHAPTER SEVEN**  
**THE CHURCH**

*Only the LORD had a delight in thy fathers to love them, and he chose their seed after them, even you above all people, as it is this day. (Deuteronomy 10:15).*

*Now therefore, if ye will obey my voice indeed, and keep my covenant, then ye shall be a peculiar treasure unto me above all people: for all the earth is mine: And ye shall be unto me a kingdom of priests, and an holy nation. These are the words which thou shalt speak unto the children of Israel. (Exodus 19:5-6).*

*Peter, an apostle of Jesus Christ, to the strangers scattered throughout Pontus, Galatia, Cappadocia, Asia, and Bithynia, Elect according to the foreknowledge of God the Father, through sanctification of the Spirit, unto obedience and sprinkling of the blood of Jesus Christ: Grace unto you, and peace, be multiplied. (1 Peter 1:1-2).*

*But ye are a chosen generation, a royal priesthood, an holy nation, a peculiar people; that ye should show forth the praises of him who hath called you out of darkness into his marvellous light: Which in time past were not a people, but are now the people of God: which had not obtained mercy, but now have obtained mercy. (1 Peter 2:9-10).*

*And they sung a new song, saying, Thou art worthy to take the book, and to open the seals thereof: for thou wast slain, and hast redeemed us to God by thy blood out of every kindred, and tongue, and people, and nation; And hast made us unto our God kings and priests: and we shall reign on the earth. (Revelation 5:9-10).*

The Sinaitic Covenant was made with Israel at Mount Sinai. But with whom is the New Covenant made? To answer that we need to see what Israel was meant to be under the Sinaitic Covenant. Israel was meant to be a

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covenant community where all were in covenant with the Lord, to love, honor, and serve him, and keep his commandments. They were to be a holy nation, separated from the world, and dedicated to the worship and service of Jahweh. In this covenant community Jahweh was not only their God but also their King. He ruled over them from the mercy seat in the Holy of Holies. He made their laws and rendered his judgments over them. He was their Lord and their King. And they were a nation of priests dedicated to his worship and covenantally and constitutionally totally subject to his will.

However, as Paul taught, this covenant was weak through the flesh. Israel could not keep the terms of the covenant. The weakness of sinful flesh led them time and time again to violate the terms of the covenant, until finally the Lord himself broke the Sinaitic Covenant and set it aside. It was, as we have seen, replaced by the New Covenant. But with whom was the New Covenant made and how does it replace the Sinaitic Covenant? The answers to these questions will show us the only place where today there is no religious liberty.

*Behold, the days come, saith the LORD, that I will make a new covenant with the house of Israel, and with the house of Judah: Not according to the covenant that I made with their fathers in the day that I took them by the hand to bring them out of the land of Egypt; which my covenant they brake, although I was an husband unto them, saith the LORD: But this shall be the covenant that I will make with the house of Israel; After those days, saith the LORD, I will put my law in their inward parts, and write it in their hearts; and will be their God, and they shall be my people. (Jeremiah 31:31-33).*

In this passage it is abundantly clear that the New Covenant is to be made with “*the house of Israel, and with the house of Judah.*” But what does this mean? The New



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Testament reveals to us the fulfillment of this promise and teaches us who is the “*house of Israel, and...the house of Judah.*” The New Testament reveals that this covenant is made with the church.

But would that not violate the promise as given to Jeremiah, the promise that God would make a new covenant, and that he would make it with Israel and Judah? We have already seen that the Sinaitic Covenant was made in fulfillment of some of the promises made by God to Abraham in the Abrahamic Covenant. Would this not violate that covenant as well? The answer is “No,” providing we understand how God defines the house of Israel and the house of Judah as revealed to us in the New Testament. For there we are taught that the church is the true Israel of God.

*Not as though the word of God hath taken none effect. For they are not all Israel, which are of Israel: Neither, because they are the seed of Abraham, are they all children: but, In Isaac shall thy seed be called. That is, They which are the children of the flesh, these are not the children of God: but the children of the promise are counted for the seed. (Romans 9:6-8).*

In this passage Paul teaches that the true Israel of God, the true seed of Abraham, to whom all the covenants and the promises pertain, are not necessarily the physical seed of Abraham. Paul goes on in this chapter to set forth the doctrine that God’s elect are the true seed of Abraham; they are the children of the promise. Even as Ishmael was rejected and Isaac was the child of promise, and even as Esau was rejected and Jacob was the child of promise, so is God still setting aside those who have physical paternity from Abraham, but are not his chosen, his covenant people, the children of the promise. Who then are these “*children of the promise?*”

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*Even as Abraham believed God, and it was accounted to him for righteousness. Know ye therefore that they which are of faith, the same are the children of Abraham. And the scripture, foreseeing that God would justify the heathen through faith, preached before the gospel unto Abraham, saying, In thee shall all nations be blessed. So then they which be of faith are blessed with faithful Abraham. (Galatians 3:6-9).*

*For ye are all the children of God by faith in Christ Jesus. For as many of you as have been baptized into Christ have put on Christ. There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female: for ye are all one in Christ Jesus. And if ye be Christ's, then are ye Abraham's seed, and heirs according to the promise. (Galatians 3:26-29).*

Paul here teaches exactly who are the seed of Abraham and heirs of all the covenant promises. Again it is not the physical seed; rather it is those who have the faith of Abraham. It is those who have true faith in Jesus Christ; it is those who by faith are in Christ, who himself is the true “*seed of Abraham*,” the promised Messiah, in whom all the families of the earth are to be blessed. And those who profess Jesus Christ, have faith in Him as their Messiah, and love, honor, and worship Him, as Abraham did, are not Abraham’s physical seed and have not been, for the most part, for the last two thousand years. They are what we call today the Church of Jesus Christ.

*That at that time ye were without Christ, being aliens from the commonwealth of Israel, and strangers from the covenants of promise, having no hope, and without God in the world: But now in Christ Jesus ye who sometimes were far off are made nigh by the blood of Christ. For he is our peace, who hath made both one, and hath broken down the middle wall of partition between us. (Ephesians 2:12-14).*

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This is exactly what Paul teaches. He emphatically states again and again, that not the physical seed, but the Gentile believers, who once were outcasts from Israel, and strangers to the covenant promises, have been brought into covenant relationship with God through the blood of Christ. God has adopted them as his people. He has broken down the middle wall of partition that once excluded them from the temple, where God fellowshiped with his people, and has brought them into the covenant community, the new covenant community, the church.

*For if the firstfruit be holy, the lump is also holy: and if the root be holy, so are the branches. And if some of the branches be broken off, and thou, being a wild olive tree, wert grafted in among them, and with them partakest of the root and fatness of the olive tree; Boast not against the branches. But if thou boast, thou bearest not the root, but the root thee. Thou wilt say then, The branches were broken off, that I might be grafted in. Well; because of unbelief they were broken off, and thou standest by faith. Be not highminded, but fear: For if God spared not the natural branches, take heed lest he also spare not thee. Behold therefore the goodness and severity of God: on them which fell, severity; but toward thee, goodness, if thou continue in his goodness: otherwise thou also shalt be cut off. And they also, if they abide not still in unbelief, shall be grafted in: for God is able to graft them in again. For if thou wert cut out of the olive tree which is wild by nature, and wert grafted contrary to nature into a good olive tree: how much more shall these, which be the natural branches, be grafted into their own olive tree? For I would not, brethren, that ye should be ignorant of this mystery, lest ye should be wise in your own conceits; that blindness in part is happened to Israel, until the fulness of the Gentiles be come in. And so all Israel shall be saved: as it is written, There shall come out of Sion the Deliverer, and shall turn away ungodliness*

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*from Jacob: For this is my covenant unto them, when I shall take away their sins. (Romans 11:16-27).*

Here again Paul elaborates on this doctrine and uses an additional analogy for further clarification. The true Israel of God is symbolized by an olive tree. The olive tree continues to stand. God has not broken his promises or changed his purposes. Rather he has, as a good husbandman, worked at improving the olive tree. He has pruned out all the unfruitful and unbelieving branches. And he has grafted in believing branches that will bear fruit. At one time the natural branches, representing a portion of the physical seed of Abraham through Isaac and Jacob, comprised the olive tree. But they have been cut off due to unbelief, and the believing Gentiles have been grafted in. All are the seed of Abraham properly understood. All partake of the root and fatness of the olive tree, representing the Abrahamic Covenant and the covenant blessings that flow from it. Now it is clear, that until some future time, when God may again graft in some of the physical seed of Abraham that are now cut off, the olive tree is comprised of believing Gentiles. The olive tree is comprised of the Church of Jesus Christ.

And so the Apostles regard the church as the true Israel of God. We see the Apostle James, our Lord's brother, addressing his epistle to the believers, to the churches, as "*James, a servant of God and of the Lord Jesus Christ, to the twelve tribes which are scattered abroad, greeting.*" (James 1:1). To James, speaking under inspiration, the Church of Jesus Christ is now the nation of Israel, the chosen people of God, once represented by the twelve tribes. Similarly, we see the Apostle Peter addressing the churches of Asia Minor as the elect of God in Jesus Christ, saying,

*Peter, an apostle of Jesus Christ, to the strangers scattered throughout Pontus, Galatia, Cappadocia, Asia, and*

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*Bithynia, Elect according to the foreknowledge of God the Father, through sanctification of the Spirit, unto obedience and sprinkling of the blood of Jesus Christ: Grace unto you, and peace, be multiplied. (1 Peter 1:1-2).*

However, he then also addresses them as the chosen people of God who are now that royal priesthood, that holy nation, that Israel was meant to be under the Sinaitic Covenant.

*“But ye are a chosen generation, a royal priesthood, an holy nation, a peculiar people; that ye should show forth the praises of him who hath called you out of darkness into his marvellous light: Which in time past were not a people, but are now the people of God: which had not obtained mercy, but now have obtained mercy.” (1 Peter 2:9-10).*

The church of Jesus Christ is now that holy nation that Israel once was. The church is that covenant community where covenantally and constitutionally the chosen people of God are committed to the worship and service of Jahweh. The church is now that covenant community, that holy nation, where both tables of the law are enforced. Under the New Covenant the civil magistrate no longer punishes sins of faith and worship. Under the New Covenant the civil magistrate does not unsheathe his sword to punish heresies, idolatries, and blasphemies. Conversely, these sins are punished in that holy nation that we call the Church of Jesus Christ. The church does enforce both tables of the Decalogue. The elders of the church will deal with members who are involved in heresy, idolatry, or blasphemy. In the church there is no religious liberty. The church, however, does not bear the sword of the civil magistrate. The church instead has the keys of the kingdom of heaven. Its rulers can excommunicate men from the covenant community and leave them to the uncovenanted mercies and wrath of God on judgment day. As Christ himself put it...

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*Moreover if thy brother shall trespass against thee, go and tell him his fault between thee and him alone: if he shall hear thee, thou hast gained thy brother. But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established. And if he shall neglect to hear them, tell it unto the church: but if he neglect to hear the church, let him be unto thee as a heathen man and a publican. Verily I say unto you, Whatsoever ye shall bind on earth shall be bound in heaven: and whatsoever ye shall loose on earth shall be loosed in heaven. Again I say unto you, That if two of you shall agree on earth as touching any thing that they shall ask, it shall be done for them of my Father which is in heaven. For where two or three are gathered together in my name, there am I in the midst of them. (Matthew 18:15-20).*

Christ here teaches that wherever two or three elders of his church, acting in his name, exercise scriptural church discipline, he will uphold their sentence in heaven. This is no empty threat. Religious liberty in the civil sense does not give members of the covenant community the right to thumb their noses at the eldership that Christ has appointed in his church. As the author of the Hebrews states it...

*He that despised Moses' law died without mercy under two or three witnesses: Of how much sorer punishment, suppose ye, shall he be thought worthy, who hath trodden under foot the Son of God, and hath counted the blood of the covenant, wherewith he was sanctified, an unholy thing, and hath done despite unto the Spirit of grace? For we know him that hath said, Vengeance belongeth unto me, I will recompense, saith the Lord. And again, The Lord shall judge his people. It is a fearful thing to fall into the hands of the living God. (Hebrews 10:28-31).*

If there was no religious liberty under the Sinaitic Covenant and there were severe penalties for covenant

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breaking, there are no less severe penalties for breaking the superior covenant and profaning a greater than Moses, Jesus Christ. Neither should we think that the absence of civil penalties and the substitution of spiritual censures makes the New Covenant weak and unenforceable. As Christ himself warned...

