

Church & State

by Virginia

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By Chris Whiting

When asked about the appropriateness of paying taxes, Jesus replied “Render to Caesar the things that are Caesar’ and to God the things that are God’s.” (Matt 22:21). On the face of it Christ’s response indicates a division between the things of heaven and government of the earth. Similarly Pilate was not drawn into deciding about the accusations against Jesus for as long as it seemed to him a matter of Jewish religious laws (John 18:31) but when the charge became one of treason against Caesar, Pilate felt obligated to judge (Luke 23:2, John 19:12-13). Once again we might observe a division between the things of heaven and the government of earth. Yet in the first instances the things that are Caesar’s belong to God since “the earth is the Lord’s and its fullness” (Ps 24:1 & 89:11) and in the second instance Jesus told Pilate that by condemning an innocent man, Pilate was committing sin (John 19:11). Thus Pilate’s political or civic decision still had to it a moral and religious implication.

All Law is Religious

Scripture does not afford mankind the opportunity to flee God (Ps 139:8). Neither can mankind escape God’s sovereignty. There is no secret or hidden place within the cosmos where God’s dominion, laws and judgments do not apply (Gen 3:8). There is no precinct of unchartered neutrality where God and men vie for the right to determine what is true and just. God has attributed jurisdictions to certain institutions but all people and all institutions come under God. As such, men and institutions will conduct themselves either so as to bless and obey God or so as to deny and blaspheme God. As such, men and institutions will define the terms of their conduct and relationships, their laws, in a manner which sets The Creator of all things as sovereign or as sets the ideas and desires of men as sovereign. Men will either worship God by their laws or they will worship themselves.

Set in this light we can see that all law is religious.

These notes seek to consider these boundaries along historical lines and operates within the view that all law as being religious when considering contributors and ideas such as:

- Ambrose
- Augustine
- Pope Gregory VII
- Marsilius of Padua
- Aquinas
- Luther and the English & Scottish Puritans
- Rutherford & Blackstone

Paul to the Romans

When writing to the Christians in Rome, the Apostle Paul counselled the believers how to behave under the Emperor (Rom 13:1-8); of whom Paul required obedience, even though the Caesar at the time was Nero (AD 37-68). Paul’s counsel may be summarized as follows:

- a) obey those in government because they are in authority and all authority is ordained by God (Rom 13:1),
- b) to resist the government is to resist God (Rom 13:2),
- c) it is the responsibility of rulers NOT to be opposed to good works (Rom 13:3a),
- d) it is the responsibility of rulers to be opposed to evil works (Rom 13:3b),
- e) the ruler is expected to be a minister of God’s wrath (Rom 13:4),
- f) therefore it is a matter of conscience, a matter of faithfulness to God, that we obey those who are appointed by God over us (Rom 13:5).

In regard to Romans 13:3&4 we must note that whilst government is authorized by God to enforce right and wrong, it is not at liberty to determine independent of God, what constitutes right and wrong; because governments are ministers of God's wrath (Rom 13:4) not their own. Governments must enforce those things of which God approves and punish those things of which God disapproves. There is no dominion or realm of state where God is not the ultimate sovereign. Indeed Paul has indicated earlier in his letter to the Romans what constitutes those things against which God's wrath applies (Rom 1:18-32).

“For the wrath of God is revealed from heaven against all ungodliness and unrighteousness of men ... “ (Rom 1:18)

“Knowing the judgment of God that they which commit such things are worthy of death ... “ (Rom 1:32)

Since government cannot prohibit good works, there may arise times when Christians are obliged to undertake civil disobedience, as an expression of judgment for the State's abuse of authority. And because governments are not permitted to call good that which God's Word determines is bad, there are times when Christians will have to act to change laws and fight injustice.

Ambrose

Ambrose (340-397) was bishop of Milan from 374 until his death. He was an able administrator and fearless preacher of the gospel. In 390 the Emperor Theodosius gathered the people of Thessalonica, whose Roman governor had been murdered, into the city square and there ordered the massacre of about 5,000 citizens as retribution for the governor's death. When Theodosius came to church to receive Communion, Ambrose refused him admission to the Lord's Supper until Theodosius had humbly and publicly repented of his excess.

