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“NURSING FATHERS”: THE MAGISTRATE AND THE MORAL LAW | E.J. HUTCHINSON

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

Not many passages in the New Testament speak directly to political order. The first part of the thirteenth chapter of Romans is perhaps the most famous.¹ I would like to focus in this essay on vv. 3-4, which may appear *prima facie* to be something of an interpretive crux. Are these verses descriptive or prescriptive? That is, are they simply declarative, or are they imperatival, telling us what magistrates *ought* to do?²



MOSES BREAKING THE TABLETS OF THE LAW, BY REMBRANDT, 1659

It is, of course, true that the verbs pertinent to this question are all in the indicative mood (“they are,” v. 3; “you will have,” v. 4; “he is,” v. 4); but is this decisive? After all, the verbs in the Ten Commandments are indicative as well, but semantically the Ten Words are nevertheless commands.

Admittedly, Paul writes with brevity; and, admittedly, the text seems syntactically straightforward. So let us assume, momentarily and for the sake of argument, that these verses are what they appear to be grammatically: declarations. What would this mean? If these verses are read as “straight” indicatives, they teach that whatever the magistrate does is good by definition. A ruler executes wrath only on the evil. If you do what is good, you will have his praise. He is the minister of God. Period.

This leaves, as far as I can parse it, two options. First, it might be the case that magistrates always reward good and punish evil because all magistrates are perfectly just in terms of the moral law and therefore always do as God prescribes. Now that we are all done laughing, we can move on to the second

possibility: the putative “justice” of magistratical action obtains because might makes right. The mere possession of power would make the actions of magistrates just, rather than power exercised in accordance with some other standard.

1. Also important for this topic, though not treated in this essay, are such texts as Matthew 22:21; John 18:36; Acts 5:29; and 1 Peter 2:13-17.

2. A different version of parts of this essay previously appeared at *The Calvinist International* in 2014: <https://calvinistinternational.com/2014/06/24/the-final-cause-of-civil-government-in-romans-133-4/>.



NERO'S TORCHES (CHRISTIAN CANDLESTICKS), BY HENRYK SIEMIRADZKI, 1876

I SAY JUSTICE IS
 NOTHING OTHER THAN
 WHAT IS ADVANTAGEOUS
 FOR THE STRONGER...
 THAT, SOCRATES, IS
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 ALL CITIES: WHAT IS
 ADVANTAGEOUS FOR
 THE ESTABLISHED RULE.

To many modern readers, this description of the politics of power perhaps smacks of something post-Nietzschean and post-Foucauldian, but this position is in fact very old. It is wonderfully illustrated by the character Thrasymachus in Book 1 of Plato's *Republic*.

THRASYMACHUS: Listen, then. I say justice is nothing other than what is advantageous for the stronger..That, Socrates, is what I say justice is, the same in all cities: what is advantageous for the established rule. Since the established rule is surely stronger, anyone who does the rational calculation correctly will conclude that the just is the same everywhere—what is advantageous for the stronger.³

Is “might makes right” an acceptable gloss on the meaning of Romans 13:3-4? No; there are at least two major objections to it.

First, the natural human intuition that justice is objectively *moral* turns away from it in revulsion. This intuition, I assert without argument, is shared universally, *contra* Thrasymachus. That is, the law of nature opposes the idea that “justice” is the exercise of power merely—that it is whatever a ruler happens to do.

Second, there are numerous examples in Scripture of rulers who are clearly depicted as acting unjustly or ruling wickedly: Pharaoh in Exodus, David and Uriaah the Hittite, Solomon's introduction of pagan worship near the end of his life, Nebuchadnezzar, and so on, culminating in Christ's crucifixion under the Sanhedrin and the Roman magistrate Pontius Pilate. In addition to these examples, consider the apostolic declarations in Acts 4:19 and 5:29. Clearly, Scripture does not teach that whatever magistrates do is right simply by virtue of their doing it. Rulers are *not* always a terror to evil works rather than to good ones.

If both general and special revelation oppose what we might call the Thrasymachean reading of Romans 13:3-4, what is the alternative?

3. Plato, *Republic* 1.338c, 338e-339a, tr. C.D.C. Reeve in *A Plato Reader: Eight Essential Dialogues* (Indianapolis: Hackett, 2012), 283.

The alternative is to read these verses in terms of two of the classical four causes, that is, as expressing the efficient cause of civil government (the agent who ordains that magistrates should rule and who is the source of their authority) as well as its *telos* or final cause, the end for which it is ordained. Vv. 1-2 state that God is the efficient cause of government (“[T]here is no authority except from God”); vv. 3-4 give its purpose (“[H]e is the minister of God to thee for good”).⁴ This means that Paul in Romans 13 is not simply articulating what *subjects* must do. He is also expressing, with divine authority, what *magistrates* must do. Magistrates have inescapable moral obligations.

And this is precisely how Magisterial Protestantism has interpreted this passage.

Let us begin with Martin Luther. In a letter of 13 July 1521, Luther responded to his associate Philip Melancthon, who had argued that an explicit “commandment or...counsel of the Gospel”⁵ was required to make the use of the sword permissible, and no such commandment or counsel existed. Luther argued that no such thing was necessary, and in the course of his reply noted the following about the duty of the magistrate as a gloss on the opening of Romans 13: “He who does wrong or imposes intolerable measures is not God's servant but God's enemy,” and adds shortly thereafter that “God does not give [authority] to be used for evil purposes.”⁶ Luther affirms the same end of government when addressing magistrates themselves. Thus he exhorts the princes of Saxony in 1525, “Your Graces know very well that your power and earthly authority are given you by God in that you have been bidden to preserve the peace and to punish the wrongdoer, as Paul teaches.”⁷ He affirms the same teaching yet again in *Whether Soldiers, Too, Can Be Saved* (1526): “[A] lord and prince is not a person

4. The Aristotelian tradition distinguishes between four types of causality: material, formal, efficient, and final. Cf. Aristotle, *Metaphysics* 5.1013a; Andrea Falcon, “Aristotle on Causality,” in *The Stanford Encyclopedia of Philosophy* (Spring 2019 Edition), ed. Edward N. Zalta, <https://plato.stanford.edu/entries/aristotle-causality/>.

5. Cited in *Divine Kingdom, Holy Order: The Political Writings of Martin Luther*, ed. Jarrett A. Carty (St. Louis, MO: Concordia Publishing House, 2012), 91. The words quoted are Luther's summary of Melancthon's position.

6. *Divine Kingdom, Holy Order*, 93-4.

7. Carty, *Divine Kingdom*, 347.

to himself, but on behalf of others. It is his duty to serve them, that is, to protect and defend them.”⁸

Philip Melanchthon eventually came to share Luther’s general conclusions. In his commentary on Romans, Melanchthon claims that Romans 13:4 gives a *definition* of the magistrate, and asserts that it is in fact superior to Aristotle’s definition, because Paul adds that the efficient cause of government is God Himself: “For Paul has added the efficient cause, namely that [the magistrate] has been instituted by God.” But the apostle also gives us government’s purpose: “And in the matter of the final cause, he adds a noteworthy clause: ‘for you for good,’ in which he distinguishes the tyrant from the true magistrate.”⁹

Nearly the same sentiment is found in the Romans commentary of the German Reformed theologian Caspar Olevian, who also argues that Romans 13:1-2 gives both the efficient and final causes of government.¹⁰ Commenting on v. 3, he notes that the *finis* or “end” of government is “(the) good” (*bonum*), that is, justice, supporting his position with texts such as 1 Timothy 2:1-2 and Psalm 82:6.¹¹

David Pareus, another German Reformed theologian, notes four kinds of possible good: natural (e.g. the defense of life), moral (e.g. using the law to discourage vice and encourage virtue), civil (e.g. the preservation of property), and spiritual (e.g. the protection and defense of the church). According to Pareus, the magistrate’s duty extends to all four—a point to which we shall return below.¹²

Peter Martyr Vermigli, too, talks of the design of government in his own commentary on Romans, adding that he believes that, for the most part, magistrates actually do what is good:

But while we live here still in the world, and have our interactions here among evil men, the magistrate is both necessary, and we ought utterly to obey him in those things that are not repugnant to piety...But they complain that those who are magistrates are corrupt, cruel, and violent men: and that their whole task is to see to it that every man should have either nothing at all, or else very little. **But these men ought to consider, that Paul here is treating the thing itself, and not its abuse,** and speaks of what happens for the most part, and not of what happens seldom seldom. **With respect to the first, what comes as an abuse of the thing may not to be imputed as a fault to it. It is as if a wicked man should perversely abuse the mind, or the eyes, or the ears, or the rest of the powers of the soul: it should not be concluded**

from that, that the purpose of all these things is not most excellent, unless perhaps we will say that God is the author of evil things. And with respect to power, it may be abused as well by those who exercise it as by those who ought to obey it.¹³

Vermigli echoes in some respects what Johannes Oecolampadius had said before.¹⁴ The fact that power *can be abused* is evidence that it is not arbitrary and bears a relation to a higher law. Precisely because power has its source in God and the good as its goal, it is subject to God’s law.