*And fear not them which kill the body, but are not able to kill the soul: but rather fear him which is able to destroy both soul and body in hell. (Matthew 10:28)*

### OF WHEAT AND TARES

*Another parable put he forth unto them, saying, The kingdom of heaven is likened unto a man which sowed good seed in his field: But while men slept, his enemy came and sowed tares among the wheat, and went his way. But when the blade was sprung up, and brought forth fruit, then appeared the tares also. So the servants of the householder came and said unto him, Sir, didst not thou sow good seed in thy field? from whence then hath it tares? He said unto them, An enemy hath done this. **The servants said unto him, Wilt thou then that we go and gather them up? But he said, Nay; lest while ye gather up the tares, ye root up also the wheat with them. Let both grow together until the harvest: and in the time of harvest I will say to the reapers, Gather ye together first the tares, and bind them in bundles to burn them: but gather the wheat into my barn. (Matthew 13:24-30, Emphasis mine).***

*Then Jesus sent the multitude away, and went into the house: and his disciples came unto him, saying, Declare unto us the parable of the tares of the field. He answered and said unto them, He that soweth the good seed is the Son of man; The field is the world; the good seed are the children of the kingdom; but the tares are the children of the wicked one; The enemy that sowed them is the devil; **the harvest is the end of the world; and the reapers are the angels. As therefore the tares are gathered and burned in***

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*the fire; so shall it be in the end of this world. The Son of man shall send forth his angels, and they shall gather out of his kingdom all things that offend, and them which do iniquity; And shall cast them into a furnace of fire: there shall be wailing and gnashing of teeth. Then shall the righteous shine forth as the sun in the kingdom of their Father. Who hath ears to hear, let him hear. (Matthew 13:36-43, Emphasis mine).*

This is a key parable in demonstrating that the scriptures teach religious liberty under the New Covenant. Nowhere else does Christ personally set forth so clearly that we are to practice religious liberty. This parable not only supports the concept of religious liberty, but it sets forth one of the chief reasons why God has so ordained it to be. The world was to be God's garden. It was to be a place where his people could live in righteousness and flourish under his blessing. But it is being taken over by weeds, by the children of the devil. And what ought to be done about that? Should the Lord's servants root out the tares? Should the ungodly be persecuted and prosecuted? Should unbelievers be suppressed and, if possible, exterminated? The answer given is clearly "No." They are to be left alone. They are to be reserved unto God's judgment at the end of the age. "*Vengeance is mine saith the Lord,*" and he will repay in his own time. Meanwhile we are to heed his admonition; we are to obey him and desist from using the sword of the civil magistrate to root out unbelievers. And why does God command this? Because he loves the wicked? Because he is indifferent to their wickedness and sin? No, not at all. He commands this because he loves his people; because he loves his church. It is for our sakes that he restrains his wrath. It is because uprooting the tares will damage the wheat that the tares are reserved to the judgment of the last day. One needs only to study the misery and devastation that swept back and forth across Europe during



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the Thirty Years War to see the truth of this statement. One needs only to review the incredible human suffering caused by wars of religion to see why the Lord in his goodness and out of compassion for his people reserves his judgment and would have us to live at peace with the ungodly and the unbelieving in this present world, as far as that is possible.

As the Apostle Paul taught it...

*Recompense to no man evil for evil. Provide things honest in the sight of all men. If it be possible, as much as lieth in you, live peaceably with all men. Dearly beloved, avenge not yourselves, but rather give place unto wrath: for it is written, Vengeance is mine; I will repay, saith the Lord. Therefore if thine enemy hunger, feed him; if he thirst, give him drink: for in so doing thou shalt heap coals of fire on his head. Be not overcome of evil, but overcome evil with good. (Romans 12:17-21).*

## CHAPTER EIGHT THE LAW

*For the law was given by Moses, but grace and truth came by Jesus Christ. (John 1:17).*

*But there rose up certain of the sect of the Pharisees which believed, saying, That it was needful to circumcise them, and to command them to keep the law of Moses. (Acts 15:5).*

The Apostle John says that the law was given by Moses. About which law was he speaking? And what is our relationship to that law? The converted Pharisees insisted that we be commanded to keep the law of Moses. What does it mean to keep the law of Moses? That issue has been a fruitful source of confusion and conflict. To some, rejection of any part of this law makes one guilty of antinomianism. To others the acceptance of that law makes one a legalist. First, to which law was John referring? What law was given to Israel by Moses? The answer is not as simple as some may think. The laws that were incorporated by Moses into the constitution of the Old Testament Hebrew republic did not compose a complete and indivisible unity. Rather they need to be classified and broken down to be really understood.

It is my view that the Mosaic law can be broken down into three basic categories. All three of these categories must then be examined and stand on their own merit as to their continued applicability under the New Covenant. The three categories are as follows.

First of all we have the moral law, summarized in the Mosaic legislation, as the Ten Commandments, or the Decalogue. This is the law that our first parents had written in their hearts when they were still in their original state in the Garden of Eden. This is the unchanging moral law of God that is a reflection of God's abiding holiness and

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righteousness. All men from Adam, through Noah, Abraham, Moses, David, the prophets, and the apostles, had this law at least in their hearts and consciences, if not in a written form as well.

Secondly we have the ceremonial law. This comprises all the rituals of the temple cultus, involving the sacrifices and worship that were required there. It includes all the dietary laws, as well as those laws that were typical of the coming Messiah.

Thirdly we have the judicial laws, the criminal code of the Hebrew Republic. This would include all the detailed application of the ten commandments, specific case law, specific judicial sanctions, and all the detailed legislation that flows from applying the law to a specific society.

Now how are these laws to be applied today? According to the Westminster Confession of Faith....

*“Besides this law, commonly called Moral, God was pleased to give to the people of Israel, as a Church under age, ceremonial laws, containing several typical ordinances, partly of worship, prefiguring Christ, his graces, actions, sufferings, and benefits; and partly holding forth divers instructions of moral duties. All which ceremonial laws are now abrogated under the New Testament. To them, also, as a body politic, he gave sundry judicial laws, which expired together with the state of that people, not obliging any other now, further than the general equity thereof may require. The moral law does forever bind all, as well justified persons as others, to the obedience thereof, and that not only in regard of the matter contained in it, but also in respect of the authority of God, the Creator, who gave it. Neither does Christ in the gospel any way dissolve, but much strengthen this obligation.”* (Chapter 19, Sections 3-5, Emphasis mine).

From this we see that the moral law is permanent and binding on all men for all time. Because it applies to all

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men for all time it was included in the laws that God gave to Moses and summarized in “the ten words.” But it was not peculiar to the Sinaitic Covenant, merely having been incorporated into it since all men were already under it. The passing of the Sinaitic Covenant left this unchanged, and men are still under its restraints, and subject to God’s just sanctions when they break it.

We also see that the ceremonial law was set aside with the death of Christ, who fulfilled all its types and shadows. As we have already noted, the rejection of Christ by the Sanhedrin, the representative men of the nation, and their selling of the Shepherd of Israel for thirty pieces of silver, led God to abrogate the Sinaitic Covenant. Since the ceremonial law was peculiar to that covenant, these laws passed away when that covenant was superseded by the New Covenant. This is the main theme of the entire book of Hebrews. When the Jewish nation in its apostate stubbornness attempted to maintain the temple economy and the ceremonial law, God permanently destroyed both in the national holocaust of A.D. 70.

However, when we come to the judicial law, things are not so simple. As the confession says, these laws are “*not obliging any other now, further than the general equity thereof may require.*” How is that principle to be applied? Obviously what is needed is to divide the judicial laws between those that have general equity and those that do not. How is that to be done? The Sinaitic Covenant established a theocracy. That is, it established a nation where Jahweh was not only their God but also their King. This was peculiar to the Old Testament Hebrew Republic. There may be, and there should be, godly nations today—that is, nations that confess that their God is the God of the scriptures, nations that confess that their laws are founded on his revealed will. But there are no nations today where God is personally the head of the civil commonwealth. God is not President of the United States, nor is God the Prime

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Minister of the United Kingdom. That blessing, that privilege, was reserved for Israel of old. If that is what made Israel different from all other nations, then what is needed is to review the judicial laws of Moses and separate the laws that were peculiar to a theocracy from those that have general equity applicable to all nations. This then gives us ultimately four categories of law in the Mosaic economy; moral, ceremonial, theocratic, and general judicial.

This book is not intended to be a treatise on Old Testament law. However, a few examples are in order. The institution of the avenger of blood and the appointment of the cities of refuge are clearly examples of laws that were peculiar to the theocracy. Similarly, the division of the land and its perpetual ownership, reinforced every fifty years in the Year of Jubilee, as well as the release of all debts in the Sabbatical years, were laws that were peculiar to Israel. The laws respecting the trial of jealousy in questions of adultery and dealing with the restoration of the leper to society are as peculiar to Israel as was the appeal to the Urim and Thummin as the ultimate court of judicial review. Finally, there is one more class of theocratic law I want to cover. As we have noted, Jahweh was not only Israel's God but also her King. This is what made her a theocracy. All nations were to forsake their false gods and submit to the true God, the Creator of heaven and earth. All nations were to have Jahweh as their God. But only one nation, Israel, had the true God as the head of the civil commonwealth, as her King. Under these circumstances all public acts of idolatry and blasphemy constituted treason against the civil commonwealth. In a theocracy these sins bear the penalty for treason, the death penalty. Under the New Covenant all such laws are now null and void. And that is one more reason why, being under that New Covenant, we are to have religious liberty today.

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However, there are also many laws in the criminal code of Old Testament Israel that have general equity and are worthy of our study and emulation. If they are not absolutely binding, a subject I am not prepared to debate at this point, at the least they represent a divine standard of wisdom and justice that nations would be foolish to ignore. Good examples are the requirements that multiple witnesses are required in a capital case and that false witnesses bear the same penalty as their perjury would have afflicted on the defendant. The laws requiring the quarantine of those afflicted with infectious diseases such as leprosy, justly protecting the rest of society, should be applied to the current plague of AIDS, tending to restrict its ravages to those groups who have brought such judgments on themselves. There are many others, but I am only seeking to establish the principle with a few examples.

Similarly I do not want to get into a debate on the binding nature of the sanctions for violations of second table crimes in the Hebrew Republic. Again, at the very least, they are a good example to all nations. They are certainly a good standard of general equity, of punishments that fit the crime. Personally, I long to see that kind of justice in our land, where capital punishment would be exercised, not only in cases of murder, but also for rape, incest, child molestation, bestiality, sodomy, and prostitution. Instead of unborn children facing a death penalty for the sin of being inconvenient would it not be better to have pimps and drug dealers face that penalty! The sanctions enforcing those portions of the law would be a blessing to any nation inundated by permissiveness and sin.

**CHAPTER NINE**  
**ONE NATION UNDER GOD**

When Americans recite this in their pledge of allegiance what do they mean by this? What does it mean? What should it mean? To some it may simply mean we are a nation under God. But all nations are under God. They are all under his law, under his providence, and subject to his judgments. To some it may mean we are a Christian nation. But what does that mean? What are the responsibilities of the government and of the citizens in a “Christian nation?” Without a clear definition it can be made to mean almost everything and anything. To some it may mean we ought to be a theocracy enforcing every jot and tittle of the divine will as revealed in scripture. To others it may mean little more than Jefferson’s Deism and the general references to the Creator in some of our organic documents. I will not venture into the quagmire of what it has historically meant at various stages of the nation’s development, but will set forth what it ought to mean. What does it mean in our times to be a “Christian nation?” What are our responsibilities to the Lord as a nation state under the New Covenant?

**Two Divinely Appointed Institutions:**

*Take heed therefore unto yourselves, and to all the flock, over the which the Holy Ghost hath made you overseers, to feed the church of God, which he hath purchased with his own blood. (Acts 20:28).*

*But if I tarry long, that thou mayest know how thou oughtest to behave thyself in the house of God, which is the church of the living God, the pillar and ground of the truth. (1 Timothy 3:15).*

*Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the*

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*ordinance of God: and they that resist shall receive to themselves damnation. For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same: For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. Wherefore ye must needs be subject, not only for wrath, but also for conscience sake. For for this cause pay ye tribute also: for they are God's ministers, attending continually upon this very thing. Render therefore to all their dues: tribute to whom tribute is due; custom to whom custom; fear to whom fear; honour to whom honour. (Romans 13:1-7).*

Actually there are three, and only three, divinely appointed institutions sanctioned by the scriptures. These are, first of all, the family, established by God in the Garden of Eden when he made a “*help meet*” for Adam, instituting marriage; secondly, civil government, established by God in the covenant with Noah; and finally, the church, founded by God in the family of Abraham. Now of these, the latter two especially relate to issues of religious liberty.

Now these are institutions that are ordained of God. They are founded upon divine authority and established to fulfil divine purposes. This is obvious when one considers the church. The scriptures repeatedly call the church the “*church of God*.” All churches, no matter how far they may have drifted from the word of God, maintain that they are still the church of God. No church ever claims that it is simply a man made institution and that it has no divine origins and no divine purposes. The church may act as if it exists only for man’s purposes, but it always claims to be a divine institution. The testimony of scripture with respect to the divine nature and origin of civil government is equally clear as in the case of the church. Unfortunately, civil



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governments have not been nearly as consistent in making that claim of themselves. Rather we have been deluged for several centuries with infidel views of civil government. Whether this be Rousseau's or Locke's version of some kind of social contract, they all unite in proclaiming that the institution of civil government is strictly of human origin. We are told that human beings, for reasons sufficient to themselves, have seen the utility of these arrangements and have contracted with each other to set up governments. We hear that "*the voice of the people is the voice of god,*" making the people the god that has authorized and established government. We hear half truths teaching "*that governments derive their just powers from the consent of the governed*" (Civil elders, like ecclesiastical elders, have a dual role; they are primarily ministers of God and secondarily representatives of the people. They derive their authority primarily from God's institution of their office and his providential placing of them in it, and secondarily from the people who chose them.). What we rarely hear is that government, in an inescapable sense, is religious; that government is founded by God; that all governments are ministers of God; that they will be held accountable to God. What we rarely hear is that the moral ground of their authority is not the voice of the majority but the will of God. What we rarely hear is that they have limited authority and limited purposes, limited by God's revealed will. What civil magistrates need to hear is that they cannot legislate as they please but only to implement that which God has already legislated. What they need to hear is that they are accountable not only to the voters but ultimately to God.

### **Two Sets of Ministers:**

Now, if all this be true, then it logically follows that the officers in both the church and the state are servants and ministers of God. That is, they serve God in their office and they represent Him and His authority when they exercise

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that office. They exercise an office that God has appointed. They hold this office in an institution that God has established. The very foundation of their authority rests upon the commandment of God. Again, this has generally been acknowledged in the churches. Ecclesiastical elders are generally regarded as servants and ministers of God. God owns them as his servants and representatives and warns, "*Saying, Touch not mine anointed, and do my prophets no harm.*" (1 Chronicles 16:22). The scriptures repeatedly call them such. Isaiah says of the priests, "*But ye shall be named the Priests of the LORD: men shall call you the Ministers of our God.*" (Isaiah 61:6). Similarly Joel says, "*Let the priests, the ministers of the LORD...*" (Joel 2:17). Paul says, "*But in all things approving ourselves as the ministers of God*" (2 Corinthians 6:4), and styles himself, "*Paul, a servant of God, and an apostle of Jesus Christ*" (Titus 1:1).