“Ambrose wanted to make the state and its rulers respect the church so that they would not transgress on the rightful claims of the church in the spiritual realm.”

Consistent with the Apostle Paul's teaching, Ambrose acknowledged a distinction between the authority of the Church and that of the State but saw the State as being within the Church's overall moral span, saying:

“What more honourable title can an emperor have than to be called a son of the church? A good emperor is within the church not above it.” (Ambrose's letter to Valentin)

Within Ambrose there was a clear recognition of the jurisdictional boundaries of State and Church. He expected the emperor to maintain civic peace but would not allow the emperor any interference in adjudicating church doctrine. Calvin reports Ambrose as writing:

“If we attend to the Scriptures, or to ancient examples, who can deny that in a question of faith, a question of faith, I say, bishops are wont to judge Christian emperors not emperors to judge bishops?”

or again,

“I would have come before your consistory, O emperor, would either the bishops or the people have allowed me to come: they say that a question of faith should be discussed in the Church before the people.”

He maintains, indeed, that a spiritual cause, that is, one pertaining to religion, is not to be brought before the civil court, where worldly disputes are agitated. His firmness in this respect is justly praised by all. And yet, though he has a good cause, he goes so far as to say, that if it comes to force and violence, he will yield.

“I will not desert the post committed to me, but, if forced, I will not resist: prayers and tears are our weapons.”

Augustine of Hippo

It was as a result of the preaching of Ambrose that Augustine Aurelius (354-430), later to become Augustine, Bishop of Hippo, came to faith. Augustine lived at a time of decline in the Roman Empire, during the first wave of barbarian invasions in the fifth century AD. Many of that day were persuaded that Rome's decline was the result of the large number of Christians within the Empire at the time. Augustine offered a defence of the Church in his work *The City of God*. That work was predicated on the assumption that:

“Two loves formed two cities: the love of self, reaching even to contempt of God, an earthly city; and the love of God, reaching to contempt of self, a heavenly one.”

Ambrose and Augustine differed in that Augustine's focus on the importance of eternal salvation expressed itself as a disdain for the laws of the earthly city:

“But families which do not live by faith seek their peace in the earthly advantages of this life; while families which live by faith look for those eternal blessings which are promised, and use as pilgrims such advantages of time and of earth as do not fascinate and divert them from God, but rather aid them to endure with greater ease ... those burdens of the corruptible body which weigh upon the body. The earthly city, which does not live by faith, seeks an earthly peace, and the end it proposes, in the well-ordered concord of civic obedience and rule, is the combination of men's wills to attain the things that are helpful to this life. The heavenly city, or rather that part of it which sojourns on earth and lives by faith, makes use of this peace, only because it must, until this mortal condition which necessitates it shall pass away. ... But as the earthly city has had some philosophers whose doctrine is condemned by the divine teaching ... it has come to pass that the two cities should not have common laws of religion, and that the heavenly city has been compelled to dissent and become obnoxious to those who think differently and to stand the brunt of their anger hatred and persecutions ... This heavenly city then, while it sojourns on earth, calls citizens out of all nations and gather together a society of pilgrims of all languages, not scrupling about diversities in manners, laws and institutions whereby earthly peace is secured and maintained, but recognizing that however various these are, they all tend to one and the same earthly peace. It therefore is so far from rescinding and abolishing these diversities, that it even preserves and adopts them so long as no hindrance to the worship of the one supreme and true God is introduced.”

This quote indicates four ends in Augustine's reasoning:

1. civil law is the result of men's thinking,
2. at times civil laws will be in opposition to the Christian religion,
3. Christians ought not be concerned about diversities of human laws so long as earthly peace is preserved,
4. the Church should be ready to preserve all earthly laws which do not hinder the Christian's worship of God.