John Calvin provides yet more evidence for the ubiquity in the sixteenth and seventeenth centuries of the view that God is the source of government and the good is its end. In his remarks on 13:3, Calvin distinguishes between the design of government and what is often its reality: “But [Paul] speaks here of the true, and, as it were, of the native duty of the magistrate, from which however they who hold power often degenerate; yet the obedience due to princes ought to be rendered to them.”¹⁵ He goes on in his comments on v. 4 to note the responsibilities the magistrate bears before God as God’s deputy. As God’s representative, he will owe God an account:

Magistrates...are deputed by God and do his business, they must give an account to him: and then the ministration which God has committed to them has a regard to the subjects, they are therefore debtors also to them.¹⁶

One could continue to amass evidence in the vein of what has been produced so far.¹⁷

It is beyond dispute that what has been sketched above represents the mainstream Protestant tradition on the origins and purpose of government.

But this brings us to a problem.¹⁸ If the magistrate is the minister of God ordered to an end, and that end is equivalent to what is objectively good, what is the standard of that good? One might suggest that it is the law of nature. But the law of nature is equivalent to what theologians have long called the moral law, and the moral law is “summarily comprehended” (in the words of the Westminster Shorter Catechism) in the Decalogue. But the Decalogue includes commandments about our relation to God as well as to our neighbor. The implications of this view are immense: if the magistrate is

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13. I have modernized the 1568 translation of this passage by John Daye found in Robert M. Kingdon, ed., *The Political Thought of Peter Martyr Vermigli* (Geneva: Librairie Droz, 1980), 10.

14. See Johannes Oecolampadius, *In epistolam Beati Pauli Apostoli ad Rhomanos adnotationes* (Basil: Andreas Cratander, 1525), 96-7.

15. John Calvin, *Commentaries on the Epistle of Paul the Apostle to the Romans*, trans. and ed. John Owen (Edinburgh: Calvin Translation Society, 1849), 480.

16. Calvin, *Romans*, 481.

17. For example, the teleological view would be repeated again by Charles Hodge several centuries later. Commenting on Rom. 13.3, he writes that “Paul is speaking of the legitimate design of government, not the abuse of power by wicked men.” See Charles Hodge, *Commentary on the Epistle to the Romans* (Philadelphia: Alfred Martien, 1873), 641-2.

18. A “problem,” at least, from the secularist point of view.

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8. Carty, *Divine Kingdom*, 424.

9. Philip Melanchthon, *Commentarii in epistolam Pauli ad Romanos* (1840), ed. Th. Nickel (Leipzig: Teubner, 1861), 216. The translations are my own.

10. Theodore Beza, ed., *In epistolam D. Pauli Apostoli ad Romanos notae ex Gasparis Oleviani concionibus excerptae et...editae* (Geneva: Eustathius Vignon, 1579), 665-6.

11. Beza (Olevian), *Ad Romanos*, 669.

12. David Pareus, *In divinam ad Romanos S. Pauli Apostoli epistolam commentarius* (Frankfurt am Main: Jonas Rhodius, 1608), 1302. The translation is my own.

the “guardian of the law,”¹⁹ and if the laws should be framed according to the moral law, and if the moral law is comprehended in the Decalogue, and if the Decalogue includes laws pertaining to religion, then the magistrate has public duties in the realm of religion.

This was precisely the conclusion regularly drawn in the pre-1787 Protestant political tradition: the magistrate’s duties extended as far as the Decalogue did. The logic is clear: justice demands honor to whom honor is due; honor is due to God; therefore, sundering the Decalogue in half and attending only to the Second Table is not only arbitrary, but an active violation of the principle of justice.

According to the Protestant political tradition, the magistrate is more than a swineherd responsible only for filling his subjects’ bellies—he is to attend to their non-appetitive good as well. Richard Hooker, for example, thought it a “gross error” to believe that “God had ordained kings for no other end and purpose but only to fat up men like hogs.”²⁰ In saying this, he asserts nothing different from what Vermigli argued against his Roman Catholic opponents:

They pretend that there are two lights in the church; and that the pope with his bishops is the greater light, but the emperor, kings, and magistrates are the lesser light, and that it is right for the latter to care for (that is, to ruin) bodies, but the former to care for souls. Thus they want princes to be only herding shepherds, in order to fatten up bodies.²¹

Having supported his stance against Roman Catholic politics from the Bible, Vermigli goes on to support it from Aristotle as well: “For Aristotle says in the *Politics* that it is the duty of the magistrate to take care that the people live well and in accordance with virtue. But there is no greater virtue than religion.”

In harmony with Hooker and Vermigli, David Pareus argues that magistrates “bear the character of God as his envoys in judgment.”²²

19. The title is traditional. Cf. Niels Hemmingsen, *On the Law of Nature: A Demonstrative Method*, trans. E.J. Hutchinson (Grand Rapids: CLP Academic, 2018), 4; Philip Melancthon, *Philosophiae moralis epitome* (1546) 2.96, ed. Richard Nürnberger, in *Melancthon Werke. III. Band: Humanistische Schriften*, 2nd ed. (Gütersloh: Gerd Mohn, 1969), 233. The alternative is that the magistrate is *exlex*, or above the law.

20. Richard Hooker, *Laws of Ecclesiastical Polity* 8.3.2.

21. Peter Martyr Vermigli, *Regi, principi, magistratui, num liceat de religione statueret*, appended to the *Loci communes* (Geneva: Pierre Aubert, 1624), 723. The translation is my own.

22. *Dei personam tanquam eius legati in iudiciis sustinent.*

Thus, they ought to protect and defend the church. In fact, “the magistrate ought to devote himself to this good as the first and highest good.” Taking Deuteronomy 17 as his text, he argues that “the care and guardianship of the true religion absolutely pertains to the duty of the magistrate.” He then goes on to distinguish the magistrate’s work in the religious sphere from that of pastors, who make use “not of laws nor of armed force, as magistrates do, but of the preaching of the Word of God, the administration of the divine sacraments, and the management of ecclesiastical discipline.” Nevertheless, their roles “come together in a shared goal (*finis*), because both ought to care for the salvation of their subjects.”²³

Once again, examples from the tradition could be multiplied with little effort. Further, if these divines are right about how things stand between God and the magistrate, it is obviously absurd to think that the signing of a document in a colonial backwater in the late eighteenth century changes the state of play. From a Protestant perspective, the important and interesting question would become whether the framework for which men like Calvin, Vermigli, and Pareus argue is viable within the American constitutional order.

Yet there may still be grounds for pause. For what if the American constitutional order is *also* attempting to preserve a truth that is a matter of both natural and special revelation, that is, the truth that faith cannot be coerced? This is a principle that Christians tend, for self-evident reasons, to recall in contexts of persecution. Thus, in the early fourth century, in the wake of an era of severe persecution of Christians that was finally put to an end by Constantine, the Christian rhetor Lactantius enunciated the principle of non-coercion: “[R]eligion cannot be imposed by force; the matter must be carried on by words rather than by blows, that the will may be affected.”²⁴ In saying this, Lactantius was only echoing Tertullian:

[I]t is a fundamental human right, a privilege of nature, that every man should worship according to his own convictions: one man’s religion neither harms nor helps another man. It is assuredly no part of religion to compel religion—to which free-will and not force should lead us...²⁵

23. Pareus, *Ad Romanos*, 1302-5.

24. Lactantius, *Divine Institutes* 5.20, trans. William Fletcher: <http://www.newadvent.org/fathers/07015.htm>.

25. Tertullian, *To Scapula* 3, trans. S. Thelwall: <http://www.newadvent.org/fathers/0305.htm>. See also *Apology* 28. On these and related passages, cf. Jed Atkins, *Roman Political Thought* (Cambridge: Cambridge University Press, 2018), 136-165; Robert Louis



PIETRO VERMIGLI, BY HANS ASPER, 1560



THE SCHOOL OF ATHENS, BY RAPHAEL SANZIO, 1509 -1511

It is understandable that the early Americans wished to preserve this principle, for it provided the justification for the arrival of many colonists—including some of my own ancestors—to emigrate in the first place.

How, then, can one hold such truths together? How can one maintain what is good in the “liberal”²⁶ order while also acknowledging truths seen better by our forebears?