However, just as government has not generally been recognized as being of divine origin, neither have civil magistrates generally been regarded as ministers of God. Not only is this true, but it is often regarded as a virtue. The United States as a nation is somewhat schizophrenic about this. We want the President to be a religious man. We want him to go to church on Sundays and to say "*God bless you*" at appropriate times. We are not ready for an avowed atheist in the Presidency, in the style of Madalyn Murray-O'Hare. But at the same time we thoroughly expect, yes demand, that the President will act as a completely secular person whenever he acts officially, in approving legislation and setting public policy. From 9:00 to 5:00 he is expected to turn his religion off. In his official capacity he must not act as the minister of God.

Now it is true that under the Sinaitic Covenant the civil heads of state had a special relationship to God. The judges were directly called and raised up by God. The kings of Israel were likewise chosen by God, through the anointing

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of God's prophet, before they were elected by the tribes. They were called "*captains of the Lord's heritage*" and other titles that bespoke their status as special ministers of God. But although that status may have been special in the theocracy, it was certainly not unique to it. There are many examples of pagan kings being addressed as ministers of God and being called to account by God for how they have exercised their office. And although they are called indirectly by God's providence, yet they are ordained of God, raised up as his ministers to fulfil his will, and accountable to him. This is made abundantly clear when we review the scriptural testimony of how God regarded the following pagan monarchs.

*O Assyrian, the rod of mine anger, and the staff in their hand is mine indignation. I will send him against an hypocritical nation, and against the people of my wrath will I give him a charge, to take the spoil, and to take the prey, and to tread them down like the mire of the streets. (Isaiah 10:5-6).*

*I have made the earth, the man and the beast that are upon the ground, by my great power and by my outstretched arm, and have given it unto whom it seemed meet unto me. And now have I given all these lands into the hand of Nebuchadnezzar the king of Babylon, my servant; and the beasts of the field have I given him also to serve him. And all nations shall serve him, and his son, and his son's son, until the very time of his land come: and then many nations and great kings shall serve themselves of him. And it shall come to pass, that the nation and kingdom which will not serve the same Nebuchadnezzar the king of Babylon, and that will not put their neck under the yoke of the king of Babylon, that nation will I punish, saith the LORD, with the sword, and with the famine, and with the pestilence, until I have consumed them by his hand. (Jeremiah 27:5-8).*

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*Now in the first year of Cyrus king of Persia, that the word of the LORD spoken by the mouth of Jeremiah might be accomplished, the LORD stirred up the spirit of Cyrus king of Persia, that he made a proclamation throughout all his kingdom, and put it also in writing, saying, Thus saith Cyrus king of Persia, All the kingdoms of the earth hath the LORD God of heaven given me; and he hath charged me to build him an house in Jerusalem, which is in Judah. Who is there among you of all his people? The LORD his God be with him, and let him go up. (2 Chronicles 36:22-23).*

*That saith of Cyrus, He is my shepherd, and shall perform all my pleasure: even saying to Jerusalem, Thou shalt be built; and to the temple, Thy foundation shall be laid. Thus saith the LORD to his anointed, to Cyrus, whose right hand I have holden, to subdue nations before him; and I will loose the loins of kings, to open before him the two leaved gates; and the gates shall not be shut; I will go before thee, and make the crooked places straight: I will break in pieces the gates of brass, and cut in sunder the bars of iron: And I will give thee the treasures of darkness, and hidden riches of secret places, that thou mayest know that I, the LORD, which call thee by thy name, am the God of Israel. (Isaiah 44:28-45:3).*

Similarly, the scripture is filled with warnings and rebukes of God's prophets uttered in God's name against various pagan nations. God is calling his ministers to account for how they have ruled. He raises up ecclesiastical ministers to rebuke his erring civil ministers and remind them to rule justly according to his commandments and precepts. God obviously knows nothing of this modern theory that the civil magistrate is a secular person, accountable only to his subjects, and forbidden by the nature of his office to rule his subjects in God's fear and according to God's will. From ancient times to the present, from the

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Noahic Covenant through Paul's declaration in Romans 13, we see that all civil governors are ministers of God.

If they were not ministers of God, if they were not clothed with divine authority, then how could they rule? When we sin, we sin primarily against God. David wronged Bathsheba, Uriah, and Ahithophel, yet when he confessed he declared, "*Against thee, thee only, have I sinned, and done this evil in thy sight.*" (Psalm 51:4). Unless civil magistrates have authority from God, how can they punish other men for their sins against God? God himself says, "*To me belongeth vengeance, and recompense.*" (Deuteronomy 32:35). Neither can men avenge themselves personally. And if they have not that right they certainly cannot delegate that to their elected representatives in the government. For Paul teaches, "*Dearly beloved, avenge not yourselves, but rather give place unto wrath: for it is written, Vengeance is mine; I will repay, saith the Lord.*" (Romans 12:19). Without a theistic, a moral foundation for its authority, civil government is reduced to ruling by brute force. Then we all become like the Soviet Union where might is right. Then at best we are reduced to the tyranny of democracy, the tyranny of the majority over any and all minorities. However, all men are creatures and subject to the Creator. No man can justly complain about having to submit to the minister of God.

### **Two Tables Of The Law:**

We have two institutions, both founded on the revealed will of God. Both have God's will as the foundation for their moral authority. We have two sets of ministers, ecclesiastical and civil. Both offices are established by God to carry out divinely ordained functions, and are accountable to God. Then we have the two tables of the law. And here we can see one of the chief purposes of the division of the law into two tables. The law as James tells us is one, "*For whosoever shall keep the whole law, and yet offend in one*

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*point, he is guilty of all.*” (James 2:10). Yet God purposefully divided it into two tables. Rushdoony’s view that all ten commandments were on both tables destroys this division. He maintains that that there were two copies of the covenant, one for each party. But Moses came down from the mountain with both tables which combined contained one copy of the entire Decalogue. Both tables were archived in the Ark of the Covenant. In a theocracy this would make sense. God was the King of Israel, and he ruled them from the mercy seat on the Ark in the Holy of Holies. He enforced all the “*ten words,*” not only with the spiritual censures of the Jewish Church, of which He was the Head, but also with the sword of the civil magistrate as the King. Both tables were in the Ark, the seat of God’s government over Israel. But there were two tables and the distinction is real.

And what is that distinction? The scriptures teach that “*love is the fulfilling of the law.*” As Paul taught,

*Owe no man any thing, but to love one another: for he that loveth another hath fulfilled the law. For this, Thou shalt not commit adultery, Thou shalt not kill, Thou shalt not steal, Thou shalt not bear false witness, Thou shalt not covet; and if there be any other commandment, it is briefly comprehended in this saying, namely, Thou shalt love thy neighbour as thyself. Love worketh no ill to his neighbour: therefore love is the fulfilling of the law.* (Romans 13:8-10).

The law defines love. The law teaches us how to love. And the first table of the law, according to Christ, teaches us how to love the Lord our God with all our heart, and mind, and strength. Similarly, the second table of the law, as Paul states in the above quotation, teaches us how to love our neighbor. The first table of the law therefore regulates our relationship to God; the second table regulates our relationship to our fellow men.

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Now the state does not regulate our relationship to God. It was established after the flood as an earthly ministry of justice. Before then God had administered justice among men personally. God had personally dealt with Cain. God had dealt with the generation of the flood in his providence. He had, in his vengeance on their sin, literally washed them off the face of the earth. But these means had not been sufficiently effective. In spite of the example of God's judgment on Cain, a few generations later, Lamech publicly boasted that he had slain two young men. In spite of Noah's faithful preaching for many years before the flood, the threat of God's providential judgments did not deter the continuous evil of that generation. So God in his goodness and mercy to his creation went another step. He established civil government. He established an additional restraint on sin. He did this for the sake of his elect. He did this so that another universal judgment would not be required again until the end of the age, until the Messiah had come, and all the elect had been gathered in. Civil government was to be his visible presence, bearing his sword, marking iniquity in his name, exacting his vengeance, and being a terror to evildoers. And the commands that he has given the state to enforce, as we have seen from Genesis 6 and Romans 13, are all second table commandments. The state, with the exception of Israel under the Sinaitic Covenant, is not to enforce the first table of the law. The state was established long before the church was founded in the days of Abraham. It was founded before there was any public worship to regulate. It was founded when there was only patriarchal family worship. And even under the Sinaitic Covenant only public worship, not private worship, was regulated by the state.

The church is the new Israel of God. As Peter stated it, the church is that holy nation that Israel was to be. The church is the covenant community where men have

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covenanted to be God's people. And therefore it is in the church that both tables of the law are enforced.

And now we can finally get to what it means to be "*one nation under God*," what it means to be a scriptural nation state under the New Covenant. It is a nation where both church and state are recognized as being institutions ordained of God and established by his revealed will. It is a nation where both civil and ecclesiastical elders are recognized as ministers of God, clothed with his authority and acting in his name. It is a nation where the civil elders enforce the second table of the law, applying God's sanctions against those sins in his name. It is a nation where the church is recognized as the visible covenant community of the elect of God in Jesus Christ in which both tables of the law are enforced.

### **One Nation:**

As previously noted, there are only two public covenanted institutions that are ordained of God. These are the church and the state. They involve two sets of elders and the two tables of the law. These two, generally occupying mutual geographical space, remain one nation. Sovereign (humanly speaking) governments generally define a separate nation state. Within that nation state the church exists as that holy nation spoken of by Peter. Nonetheless, it remains one nation, not two. Neither is the church a nation within a nation. Church members remain subject to their respective civil governments. Indeed, their church membership should indicate their acceptance of the very ground of that subjection, the will of God. Church members are full citizens of the nation, rendering to Caesar the things that are Caesar's, but reserving to God the things that are God's. There is no difficulty in this, nor any conflict of loyalties, unless Caesar attempts to usurp the things of God. Then Christians have, and will engage in principled resistance to unscriptural tyranny. But at all



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times they remain members of the civil commonwealth and subject to all its lawful commands.

### **The United States:**

The United States is one nation. But in a sense it was composed of two separate republics, a civil republic and an ecclesiastical republic. Both of these republics were reorganized in the late 1780's when the United States of America was founded. The civil republic was reorganized, and, contrary to popular mythology, this was not done along the lines of the Roman republic or Greek democracy. Rather, it was reorganized along the lines of the Old Testament Hebrew Republic. It was not based on the dregs of ancient pagan cultures but on the polity established by Moses under divine direction. From the laws of Moses we get a bi-cameral legislature composed of a house of popular representation and a senate, a graded judiciary, and a chief executive. We get the treaty making powers of the Senate and other features of our federal constitution. As the tribes of Israel formed separate republics, united by a common federal government, so the colonies, as separate republics, united under a federal government as the United States of America. It was this federal union that was the model for our own.<sup>1</sup>

The American War of Independence was fought for republican principles of government, and these principles are applicable in both church and state. The Stuart kings of England had seen the connection and had maintained the principle, "*No bishop, no king.*" They realized that if men will not accept hierarchical rule in the church, neither will they accept it in the state, and vice-versa. The principles are a unity, so they rejected all Puritan efforts to reform the church and institute Presbyterianism in place of episcopacy. At the time of the American Revolution the colonies were not only concerned about arbitrary rule in the state but also

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<sup>1</sup> See Appendix D, Review of E.C. Wines' "*The Hebrew Republic.*"

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in the church, particularly the threat of the Church of England being established in the colonies with a bishop lording it over their consciences. This they consistently resisted, and the Hanoverian kings, like their Stuart predecessors, were quick to see the connection. In fact the king and his advisors called it a "*Presbyterian revolt.*" When this revolt was successful, these principles of scriptural republicanism were instituted in both church and state to establish both a new civil and a new ecclesiastical order.

In 1789 the United States of America was organized with a new constitution. It was comprised of four levels of republican government. The first was the local or municipal government, then the county, the State, and the federal governments. All levels could reserve specific rights and functions to themselves, but others were delegated upwards per the specific State and federal constitutions. A similar process occurred in the Presbyterian Church. It was reorganized as the Presbyterian Church in the United States of America (PCUSA). It too had four levels of government. This graded system of ecclesiastical courts consisted of the session, governing the local church, the presbytery, governing a group of churches in a geographical area such as a county, the synod, governing the churches in an area the size of a State, and the general assembly governing all the churches in the nation. Presbyterianism, the governing of the church by elected elders (presbyters), is the ecclesiastical equivalent of a republican commonwealth, and as such it was prominent in the founding of the American republic.

Consistent with the principle of religious liberty there were of course many other churches and denominations in the early American republic. However, Presbyterianism and its cousin, New England Congregationalism, had been the dominant ideological forces behind the American Revolution. And when they joined in 1801 under the "*Plan*

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*Of Union*” the PCUSA became not only the logical twin of the infant civil republic, but the most influential denomination in the nation. The importance of this parallel ecclesiastical republic was publicly recognized, and both Presidents Andrew Jackson and Woodrow Wilson are on record expressing their concerns about what was transpiring at the General Assembly of the PCUSA. The existence of these two parallel republican institutions gives us a prime historical example of scriptural separation of church and state and of what it means to be one nation under God.