Whereas Ambrose saw the State as abiding within the Church but having a separate jurisdiction, Augustine seems to have seen the State as distinct from the Church. This attitude creates a dualism in God's creation. Augustine's acceptance that civil law should be of men's thinking subordinates God's Law to the wisdom of man for that realm. More importantly Augustine seems to allow that men can rule the material world for as long as there is no harm to Christian worship. He has placed Church and State and separate planes.

The Church as a political threat to the Emperor

The early Church was not persecuted by Rome for its religious beliefs. Rome was the cess pool for all manner of religions from throughout the world. Every Roman conquest meant the arrival in Rome of people from the vanquished lands. These people also brought with them their gods and religions. A person in Rome could worship any god they chose. What was mandatory was that every person should worship Caesar and burn incense to the genius of the Emperor. Rome had placed political cohesion above religious uniformity.

We cannot properly understand Rome's persecution of the early church until we see that our brethren were persecuted for their statement that “Jesus is Lord”. Their faith was a direct affront to the faith of Rome which saw itself as the divine state and

eternal city. With its conquest of so many other nations, Rome had become the repository of more religions than any other city in antiquity. But these religions were not persecuted as was The Church because they were prepared to burn incense to the genius and divinity of the emperor. The Christians' certainty that Jesus was Lord, even over Caesar (Romans 14:11, Philippians 2:10 & Isaiah 45:23), made it impossible for them to subscribe to the worship of the State. Thus the Church was persecuted for reasons of politics as much as it was for religious convictions (Psalm 2:2-4 & 12).

Christianity as the Official State Religion

Notwithstanding, a turning point came in AD 312 when the Emperor Constantine became a Christian and thereafter made Christianity the official state religion of Rome. After 300 years of persecution, at its worst, or being ostracized, at its best; Christians found themselves fully accepted into civic life and the Church became recognized as a legitimate institution. In light of the encounter between Ambrose and Theodosius, as previously mentioned, it would seem that the Church had supremacy of influence over the State. But since the days of Augustus Caesar the goal which drove Roman Emperors was uniformity of belief. Thus we find that Emperor Constantine convened the Council of Nicea to decide concerning the Arian heresy because, hearing of the riots in Alexandria caused by dispute over this doctrine ". . . he feared what could happen if the conflict spread riots throughout the Roman Empire." It was Emperor Theodosius who convened the Council of Constantinople (381) and thereafter "outlawed anything that even smelt Arian and made Nicene Christianity the official and only religion of the empire".

Thus the emperors sought to establish themselves as the fountain of ecclesiastical law as completely as they had been that of civic law. Ambrose may have seen the State as being within the Church but the Emperors still saw the Church as being within the State. Augustine's work broke the nexus between Church and State, but left the State to frame laws independent of Biblical Law.

Notwithstanding, after Constantine, law became a continuation of Roman Law with Christian influence. Byzantine Law was effectively devolved into two spheres, ecclesiastical law and secular law. This not to say that the gospel was without effect on Roman secular law:

"Under the influence of Christianity, the Roman law of the post-classical period reformed family law, giving the wife a position of equality before the law, requiring mutual consent of both spouses for the validity of marriage, making divorce more rigorous, abolishing the father's power of life or death over his children; reformed the law of slavery, giving a slave the right to appeal to a magistrate if his master abused his powers and even, in some cases, the right to freedom if the master exercised cruelty, multiplying modes of manumission of slaves, and permitting slaves to acquire rights by kinship with freemen; and introduced a concept of equity into legal rights and duties generally, thereby tempering the strictness of general prescriptions."

This in turn led to a system of patronage whereby rulers and nobles would make grants of land and buildings to the Church.

Simony and the power of the Pope

This practice of patronage extended for the next several hundred years but was not without its adverse consequences. As a result of this practice, offices or bishoprics within the Church were purchased by noblemen for family members, so that Church lands became associated with family estates. In this way the State and the Church co-operated in the appointment and ordination of offices, both clerical and secular. The Church would conduct investiture services for noblemen and the noblemen would petition the Church for the ordination of lay appointees. The church and its clergy had become so enmeshed in feudal loyalties that their loyalty to God and his Law became thoroughly compromised.