The first thing to point out is that Protestants, going back to the sixteenth century, did not believe that faith could be coerced by punitive earthly sanction, owing to their doctrine of the Two Kingdoms and the distinction between what Calvin calls the “earthly forum and the forum of conscience.”²⁷ Neither princes nor popes may tyrannize over the conscience of man. Particular human decrees that touch on things not directly commanded by God do not touch the conscience. Contrast this with the traditional Roman Catholic teaching, namely, that the pope can make “obligatory laws” with “the intention of binding the faithful immediately and directly.”²⁸ So, for instance, Thomas Pink has recently argued that, even if the state could not coerce religion, the church most certainly could: “[A]ccording to traditional doctrine, the Church has the right and authority to enforce [its] jurisdiction coercively, with temporal or earthly penalties as well as spiritual ones.”²⁹ In light of Roman Catholic teaching, consider the position of Philip Melancthon, who, while endorsing the magistrate’s duty to defend the church, limits this duty to “externals,” denying the institutional church the right to use physical force because the church is the realm of the gospel and therefore of the Spirit.



UNITED STATES CONSTITUTION

[The magistrate] is the guardian of the law as far as external discipline is concerned, in order to preserve the distinction between the ministry of the gospel and the magistrate. The ministry of the gospel publicly proclaims the gospel, through which the Holy Spirit is efficacious in those who believe...Meanwhile, nevertheless, the magistrate has his own external duty; in order that scandals might not be put on public display, he prohibits external idolatry, just as he prohibits adultery or murder...[B]y external discipline the magistrate puts a restraint on shameful acts that conflict with the first and second table [of the Decalogue].³⁰

Clearly, the United States of America’s constitutional order differs from Melancthon’s. But, crucially, Melancthon’s basic position includes positive endorsement for religion as a public good, and not only negative sanction against public blasphemy and idolatry. The question is whether the magistrate’s divine duty can be fulfilled by (1) attending *only* to the positive side of the ledger, including state support for the churches, or at least by (2) giving more emphasis to the positive side and keeping sanctions against blasphemy to a relative minimum while protecting conscience as inviolable. Many readers might suspect that the settled opinion of the American Founders tilted toward (1). It may come as a surprise that some early Americans favored (2).

Consider the case of the Westminster Confession of Faith. It is well known that the Confession was revised in 1788 to adapt it to American principles of civil and religious liberty. Despite that fact, it is remarkable what the Confession affirms. For example, the revised version the Confession reads as follows in 23.2, “Of the Civil Magistrate”:

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

This section was kept unchanged from the original version of the Confession. This indicates that the revisers thought that this aspect of the Melancthonian heritage was not in tension with American principles.

WCF 23.3, it is true, was heavily amended in order to eliminate the teaching that the magistrate should suppress blasphemy and heresy, should assist in the reform of worship, and has the right to call synods when necessary and to see that their decisions are carried out. But the revision not only eliminates; it also supplements. That is, it adds that

30. Philip Melancthon, *Philosophiae moralis epitome* 2.96. The translation is my own.

Wilken, *Liberty in the Things of God: The Christian Origins of Religious Freedom* (New Haven: Yale University Press, 2019).

26. The term is in quotation marks because it is now regularly used as either a slur by the traditionalist Christian right or as a shibboleth by the progressive Christian left and Americanist Christian center. I mean by it neither of these things, which do not pertain to meaning but instead function as identitarian markers. I mean it in its etymological sense, i.e. that ordered liberty, including liberty of conscience, is a good in keeping with natural reason and divine revelation and ought to be preserved as such.

27. See John Calvin, *Institutes of the Christian Religion* 4.10.5, trans. Henry Beveridge: https://ccel.org/ccel/calvin/institutes/institutes.vi.xi.html#fna_vi.xi-p41.1.

28. William Fanning, “Papal Constitutions,” in *The Catholic Encyclopedia*, vol. 4 (New York: Robert Appleton Company, 1908): <http://www.newadvent.org/cathen/04321a.htm>.

29. Thomas Pink, “Conscience and Coercion,” in *First Things* (August 2012): <https://www.firstthings.com/article/2012/08/conscience-and-coercion>. Because of these distinctions, it is absurd for George Weigel to insinuate, as he recently has, that totalitarianism is in large part a product of “political modernity” and to claim that “the Westphalian formula, *cuius regio eius religio*...can and should be considered the modern West’s first experiment in the totalitarian coercion of conscience by state power,” whereas “*Dignitatis Humanae*...was a retrieval and development of the Church’s own tradition.” See George Weigel, “The Catholic Journey to Religious Freedom,” *National Review* (December 20, 2017): <https://www.nationalreview.com/2017/12/george-weigel-religious-freedom-institute-speech/>. Simone Weil (in “The Romanesque Renaissance,” trans. Richard Rees, in *Selected Essays, 1934–1943: Historical, Political, and Moral Writings* [New York: Oxford University Press, 1962], 44–54) was much more discerning in tracing the roots of “totalitarian spirituality” (48) to the premodern period, namely, to the Gothic Middle Ages.

“as nursing fathers, it is the duty of civil magistrates to protect the church of our common Lord,” albeit “without giving the preference to any denomination of Christians above the rest.” Clearly, the authors envision a kind of soft establishment, or a broadly Christian commonwealth without denominational preference and without harm done to anyone “either upon pretense of religion *or of infidelity*.”

The Presbyterian clergyman John Witherspoon, a signatory of the Declaration of Independence, a teacher of James Madison, and one of the architects of the revised Confession, says more. In Lecture 14, “Of Jurisprudence,” in his *Lectures on Moral Philosophy*, Witherspoon gives his view on the controverted question of church and state.

He begins with a general and traditional constitutional principle that enunciates the duty of civil law to make men virtuous: “[A] constitution is excellent when the spirit of the civil laws is such as to have a tendency to prevent offences and make men good, as much as to punish them when they do evil.”³¹

Witherspoon then anticipates the following objection: “[W]hat can be done by law to make the people of any state virtuous?” He answers that “[i]f...virtue and piety are inseparably connected, then *to promote true religion is the best and most effectual way of making a virtuous and regular people*. Love to God, and love to man, is the substance of religion; when these prevail, civil laws will have little to do.”³² But how can this be done given religious liberty? After all, Witherspoon says that he himself has “given it as one of the perfect rights in natural liberty...that every one should judge for himself in matters of religion.”³³ He enumerates three things that the magistrate nevertheless ought to do.

First, he “ought to encourage piety by his own example, and by endeavoring to make it an object of public esteem.”³⁴ Second, he “ought to defend the rights of conscience, and tolerate all in their religious sentiments that are not injurious to their neighbors.”³⁵ Indeed, he believes that in his own context, “one of the most important duties of the magistracy is to protect the rights of conscience.”³⁶ This affirmation preserves the emphasis of Lactantius and Tertullian.

Third, however, he says this: “The magistrate may enact laws for the punishment of acts of profanity and impiety. The different sentiments of men in religion, ought not by any means to encourage or give a sanction to such acts as any of them count profane.”³⁷ Here we see the long, if modified, shadow of Melancthon, Pareus, and others.

31. John Witherspoon, *Lectures on Moral Philosophy*, ed. Varnum Lansing Collins (Princeton, NJ: Princeton University Press, 1912), 110.

32. Witherspoon, *Lectures*, 110.

33. Witherspoon, *Lectures*, 111.

34. Witherspoon, *Lectures*, 111.

35. Witherspoon, *Lectures*, 111.

36. Witherspoon, *Lectures*, 112.

37. Witherspoon, *Lectures*, 112-13.

Finally, Witherspoon makes a suggestion that echoes what is found in the revised Confession:

Many are of opinion that besides all this, the magistrate ought to make public provision for the worship of God, in such manner as is agreeable to the great body of the society; though at the same time all who dissent from it, are fully tolerated. And indeed there seems to be a good deal of reason for it, that so instruction may be provided for the bulk of common people, who would, many of them, neither support nor employ teachers, unless they were obliged. The magistrate’s right, in this case, seems to be something like that of a parent; they have a right to instruct, but not to constrain.³⁸

From his perspective, in other words, there is nothing out of accord with the American system in the magistrate’s advocating for public acknowledgment of and support for the Christian faith.³⁹

THE 1788 WESTMINSTER
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CARRIED OUT.

Many present-day Protestants would disagree with Witherspoon, some because he goes too far and others because he does not go far enough. My interest at present is not in adjudicating any such dispute. My point is simply to demonstrate that there are alternatives to a fatuous and fictitious value-neutral “liberal proceduralism” even from within a “liberal” framework—one that can trace its emphases to the heritage of both the Protestant Reformation and patristic theology. In other words, one need not pick either secularism plus religious liberty or the Christian political tradition plus religious coercion. There are resources within that very same tradition, on the basis of complementary principles (the moral law as a standard of public justice and the non-coercion of faith;

or, in other words, one iteration of the law/gospel distinction), to aid in the formulation of a coherent Christian political philosophy that not only takes freedom seriously, but takes the moral end of government, as the Apostle Paul sets it out in Romans 13, seriously as well.

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38. Witherspoon, *Lectures*, 113; punctuation modified.