### **The First Amendment:**

The first amendment has become a somewhat controversial element of the federal constitution. Depending on whose ox is being gored Christians have viewed it as either the hero or the goat. In the hands of the ACLU it has been used to eradicate any vestige of Christianity from the public life of the republic. It has also been used by Christians to defend their institutions from the onslaught of a secular-humanist state in a post-Christian era. What is the true intent of this amendment? Is it a bulwark from which Christians can defend their liberties or is it a prescription for a secular state? The original intent of this amendment, as we shall see, was not nearly so schizophrenic.

The American republic was originally composed of the union of the thirteen colonies. These colonies had fought a bitter and painful war to emancipate themselves from a tyrannical federal government in England. They were cautious about repeating the experience. All the original colonies had their own State constitutions. These constitutions all recognized God and regulated the relationship of church and state in a unique way. The colonies were not prepared to delegate this function to the federal government. It was one of the rights reserved to the sovereign States under the tenth amendment. But to make

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doubly sure, and at the insistence, not of secular humanists and infidels, but of the clergy, it was clearly spelled out in the first amendment. At the time there were various church and state arrangements in the colonies. In Massachusetts the Congregational Church was the legally established church. In Virginia the Episcopal Church was legally established, and tithing to it was compulsory (George Washington during his presidency opposed the move of the State of Virginia to render this tithe voluntary.). Roman Catholicism, illegal in Massachusetts, was protected in Maryland. The Quakers dominated Pennsylvania, and the Presbyterians New Jersey. None of these arrangements were affected by the first amendment. That amendment, being in the federal constitution, applied only to the federal government. With the federal government barred from interfering with the free exercise of religion and from legislating in this area, the States were free to decide these matters for themselves. All of them in time opted for religious liberty, and voluntarily divested themselves of established churches. All of them, however, maintained the right to regulate the relationship, not only of church and state, but of Christianity to the state. Thus they maintained chaplains in their State legislatures, had public days of prayer, fasting, and thanksgiving, took their public oaths on the Christian scriptures, and recognized the Bible and the God of the Bible in their institutions of learning. They considered themselves to be Christian republics, to be part of that “*One Nation Under God.*”

If this was so, what ever has happened to bring us to where we are today? Well, whatever happened, we can see that the problem is clearly not with the first amendment. In point of fact the problem lies with the fourteenth amendment. This was a major power grab by the federal government, particularly the federal judiciary. The result of this amendment was that the individual States became subject to the federal constitution. All the restrictions that

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had heretofore only applied to the federal government now applied to the States. And the federal judiciary would now scrutinize every piece of State legislation to ensure that it conformed to the federal constitution. The States were no longer sovereign but mere extensions of the federal government. And they were forbidden now to enact any legislation with respect to religion. Now they could not even have prayer and Bible reading in their State schools without running afoul of the federal judiciary. Now Jefferson's warning about the threat to the liberties of the republic from an unelected judiciary began to take on new meaning.

All of the radical and unpopular social reconstruction of the nation has been done by the Supreme Court in the guise of enforcing the federal constitution on the States. The banning of prayer and Bible reading in the schools, elimination of scriptural capital punishment, the legalization of abortion, and most recently the legal protection of sodomy, have all been forced on the nation by the federal judiciary. It is extremely doubtful if this agenda could have made it through many of the State legislatures and certainly not through the federal legislature. At least not at the times the various components were imposed by judicial fiat. The fourteenth amendment has been the legal wedge used to divorce the nation from any vestige of Christianity in its public institutions. The fourteenth amendment has become the prescription for a secular humanist state.

### **Separation of Church and State:**

Separation of church and state is clearly taught in the scriptures. The reason that it is regarded with some suspicion by conservative Christians is because it has been corrupted to mean something totally different. It has been used to mask and defend totally unscriptural ideas. It has been an excuse to maintain a complete separation between

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religion and the state. It has been used to justify a secular state, a state that is for all practical purposes atheist.

Properly understood, separation of church and state simply means that institutionally these two organizations are to be kept totally separated. They have separate functions, and neither should interfere with the other's legitimate carrying out of those functions. It means that civil magistrates are not to carry out ecclesiastical functions and ecclesiastical elders are not to carry out civil functions. It means that office bearers in the one should not also hold office in the other. It means that they should both co-exist according to God's ordinance and respect each other's jurisdiction. But although they are to be institutionally and organizationally separate and not to interfere with each other, they do have mutual authority over each other. That is, when ecclesiastical persons commit offenses against the second table of the law the civil magistrate ought to take note of it and deal with it. If ministers of the Church of Jesus Christ commit sins such as murder, adultery, fraud, theft, etc., they are not immune to civil prosecution. The civil magistrate is to visit them for these sins and deal with them accordingly. Similarly, when civil magistrates who are also church members commit offenses against the law of God, the ecclesiastical elders should deal with it. Civil magistrates who are church members are still under church discipline and should be disciplined and even excommunicated if contumacious and unrepentant of their sins as a civil magistrate. Having politicians vote for public wickedness such as abortion on demand or homosexual rights and shield themselves from responsibility for their actions as church members by the argument of the separation of church and state is a mockery. And even if they are not church members, the church can and should publicly rebuke their wickedness and even, in extreme cases, call for God's anathema upon them.

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Historically these relationships have been completely distorted, especially the church-state relationships in medieval Europe between various civil governments and the Roman Catholic Church. In England part of the church-state confrontations between Thomas A'Becket and Henry II was due to the fact that the Roman Church claimed exemption for its officers from any civil prosecution whatsoever. Also, the church courts did not have the power of the sword, so that the most that could be done to a cleric, regardless of his crime, was to be degraded in office. To qualify for this exemption from civil prosecution, all that one had to do was read a text from the Bible in Latin, the so-called "neck verse." In addition to this anyone could flee from civil justice by entering a church and claiming sanctuary. When one of Henry's nobles executed a priest for raping a young girl, it caused a major crisis in church-state relations. Since the King had the authority to appoint the Bishop of Canterbury, who served as primate of England, he was not inconsistent in claiming authority over a priest. Both positions are clearly unscriptural. The king has no authority to appoint officers in the Church of which Jesus Christ is the only Head, and no church officer is exempt from civil prosecution for his second table crimes. The Roman Catholic church claimed the authority to excommunicate the king or any of his nobles. This is clearly a biblical right of the church. But the Church also claimed the right to absolve the excommunicated person's subjects and vassals from any further allegiance to their lord. There is no scriptural warrant for such actions, and it could obviously wreak havoc in the civil state. Similarly the Church threatened any recalcitrant king with interdict. This was to suspend all ministering of the sacraments, especially of the mass, in his realms (Henry's fourth son, John, was excommunicated, and his realm placed under interdict because he refused to appoint the Pope's choice as Archbishop of Canterbury.). In a church that preached

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sacerdotal salvation this was tantamount to telling his subjects to dispose of their king or they all would be subject to eternal damnation. All these things represent unscriptural entanglements of church and state.

Institutionally separating church and state and correcting all the above stated abuses is one thing. But to separate all religion from the state and to establish a secular state is another. Paul and Christ both clearly exhorted that we ought to obey even pagan magistrates in their exercise of their lawful authority. But although their lawful authority is not compromised by their lack of religion, or professing of a false religion, that does not mean that that is the way things ought to be. Paul clearly taught in Romans 13 that the civil magistrate is God's minister, enforcing God's commandments. The foundation of his authority is moral and rooted in the ordinance of God. Ideally the civil magistrate ought to be a Christian. He ought to openly profess that he is a minister of God. He ought to rule by appealing to the moral foundation of his authority. And the laws he enforces ought to bind the consciences of his subjects because they have their origin in the precepts and commandments of God. The basic submission is to God, and we submit to the lawful authority of the government because we are submitting to the ordinance of God. Tyranny, such as what is practiced in totalitarian states, has no legitimacy and can only rule by fear. Democracies fare a little better, but ultimately the same question can be asked of them. Why should the minority submit to the wishes of the majority? There is nothing infallible about majorities and their wishes, and their decisions are frequently unjust and corrupt. The lynch mob is the ultimate example of majority rule at its worst. Ultimately, the voice of the people is not the voice of God, and democracy cannot claim legitimacy simply because it represents the majority. Only as the minister of God, representing the Creator who has lawful authority over all men, can government truly legitimize



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itself and have a solid moral underpinning for its authority. In short, proper separation of church and state means recognizing the divinely ordained distinctions of God's ministers and God's institutions. It does not mean denying God and his institution of civil government and erecting in its place a secular, atheistic state.

**CHAPTER TEN**  
**HISTORIC POSITIONS**

It is no secret that Reformed doctrinal standards have not been supportive of the position of religious liberty. We have already noted the Westminster standards and they are typical. What is the reason for this? Well, two obvious reasons come to mind. The first is that this was the universal practice of Christendom at the time. The authority to punish the sins against and enforce the requirements of the true religion was rarely questioned. The question that was disputed so thoroughly, not only in debate but also on the battlefields of Europe, was, "What is the true religion?" The second reason is that many of these doctrinal standards were developed by councils that were convened by civil authority. The council itself was subject to the crown and sat at its bidding. This was true of the Westminster Assembly and also of others, such as the Synod of Dort in the Netherlands. It might be a bit much to have expected these councils to deny the authority that had convened it and rebuke the purposes for which it was convened. And that purpose was generally the same: to assist the civil power in developing those doctrinal standards that the civil power would use in enforcing the requirements of religion.

**The Establishment Principle:**

The establishment principle is the notion that the state should support (i.e., establish and maintain) the true church. The question, of course, becomes what and who represent the true church. The state naturally assumes since it is doing the supporting, financing, etc., that it should decide. This has logically led to great controversy and periodic persecution in church history. The church however has persistently clung to this principle. It wants to have its cake and eat it too. It wants the state to support the true church and the church to instruct the state on what constitutes the

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true church. This has never worked out for long in practice. Not only is the historical testimony not in favor of this, but most importantly, neither is the scriptural testimony. A study of attempts to justify this principle is instructive. Any doctrine that requires such weak and confused arguments to support it ought to be disposed of in the theological scrap heap. A sample of some texts that have been pressed into service in an attempt to justify this doctrine is instructive.

*And kings shall be thy nursing fathers, and their queens thy nursing mothers: they shall bow down to thee with their face toward the earth, and lick up the dust of thy feet; and thou shalt know that I am the LORD: for they shall not be ashamed that wait for me.* (Isaiah 49:23).

In context it is almost impossible to apply this passage to the church as the Westminster Assembly seeks to do. The “*your*” here is natural Israel referred to in verse 6 as “*the tribes of Jacob*” and “*the preserved ones of Israel.*” This is not the church, currently composed chiefly of Gentiles, for these “*tribes of Jacob*” are contrasted with “*the Gentiles*” in the same verse. The “*Kings*” and “*queens*” are the rulers of “*the nations.*” This natural Israel has been “*forsaken of the LORD*” but not forgotten (See verses 14-16.). Are we to understand that the church is forsaken of God? Furthermore this verse, even if applied to the church, does not prove the proposition. This verse does not indicate that the rulers of the nations are supporting and establishing the church. Rather they are submitting to her and humbling themselves in the dust before her. Is this scriptural? Has such submission to the church by all civil rulers ever been required by the Christian Church? Some arrogant and power hungry Romish popes may have sought that kind of submission from civil rulers, but never any Protestant church. And where in this text does one see these pagan rulers taking care “*that unity and peace be preserved in the Church, that the truth of God be kept pure and entire, that*

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*all blasphemies and heresies be suppressed, etc., etc.”?* Abject submission in the dust is hardly consistent with wielding such authority over the church. Whatever this text does establish doctrinally it does nothing to establish the establishment principle!

*Whatsoever is commanded by the God of heaven, let it be diligently done for the house of the God of heaven: for why should there be wrath against the realm of the king and his sons? Also we certify you, that touching any of the priests and Levites, singers, porters, Nethinims, or ministers of this house of God, it shall not be lawful to impose toll, tribute, or custom, upon them. And thou, Ezra, after the wisdom of thy God, that is in thine hand, set magistrates and judges, which may judge all the people that are beyond the river, all such as know the laws of thy God; and teach ye them that know them not. And whosoever will not do the law of thy God, and the law of the king, let judgment be executed speedily upon him, whether it be unto death, or to banishment, or to confiscation of goods, or to imprisonment. Blessed be the LORD God of our fathers, which hath put such a thing as this in the king's heart, to beautify the house of the LORD which is in Jerusalem. And hath extended mercy unto me before the king, and his counsellors, and before all the king's mighty princes. And I was strengthened as the hand of the LORD my God was upon me, and I gathered together out of Israel chief men to go up with me. (Ezra 7:23-28).*

Again the doctrine being defended is hardly established by this proof text. Earlier in the chapter Ezra is identified as “*Ezra the priest, the scribe, expert in the words of the commandments of the LORD, and of His statutes to Israel.*” So what we have here is a heathen king empowering a priest, a scribe, an ecclesiastical office holder, to “*set magistrates and judges who may judge all the people.*” The doctrine being defended is somewhat Erastian, the state

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correcting and disciplining the Church. The text holds forth the opposite view. The text has the church appointing civil officers and setting their qualifications, which include “*all such as know the laws of thy God.*” The requirements commanded, “*And whosoever will not do the law of thy God, and the law of the king, let judgment be executed speedily upon him, whether it be unto death, or to banishment, or to confiscation of goods, or to imprisonment.*” are contrary even to the Sinaitic Covenant. That covenant commanded the magistrates in Israel not to oppress a stranger. Only those Israelites and proselytes who were included in that covenant could be visited with the sanctions of that covenant.