In order to combat this pattern of dynastic development various Church Councils sought to limit the familial ambitions amongst clergy by preventing marriage. An early example of this can be seen in the Council of Trullo (691-2 AD). In addition to decreeing that priests who had married a second wife after 15th January 619 should be stood down from ministry (Canon 3), the Council also determined (Canon 48) that the wife of a married priest who becomes a bishop must withdraw to a convent:

"The wife of one who is promoted to the episcopal office is to separate from her husband by mutual consent and is to enter, after his consecration as a bishop, into a monastery located a great distance from his episcopal residence. She is to receive no financial assistance from him, and if she is found to be worthy, she may advance to the rank of deaconess."

Unsurprisingly competition or negotiation for the material benefit of clerical appointments sullied the perceived ambit of authority. Nobles and lords saw themselves as having authority to appoint clergy. Bishops and popes saw themselves as having authority to excommunicate, and thereby effectively depose, lords and barons.

The uncertainties inherent in the interplay of these powers was finally broken by in 1075 by Pope Gregory VII (1020-1085) when as a result of his dispute with King Henry IV of Germany, he issued *Dictatus Papae*. This edict achieved a number of outcomes and has been described by various historians as “one of the four great world-revolutions in Western history” and referring to this event as a “papal revolution”, by one other, saying:

“The Papal Revolution of the eleventh century introduced the principle of dualism into the political world ... In Western civilization, at least since Gregory VII, two sovereign powers have always balanced each other. This and this alone has created European freedom.”

Gregory VII's edict was not without contest at the time, for amongst numerous authorities it claimed; a) the pope has the right to depose kings and emperors, b) the church alone has the right to appoint clergy and c) the church alone has authority to act as final court of appeal.

In *Dictatus Papae*, history has conspired to preserve the ideas of both Ambrose and Augustine. As with Ambrose, emperors and kings are seen as being within the Church and as with Augustine nations are permitted to derive their own laws. However there are yet some barbs in the dualism which Gregory VII's revolution has generated. The problem will manifest 500 years further on as a result of an Augustinian monk.

Reason v's Emotion in the Development of Law

Christianity came into a world where there were two highly developed legal systems, the Hebrew and the Roman. Hebrew law emphasized moral absolutes. Roman law was founded on Greek, and especially Stoic (*Acts 17:18*), philosophy of the supremacy of natural reason and upon the Roman's practical sense of civic order.

The Roman statesman and Stoic philosopher Marcus Cicero (106BC-43BC) is quoted as saying “The welfare of the people is the highest law”. Given this as the primary purpose of law, Cicero is reflecting the Greek confidence in reason and the view which Aristotle (354BC-430BC) took towards society and law. The Aristotelian view of man claims that man is by Nature a rational, political animal for whom the basic societal unit is the family. For Aristotle, to behave according to human nature means to act rationally. Additionally, to behave according to human nature is to preserve society or as Aristotle argued to assert “the common good”. The Christian encounters two difficulties with these two premises.

First, the “common good” cannot be established by rational means alone. For the Christian, there is none good but God (*Mark 10:18*). If God is the source of all that is good, then we must look to him for those rules and laws which will ensure the “common good”. We must base our societal laws on Biblical truths, which requires that we will set laws and define social relationships with recourse to revelatory knowledge ahead of a solely rational approach.

Secondly, Aristotle's commitment to man as rational fostered a definition of law as “reason unaffected by desire”. This exclusively rational foundation is in stark contrast to the concept of law as set before us in scripture. When asked which was the most important of laws, Jesus emphasized two laws which call for an affection of the heart:

“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 unto it, Thou shalt love thy neighbour as thyself. On these two commandments hang all the law and the prophets.” (*Mat 22:37-40 KJV*)

It is a wonderful recognition of the nature of the cosmos that scripture draws us to affections of the heart when laying a foundation in law. To make a just law, a person or society must choose between right and wrong. They must choose what they value, and it is at this point that our emotions reveal the truth about ourselves and our beliefs.