39. Similarly, the Princeton theologian A.A. Hodge referred to civil government as God’s “instrument in promoting the great ends of redemption in the upbuilding of his kingdom in the world.” A.A. Hodge, *A Commentary on the Confession of Faith* (Philadelphia: Presbyterian Board of Publication and Sabbath-School Work, 1901), 399.

THE PROMISE AND PERIL OF DISESTABLISHMENT: PROTESTANT POLITICAL THEOLOGY IN THE NEW REPUBLIC | MILES SMITH

In the late winter of 1819, Thomas Jefferson fumed over another disappointment regarding the recently-chartered University of Virginia. For five years, he tried to find a teaching appointment for his intellectual comrade and correspondent, Thomas Cooper, in his beloved Commonwealth. Through a series of characteristically subtle machinations Jefferson won Cooper an appointment as the first official faculty member at the new state university. Jefferson, then seventy-five years old, rode down from Monticello to the “academical village” three miles away in Charlottesville to see Cooper installed.¹

The creation of a state university served as the crowning achievement in Thomas Jefferson’s effort to remake the royal colony of Virginia. Complete with a noble governor and a state church in 1776, it became the officially secularized Commonwealth of Virginia with the Union’s first officially secular state university in 1819. The initial and most important step towards freeing the New World from Christianity’s institutional grasp, at least in Jefferson’s mind, was removing state churches from North America, or at least from Virginia. Keenly aware of the massive growth of Baptist churches in the Virginia backcountry and Presbyterians’ dislike of the established Church of England, Jefferson shepherded disestablishment through the Virginia General Assembly. Presbyterians’ alliance with Jefferson and desire to conform Reformed churchmanship to the culture of the day created space for innovation within Reformed political theology. This ultimately led to Presbyterianism’s socio-civil rapprochement with Baptists and Methodists and the creation of a new socio-religious category: American Evangelicalism. Reformed churchmen with magisterial antecedents

co-opted Deists, Baptists, and heterodox Anglicans to increase their social profile in the new American republic. In 1789 the Presbyterian synods of New York and Pennsylvania successfully led the charge to change the language of the Westminster Confession concerning the relationship of the church and the state.² By 1810, however, many Presbyterians regretted their alliance of convenience with Thomas Jefferson. Baptists remained convinced Jeffersonians.³



ROTUNDA (NORTH ENTRANCE), UNIVERSITY OF VIRGINIA, CHARLOTTESVILLE

This essay briefly attempts to explore the major formational differences between Baptists and Reformed Christians in the American republic on the question of church and state. I do not mean to question disestablishment in the federal constitution and hope to move past questions of constitutionality in general. The relevant question, and perhaps the operable disagreement between Baptists and the Reformed—in this case Presbyterians—remains, “What did each group want out of the new disestablished order?” In other words, given their differing theological and political commitments, why did both Baptists and

Reformed make common cause in bringing an end to state churches in the United States?

The essential difference between Baptists and the Reformed hinged on precisely what each thought disestablishment meant. “Baptists,” argued Thomas S. Kidd and Barry Hankins, “hoped that the American Revolution would bring about full religious freedom.”⁴ Baptists’ subsequent commitment to the complete dissociation of church and

1. Seymour S. Cohen, “The Correspondence of Thomas Jefferson and Thomas Cooper: A Previously Unpublished Manuscript of Dumas Malone” in *Proceedings of the American Philosophical Society*, 147 (2003): 39-64.

2. For more on the nature of these changes, see E.J. Hutchinson’s essay in this issue.
3. Rhys Isaac, *The Transformation of Virginia, 1740-1790* (London and Chapel Hill: University of North Carolina Press, 1982), 309-10.
4. Thomas S. Kidd and Barry Hankins, *Baptists in America: A History* (New York and Oxford: Oxford University Press, 2015), 59.

state for the purpose of liberty stemmed from their belief in the possibility of complete religious freedom. For Jefferson and his Baptists allies, freedom meant complete separation of religion from all civil institutions, although that ideal proved difficult to actualize. Jefferson's famous letter to the Danbury Baptists didn't establish a constitutional "wall of separation" of church and state. It did, however, reveal what Jefferson meant by freedom of religion: church and state in separate spheres, neither touching the other. Jefferson, noted Hankins and Kidd, demonstrated in the Danbury letter the partnership between "skeptical or liberal Christian politicians, and legions of Baptists in the cause of religious liberty."⁵ Yet even Jefferson's partisans admitted that he sent the letter as a political statement and was not particularly interested in the niceties of what made for religious flourishing. The conviction of Baptists and the Reformed that this separation protected religious bodies in the United States relied upon a robust belief in federalism and a broadly conservative social order within which the state respected traditional intermediate institutions. Jefferson's politics seemed to preclude the belief that a people might, through democratic electoral processes, choose to keep a state religious establishment. Healthy majorities in Connecticut and Massachusetts favored keeping state religious establishments to 1818 and 1833 respectively. This did not mean, however, that religious minorities were oppressed. Even in staunchly establishmentarian Massachusetts, Baptists in theory could obtain exemptions from the church tax. Most cities and towns favored keeping their state Congregationalist church. Even this relatively tolerant arrangement, however, fell short of what Jeffersonian partisans desired. "Led by Baptists, non-Congregationalists were determined to eliminate [Massachusetts'] system, called the Standing Order."⁶

Baptists needed disestablishment to mean more than merely disestablishing the Anglican Church. They needed to de-fang the socio-religious order that regarded their emotionally-charged worship as unusual at best and heretical at worst. John Leland, a Baptist minister in Virginia, recorded happenings at Baptist tent revivals along the James River in the Summer of 1785. "At Associations, and great meetings," he saw souls awakened, in his words, "who afterwards give clear, rational accounts of a divine change of heart." Certain exercises—typically physical convulsions often resulting in the new convert falling to the ground and writhing uncontrollably—"were not confined to the newly convicted, and newly converted, but persons who have been professors a number of years." These converts and enthused Believers "at such lively meetings, not only jump up, strike their hands together, and shout aloud, but will embrace one another, and fall to the floor." Leland had "never known the rules of decency broken so far as for persons of different sexes, thus to embrace and fall at meetings." He admitted that these apparently spiritual confirmations of revivalist preaching were not "seen in all parts of the state, at times when God

5. Kidd and Hankins, *Baptists in America*, 59.

6. Ellis M. West, *The Free Exercise of Religion in America: Its Original Meaning* (Palgrave MacMillan, 2019), 165.

is working on the minds of the people." Instead, "under the preaching of the same man, in different neighborhoods and counties, the same work, in substance, has different exterior effects."⁷

The relationship of preaching and the workings of the Holy Spirit in the individual formed a preeminent piece of Baptist understanding of the relationship between individuals and institutions in general. Baptist political theology rested on removing all coercive influences to human conscience. To Baptists, an Anglican bishop or a Presbyterian session remained just as authoritarian as any Roman Catholic Pope. Christ's rule in the soul of individual believers formed a bedrock component for Baptist ecclesiological and political thought in the United States. W.B. Johnson termed this a Christocracy. For Johnson, Christocracy contained the divine principle of theocracy without authoritarian intermediary institutions. His proposal never sought a sort of benign anarchy which his intellectual opponents—Anglican and Presbyterian—accused him of seeking. Instead he affirmed "the form of government of which Christ is the head, and under which he requires his people to receive all their principles of action from, and to frame all their doings according to, his laws and precepts contained in the bible." This led to an undeniable preference for democracy in the church and in the broader political order.⁸

In this way, the egalitarian political, social, and religious impulse of Baptists in the United States never became radical in the modern progressive sense of the word, with its emphasis on institutional action. Baptist radicalism remained thoroughly American and consistent with the Jeffersonian republican establishment on religion in the American republic. Baptists associated republicanism with democracy,

and upheld democracy in church governance. James R. Graves, a noted Baptist intellectual from New England, argued that "the silent yet potential influence of Republican Church Government overcame the aristocracy, and monarchism of America, and bequeathed republicanism to this continent."⁹ Republican church government meant congregationalism devoid of the coercive sacramental power and state power of the Calvinist establishment in New England. Congregational democracy, Graves noted sympathetically, overthrew the "aristocratic tendencies in Carolina and New York, the High Church in Virginia, the Theocracy in Massachusetts, and the monarchy in all America."¹⁰ Graves illustrated that freedom of religion in the Baptist context relied on the American order not to protect religion from the government, but to protect the government, and by proxy society, from overbearing religious overlords. "The American mind" wrote Graves, needed only to be "thoroughly imbued" with the church's past

7. L.F. Greene, *The Writings of the Late Elder John Leland: Including Some Events in His Life* (New York: G.F. Wood, 1845), 115.

8. Kenneth E. Roxburgh, "Creeds and Controversies: Insights from William Bullin Johnson" in Ian M. Randall, Toivo Pilli, and Anthony R. Cross ed., *Baptist Identities: Interbational Studies from the Seventeenth to the Twentieth Centuries* (Eugene, OR: Wipf & Stock, 2006), 144.