*And he that blasphemeth the name of the LORD, he shall surely be put to death, and all the congregation shall certainly stone him: as well the stranger, as he that is born in the land, when he blasphemeth the name of the LORD, shall be put to death. (Leviticus 24:16).*

*And that prophet, or that dreamer of dreams, shall be put to death; because he hath spoken to turn you away from the LORD your God, which brought you out of the land of Egypt, and redeemed you out of the house of bondage, to thrust thee out of the way which the LORD thy God commanded thee to walk in. So shalt thou put the evil away from the midst of thee. If thy brother, the son of thy mother, or thy son, or thy daughter, or the wife of thy bosom, or thy friend, which is as thine own soul, entice thee secretly, saying, Let us go and serve other gods, which thou hast not known, thou, nor thy fathers. (Deuteronomy 13:5-6).*

We have already noted that the Old Testament Hebrew Republic was a theocracy. In a theocracy public idolatry and blasphemy constitute treason to Jahweh the King. Treason is a capital offense and is visited with the death penalty. But quoting such sanctions from the Sinaitic Covenant does not prove their applicability under the New

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Covenant. And even if it were so, all it would prove would be the old Romish doctrine of turning convicted (in ecclesiastical courts) heretics over to the civil arm for execution. This still does not prove that the state is to establish the church. Bearing the sword of the civil magistrate in capital crimes, whatever they may be, is not the same as seeing that *“all corruptions and abuses in worship and discipline be prevented or reformed, and all the ordinances of God duly settled, administered, and observed.”*

*He removed the high places, and brake the images, and cut down the groves, and brake in pieces the brazen serpent that Moses had made: for unto those days the children of Israel did burn incense to it: and he called it Nehushtan. (2 Kings 18:4).*

*And Josiah took away all the abominations out of all the countries that pertained to the children of Israel, and made all that were present in Israel to serve, even to serve the LORD their God. And all his days they departed not from following the LORD, the God of their fathers. (2 Chronicles 34:33).*

These two texts at least do demonstrate that in Israel the civil magistrate did reform the church and correct *“corruptions and abuses in worship.”* But this is under the Sinaitic Covenant. As we have seen under that covenant, the civil magistrate was authorized to enforce both tables of the law. Hezekiah and Josiah did their duty under that covenant. Contemporary civil magistrates, as ministers of God, should do their duty under the New Covenant. But the duties are not the same, and these texts contribute nothing to the argument that they are.

*And when he had gathered all the chief priests and scribes of the people together, he demanded of them where Christ should be born. <sup>5</sup>And they said unto him, In Bethlehem of*

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*Judaea: for thus it is written by the prophet. (Matthew 2:4-5).*

In this text Herod the Great inquires of the Jewish Church where Christ was to be born. How we get from inquiring of the church in a matter of prophecy to reforming and correcting the church is not explained. Are we to take Herod as an example of a righteous king who is a “*father*” to the church? This is the Herod who slaughtered the babies of Bethlehem! This is the jealous and suspicious king who murdered his sons and his favorite wife! All that this text proves is the desperation of the Westminster divines to find some semblance of scriptural support for their unscriptural position. All these texts are like broken reeds to those who would lean on them to establish this doctrine.

### **The Covenanters:**

*Keep therefore the words of this covenant, and do them, that ye may prosper in all that ye do. Ye stand this day all of you before the LORD your God; your captains of your tribes, your elders, and your officers, with all the men of Israel, Your little ones, your wives, and thy stranger that is in thy camp, from the hewer of thy wood unto the drawer of thy water: That thou shouldest enter into covenant with the LORD thy God, and into his oath, which the LORD thy God maketh with thee this day: That he may establish thee to day for a people unto himself, and that he may be unto thee a God, as he hath said unto thee, and as he hath sworn unto thy fathers, to Abraham, to Isaac, and to Jacob. (Deuteronomy 29:9-13).*

The Scotch Presbyterians were a covenanting people. As a people they made a National Covenant with God. They covenanted to be his people, to acknowledge him as their God, and to govern their nation according to his laws. They denied that there was anything unique about God covenanting with Israel. They held that it was the obligation of all nations to so covenant with God. It was the obligation

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of all nations to recognize Jesus Christ, not only as the Head of the Church, but also as the Head of the civil commonwealth. Now these are noble goals that seem to some hard to gainsay. But again we must ask where is the authority for these covenants?

We agree that all nations should recognize that God's sovereignty and God's authority lie behind the institution of civil government. We admit that all nations should frame their civil governments according to God's institution as revealed in the scriptures. We admit that all nations should frame their laws according to the light of scripture rather than the light of nature. But we justly question where men derive the authority of establishing a national or civil covenant with God. There is neither precept nor example in scripture for such a practice. All of the divine covenants revealed in scripture have this in common, that they were instituted, defined, and promulgated unilaterally by God. Adam did not negotiate the covenant of works with God. He did not establish its terms and then so covenant with God. God dictated the terms and imposed them on Adam. And this is true of all the covenants revealed in scripture. God sovereignly made covenants on his own terms with Noah, with Abraham, with Israel at Sinai, and with David. None of these covenants were the product of human minds or of human wills. All these covenants were gracious. We cannot presume upon the grace of God. God's willingness to be the Head of the civil commonwealth of Old Testament Israel was a gracious act of condescension. For any nation to assume that they can so bind God in a covenant of their own choosing is an act of great presumption. It is a denial of His sovereignty. The scriptures make clear that these are God's covenants to make and not ours.

This is clear from the many references to these covenants in the scriptures. The model for any national covenant is obviously the Sinaitic Covenant. Yet it is clear that this covenant was God's covenant and not man's to



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make. The following scriptures (emphasis mine) clearly show the divine origin of this covenant, as opposed to any notion of even a shred of it being of human origin.

*Now therefore, if ye will obey my voice indeed, and keep **my covenant**, then ye shall be a peculiar treasure unto me above all people: for all the earth is mine. (Exodus 19:5).*

*And Moses took the blood, and sprinkled it on the people, and said, Behold the blood of **the covenant, which the LORD hath made with you** concerning all these words. (Exodus 24:8).*

*And he declared unto you **his covenant**, which he commanded you to perform, even ten commandments; and he wrote them upon two tables of stone. (Deuteronomy 4:13).*

***The LORD our God made a covenant with us in Horeb.** (Deuteronomy 5:2).*

*When I was gone up into the mount to receive the tables of stone, even the tables **of the covenant which the LORD made with you**, then I abode in the mount forty days and forty nights, I neither did eat bread nor drink water. (Deuteronomy 9:9).*

*If there be found among you, within any of thy gates which the LORD thy God giveth thee, man or woman, that hath wrought wickedness in the sight of the LORD thy God, in transgressing **his covenant**. (Deuteronomy 17:2).*

*These are the words of **the covenant, which the LORD commanded Moses to make with the children of Israel in the land of Moab, beside the covenant which he made with them in Horeb.** (Deuteronomy 29:1)*

The Covenant of Works is implied in the first three chapters of Genesis but not explicitly stated. So the following reference to the Noahic Covenant is the first mention of a covenant in the Bible. Again it clearly is

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God's covenant, not man's, and is instituted by God unilaterally.

***But with thee will I establish my covenant; and thou shalt come into the ark, thou, and thy sons, and thy wife, and thy sons' wives with thee.*** (Genesis 6:18).

This is again abundantly clear from the next passage.

*And God said, This is the token of **the covenant which I make between me and you** and every living creature that is with you, for perpetual generations. I do set my bow in the cloud, and it shall be for a token of a covenant between me and the earth. And it shall come to pass, when I bring a cloud over the earth, that the bow shall be seen in the cloud: **And I will remember my covenant**, which is between me and you and every living creature of all flesh; and the waters shall no more become a flood to destroy all flesh. And the bow shall be in the cloud; and I will look upon it, that I may remember the everlasting covenant between God and every living creature of all flesh that is upon the earth. And God said unto Noah, **This is the token of the covenant, which I have established between me and all flesh** that is upon the earth. (Genesis 9:12-17).*

Similarly the following references to the Abrahamic Covenant again demonstrate God's total sovereignty in initiating any covenants with man.

*In the same day **the LORD made a covenant with Abram**, saying, Unto thy seed have I given this land, from the river of Egypt unto the great river, the river Euphrates. (Genesis 15:18).*

*And Abram fell on his face: and God talked with him, saying, As for me, behold, **my covenant is with thee**, and thou shalt be a father of many nations. Neither shall thy name any more be called Abram, but thy name shall be Abraham; for a father of many nations have I made thee. And I will make thee exceeding fruitful, and I will make*

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*nations of thee, and kings shall come out of thee. **And I will establish my covenant between me and thee** and thy seed after thee in their generations for an everlasting covenant, to be a God unto thee, and to thy seed after thee. (Genesis 17:3-7).*

*And God said, Sarah thy wife shall bear thee a son indeed; and thou shalt call his name Isaac: **and I will establish my covenant with him** for an everlasting covenant, and with his seed after him. And as for Ishmael, I have heard thee: Behold, I have blessed him, and will make him fruitful, and will multiply him exceedingly; twelve princes shall he beget, and I will make him a great nation. **But my covenant will I establish with Isaac**, which Sarah shall bear unto thee at this set time in the next year. (Genesis 17:19-21).*

There are covenants that man can make. The following scripture passages indicate just such covenants. However they are never made with God. All such covenants, of strictly human origin, are made between men.

*Wherefore he called that place Beersheba; because there they swore both of them. Thus they made a covenant at Beersheba: then Abimelech rose up, and Phichol the chief captain of his host, and they returned into the land of the Philistines. And Abraham planted a grove in Beersheba, and called there on the name of the LORD, the everlasting God. (Genesis 21:31-33).*

*Then they said, We saw certainly that the LORD was with thee: and we said, Let there be now an oath betwixt us, even betwixt us and thee, and let us make a covenant with thee; That thou wilt do us no hurt, as we have not touched thee, and as we have done unto thee nothing but good, and have sent thee away in peace: thou art now the blessed of the LORD. And he made them a feast, and they did eat and drink. (Genesis 26:28-30).*

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*Now therefore come thou, let us make a covenant, I and thou; and let it be for a witness between me and thee. And Jacob took a stone, and set it up for a pillar. (Genesis 31:44-45).*

We must conclude that there is no scriptural basis for, and that man has no authority to, institute national covenants with God. All nations must recognize God as God, must submit to him as the Creator, and must see in his institution the moral authority that undergirds all civil governments. But to covenant with God, to make him the Head of the civil commonwealth, as he was in Israel, that they cannot unilaterally do. And God in his sovereignty has not chosen to so bless any nation since Israel. Rather than to presumptuously intrude into this area, all contemporary civil governments should simply seek to do their duty to God under the New Covenant.

### **The Cromwellian Paradox:**

*And I will walk at liberty: for I seek thy precepts. (Psalm 119:45).*

*And ye shall know the truth, and the truth shall make you free. (John 8:32)*

*Now the Lord is that Spirit: and where the Spirit of the Lord is, there is liberty. (2 Corinthians 3:17)*

*While they promise them liberty, they themselves are the servants of corruption: for of whom a man is overcome, of the same is he brought in bondage. (2 Peter 2:19).*

Liberty is not some mysterious thing that just happens. Liberty has causes. There are reasons why some societies are free and others are characterized by oppression. Liberty is a blessing of God. It is a blessing he reserves for societies that are faithful to his law. This is true not only because of God's providential judgments on wicked societies whereby he inflicts oppression and tyranny on them; it is true because of the nature of liberty and government. Both civil and

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ecclesiastical government exist to restrain sin. The more sinful a society the more onerous and oppressive that restraint will seem. The more self restraint (i.e., self government) an individual exercises, and the more effective family government is in restraining sin, the less civil government will be required to maintain a tolerable society. Men who throw off the restraint of God's law need a heavy handed government to keep them in line. Godless societies naturally incline to oppression and totalitarianism. The psalmist states that the precepts of the Lord are the cause for his walking at liberty. Christ declares that that it is God's truth that sets us free. Paul teaches that the Holy Spirit, the Spirit of Truth, is the operative cause of liberty. Peter warns that sinful men may promise liberty but they cannot deliver it. No better case study in these truths exists than the case of Oliver Cromwell.

The Stuart dynasty in England had become synonymous with civil and ecclesiastical tyranny when Cromwell became a prominent champion of liberty. As a member of parliament he had been in the leadership of those who resisted the usurpations and oppressions of the crown. When resistance to Stuart tyranny led to civil war he became the most prominent of the parliamentary generals. Under his moral and military leadership the House of Stuart was driven from the throne. Cromwell understood the nature of liberty. It was an age when armies were often composed of underpaid mercenaries who lived by brigandage and rape. Cromwell raised up the "*New Model Army*." It was composed of godly men, committed to the principles for which the Puritans were doing battle. They were inspired by godly preachers and went into battle with the Psalms of David on their lips. And they were never defeated. Ultimately only godly men can be free.

The advocates of liberty however were in the minority. History is usually made by dedicated and militant minorities as the majority enjoys spectator status. The advocates of the

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crown were for the “*Divine Right of Kings.*” That is, they were for the right of the King to rule as he pleases, only as he pleases, and always as he pleases, without regard to the constitutional rights or God given liberties of the people. The Episcopalians were for maintaining a monolithic state church that persecuted all theological dissent and compelled all men to worship in a prescribed way, a way that many believed to be Romish and idolatrous. The Presbyterians were for replacing this Episcopal ecclesiastical establishment with a Presbyterian one equally intolerant. The Long Parliament acted like they intended their election to be the last one the English people should enjoy. Against this stood only Cromwell and the “*New Model Army.*” They took on all comers, but ultimately it was an exercise in futility. The liberty for which he fought could only be enforced with the sword. When he died the “*dog returned to her vomit,*” and England restored the Stuarts to the throne. The Episcopal establishment picked up where it left off. Puritan ministers were ejected from the church, dissenters were persecuted, and soon the “*Killing Times*” began in Scotland. Society became corrupt, mimicking the corruptions of the Stuart court. Englishmen preferred their sin over liberty under God’s law. The sword of Cromwell, the “*conquering usurper*” as his enemies styled him, was all that had kept the forces of tyranny at bay. This was a lesson for which the English people paid dearly as a generation later they had to repeat the overthrow of the Stuarts in the “*Glorious Revolution*” of 1688. But this time their objectives were more modest. There was no more talk of liberty under God in a godly commonwealth, in a Christian republic. Instead they raised to the throne William III, a Prince Of Orange, whose murderous usurpations in the Netherlands had destroyed the Dutch Republic. The people who chafed under Cromwell’s commonwealth accepted rulers whose crimes and usurpations Cromwell was incapable of. The rule of the godly was no longer an option.