“The emotions of others or their lack of emotion often shows us what they think, value and believe. If the emotion is missing we can make a legitimate assumption that the claimed value is not really present. If I say that I am petrified of heights and show no outward signs of fear when I stand on the edge of the Grand Canyon you may conclude that I am not really afraid of heights.”

A Christian cannot treat injustice as a purely intellectual or rational problem. Similarly, God did not treat our need for redemption as a philosophical problem or some metaphysical dilemma. Rather we are told that it was in love that The Father sent His Son to us (John 3:16). Moreover, given that justice and emotions are linked, we should be unsurprised that God judges in anger, since the vehemence of his love for righteousness must be matched by a strength of desire. God always judges impartially but he never judges dispassionately!

Aquinas and Aristotle

The emphasis on reason as the source of law is no mere side-line to the history of Church and State relations. The works of Aristotle were largely unknown to European scholars until the twelfth and early thirteenth centuries. Muslim scholars and in particular Ibn Rušd (1126-1198), more commonly known as Averroës, had a great impact on Christian Europe. Averroës has been described as the founding father of secular thought in Western Europe. His commentaries on Aristotle represented a recovery of Greek thought in the West.

One Christian theologian to make considerable use of Aristotle was Thomas Aquinas (1275-1274). Whilst recognizing that final knowledge of God and his purposes lay in revelation, Aquinas nonetheless took the view that man’s reason could draw close to divine truths of relevance to the natural order. Aquinas never lost sight that reason unaided by revelation could not attain to full knowledge of God and his purposes. Even so, Aquinas’s works were based on a belief in the capacity of the human mind to derive from that part of God’s “eternal law” which is “natural law”. For Aquinas:

“A law is nothing else but a dictate of practical reason emanating from the ruler who governs a perfect community. Now it is evident, granted that the earth is ruled by divine providence, as was stated in the First Part, that the whole community of the universe is governed by divine reason. Wherefore the very Idea of the government of things in God the Ruler of the universe has the nature of a law. ... Wherefore, since all things subject to divine providence are ruled and measured by the eternal law, as was stated above, it is evident that all things partake somewhat of the eternal law ...“

We have arrived at a serious unhinging for the relationship between Church and State. If natural law parallels eternal law and natural law can be derived from reason then;

- a) the Church’s voice is merely one voice amongst many since man’s reason, and not revelatory authority, are sufficient to derive law, or as has become the case since the Enlightenment,
- b) the Church’s voice is an inferior voice since the natural realm is fully and only knowable by natural means therefore reliance on metaphysical revelation or supernatural insights are at best antiquated if not outright egregious.

Marsilius and Spiritual Religion

The major consequence of Pope Gregory VII’s Dictatus Papae of 1057 were a dualism which split the laws of the State from the Canon law of the Church but a further consequence was the allocation of vast authority to the pope. Over subsequent centuries, abuses of papal authority and reactions against them were numerous and intense.

Marsilius of Padua (1290-1343) was one philosopher who contested the Church’s role within a dualistic environment. Whilst his primary goal was to diminish the papacy, Marsilius’ argument had much broader ramifications. By emphasizing the purely spiritual powers of the Church, Marsilius succeeded in isolating her from the material world entirely. Politics, economics, the arts and the sciences all fell away from that which the Church might call its legitimate area of interest or authority. Marsilius major work Defensor Pacis (or The Defender of Peace), set its argument across three major themes:

1. It grounded jurisdiction over the material world in reason rather than in revelation therefore the goals of the state rest in

rational moral ends not in scripture and in this way the thought processes for ruling are to be derived from philosophy rather than theology,

2. It argued that the State is a coercive power whose role is to regulate and control strife but because power is the preeminent source of authority and the preserver of society, the role of moral authority is diminished and in particular the Church is denied all sense of moral oversight and capacity to correct, and
3. It based the State's role and authority upon the exercise of power and withdrew the State from having to act in terms of absolute truths by resting legal jurisdiction on reasoned truths, paved the way for the will of the people as being expressive of the mind of the State.