9. Greene, *The Writings of the Late Elder John Leland*, 115.

10. Greene, *The Writings of the Late Elder John Leland*, 115.

authoritarianism. The knowledge of democratic congregationalism's virtues would sound the "funeral knell of hierarchical despotism, and the Divine right of the clergy to legislate for the Churches of Christ."¹¹

Reformed Christians in the United States divided on the place of church and state. Congregationalists in New England detested disestablishment, but most Presbyterians in the middle and southern states tolerated it; Carolina and Virginia Presbyterians initially even thrilled at it. But their enthusiasm proved illusory. Presbyterians displayed an intellectual schizophrenia, taking their cues from the experiences of being an immigrant minority more than from long-time Reformed practice. John Holt Rice, a leader of Virginia's Presbyterians, argued that he and his coreligionists wanted "no blending of Church and State; no establishments; no grand dignitaries of the hierarchy, clothed in the pomp and splendor of the world." Rice's main concern, a consequence of being a Presbyterian in officially Anglican Virginia, was that "the censures of the Church shall create no temporal disabilities."¹²

Presbyterian laypeople and ministers shared Rice's concerns, and the standard story of American Presbyterianism is that they helped lead the way for true religious freedom, typically with Anglicans serving as the oppressive bogeyman. Presbyterians, however, were not universally committed to religious freedom, nor were they committed to universal religious freedom à la Jefferson and his Baptists allies. During the debates over the creation and promulgation of the federal constitution, Patrick Calhoun, an Irish Presbyterian, benefitted from his state's 1778 constitutional decision to create a general Protestant establishment in place of an exclusively Anglican state church. Calhoun believed that removing the Church of England settled the question of religion definitively, and he worried about the effects of wholesale freedom of religion in the new republic. He warned the South Carolina General Assembly that "too great latitude" was being allowed by the new constitution.¹³

Religious liberty as a political ideology and rhetorical commitment remained a mainstay of Presbyterian commentary in the Early Republic. They seemed far less committed to the actual practice. Alexander McLeod declared that it was "the duty of the civil ruler also to protect the Church, and to afford her support." He admitted that the "practical application of this principle must, indeed, be regulated in some degree by existing circumstances" but maintained that "to reject

it entirely from theory and practice would be a declaration of hostilities against God."¹⁴

Adherence to the Americanized Westminster Confession allowed Presbyterian ministers to authentically affirm the secularized federal political state. But almost no serious Presbyterian intellectual believed that the church could not speak to civil society. More importantly, they believed that the church by necessity spoke authoritatively in an institutional context to society and to the constituent states of the American Union. Roger Sherman and other Calvinists in the Early Republic conceived of religious liberty differently than Baptists, allowing for and working towards actualizing religion's influence in civic and social institutions in the newly independent republic. Mark David Hall rightly notes that conceding federal disestablishment did not concede *en masse* social—or even institutional—disestablishment. "Sherman's theological views," Hall writes, differentiated him from Jefferson or Madison, and "he favored closer cooperation between church and state" than the deistic Virginia disestablishmentarian.¹⁵

Tolerance for some sort of social establishment by Sherman and others clashed with the notion of complete religious freedom espoused by their southern brethren. This double-mindedness of Presbyterians stemmed from their desire to make their churchmanship more palatable to the republican citizenry of the United States. James Iredell, a North Carolina judge who served as a delegate to that

state's ratifying convention, revealed the inconsistency of the Reformed when he argued that, if the federal government admitted "the least difference" among religions, "the door to persecution is opened." When a fellow delegate asked him if this meant the pope or a Roman Catholic cardinal could hold federal office in the United States, Iredell brushed his concern away by noting that no pope could ever fulfill the constitutional qualifications for the presidency or any other federal office. His dodge revealed his lack of imagination, prescience, and consistency. By conceding that a Roman Catholic holding office might be objectionable, he revealed his own distaste for *complete* religious liberty even among federal office holders. He also showed the groundwork for how complete religious liberty and disestablishment quickly turned against religion in politics *at all*. When the western half of North Carolina became the new state of Tennessee in 1796, the state constitution—largely written by frontier Presbyterians—included provisions removing the right of clergymen to hold office.¹⁶



FIRST PRESBYTERIAN CHURCH, CHARLOTTE, N.C., 1924

11. J.R. Graves ed., *The Little Iron Wheel: A Declaration of Christian Rights and Articles, Showing the Despotism of Episcopal Methodism* (Nashville: South-Western Publishing House, 1856), 5. 50.

12. John Holt Rice, *The Duties of a Gospel Minister* (Madison, MS: Log College Press, 2018), Kindle Locations 208-210.

13. *The Debates in the Several State Conventions on the Adoption of the Federal Constitution* Vol IV (Philadelphia: J.P. Lippincott, 1866), 312.

14. Alexander McLeod, *Messiah: Governor of the Nations: A Discourse* (Glasgow: Stephen Young, 1804), 25-6.

15. Mark David Hall, *Roger Sherman and the Creation of the American Republic* (New York and Oxford: Oxford University Press, 2013), 6-7.

16. Jonathan Elliott ed. *The Debates in the Several State Conventions on the Adoption of the Federal Constitution as Recommended by the General Convention at Philadelphia in 1787*, 5 vols (New York: Burt Franklin, 1888).

All too often, scholars have treated political disestablishmentarianism—also describable as anti-Anglicanism—as the product of long-settled Reformed political theology. While most Reformed thinkers—Anglican, Congregationalist, and Presbyterian—conceded disestablishment at the federal level, they never united on what exactly disestablishment meant for the republic’s socio-political order. Jefferson’s known deism and the agnosticism of his prominent partisans terrified Reformed ministers who weren’t his political partisans. William Linn, an Irish-born Presbyterian minister in Pennsylvania and one-time chaplain of the United States House of Representatives, warned Christians in print of the dangers of Jefferson assuming the executive. Linn admired Jefferson’s political career and his talents, but remained convinced in principle that Jefferson should not serve as the chief magistrate. “My objection to his being promoted to the Presidency is founded singly upon his disbelief of the Holy Scriptures; or, in other words, his rejection of the Christian Religion and open profession of Deism.” Linn believed that, while the morality of the president might be negotiable, the maintenance of the Christian religion was not. Atheists and Deists “ought not to be honored and entrusted with the office of chief magistrate.” Interestingly, Linn also believed that atheism and deism formed the source of Jefferson’s racism. When Jefferson, in his Notes on the State of Virginia, hinted that he suspected blacks were innately inferior to whites, Linn exploded and accused Jefferson of believing in polygenesis. “Would a man who believes in a divine revelation,” Lynn asked, “even hint a suspicion of this kind?”¹⁷

Reverend Lynn was not an establishmentarian New England Congregationalist who had never experienced religious oppression. He was a Scots-Irish Presbyterian reared in Donegal, where Presbyterianism was rare and suppressed. Linn understood the innate inconsistency of Jefferson and Iredell’s position, and he rejected it. Disestablishment had limits. So, too, did freedom of religion.¹⁸

Presbyterians discovered unforeseen, and in their minds unwanted, consequences of disestablishment and *en masse* religious freedom

17. William Linn, *Serious Considerations on the Election of a President: Addressed to the Citizens of the United States* (New York: John Furman, 1800), 12.
 18. Roll of Ministers and Licentiates in Alfred Nevin, *History of the Presbytery of Philadelphia, and of the Philadelphia Central* (Philadelphia: W.S. Fortescue and Co., 1888).

when Jefferson moved to make Thomas Cooper the first professor of religion at the University of Virginia. The appointment enraged Virginia Presbyterians. John Holt Rice, a well-regarded minister in Richmond and the intellectual leader of Calvinists in the state, wrote an article in the magazine he edited denouncing Jefferson and Cooper’s potential employment. Merrill Peterson noted that Holt “did not call for a Calvinistic university but for one where religion had a respectable

place in the curriculum, in the faculty, in divine worship.”¹⁹ Holt considered a university without religion an aberration. Peterson explained Holt’s position: “a university conducted without preference as to religious sect was one thing, a university without religion, or indeed motivated by rationalistic zeal against orthodoxy, quite another.”²⁰

Rice and his partisans undeniably believed their position was consistent. But it was not, and there is no way of rescuing these men from their own inconsistency. Rice sought to influence the workings of a state institution, having previously argued that the “religion of the meek and benevolent Savior, was not designed to be an engine of state; an instrument of erecting a despotism to control the consciences of men” or to “crush every manly independent feeling of the soul, and extinguish every spark of liberty.” Presbyterians, Rice said, were “not a society of Jesuits: we have no secret articles of faith, to be executed, when some deep, subtle contrivance shall have enabled us to procure an establishment of Presbyterianism.”²¹

The disconnect between Jefferson and his former Presbyterian partisans over what constituted religious freedom in the political order became almost comical during Rice and Jefferson’s dispute over religion at the University of Virginia. Rice pleaded that he was not a Jesuit, while Jefferson accused him and his fellow Presbyterians of being exactly that. The most “restive” opposition, Jefferson bewailed, was from Presbyterian “priests” who dreaded “the advance of science as witches do the approach of day-light; and scowl on the fatal harbinger announcing the subversion of the duperies on which they live.” In this opposition, he sneered, “Presbyterian clergy take the lead. The tocsin is sounded in all their pulpits, and the first alarm denounced is against

19. McLeod: *Messiah: Governor of the Nations*, 25-6.
 20. Merrill Peterson, *Thomas Jefferson and the New Nation: a Biography* (Oxford and New York: Oxford University Press, 1970), 978.
 21. John Holt Rice, *The Duties of a Gospel Minister* (Kindle Locations 211-212).