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Liberty cannot be forced on a people. Liberty can be defended by the sword, but it cannot be imposed by the sword. Liberty is God's blessing. Liberty, deliverance from man's law, is reserved for those who are willing to subject themselves to God's law. England was not then ready to accept liberty on God's terms. Neither is the United States today.

**CHAPTER ELEVEN**  
**THE PUBLIC SCHOOLS**

*And the LORD said unto Moses, Come up to me into the mount, and be there: and I will give thee tables of stone, and a law, and commandments which I have written; that thou mayest teach them. (Exodus 24:12).*

*Only take heed to thyself, and keep thy soul diligently, lest thou forget the things which thine eyes have seen, and lest they depart from thy heart all the days of thy life: but teach them thy sons, and thy sons' sons. (Deuteronomy 4:9).*

*Come, ye children, hearken unto me: I will teach you the fear of the LORD. (Psalm 34:11).*

*Go ye therefore, and teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost: Teaching them to observe all things whatsoever I have commanded you: and, lo, I am with you alway, even unto the end of the world. Amen. (Matthew 28:19-20).*

When I was a young man, an older minister, Rev. Ennio Cugini, once told me that the public school system was the “sacred cow” of American liberalism. He stated that it was in effect the established church of the liberal socialist state. He was right. A. A. Hodge was also right when he said that there is no neutrality in education. The myth of neutral public schools effectively teaching math, science, literature, etc., and leaving religious instruction to the home and to the church has proven to be a deceptive trap for Christians. Education in an ideological vacuum is an impossibility. Some value system will be taught, if not directly, certainly by implication and inference. Simply setting up a curriculum or writing text books requires constant decisions about what is important and that requires a value system. The very fact that religion can be excluded teaches the students that religion is not very important, that it is an



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option in life, that it is a private matter, a hobby, if you will, for those so inclined. Ultimately there is no neutrality; some value system will reign and it isn't Christianity. Prayer and Bible reading are long gone; evolution is taught as fact, not fiction; moral standards are out, and drugs, sex, and blasphemy are in. There is no neutrality. A religion is being taught but it is man's religion, not God's. It is of human origin and not divine. The religion taught is humanism. It teaches that man is supreme, that man is a law unto himself, that democracy, the voice of the people, is all the god we need.

For there ever to be religious liberty in the United States, the public schools have to go. They are the established church of the secular state. They are supported by the compulsory "tithes" of the citizens. They are staffed by the certified "priests" of the secular humanist state duly graduated from some state institution functioning as the seminary of the educational elite. Ultimately they become the state's ministry of propaganda and indoctrination. The state is a negative institution. Education requires a positive effort. The state is given the sword and its mandate is to punish sin. The state has no mandate or authority for being involved in education. Ultimately education is religious. If there is to be freedom of religion then compulsory and tax supported education must cease. God has entrusted the teaching ministry to the church. And so says Paul declaring *"the church of the living God, the pillar and ground of the truth."* (1 Timothy 3:15). Education is a responsibility of the family and of the church. In a free society these institutions will teach and educate in a religious context according to their conscience.

Operating a system of public schools is no different from having an established church. It establishes a theocratic society. The god of the system can however be any god, not necessarily the God of Abraham, Isaac, and Jacob. That is how public education got started in the

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United States, in Massachusetts Bay Colony. Massachusetts was a little theocracy, with an established church and the first public school system in America. But when times changed and disestablishment occurred, the job was never completed. When Massachusetts disestablished the church it kept the public school system. As long as she was a theocracy with an established Christian Church the schools were logically Christian also. When the state-church connection was abolished it left the state operating a system of secular public schools. And this unfortunately became the model for the entire nation and was forced on the Southern States during the reconstruction era. Until the job of disestablishment is completed and the public schools are abolished, there will be no religious liberty in America.

## CHAPTER TWELVE OBJECTIONS AND CONCLUSIONS

### **The Sabbath:**

No discussion of religious liberty would be complete without dealing with the issue of the “Blue Laws.” Until recently most States had some kind of legislation upholding the sanctity of the Christian sabbath and restricting certain activities on that day. When I was growing up in Ontario, Canada, we had the *Lord’s Day Act*. It forbade among other things conducting professional sports games on Sunday. Hockey is the national sport. But when during the Stanley Cup playoffs the possibility arose of an overtime game on a Saturday evening running past midnight the government didn’t blink. The Toronto Police made it clear that they were prepared to step onto the ice at midnight, and enforce the law by stopping the game. Opponents of religious liberty insist with horror that we would have to oppose all such legislation. If we demure they say we are inconsistent since after all the fourth commandment is clearly part of the first table. Actually the issue is not that simple. There is more to sabbath keeping than merely keeping stores closed and restricting lawful weekday recreations, as Presbyterians have long taught.

*“This Sabbath is then kept holy unto the Lord, when men, after a due preparing of their hearts and ordering of their common affairs beforehand, do not only observe a holy rest all the day from their own works, words, and thoughts about their worldly employments and recreations, but also are taken up the whole time in the public and private exercises of his worship and in the duties of necessity and mercy.”* (Westminster COF, Chapter 21, Section 8).

The “Blue Laws” were obviously not intended to enforce the fourth commandment. Parts of this commandment are totally beyond the capacity of any civil

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government to enforce. Government can control neither men's thoughts nor their private exercises of religion, but can only concern it self with outward acts. And to do even that would have required it to enforce mandatory church attendance by all citizens. It would have required their attendance at churches that conducted scriptural worship of the true God. Only an Erastian state with supremacy over the church could accomplish that. And that would also fly in the face of the doctrine of election, of the church being the elect of God gathered out of the world. It would destroy the distinction between the church and the world and fill the churches with hypocrites and vain professors. Do any Presbyterians really want that? Are the opponents of religious liberty willing to be that consistent?

So what are the "Blue Laws" really all about if they are not an attempt to enforce the Sabbath? The sabbath requires "*a holy rest*" and "*worship.*" Now the state is a negative institution. It enforces the "*thou shalt not.*" It can not make men holy; it can only punish their lack of holiness. It can neither enforce their worship nor make their rest a holy rest. All it can do is to encourage the use of the Sabbath as a day of rest. All that it can do is to establish conditions that readily enable its citizens to keep the Sabbath holy. And this is all the "Blue Laws" have ever sought to do. In Egypt, Pharaoh visited the Israelites with unending labor. The "Blue Laws" deliver all men from unnecessary Sabbath labor by greedy factory owners and commercial hucksters. No civil magistrate acting as the minister of God should attempt to do less. No civil magistrate under God has authority to do more.

### **Witchcraft:**

One of the persistent objections some Christians have against religious liberty is that then we would actually allow people to practice witchcraft. On the surface this seems like a potent argument. How can we possibly call ourselves a

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Christian society, and how can we possibly maintain the fiction of having Biblical civil government, if we tolerate the open and public practice of witchcraft? Our “Theonomist” brethren insist that we have to choose between their “theocracy” or a secular humanist state. They insist we have to choose between God’s law or a society where witchcraft and sorcery are openly practiced. Actually we too believe in theonomy. We believe in applying God’s law to all spheres of life. We also believe that God’s law limits the civil government to the enforcement of the second table of the law. Therefore all practitioners of witchcraft should be prosecuted by the civil magistrate for all their second table crimes.

Let us look at the most famous case of witchcraft in the history of this nation, the Salem witchcraft trials. What would be different between the way it would be handled by our “Theonomist” brethren and those who hold to a scriptural position of religious liberty as defended in this book? In practice, I believe, very little! The Puritans of Massachusetts Bay Colony believed in a theocratic state. Although they would not have agreed with the extent to which the “Theonomists” attempt to resurrect the requirements of the Sinaitic Covenant, they did believe in enforcing both tables of the moral law. They brought all the suspected witches to trial. They tried them for witchcraft. But what did that involve? A study of the trial transcripts becomes very enlightening. They were not accused of holding certain opinions and beliefs. They were accused of committing certain specific acts by means of witchcraft. They were accused of afflicting pain on certain individuals and tormenting them physically. They were accusing of causing their livestock to die. They were accused of causing their wagons to break down, their crops to fail, etc. Now these are all crimes against persons or their property. In other words these are sins against the second table of the law. They are breaches of the sixth and the eighth

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commandments. It is true that they believed that these acts were performed by supernatural means. But irrespective of the means employed these are acts that can and should be prosecuted by the civil government. The problems that occurred in Salem did not stem from the fact that the Puritans believed that acts of witchcraft should be suppressed by the government. Neither is the solution to the difficulties that were encountered there, to have a form of religious liberty that tolerates acts of witchcraft. The problems stemmed from defective rules of evidence. The civil magistrates had asked the ministers for advice when this outbreak of suspected witchcraft occurred. The advice given was very sound and had to do with rules of evidence. Based upon Biblical example they required two witnesses for each act the suspect was accused of. The unsupported word of an aggrieved party would be insufficient. The courts however wound up accepting multiple witnesses to different acts as sufficient to convict. The courts had the death penalty for witchcraft. But they spared all who would confess their crimes. Under these rules of evidence, in a superstitious age, any unpopular person with hostile neighbors was sure to be convicted. The path of safety lay in confessing your sin and cooperating by implicating other suspects. Thus the whole matter rapidly spun out of control until the civil magistrates wisely backed off and let the matter die out.

Finally, God alone is the Judge of the thoughts and intents of the heart. The civil magistrate has never in any age been authorized by God to act as a thought police. The civil government can only judge actions. Thus witchcraft is ultimately no different from homosexuality as far as the civil government is concerned. The government cannot punish homosexual thoughts, desires, or lusts. Being a homosexual is a sin but not a civil crime. However homosexual acts are a different story. The civil government is required to suppress and punish all known acts of sodomy

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and other perversions. Similarly the civil magistrate can and must punish acts of witchcraft that constitute breaches of the second table.

### **Conclusion:**

There are many more standard objections that are made against religious liberty. Hopefully this book has sufficiently answered them to blunt their force. Typical arguments are that religious liberty requires the government to be neutral and that neutrality is impossible. The latter proposition may be true, but there is nothing neutral about a civil government that sees itself as a minister of God and limits itself to those functions to which God in his revealed will, the scriptures, has limited it. The same can be said for the argument that religious liberty will of necessity create a secular state; there is nothing secular about a government enforcing the second table of the law and appealing to God for the foundation of its moral authority to rule.

I have tried to keep this argument fairly brief and keep it focused directly on the issue and not on where all this would fit into one's systematic theology. But obviously what one believes in other areas will influence how one regards this issue. Covenant theology is a good example. The two covenant system of the Westminster Assembly, with its confusion of the distinct Biblical covenants, makes it much easier to slide into a belief of an established church whose creed is enforced by the state. The more one can distinguish these covenants the more impossible it becomes to argue for that position. Similarly eschatology also has its influence. A postmillennialist, believing we are already in the millenium, and that the prophecies of Christ's future theocratic rule are already in effect may find it easy to accept a theocratic state in the order of that established by the Sinaitic Covenant. Amillennialists and premillennialists will tend to disagree with that and be more open to

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accepting the religious liberty position of the New Covenant.

Finally God alone is “*Lord of the conscience.*” As Paul stated it, dealing with a different doctrinal dispute, “*One person esteems one day above another; another esteems every day alike. Let each be fully convinced in his own mind.*” (Romans 14:5). Just as the civil government has no authority to enforce the first table of the law without a divine mandate to do so, neither do men have the right to bind each other’s consciences with the doctrines and commandments of men. If the arguments set forth in this book are scriptural and reflect the mind of Christ, then they can and should convict the hearts, and bind the consciences of the Lord’s people. And if they are not, then no amount of reason, logic, and argumentation can compensate for that defect. I therefore rest my case in the hope that those who accept the scriptures as the ultimate standard of God’s revealed will, and the ultimate arbiter of all religious debate, having reviewed the Biblical argument for religious liberty under the New Covenant presented in this work, will accept it as reflecting God’s will for our day.



**CHAPTER THIRTEEN**  
**THE CONSTITUTION AND RELIGIOUS LIBERTY**

The purpose of this book is to provide a thorough scriptural defense of and definition of the principle of religious liberty. It was not intended to concern itself with other issues such as traditional and historical beliefs on this subject. Nonetheless the question naturally comes to mind: Where does the United States Constitution stand with respect to the issue of religious liberty? This is especially of interest since some have opposed the Constitution for not specifically establishing Christianity as the national faith, and others have interpreted the Constitution as a prescription for a secular humanist state. What does the Constitution actually prescribe with respect to Christianity and religious liberty? Being a written document of long standing the answer ought to be relatively simple. Unfortunately it is not.

The “Constitution” has become somewhat of an icon in American culture. And like most icons people tend to see in them whatever they want as myth and folklore replace reality. This distortion of the facts is a phenomenon that occurs across the political spectrum and neither conservatives nor liberals are immune to its effects. Christian conservatives view it as establishing a “Christian Republic,” “One Nation Under God.” Libertarians view it as guaranteeing them individual liberty to do pretty much as they please as long as they don’t harm anyone else in the process. NRA types see in it their deliverance from any and all forms of gun control. Feminists insist it requires legal abortion on demand irrespective of the will of the people as expressed in the legislatures of the land. And gay and lesbian activists claim that it provides for their legal protection, guarantees them full equality under the law, and full protection from any and all forms of discrimination.