By divorcing the Church from the material world, Marsilius contributed to the pietism and disengagement from the world so characteristic of much of Christendom today.

The Reformation

The general direction of Church-State political thought had been largely determined by the time that Martin Luther set his 95 theses on the church door at Wittenberg in 1517. All of which theory was to diminish the role of the Church. Yet in almost every place where the Reformation had success there was some form of civil disobedience or armed rebellion. The Emperor (Charles V of Spain) and the Catholicism which he represented were only kept at bay in Germany after numerous wars fought by German nobles, leading to the Peace of Augsburg in 1555 and then the Thirty Year War which concluded with the Peace of Westphalia in 1648.

Post-Reformation relations between Church and State had a number of broad streams. Two of the more important ones are here discussed:

Martin Luther

At the time of the Reformation, Martin Luther was an Augustinian monk. To this extent he imbibed of Augustine's "two cities". Luther was happy to leave the affairs and jurisdiction of civil order to the State. He believed that the development of law is the task of secular authority of the State and not the task of the Church. This notion:

"could only be proclaimed after more than four centuries of history in which Church and State together had succeeded in Christianizing law to a remarkable extent."

In a day when the contributions to a Christianized society have been largely undone via the efforts of humanism and naturalism, we can wonder about the wisdom of Luther's Augustinian position.

English Puritans

The English (and Scottish) Puritans adopted a very different approach. The excesses of persecution under Henry VIII and Queen Mary, to say nothing of a civil war precipitated by the determination of Protestants to see Popery banished; had made for a fervent polemic as to the relationship between Church and State. Add to this the obdurate arrogance of James I and Charles I concerning the divine right of kings and we find in England and Scotland a people earnest to establish the correct balance between these two entities.

Whereas European thinking had resigned itself to dualism of Church and State, Puritan faith expressed itself in a determination to see "Law as King". Samuel Rutherford (1600-1661) used a blend of natural law and scripture in his most famous work *Lex Rex* of 1644 was written in response to John Maxwell's *Sacro-Sanctum Regus Majestas* (The King Rules by Sacred Right) and presented a theory of limited government and constitutionalism, which involved institution-alized mechanisms for power. Amongst many astute findings Rutherford's thesis argues that the State, in the form of its king and parliament are not above God's law:

"If the Lord say not to the King only but to the other inferior judges, "Be wise, understand and the cause that you know not search it out" [Ps 2:10] then the King is not the only interpreter of the law. But the Lord says not to the King only but to the other Judges also "Be wise, understand and the cause that you know not search it out" therefore the King is

not the sole judge of the law only. So are commands and rebukes for unjust judgment given to others than to kings.”

Moreover Rutherford finds that the king is not subject to himself only, not is answerable to God only, but is accountable to the people:

“God is the first agent in the acts of the creature. Where a people make choice of a man to be their king, the states do no other thing, under God, but create this man rather than another; and we cannot here find two actions, one of God and another of the people; but in one and the same action, God by the people’s free suffrage and voices, createth such a man king”.

Rutherford writes so as to contend against the divine right of kings and in so doing places his confidence in the sovereignty of God, in that God will have ordained his purposes in the voice of the people. Therefore the king is appointed by God and not above the people in all things, but as they themselves are duty bound to obey rightful authority, the king too having been appointed by the authority of both God and man, is duty bound to honour both God and men with righteous judgments.

There is a distinction between Rutherford’s position and that of Pope Gregory VII. Item 27 of *Dictatus Papae* afforded the pope the right to “absolve subjects from fealty to wicked men” . On this basis the pope could dissolve the relationship between a king and his people on the basis of any manner of moral degeneracy in the king. Rutherford’s ideas, being based on covenant, meant that the bond between prince and subjects could only be dissolved where the king had acted in bad faith toward his subjects, where the covenant of trust had been violated. Although himself a pastor, Rutherford makes no pretence that the church has a role in appointing the king. The dualism represented by *Dictatus Papae* and Luther are not here seen. The Church does not appoint the king, but the Church instructs both king and people as to their obligations as found in scripture. Neither do we encounter the other-worldliness of Marsilius. The Church’s application of scripture is not left to the spiritual realm of pietism and personal holiness but is brought to bear on real world debates of daily life and government.