JEFFERSON BIBLE - SMITHSONIAN MUSEUM OF AMERICAN HISTORY

THAT A FREEDOM OF RELIGION
 MIGHT INCLUDE A FREEDOM
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the particular creed of Doctor Cooper; and as impudently denounced as if they really knew what it is.”²²

If Rice actually believed in total disestablishment, complete separation of church and state, and absolute freedom of religion like James Iredell, Jefferson, and the latter’s Baptists partisans, he had no constitutional, intellectual, or legal foundation from which to argue against Jefferson appointing whoever he wanted to teach at the state’s university. It is clear he did not actually believe in Jeffersonian disestablishmentarianism, and neither did most Presbyterians in the Early Republic. Like many Christians in the historical record, they adopted popular and innovative contemporaneous political and social rhetoric. Their assumptions about the consequences of disestablishment, however, were neither well-considered or even consistent with their own tradition. That a freedom of religion might include a freedom to not practice religion at all, or to be agnostic, seems never to have occurred to Presbyterians in the Early Republic. It did, however occur to Jefferson. In his work on Jefferson and education in Virginia, Pulitzer-winning historian Alan Taylor noted that “Jefferson dedi-

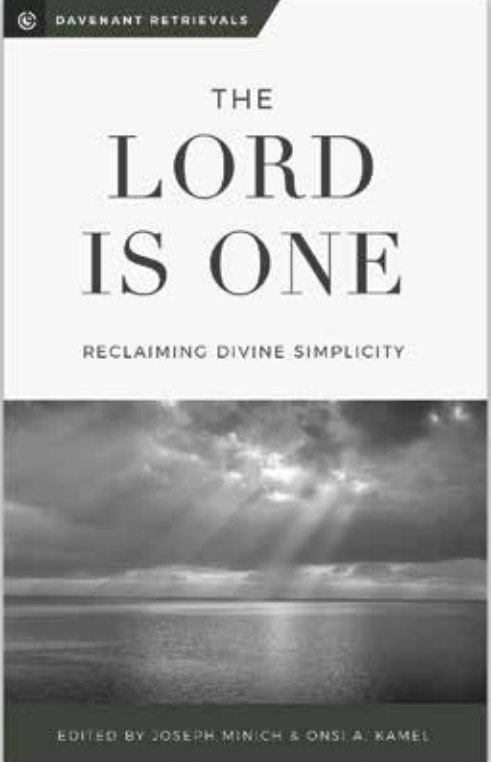
cated the University to ‘the illimitable freedom of the human mind,’” but the third president always “assumed that the free pursuit of truth always led to his conclusions.” Baptists remained open to Jefferson’s notion of religious freedom, including the liberty to included freedom from religion and total separation. After all, they experienced brutal persecution from other Protestants—Anglicans, Calvinists and Lutherans—in the sixteenth and seventeenth centuries. Presbyterians served as useful allies in Jefferson’s war against the church of England but they refused to admit the actual consequences of what that support meant. Like Jefferson, they assumed that freedom of religion always led to their conclusions.²³

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22. Thomas Jefferson to José Corrêa da Serra, 11 April 1820, *Founders Online*, National Archives, accessed September 29, 2019, <https://founders.archives.gov/documents/Jefferson/98-01-02-1213>.

23. Alan Taylor, *Thomas Jefferson’s Education* (New York: W. W. Norton & Company, 2019).

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A HUMBLE GOD?

WILCOXEN'S BOLD PROPOSAL

DIVINE HUMILITY: GOD'S MORALLY PERFECT BEING,

BY MATTHEW A. WILCOXEN. BAYLOR UNIVERSITY PRESS, 2019

REVIEWED BY DEREK RISHMAWY

Theology proper has experienced something of a renaissance over the last decade or so. Partially fueled by the broader turn to theological retrieval of the classical tradition, many have recognized both that theology's proper subject is God and that to say "Trinity" alone cannot exhaust our confession of His works and being. Thankfully we have had an increasing number of careful, full-scale studies developing God's classical attributes or perfections such as simplicity, immutability, wrath, and love.

Amidst these proposals, Matthew Wilcoxen's *Divine Humility: God's Morally Perfect Being* stands out. Unlike modern revisionist accounts, he is explicitly not trying to "say something new" about God, but neither is he merely defending or repristinating a classical mainstay of the doctrine of God. Instead, he is drawing out and expanding upon a neglected dimension within the tradition.

Wilcoxen's thesis is that the largely overlooked attribute of divine humility is, first of all, truly a divine attribute, and second, crucial for articulating a theology of God's "morally perfect being" which overcomes the modern tendency to bifurcate concepts of being from moral concepts or subordinate the one to the other; divine humility's contribution to understandings of God's morally perfect being is also key for understanding the turn from God's being *ad intra* to his works *ad extra*, or his internal subjectivity and objectivity for us.

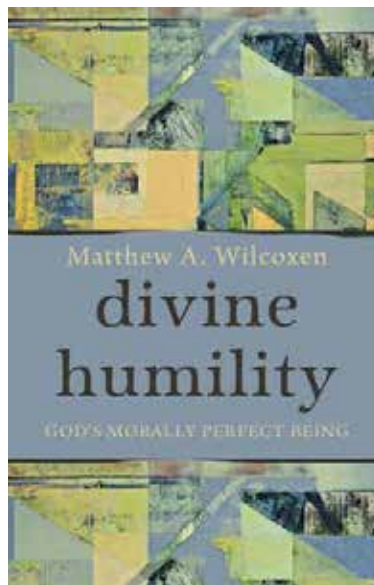
Methodologically, Wilcoxen proceeds mostly by way of strategic, deep engagements with key conversation partners. His initial methodological ground-clearing is a defense of the possibility and necessity of some substance-metaphysics. He engages with Heidegger's critique of onto-theology as the culmination of the Enlightenment philosophy, as well as Jean-Luc Marion's attempt to do theology without it, and he draws on Kevin Hector's

rehabilitation of conceptual language for God derived from the ecclesial community's experience of God to overcome the charge of projectionism (42).

His essential second chapter tackles the initial definitional problem, analytically and historically laying out several possible conceptions of "humility" that we might try to apply to God. Ruling out any deflated notions of slavish, or servile humility (contra Humean and Nietzschean complaint), Wilcoxen shows that, in the classical Christian tradition (Athanasius, Basil, Augustine), humility was originally an expansion of an Aristotelian conception of magnanimity, a self-giving flowing from benevolent condescension (76).

In the next three chapters he explores the concept as it is deployed theologically by three master theological practitioners, examining why and how it ought to be brought into the doctrine of God.

First, Wilcoxen engages the suggestive tensions within Augustine's exegesis, whereby he deals with God *in se* (in Himself) and God *pro nobis* (for us). Expounding Exodus 3, we are given the tension between God's "Name of being," indicating attributes whereby he is in himself, and his "Name of mercy," indicating attributes of his gracious turning to us. John 5:19-30 furnishes us with trinitarian rules of reading whereby we learn to distinguish eternal trinitarian processions and inseparable operations of the economy, without subordinating Son to Father per divine simplicity. Philippians 2:6-7 furnishes us with the necessary distinction between reading any text according to the *forma dei* (according to his divine nature) and *forma servi* (according to his human, "servant" nature). For Wilcoxen, all these reading strategies are necessary, helpful, and allow Augustine to affirm a "highly suggestive" doctrine of divine humility, but they



also leave a set of recurring tensions that fails to clarify its exact status (107).