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How can one document mean so much to so many? And how can one document be the source for so many conflicting claims of rights?

To get things into proper perspective the first question that needs to be asked is “which Constitution?” There are at least three versions of the constitution that are in view as varying factions appeal to their “constitutional icon” for justification of their position in the latest battle of the cultural war in which America is currently engaged. The first “Constitution” that comes to mind is the original. This is the document that was created by the founding fathers, reflecting their combined political wisdom and their values, and was used as the foundation for the American Republic. The next version of the “Constitution” is the present document. This is the original document as amended into its current state. It is the original document with the Bill of Rights plus an additional sixteen amendments. Finally there is the “Constitution” as currently viewed, interpreted, and applied by the federal judiciary, especially the Supreme Court. This is the “Constitution” as molded by Supreme Court decisions, especially the New Deal Supreme Court, and further shaped by the Warren and Burger courts, till it has evolved to its present status.

Now it should be obvious that these “Constitutions” are not all one and the same. It should also be obvious that it is impossible to have allegiance to all three. For it would be an extreme piece of political naiveté to presume that every amendment and all the judicial applications of the Constitution were in strict accordance with the principles of the original and merely constituted a logical refinement and development of those principles. Rather, as we shall see, they constituted radical departures from both the letter and the spirit of the original. A brief review of some of the amendments and judicial decisions will make this clear.

The original constitution created a federal republic. It created a union of separate states with a common federal

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government with strictly limited functions. It was neither so loose a confederation that the union was a rope of sand that would disintegrate with the centrifugal force of the first national crisis, nor such a strong federal government that authority, power, and control would soon be centralized creating the potential for the same despotic rule they had so recently overthrown. This balanced federalism, imitated from the Old Testament Hebrew Republic, was a key piece of the political wisdom of the founding fathers. However, a number of constitutional amendments have significantly undermined the balance of this federalism. If the power to tax is the power to destroy, the federal government obtained a quantum increase in its power by the passage of the sixteenth amendment. This allowed the federal government to directly tax the citizens of each State without regard to its population. Instead of the federal government taxing each State for its share of the federal budget proportioned according to its population, the federal government gained the power to tax us all directly as individuals. From this decision came the Internal Revenue Service and one of the most complex and incomprehensible tax codes in history. Through this tax code the federal government can manipulate our lives in countless ways that the founding fathers never imagined. The seventeenth amendment, calling for the direct election of U.S. Senators by the people, represented a similar federal power grab. In the wisdom of the founding fathers the senators had been chosen by the legislature of each State. This was designed to make the federal Senate a watchdog of the rights of the States. Legislation that would infringe on the rights of the States, aggrandizing federal power at the expense of the States, was not expected to clear a Senate composed of men chosen by the State governments. With direct election accomplished there was nothing to prevent the federal Senate from expanding its own powers by both approving federal power grabs and confirming judges that would rule in favor of such

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legislation should the States seek redress in the federal courts. Originally the voters were considered not just American citizens but also citizens of the State in which they resided, and that State controlled its own electorate, setting voter qualifications, etc. Since then several amendments such as the nineteenth (female suffrage), the twenty-fourth (elimination of poll taxes), and the twenty-sixth (reducing the voting age to eighteen) have transferred this power to the federal government. The list could go on and on, but it is clear that the amendments have had the effect of significantly tilting the balance of the original federalism in favor of the federal government.

Similarly a long list of Supreme Court decisions have transferred many functions of State government and control over many facets of our lives to federal control. A short list would include the school desegregation case ("*Brown v. Board of Education*," 1954. The Constitution gives the federal government no authority over education. The Southern States didn't even have public school systems until they were forced on them during the Reconstruction occupation.), the case ("*Abingdon School District v. Schempp*," 1963) banning prayer and Bible reading in the schools, the decision ("*Roe v. Wade*," 1973) that for all practical purposes established abortion on demand, and other cases from abolishing the death penalty for a number of years to legitimizing almost all forms of pornography.

Probably the greatest federal power grab of all was the passage of the fourteenth amendment (The legitimacy of this amendment remains a question since the Southern States were compelled to ratify this amendment while they were occupied by federal troops during the Reconstruction era.). While most of this amendment simply performs the function of elevating to constitutional status the Northern view of the War Between the States, the real damage is done in Section 1, which had the intent of assuring that the States upheld the rights of all the newly freed slaves. While the

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intent was proper and noble the result has been less satisfying. The key portion states, “*No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*” Now guaranteeing due process and equal protection of the laws to all citizens, especially the newly freed slaves, was entirely proper, and in the spirit of the original Constitution which guaranteed to every State “*a Republican Form of Government*” (Article IV, Section 4). But what does “*No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States*” mean? The original intent was probably to ensure that the States passed no laws that denied citizens of color rights and privileges enjoyed by the rest of the community. Unfortunately they weren’t that specific and instead made a broad and general statement. Two things resulted from this. It opened Pandora’s box in setting up the federal judiciary to sit in judgment on the laws of the individual States in a way never imagined before. Secondly it led to the federal courts interpreting “*privileges or immunities of citizens of the United States*” as the rights incorporated in the Bill of Rights. In short, it led to the standard of the Bill of Rights being applied to the States and to the federal judiciary being the watchdog to see that all State legislation met this standard.

One needs to understand that originally the Bill of Rights applied only to the actions of the federal government. Its restrictions applied only to federal legislation. The federal judiciary was only concerned about enforcing these restrictions on the federal government. State governments were not bound by these restrictions and were under no legal obligation to honor these rights with respect to their own citizens. Most of the States did adopt some form of a

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Bill of Rights in their own State constitutions, but this was strictly a State's own business. Under the original Constitution if a State wanted to implement some degree of gun control it was perfectly free to do so. If a State wanted to give additional search powers to its police beyond what the fourth amendment allowed, it could do so without any interference from the federal judiciary. Criminal law was strictly a State matter and appeals to the federal judiciary were not generally permissible. Appeals from the death penalty could go no higher than the governor of the State involved. Similarly State governments were free to regulate freedom of the press and freedom of speech as they saw fit. In other words tabloid journalism involving irresponsible and salacious slander could be curbed, and so called "speech" involving flag burning and pornographic expression could be banned as the people of each State saw fit.

The effect of the fourteenth amendment was to transfer control of all these issues to the federal judiciary. This has basically created an oligarchy of nine men on the Supreme Court, lording it over the States, wielding vast powers unimagined by the founding fathers, and realizing Thomas Jefferson's worst fears of the American Republic degenerating into a judicial tyranny. It is this oligarchy that has taken over control of local school systems, has banned prayer and Bible reading in these schools, has legitimized abortion, has abolished the death penalty at will, is regulating the entire criminal justice system, is in the process of fully legitimizing homosexuality, etc., etc. And all of this has been in defiance of the will of the people and of the legislatures of the once sovereign States, as all of these decrees were considered quite radical at the time and could never have gained the approval of the people's representatives sitting in the legislatures of the land. But if it was done in defiance of the people, it was carried out in the name of the Constitution. Particularly much of it was

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done in the guise of applying the fourteenth amendment. Not only were the restrictions of the Bill of Rights applied to the States, but further restrictions based on additional rights presumed to be included in “*privileges or immunities of citizens of the United States*” were also imposed. One such privilege or immunity has been deemed to be a “right of privacy,” which became the justification for abortion on demand in “*Roe v. Wade*.” Currently that “right of privacy” is being polished up so it can be pressed into service to enforce some version of a federal imposition of gay rights.

What does all this mean? Well at the least it means that all “Constitutions” are not the same. What it actually means is that there are tremendous differences between the original Constitution, the Constitution amended, and the Constitution as judicially applied. And as everyone appeals to the “Constitution” in each successive campaign of our cultural wars this would be confusing enough. But compared to the actual situation it would be simplicity itself. We would simply have several groups contending for their favorite version of the Constitution and seeking by amendment (i.e. passage of the ERA or repeal of the Fourteenth Amendment, etc.) or by Supreme Court ruling (i.e., reversal of *Roe v. Wade*, etc.) to put it in place as supreme law of the land. But the real world is far more “Byzantine” than that. What we see far too often is the same constituency appealing to different versions of the “Constitution” depending on whose ox is being gored. For instance, political conservatives generally decry the consequences of the Fourteenth Amendment as they see a liberal federal judiciary use it to enforce the Bill of Rights on the States. However they are quick enough to appeal to the Second Amendment whenever a State government attempts to impose any kind of gun control. Christian conservatives behave no better. For over twenty years I have watched otherwise responsible and intelligent Christian leaders flip-flop around on these issues and never

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define what they mean by either religious liberty or the “Constitution.” They decry interference from the federal courts when State governments attempt to enact things that they favor. These may range from financial support for Christian or parochial schools in the form of transportation, books, etc., to setting up manger scenes in public places (objectionable not only to Moslems and Jews, but also to historic Protestants who hold the Reformation position that Christmas is an unscriptural holyday of pagan origins which was banned by the Puritan Fathers of Massachusetts Bay Colony). They are implicitly affirming that the State has the right to enact such legislation and therefore are appealing to the original “Constitution” for redress against federal interference in State business. However, when a different ox is being gored, and the State is attempting to regulate their Christian schools, the same people are quick to appeal to the federal judiciary for their First Amendment rights under the “Constitution.” Under what “Constitution?” Well, the one with the Fourteenth Amendment as interpreted and applied by the Supreme Court, that one! Now obviously you can’t have it both ways. That is how the liberals have always waged the cultural war; they create a politicized Supreme Court with an ideological agenda that will impose it by selectively applying the “Constitution.” Robert Bork complains about this tactic in his book, *“The Tempting of America.”* Now it should be beneath Christians to play the same game. We ought to witness to the truth, trust in God’s providence, and abide the result. But until the Christian community becomes intellectually honest and articulates a clear and consistent position, they cannot expect to win the respect and support of their fellow citizens, much less to obtain God’s blessing on their struggles.

It is with this background that we are finally ready to examine the issue of the Constitution and religious liberty. The most significant portion of the Constitution with respect



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to religious liberty is the first amendment, which states in part, “*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.*” Not only is this statement part of the Bill of Rights, so that its restrictions applied only to the federal government at the time, but the language is even more specific referring to “Congress,” the federal legislature. The background to this is that in the time leading up to the American Revolution there was a pervasive fear in the American colonies that there would be an attempt by the British government to unilaterally impose the Church of England on the colonies. A burnt child fears the fire and much of the Bill of Rights was designed to ensure that the new federal government didn’t become another despotic overlord as the British government had been. And the colonists being a godly and religious people, made it their first order of business to restrict the new federal government from meddling in the religious affairs of the colonies. So the federal government was specifically prohibited from establishing a national church and imposing it on the States. But they went even further and categorically prohibited the federal government from any interference in the religious affairs of the States. With the Bill of Rights applying only to the federal government and with that government now effectively tied down with the chains of the Constitution, this left the States free to decide religious matters for themselves. The effect, the intended effect, of this amendment was to leave the status quo of the religious affairs in each State undisturbed, at least until such a time as each State saw fit to modify its own religious situation.

The way that the various States chose to resolve their religious affairs varied considerably. In Massachusetts the Congregational Church was established and dissent therefrom had been historically persecuted. In Rhode Island there was full religious liberty for all, including Jews and Catholics. In Virginia the Episcopal Church was the

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established church; tithing to it was compulsory on the part of all citizens of the State; and Presbyterian ministers had been prevented from preaching in the State. Maryland, founded by Lord Baltimore as a haven for English Catholics, had freedom of religion especially for Catholics. Pennsylvania was dominated by Quakers, who were not even tolerated in Massachusetts. Most of these States had religious oaths, generally Trinitarian oaths, as a requirement for holding public office. Almost all of these States had State constitutions that were specifically Christian. The important thing here is not to examine all the differences but to note that none of this was affected in the least by the ratification of the United States Constitution by the States in 1789. Not only did the first amendment have no effect on all this, but rather the opposite. The first amendment was designed, not to eliminate or regulate, but to protect and maintain these various religious establishments and situations from any and all federal interference.

In conclusion what can we say about the Constitution and religious liberty? What we will see will explain why the Constitution has been attacked by both liberals and conservatives, by both Christians and atheists. First of all, it is necessary to state that the Constitution did NOT create a Christian Republic. God is not even mentioned in the Constitution, much less is faith in Him required or acknowledged by any statement in the Constitution. This has been the source of much criticism by some Christian groups over the years, especially groups that desire to see a national establishment of the Christian religion and a National Covenant with the God of the Scriptures. What the Constitution did do is to leave in place and protect the thirteen separate "Christian Republics" that existed at the time of its ratification, the nature and beliefs and religious practices of these "Christian Republics" being left entirely up to the people of each State to decide for themselves. The Christian nature of American society at the time was

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primarily reflected in the State constitutions and in public acknowledgments of God and his law at the State and local level. This public expression of “Christian values” was neither enhanced nor acknowledged by the federal Constitution, except perhaps for the fact that the union itself was carried out in conformity to a Biblical model, but merely protected from any and all Federal interference. Because the United States was a Christian nation, formed by the union of separate Christian republics, it naturally chose Christian chaplains for Congress, the armed forces, etc., and took its oaths of office on the Christian scriptures. Things like “*In God We Trust*” on our currency came later, being a quotation from the fourth stanza of our national anthem, which was not even composed until the War of 1812. But it is important to recognize that the Constitution was written, not to establish, but only to protect this order of things. Secondly, the Constitution, the first amendment notwithstanding, did NOT establish religious liberty in the United States of America. This is not generally recognized today, and there is a pervasive myth that Americans have always had a Constitutional right to full religious liberty. Again what is important to recognize is that religious liberty or the lack thereof was left up to each State to work out for itself without any federal oversight or interference. Eventually the States all disestablished their “state church” and adopted a position of religious liberty. But it is important to note that this took place after the ratification of the United States Constitution, that it took place voluntarily and not as result of the Constitution, and that it took place before the fourteenth amendment came into existence. Now all of this left a lot of people unhappy, mainly those who were looking to the federal government to establish or enforce their particular view of religious matters. They were unsatisfied with a federal government that was neutral with respect to religious matters; they wanted a federal government that would give them what they wanted in the

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religious sphere. We have already seen what they have done about it as the federal government has progressively taken over the regulation of religion. And we are all awaiting what decree the federal judiciary will hand down next in the ongoing cultural war in America, which is nothing more than a war between competing religious values. In the next skirmish in this religious conflict, when you hear someone from either side pipe up with the ubiquitous claim, “that’s unconstitutional,” you might want to ask, “by which constitution?”