Treason by The State

Rutherford’s assertion that the king owes his authority to both God and men is drawn from the Biblical concept of covenant. A covenantal perspective on law sees the formation of a social relationship, such as a marriage or a monarchy, as an act of grace where each party freely and graciously yields to the other certain benefits from within its prerogatives in acceptance of graciously yielded benefits from the other . The terms of the relationship abide on the expectation of continuing faithfulness by each party to the other and are bounded by the constraints and expectations of covenantal law expressed by God in scripture.

In 1769, Sir William Blackstone defined treason in his *Commentaries on the Laws of England* in these terms:

“Treason, *proditio*, in its very name [is] ... a betraying, treachery or breach of faith. It therefore only happens between allies; for treason is indeed a general appellation made use of by the law to denote not only offenses against King and Government, but also that accumulation of guilt that arises whenever a superior reposes a confidence in a subject or inferior, between whom and himself there subsists a natural, a civil, or even a spiritual relation; and the inferior so abuses that confidence, so forget the obligation of duty, subjection, and allegiance as to destroy the life of any such lord or superior.”

Thus in its nature, treason is a breach of faith between allies or between parties which have a mutuality of duty or obligation to one another.

On this basis treason is covenantal in its nature. In Eden God willingly assumed the task of caring for Adam and did so by responding when a “not good” in Adam’s life was found to exist (Gen 2:18). Adam’s duty was to obey God. Similarly in grace, God bound himself to a covenant with Abraham as would provide a nation and land for him and for his children. Abraham’s obligation was to worship God, leave his former country and trust God for the new family (Gen 12:1-3). By this definition treason can be found in either party which demonstrates a breach of faith in the relationship.

We accept therefore that a citizen who conspires against their government may be charged with treason. That citizen has

breached the loyalty which the state expects for the protection and civil harmony that it has afforded to the citizen. Although treason is chargeable against either party in a relationship, modern Western thinking tends to see it as chargeable only upon citizens. Governments are thought to be immune to charges of treason for a breach of faith with their citizenry. This has not always been the case.

Although there was no legal precedent for it, Charles I was tried and condemned “for waging war against the laws and people of England rather than protecting them”. Upon Cromwell’s departure as Lord Protector of England, James II returned to the throne as King of England. During what is known as the Restoration, those persons who had prosecuted the charges against Charles I were in turn accused of regicide and treason because:

“the King was supreme Governor, subject to none but God and could do no wrong, and that if he could do no wrong he could not be punished for any wrong doing”.

Such a claim is typical of the arrogance of State power. These days leaders such as Hitler, Stalin, Pol Pot and Milosevic are not accused of treason but of ‘crimes against humanity’. The distinction is vital. For whereas Old Testament law saw the source of mutuality as existing between God and man, modern thinking sees the mutuality as existing between man and mankind. We might conclude our consideration of Puritan contribution to law with the following quote from H J Berman (1918-2007), former Professor of Law at Harvard University:

“... two other strands of Protestant thought, which have had profound effect especially upon American law, must also be mentioned. The first is the Calvinist effort to eliminate the dualism of secular and ecclesiastical life altogether, and to govern Christian communities by Biblical law. Though relatively short-lived, Puritan theocracy has left its mark on our history, upon our theology and upon our jurisprudence.”

Not just statecraft but personal piety also

Following the restoration of monarchy in England, Richard Baxter was appointed chaplain to Charles I. Puritan aspirations for righteousness were not exclusively focused on institutional matters. The following excerpt from Baxter’s sermon on “The Life of Faith”, preached to the king and his courtiers in 1660 gives some indication of the Puritan hope for godliness in the Christian’s life, be he king or commoner.