Turning to Karl Barth, Wilcoxon finds a “full-throated” statement of divine humility, indeed, humility as *obedience* within the divine nature, that nevertheless possesses its own ambiguities (109). This chapter is a sophisticated exposition of the transformation and tensions within Barth’s trinitarian theology under the pressure of his actualistic ontology of persons and natures; his doctrine of election; and his assertion of obedience and command, priority, and posterity within the being of God in the relation between Father and Son. Contrasting Barth’s account with the Chalcedonian consensus, embodied especially by Maximus Confessor, Wilcoxon shows that Barth, against his own explicit statements, ends up with an account requiring multiple subjectivities in the Godhead and implicitly giving a monothelite account of Christ’s two natures (137, 140). What’s more, by identifying humility uniquely with the Son, we end up with a servile account of humility as subordination that is just the sort of “deflated” notion of humility Wilcoxon has already averred we must avoid.

For his final interlocutor, Wilcoxon turns to Katherine Sonderegger, whom he takes to have articulated a full-orbed concept of divine humility in volume one of her *Systematic Theology*. That he is the first to engage her work at this depth makes this possibly the most unique contribution of the book. Sonderegger articulates a doctrine of divine omnipotence as holy humility, but she does so within a sophisticated theological framework that does not map easily onto the tradition, either classical or modern. Beginning with God’s unicity, Sonderegger posits a relationship between God and the world she dubs “theological compatibilism,” whereby God simply is His own relation to the world. God can be present to the world as Himself, while allowing the world to be itself, simply because He made it for Himself. Her reconceptualization of divine power is essential, construing it not so much as cause or will, but energy—a simple, personal, moral energy. She sees this as avoiding either making creation necessary (cause), or arbitrary (will). Instead, this personal, moral energy is the humble mode by which God brings into being and communicates Himself to creation, radiating life and being towards another (168, 176). This move also sets up her later treatment of the counterfactual question of whether God could have done other than create and redeem the world. The answer is that God is humble—He is internally disposed to share life (175). In this way, Wilcoxon sees Sonderegger bringing to resolution the tensions found in Augustine’s account without falling into the errors of Barth’s. He then concludes with a brief summary, constructively tying various threads together in his commendation of divine humility as an essential attribute for

understanding the glorious condescension and magnanimity of God’s morally perfect being.

Before concluding, I’d like to turn to a couple of quibbles, or suggestions for further exploration. First, while Sonderegger’s concept of divine energy does seem fruitful for thinking through the divine being, it is still not clear that it is an unmitigated improvement on the notions of cause or will for thinking through the divine relation to creation. Insofar as Wilcoxon is prepared to purify her concept for use in this fashion, it seems just as plausible to accept a similar purification of the other two.

Relatedly, it is not clear whether this humility whereby God is disposed to communicate Himself needs to be seen as part of a broader concept or derivative of another more exemplary attribute of God’s “morally perfect being,” such as the divine goodness or holiness. Tyler Wittman has recently given attention to the way that, for Thomas, goodness has both metaphysical and moral dimensions, as well as the resources to give us a God both perfectly replete in himself and disposed to communicate that goodness to others.¹ Meanwhile, John Webster’s account of *Holiness* articulates it as another attribute with both metaphysical and moral dimensions, transcending communicable and incommunicable, or absolute and relative categories, which nonetheless captures God’s objectivity, His perfection *in se*, as well as his gracious turning towards creatures.² Whether divine humility should be seen as a part of goodness or holiness seems worth pursuing, especially as both plausibly have wider attestation in the Scriptural witness as well.

Quibbles aside, Wilcoxon has given us a significant study worthy of careful consideration. His exposition is elegant, his judgments mature, and his analysis is penetrating. In this, he has given us a model of theological retrieval that is both faithful and contemporary, rooted in the tradition but without fear of developing it where necessary. In my judgment, he has made the case that the development is necessary if we are to properly confess our great and humble God.

Derek Rishmawy is an RUF campus minister at UC Irvine and a Ph.D. student at Trinity Evangelical Divinity School.

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1. Tyler R. Wittman, *God and Creation in the Theology of Thomas Aquinas and Karl Barth* (Cambridge: Cambridge University Press, 2019).
2. John Webster, *Holiness* (Grand Rapids: Wm. B. Eerdmans, 2003).

WILL ALL BE SAVED? DAVID BENTLEY HART ON UNIVERSAL SALVATION

THAT ALL SHALL BE SAVED: HEAVEN, HELL, AND UNIVERSAL SALVATION
BY DAVID BENTLEY HART. YALE UNIVERSITY PRESS, 2019
REVIEWED BY JOHN EHRETT

Few topics are more likely to cause a stir among Christians than universal salvation, or *apokatastasis*—the view that no person will ultimately experience eternal estrangement from God. Although the universalist view is difficult, if not impossible, to reconcile with the authoritative teaching of most Christian churches, it is not consistently considered heresy on the level of, say, denying the Trinity or the hypostatic union in Christ. But the concept of hell as “eternal conscious torment” has undoubtedly been a part of the Christian theological fabric for centuries, and from the perspective of the broader Church catholic, the burden of proof is probably on any challenger wishing to disrupt that consensus.

Not that such disruption has not been attempted. In 2011, then-prominent evangelical pastor Rob Bell published *Love Wins: A Book About Heaven, Hell, and the Fate of Every Person Who Ever Lived*, which argued (somewhat elliptically) that any hell could not be eternal. So controversial was the book that it led John Piper to tweet out the now-infamous reply “Farewell, Rob Bell”: The boundaries of mainstream American Christianity were evidently fixed, and Bell had overstepped them.

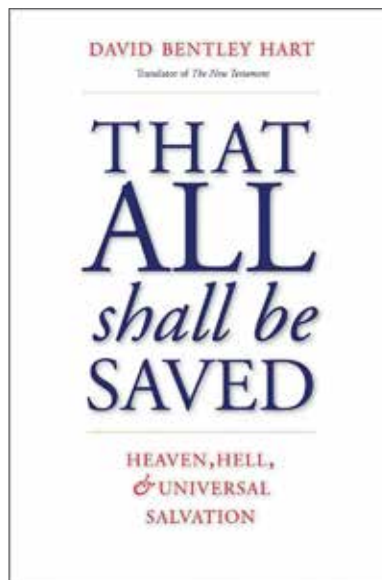
Now, with his new book, *That All Shall Be Saved: Heaven, Hell, and Universal Salvation*, Eastern Orthodox theologian and general polymath David Bentley Hart has stepped into the ring. From the start, Hart is quite open about the challenges faced by his project, admitting in the book’s first pages that he expects to convince few readers. And indeed, the thesis he puts forth is excessively audacious: “[I]f Christianity is any way true, Christians dare not *doubt* the salvation of all...[A]ny understanding of what God accomplished in Christ that does not include the assurance of a final *apokatastasis* in which all things created are redeemed and joined to God is ultimately entirely incoherent and unworthy of rational faith.”

To be sure, Hart’s prose has always been bombastic (sometimes a good thing!) and that tendency reaches new heights here. Over and over (and over), readers are told of the sheer “moral hideousness” of the “infernalist” position that hell indeed entails eternal torment. Such rhetoric has its place, particularly in Hart’s brief autobiographical sketch at the start of the book, but it is no substitute for careful argument.

If that sort of polemic were all *That All Shall Be Saved* had to offer, it would be a slog indeed. Fortunately, unlike *Love Wins*, the core of Hart’s argument is more than simply an appeal to moral intuition. His new volume finds him doing what he does best: theological metaphysics. The substance of the book is a series of four interconnected meditations on creation *ex nihilo*, the concept of judgment in Scripture, the meaning of personhood, and the nature of freedom. (Since this is a Hart volume, there are also plenty of amusing asides on topics as diverse as analytic philosophy, preterism, and *The Brothers Karamazov*.)

In the first meditation, Hart contends that God, as the omnipresent Creator and Sustainer of all things, is the pure Good and there can therefore be no evil in him. The evil that human beings encounter (in good Platonic fashion) is the absence or deformation of some good or another; there is no such thing as “absolute evil.” Nor is there anything “outside of God,” in the metaphysical sense, since all things ultimately come from Him. This means, on Hart’s account, that creatures cannot be eternally severed from God, since God is always their sustaining source, without whom they could not exist at all. All must be reunited with Him at the end of time.

While that general metaphysical thesis serves as the book’s conceptual backbone, Hart’s argument draws on plenty of other resources. In the second meditation, Hart surveys a range of eschatological New Testament passages (most of which will be familiar to anyone who has ever argued about the atonement) and contends they are best construed as promises of God’s final and ultimate victory over evil—no exceptions. In the third, he argues that purely individualized concepts of salvation or damnation must be replaced by a more collective perspective on redemption, since persons are always constituted in part by their relations to other persons. And finally, Hart critiques the “libertarian” view of free will as a perfectly neutral choice between two alternatives: in this case, between God and “evil.” According to Hart, since the human will is always oriented toward some good or another—and since all good things are ultimately rooted in God—it is impossible for human beings to fully and truly reject Him. One may revere an occluded or distorted expression of God’s goodness, but his doing so is not an absolute *turning away from Him*.