**APPENDIX A**

**Review of Alexander McLeod's *"Messiah, Governor Of The Nations"*.**

We have already noted the Scotch Covenanters and the Scotch National Covenant. Those covenanters who refused to accept the Revolution settlement after the "Glorious Revolution" separated from the national church as dissenters and became known as "the Covenanters." They held to the continuing validity of the Scotch National Covenant and the Solemn League and Covenant. They called themselves Reformed Presbyterians and they organized a church in the United States in 1799. This church is the Reformed Presbyterian Church of North America. Their view of civil government has been one of the distinctives that have kept them a separate denomination to this day. Simply put, they believe that the United States has a scriptural obligation to make a National Covenant with God and to make Jesus Christ the Head of the civil commonwealth. Since the United States Constitution fails to do this they reject it as a sinful and secular document. Until recently their opposition to the American political system was so strong that they did not permit any of their members to participate in the American system of government, including voting. McLeod was one of the founding ministers of the RPCNA. He published this work in 1803, it went through many editions, and it remained in print for 50 years. It was recently reprinted again in 1992 by some Reformed Presbyterians. A copy was given to me by a minister of that denomination as a result of our discussions about the Biblical doctrine of civil government. I therefore accept it as representative of their position. Since they have a long history of principled opposition to the original American Constitutional settlement, I therefore regard it worthy of being reviewed.

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As was noted in the conclusion, eschatology can have a profound influence on the doctrine of civil government. McLeod was a postmillennialist. He believed that Christ's theocratic millennial rule commenced with the ascension and that the effect of that rule is that the church will progressively conquer the world in history before the return of Jesus the Christ.

The bulk of McLeod's argument is from the following list of scriptures. From these he maintains that Christ is currently exercising his reign over all the nations.

*Why do the heathen rage, and the people imagine a vain thing? The kings of the earth set themselves, and the rulers take counsel together, against the LORD, and against his anointed, saying, Let us break their bands asunder, and cast away their cords from us. He that sitteth in the heavens shall laugh: the Lord shall have them in derision. Then shall he speak unto them in his wrath, and vex them in his sore displeasure. Yet have I set my king upon my holy hill of Zion. I will declare the decree: the LORD hath said unto me, Thou art my Son; this day have I begotten thee. Ask of me, and I shall give thee the heathen for thine inheritance, and the uttermost parts of the earth for thy possession. Thou shalt break them with a rod of iron; thou shalt dash them in pieces like a potter's vessel. Be wise now therefore, O ye kings: be instructed, ye judges of the earth. Serve the LORD with fear, and rejoice with trembling. Kiss the Son, lest he be angry, and ye perish from the way, when his wrath is kindled but a little. Blessed are all they that put their trust in him. (Psalm 2:1-12).*

*John to the seven churches which are in Asia: Grace be unto you, and peace, from him which is, and which was, and which is to come; and from the seven Spirits which are before his throne; And from Jesus Christ, who is the faithful witness, and the first begotten of the dead, and the prince of*

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*the kings of the earth. Unto him that loved us, and washed us from our sins in his own blood. (Revelation 1:4-5).*

*And being found in fashion as a man, he humbled himself, and became obedient unto death, even the death of the cross. Wherefore God also hath highly exalted him, and given him a name which is above every name: That at the name of Jesus every knee should bow, of things in heaven, and things in earth, and things under the earth; And that every tongue should confess that Jesus Christ is Lord, to the glory of God the Father. (Philippians 2:8-11).*

*Then thou spakest in vision to thy holy one, and saidst, I have laid help upon one that is mighty; I have exalted one chosen out of the people. I have found David my servant; with my holy oil have I anointed him: With whom my hand shall be established: mine arm also shall strengthen him. The enemy shall not exact upon him; nor the son of wickedness afflict him. And I will beat down his foes before his face, and plague them that hate him. But my faithfulness and my mercy shall be with him: and in my name shall his horn be exalted. I will set his hand also in the sea, and his right hand in the rivers. He shall cry unto me, Thou art my father, my God, and the rock of my salvation. Also I will make him my firstborn, higher than the kings of the earth. My mercy will I keep for him for evermore, and my covenant shall stand fast with him. His seed also will I make to endure for ever, and his throne as the days of heaven. (Psalm 89:19-29).*

*I saw in the night visions, and, behold, one like the Son of man came with the clouds of heaven, and came to the Ancient of days, and they brought him near before him. And there was given him dominion, and glory, and a kingdom, that all people, nations, and languages, should serve him: his dominion is an everlasting dominion, which shall not pass away, and his kingdom that which shall not be destroyed. (Daniel 7:13-14).*

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*And I saw in the right hand of him that sat on the throne a book written within and on the backside, sealed with seven seals. And I saw a strong angel proclaiming with a loud voice, Who is worthy to open the book, and to loose the seals thereof? And no man in heaven, nor in earth, neither under the earth, was able to open the book, neither to look thereon. And I wept much, because no man was found worthy to open and to read the book, neither to look thereon. And one of the elders saith unto me, Weep not: behold, the Lion of the tribe of Juda, the Root of David, hath prevailed to open the book, and to loose the seven seals thereof. And I beheld, and, lo, in the midst of the throne and of the four beasts, and in the midst of the elders, stood a Lamb as it had been slain, having seven horns and seven eyes, which are the seven Spirits of God sent forth into all the earth. And he came and took the book out of the right hand of him that sat upon the throne. (Revelation 5:1-7).*

*As thou hast given him power over all flesh, that he should give eternal life to as many as thou hast given him. (John 17:2).*

*And Jesus came and spake unto them, saying, All power is given unto me in heaven and in earth. Go ye therefore, and teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost: Teaching them to observe all things whatsoever I have commanded you: and, lo, I am with you always, even unto the end of the world. Amen. (Matthew 28:18-20).*

*Thou madest him to have dominion over the works of thy hands; thou hast put all things under his feet. (Psalm 8:6).*

*Thou hast put all things in subjection under his feet. For in that he put all in subjection under him, he left nothing that is not put under him. But now we see not yet all things put under him. (Hebrews 2:8).*



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There are two chief difficulties with this work. First of all, McLeod presumes the postmillennialist position. There is no effort expended to demonstrate that these texts are currently in effect rather than a promise of a future state of affairs. Secondly McLeod refuses to make some very basic distinctions. He does not distinguish between the Eternal Son, the second person of the Trinity, and the God-Man, Jesus the Christ. Neither does he distinguish between God's general sovereignty and providential rule over the nations and the millennial rule of Jesus Christ over the nations of the earth. As a result, Christ's sovereignty and providential rule over the nations as the Second Person of the Trinity is confused with the theocratic rule of the Son of David over the nations of the earth. This is especially confusing because in one place he states that the latter is Jesus' reward for his humiliation, but in two other places states that Jesus has exercised this mediatorial reign since the beginning of the world. And having confused the two, he proceeds to ridicule his opponents as denying Christ's rule and therefore believing that Christ is a neutral observer in his own universe. He compounds this error by adducing as evidence of Christ's mediatorial reign such providential judgments as war, revolution, tempests, etc. But these are exactly the typical providential judgments that the Triune God has visited on all the nations of the earth since time immemorial. They in no way establish that Jesus the Christ is now the Theocratic Head of all civil commonwealths and must be recognized as such.

McLeod is not oblivious to some of the difficulties of his position and attempts to answer them in a section on objections to his doctrine. One such objection is that the scriptures teach that we are to be in submission to the powers that be, since God has in his good providence and secret counsels appointed them. Yet his position requires us to oppose any government that refuses to acknowledge the direct headship of Jesus Christ over the civil

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commonwealth. Unfortunately, he chooses to answer this objection by resorting to the same confusion we have already objected to above. He states that the same objection could also be made to any conflict between our allegiance to God's rule and that of the powers that be. In other words, this argument would require us to deny God's rule as well if we are to be subject to the ungodly powers that be. But this is confusing and rather specious. It is because we are in submission to God that we accept even bad rulers until such a time as we can in God's good providence be delivered from them in a lawful manner. But if we take Christ as the appointed ruler at this time then we cannot be subject to a usurper not appointed by God, and the objection stands.

Unfortunately this is one of those works that if you already believe the position you will love it, but if you are of a contrary mind it will contribute very little toward persuading you.

APPENDIX B

**Review of Charles Butler's "Religious Liberty and Covenant Theology" (Ph. D. Dissertation, Temple University, 1979)**

Fortunately this is one of those works that, if you like what you have been reading, you will love it, and if you still don't accept it, it will give you even more food for thought. The foregoing review demonstrated how eschatology has a compelling influence on the doctrine of religious liberty and the civil magistrate. This work documents how decisively one's position with regard to covenant theology can dictate one's position on religious liberty. Dr. Butler defines three separate positions on the matter of religious liberty: intolerance, toleration, and religious liberty. He then picks representatives of each position. For intolerance he has John Calvin (instrumental in the burning of Servetus), Theodore Beza, Samuel Rutherford (the author of "*Rex Lex*"), and John Cotton (who disputed with Roger Williams on the issue of religious persecution, particularly in his response to Williams entitled, "*The Bloody Tenent Washed and Made White in the Blood of the Lamb*"<sup>1</sup>). As representatives of toleration he chose Philip Mornay (the famed Huguenot leader and the presumed author of "*Vindicie Contra Tyrannos*"), Johannus Althusius, John Selden (political leader against Stuart tyranny and the champion of Erastianism at the Westminster Assembly), John Owen (noted Puritan theologian and advisor to Oliver Cromwell), and John Robinson (pastor of the Pilgrim congregation in Leyden, in the Netherlands). Finally, as

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<sup>1</sup> Book titles were rather bombastic in that age. Williams entitled his book "*The Bloody Tenent of Persecution*." Cotton responded with the above noted title, to which Williams responded with "*The Bloody Tenent Made Yet More Bloody by Mr. Cotton's Attempt to Wash it White in the Blood of the Lamb*."

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representatives of religious liberty he has John Goodwin (another noted Puritan theologian), Roger Williams (founder of the State of Rhode Island), Henry Vane (Puritan political leader who led in the resistance to Stuart tyranny), and Richard Overton (political pamphleteer and co-founder of the Leveller Party advocating popular sovereignty).

Butler gives a brief biographical sketch of each man and reviews some of their important writings. He then examines their covenant theology and shows its influence on their views with respect to religious liberty. At the end of each group he sums up their covenant views and how this determined their political views. For those interested to know where one's views on religious liberty fit into one's systematic theology and particularly one's views of God's covenants with man, this is a fascinating work. If you wondered why I spent so much time on the various covenants found in the scriptures in a defense of religious liberty, this work will make that approach abundantly clear. Unfortunately it is not currently in print, but I have long encouraged Dr. Butler to rework it into a more popular format and publish it. It provides a significant contribution to the issues involved in any scriptural discussion of religious liberty.

## Appendix C

### APPENDIX C:

**Review of E.C. Wines' "The Hebrew Republic"<sup>1</sup>** (Reprint of volume 2 of *"Commentaries on the Laws of the Ancient Hebrews"*).

Wines was an educator, minister, author, and prison reformer. His most significant work was his *"Commentaries on the Laws of the Ancient Hebrews,"* published in 1853. The theme of this work is that the old testament Hebrew commonwealth constituted a federal republic of twelve tribes and that this republic was the model for the American Republic. He was not the first to advance this thesis, but he was one of the most thorough in developing and defending it. Building on the works of others such as Harrington's *"The Commonwealth of Oceana"* (written during Cromwell's interregnum to supply a scriptural answer as to what ought to replace the overthrown Stuart dynasty), Lowman's *"The Civil Government of the Hebrews,"* and Michaelis' *"Commentary on the Laws of Moses,"* Wine's treatment of the subject is the most organized and mature. He demonstrates clearly that the principles of political equality, civil liberty, representative government, and a federal union of separate distinct republics (i.e., the twelve tribes) were all foundational elements of the Hebrew republic, and that these were carried over to the American Republic. He offers some limited documentation that at least some of our founding fathers were aware of these principles and of some of the aforementioned works and were influenced by them. Most convincingly however, he shows how many of the unique features of the American Republic mirror what can be discerned in the polity of Moses. Such elements as an elected chief magistrate, a bi-

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<sup>1</sup> Reprinted in 1997 as *"The Roots of the American Republic,"* by the Plymouth Rock Foundation, 1120 Long Pond Road, Plymouth, MA 02360.

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cameral legislature composed of a house of representatives and a senate, a graded judiciary chosen by the people, and the treaty making powers of the senate, can all be found to clearly exist in the Hebrew republic.

This is a fascinating work and teaches us that not to pagan philosophers, but to the divinely inspired polity of Moses, are we indebted to many of the benefits of the American form of government. It is also a warning that, only as long as we as a people respect the word of God, can we properly maintain the foundations of the American republic.