"Dare you now be drunk or gluttonous or worldly? Dare you be voluptuous, proud or fornicators anymore? Dare you go home and make a jest of piety and neglect your souls as you have done. Princes and nobles live not always. You are not the rulers of the immovable kingdom but of a boat that is in a hasting stream or a ship under sail that will speed both pilot and passengers to the shore (of death). The inexorable leveller is ready at your backs to convince you by unresistable argument that dust you are and to dust you shall return. No man will fear you after death. Much less will Christ be afraid to judge you.

Live as if you saw the glorious things which you say that you believe that when worldly titles are insignificant words and fleshly pleasures have an end and faith and holiness will be the marks of honour and unbelief and ungodliness the badges of perpetual shame. And when you must give an account of your stewardship and shall be no longer stewards you may then be brought by faith unto fruition and see with joy the glorious things which you now believe.

Write upon your palaces and goods that sentence: "Seeing all these things shall be dissolved what manner of persons ought you to be in all holy conversation and godliness looking for and hasting to the coming of the day of Christ"."

Conclusion

This journey through Church-State relations has left us some 250 years short of our present time. The notes have sought to trace the origins of ideas which undergird aspects of today’s thought in respect of Church-State relations. To stop at this point is necessary for time’s sake but disadvantageous in that it neglects the impact of two further revolutions; a) the revolution in social thought wrought by The Enlightenment and as seen in the French and American Revolutions and b) the revolution in man’s self-image as wrought by Darwinism.

In respect of the latter we might consider Francis Schaeffer:

“Those who hold the material-energy, chance concept of reality, whether they are Marxist or non-Marxist, not only do not know the truth of the final reality, God, they do not know who Man is. ... Since their concept of Man is mistaken, their concept of society and law is mistaken, and they have no sufficient base for either society or law.”

They have reduced Man to even less than his natural finiteness by seeing him as a complex arrangement of molecules made complex by blind chance. Instead of seeing him as something great who is significant even in his sinning ... Even on the basis of Man's finiteness, having people swear in court in the name of humanity (sic) as some have advocated, saying something like, “we pledge our honour before all mankind” would be insufficient enough. But reduced to the materialistic view of Man, it is even less so. Although many nice words may be used, in reality law constituted on this basis can only mean brute force. In this setting Jeremy Bentham's (1748-1842) Utilitarianism can be and must be all that law means. And this must inevitably lead to the conclusion of Oliver Wendell Holmes Jr (1841-1935): “The life of law has not been logic: it has been experience.”

If Church-State relations in western society have been the outworking of Aristotelian reason within a Godly framework, Darwinism leaves us not only without God but without reason as well. What then is today's Christian perspective on Church and State, life and law? One further quote will suffice. This time from H J Berman:

“Finally, 20th century Protestantism, at least in the United States, has established the image of the Christian individual living in the secular society. Implicit in this image is a gospel of Christian legal ethics, but no full-blown Christian philosophy of law. This gospel says to the Christian individual: pray for God's guidance in making and keeping your contracts, in avoiding the commission of torts, and in managing your legal affairs generally, that in all these matters you may behave in an upright and loving manner. This gospel says to the Christian lawyer, judge or legislator: pray for God's guidance in performing your official duties so that you may act courageously in the interests of justice. But this gospel has very little to say concretely as to what is justice, what is prohibited and what is permitted, or what are the specific Christian aims of a system of law.”

Until the Church recovers the centrality and applicability of God's law-word to all of life, until the Church returns to its Christ given mission of discipling nations we must face “a gospel [that] has very little to say concretely as to what is justice, what is prohibited and what is permitted, or what are the specific Christian aims of a system of law”.

Chris Whiting Bio:

Chris pastored *The Open Door Christian Church* in Melbourne for 23 years. He also served on the team of the *Daniel 2:44 Conference* for a number of years. This conference was dedicated to proclaiming the lordship of Christ over all aspects of life, and was held annually in Canberra. Having seen the Church and his own witness marginalised by superficiality and a limited understanding of the sovereignty of God, Chris is passionate about seeing “the applicability of God to everything”.

Holding a Bachelor of Commerce from Melbourne University, he has also served as a business owner, consulting in the areas of information systems and business improvement with a particular focus on human resource development, quality management, and environmental management.

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