As should be clear, *That All Shall Be Saved* is far-reaching in its scope and provocative in its conclusions. Whether one agrees or disagrees with Hart's conclusions, his arguments for many of the premises—which largely involve the exposition of traditional Christian metaphysical concepts—are always powerful and evocative. In particular, his treatment of free will and the “act of choosing” stands out as one of the best recent discussions of the subject: as Hart explains, all humans are the products of parents and histories and forces beyond our own devising (and, ultimately, of God), so there is really no such thing as a choice made free of external influence. That is, individuals are never truly “self-possessed” when they make decisions—they necessarily affect, and are affected by, other people. That recognition has devastating consequences for a host of positions presupposed in late modern liberalism, but Hart (perhaps wisely) leaves the reader to draw them out.

Furthermore, Hart successfully avoids the obnoxious anthropocentrism of many popular arguments about universal salvation. Here, there are no crude appeals to readers' self-interest—“What if *you're* not saved? Why would God do that to *you*? You know that you try to be a good person!”—to be found. Rather, Hart's argument is relentlessly *theocentric*, oriented toward God's saving work, His purposes, and His essential nature (and not in the crypto-Marcionite fashion of Rob Bell, Andy Stanley, Peter Enns, and others who tend to juxtapose the loving “Jesus” against a malevolent Old Testament “God”). This, more than anything else, differentiates *That All Shall Be Saved* from books making similar arguments. No one can accuse Hart of collapsing God into a figure of Moralistic Therapeutic Deism or a projection of the collective human id.

That said, Hart's book does offer less-than-satisfying solutions to at least some of the questions it raises. Notably, perhaps the greatest challenge for Hart's project is its comparatively thin account of creation's present plight—what Catholic theologian Paul Griffiths memorably terms “the devastation.” Early on, Hart affirms what might be labeled a “Christus Victor” model of the atonement—in his words, “a relentless tale of rescue, conducted by a God who requires no tribute to win his forgiveness or love”—and this is perfectly fine as far as it goes, but it leaves out any explanation of why rescue is required in the first place.

Why, after all, would God not simply create a world where all things were *always already* united to Him in perfect harmony? Surely, He could do so—especially since He is the primary source of all things, as Hart never fails to remind us. Hart appears to take something of a mysterian line on this point, but the question is certainly not an unintelligible one.

The straightforward answer is that human beings, endowed with the power of secondary causality, may choose to act in ways that contravene God's good order (and, at present, routinely do so)—and that there is some distinct good that will eventually emerge from the present devastation. This approach, however, undermines Hart's case for universal salvation, because it simply transplants the essential problem (persistent evil) from the eschaton into the present. God is eternal and outside of time; if Hart's premise—that if God does not succeed in perfectly abolishing evil at the end of time, His redemption will remain impermissibly incomplete—is sound, why is it any *less* problematic that evil, or, better, “disordered love,” lingers in the world *at this moment*? What about redemption requires that it occur progressively rather than instantaneously? With this question, much of Hart's case for universalism, which turns

on his objection to the coexistence of God with persistent human rebellion, seems undercut.

In theory, this is not an insurmountable objection, and given his critique of typical “free will” arguments in his fourth meditation, Hart presumably has a response. But he does not argue for it. Augustine's doctrine of inherited original sin comes in for plenty of criticism here (not all of it undeserved—Augustine's unfamiliarity with the original Greek text likely impacted his conclusions), but at least that model has real explanatory force; readers in search of alternatives to the classic Augustinian/magisterial Protestant characterization of sin as a pervasive corruption will have to look elsewhere.

That characterization, for better or worse, extends across hundreds of years of Christian tradition and has informed how most branches of the faith conceive of final judgment. In particular, both streams of magisterial Protestantism—which share the Augustinian view of sin as *alienation from God*, not merely misunderstanding of the Good—have historically affirmed the reality of an eternal hell. The Belgic Confession, part of the Reformed tradition's Three Forms of Unity, speaks of God electing some and “leaving others in the fall and perdition wherein they have involved themselves.” And the Defense of the Augsburg Confession—a constituent of the

Book of Concord, which confessional Lutherans accept as authoritative—provides that “at the consummation of the world Christ...shall condemn the ungodly to be punished with the devil without end.” To be sure, there have always been dissenters from the consensus view, as Oliver Crisp chronicles in *Deviant Calvinism: Broadening Reformed Theology*. Most famously, Karl Barth argued for reframing the doctrine of election as God's choice of all humanity in Christ. But by and large, the broad mainstream of magisterial Protestantism has held the traditional view.

But for Hart, ironically, tradition is a complicated thing, and *That All Shall Be Saved* deploys it idiosyncratically. Hart's pattern of engagement with theological tradition generally parallels Supreme Court Justice Clarence Thomas's approach to constitutional law. Both prioritize, above all else, recovery of the original meanings of their disciplines' ur-texts—the New Testament for Hart, and the Constitution for Thomas. Both strongly reject any temptation to update the meanings of texts in light of the “needs” of contemporary culture. And crucially, both are willing to go much further than their ideological allies in recapturing the original textual meaning, even if it calls for relitigating issues previously believed settled.

By contrast, strict Thomists like Edward Feser or thoroughgoing Reformed thinkers like Herman Bavinck approach the theological task rather like Justice Antonin Scalia approached the law. Their arguments are shaped by certain confessional strictures that go (in some sense) beyond the original text to affirm particular interpretations as dogmatic. As a result, the Catholic magisterium and the Protestant confessions exert a sort of *stare decisis* effect on subsequent theological controversies—that is, they require that disputes be resolved in light of the tradition's precedential force.

It's clear that Hart feels little obligation to work within the dogmatic boundaries fixed by others...at least, most of the time (one can't help no-

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ting that his Trinitarian Christology is Nicene through-and-through; Arianism isn't on the table as a live option). But as Alasdair MacIntyre is keen to note, there is no such thing as tradition-independent rationality, and to the extent Hart writes from within the Christian tradition, more engagement with the majority perspective would have strengthened his argument. In particular, one can't help wishing Hart had wrestled with the 1,376-page gorilla in the room, Michael McClymond's recent *The Devil's Redemption: A New History and Interpretation of Christian Universalism*, which argues for precisely the opposite of Hart's thesis on the basis of history and tradition. Moreover, some significant topics that regularly recur in these conversations—such as evangelism—are avoided completely (although Hart does suggest, in an interesting coda, that perhaps it would be better if universal salvation was not a doctrine widely discussed in the church, given its potential to trigger dissolute behavior by the faithful).

But at bottom, if Hart's goal is simply to show that universal salvation—in some sense—is reconcilable with Christian orthodoxy, he succeeds. Though the Western tradition has largely rejected belief in universal salvation, Hart argues—primarily by way of thinkers like Gregory of Nyssa and Maximus the Confessor—that universal salvation has always been a viable option in Eastern Orthodoxy, and that this eschatological vision is rooted in premises shared by both East and West. Perhaps his treatment of tradition is inconsistent, but it is nonetheless cogent.

The book's goal is more ambitious, however, than simply a broadening of the conversation: Hart seeks to demonstrate that Christians *must* embrace universal salvation as a logical extension of Christian metaphysics. But the problem of evil—in particular, contemporaneous evil within a world created by a God who is outside time—thwarts that ambition. The philosophical force of Hart's argument is found in its premise that for God to be God, His plans must always be realized. But what, then, does the Fall *mean* on such an account? As McClymond argues, approaches like Hart's tend to recast the struggle against evil as merely a matter of gnostic ascent from ignorance to knowledge, and while Hart never goes quite that far, it is unclear why such a critique would not apply.

From its earliest days, the Lutheran tradition has been comfortable with theological *aporias*—difficulties that result when, on the basis of Scripture, one may have good reasons to accept certain premises that (at least on their face) cannot be easily harmonized. The precise character of God's eternal victory over evil is one such *aporia*: the Scriptures teach that God will "make all things new," but also that in Gehenna "the fire does not go out." Perhaps, in the deep time of the eschaton, the unrighteous will indeed be "made godly" and restored to communion after an aeon of suffering. But this hypothesis can never, to my mind, go beyond the level of pure hope.

However, as the works of Barth, Hans Urs von Balthasar, and others attest, universal salvation will likely remain a subject of interest to serious theologians, and Hart has undoubtedly delivered a lively, accessible, and philosophically rigorous exposition of the concept. What's more, some of his biblical arguments cannot help but drive the reader toward real engagement with Scriptural texts often left under-examined (when 1 Timothy 4:10 speaks of "the living God, who is the Savior of all people, and especially of those who believe," what does that stray word *especially* mean?).

If nothing else, the book is a well-crafted and intellectually stimulating read from one of the theological world's best living writers. As a work that interrogates a complex topic while treating the broad Christian tradition—its Scriptures, its history, and its philosophical underpinnings—with genuine seriousness, it is worthy of serious engagement by Christian readers, whether or not they agree with Hart's conclusions.

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