
December 2023

Doctrinal Development: The Doctrine of Lesser Magistrates and American Political Theology

Daniel Christopher Samms
Liberty University, dcsamms@liberty.edu

Follow this and additional works at: <https://digitalcommons.liberty.edu/eleu>



Part of the [Christianity Commons](#), [Civil Rights and Discrimination Commons](#), and the [Religious Thought, Theology and Philosophy of Religion Commons](#)

Recommended Citation

Samms, Daniel C.. 2023. "Doctrinal Development: The Doctrine of Lesser Magistrates and American Political Theology." *Eleutheria: John W. Rawlings School of Divinity Academic Journal* 7, (2). <https://digitalcommons.liberty.edu/eleu/vol7/iss2/6>

This Article is brought to you for free and open access by the Rawlings School of Divinity at Scholars Crossing. It has been accepted for inclusion in *Eleutheria: John W. Rawlings School of Divinity Academic Journal* by an authorized editor of Scholars Crossing. For more information, please contact scholarlycommunications@liberty.edu.

Doctrinal Development: The Doctrine of Lesser Magistrates and American Political Theology

Abstract

The Doctrine of the Lesser Magistrate plays a unique role in the development of political theology. While the principle is found in Scripture, the doctrine is developed across church history during catalytic moments in which civil or religious authorities are at odds with Christian convictions. While the principle made developmental strides in the early centuries of Christianity, it was codified in the Magdeburg Confession of 1550, leading to more rapid development throughout the Reformation, and eventually influencing the American War for Independence. This analyzes the development of the doctrine, identifying it as a natural maturation of biblical principles. The doctrine is one of Christianity's many contributions to the betterment of the world. The paper gives special attention to the doctrine's influence on the founding of the United States and considers the present developments of the doctrine in the writings of Matthew Trewhella and other contemporary theologians. As Christians face increased persecution, even in developed countries, the necessity for a faithful political theory of interposition has become increasingly important.

Keywords

Doctrine of Lesser Magistrates, Magdeburg Confession, Doctrinal Development, Interposition, Political Theology, Matthew Trewhella, Junius Brutus, American War for Independence, Malcolm B. Yarnell, John Knox, John Henry Cardinal Newman, *Vindiciae Contra Tyrannos*

Cover Page Footnote

Currently Pursuing a PhD. in Theology and Apologetics from Liberty University: Rawlings School of Divinity (Projected Completion: December 2024)

Doctrinal Development: The Doctrine of Lesser Magistrates and American Political Theology

The thesis of this paper is that the Doctrine of the Lesser Magistrates, as presented by Matthew Trewhella, is a theological development of a biblical principle that has matured over the course of Church history, providing a direct benefit to humanity in the political sphere. The paper will demonstrate the historical development of the doctrine, especially as it relates to its effects on political transformation in Western statecraft, highlighting its consistency with biblical principles and progressive development over the millennia of Church history. Notably, the doctrine proves to be one of Christianity's valuable contributions to the world.

This topic bears particular significance in the present era as it relates to the maxim *Lex Orandi, Lex Credendi, Lex Vivendi* (As we Worship, So we Believe, So we Live), because its codification at Magdeburg directly applies to the freedom of worship. The liberty to worship in accordance with biblical commands is central to Christian living, and dedication to biblical orthodoxy has proven to be a fundamental motive for the interposition of lesser magistrates on behalf of citizens. In this way, the worship practices of Christians affect change in the political sphere that influences citizens of all faiths. Notably, the crisis of the freedom of worship at Magdeburg in 1550 and its implications for worship in the wake of mandates that limited churches' ability to assemble during the height of Covid-19 make this doctrine of particular significance in the present era.

Establishing the thesis of this paper requires several key elements: First, the roots of the doctrine must be clearly seen in the text of Scripture. Notably, the paper applies a literal, historical, and grammatical method of biblical interpretation, focusing on the theological implications of a straightforward interpretation of the text. Second, the development of the doctrine across Church history must be clearly observable as a development rather than a corruption. Specifically, the doctrine must emerge naturally from Scripture rather than be affected by pagan or secularist philosophies. Further, the influence of the doctrine upon Western political theory must be clearly observable. With this in view, the doctrine must be shown to be a natural maturation of biblical principles rather than a corruption. Notably, the doctrine cannot be a development of one portion of Scripture to the contradiction of another. This final analytical criteria highlights the reality that sound doctrinal developments have occurred in times of crisis when error was insidious. Doctrines put forth at the exclusion of contradictory Scriptural texts must be viewed as corruptions rather than developments. Simply put, the doctrine must be in keeping with the whole counsel of Scripture.

Protestant vs. Roman Catholic Views of Development

Doctrinal development is a necessity. However, theories of development and theological foundation vary, especially between Roman Catholic and Protestant theologians. Cardinal John Henry Newman, while arguing for the veracity of Roman Catholicism, asserts that it is “the natural and necessary development of the doctrine of the early church, and that its divine authority is included in the divinity of Christianity.”¹ Beginning with the foundation of tradition, he puts forth seven criteria for legitimate doctrinal development: preservation of type, continuity of principles, power of assimilation, logical sequence, anticipation of future, conservation of the past, and chronic vigor.² His ultimate goal is to distinguish doctrines that are a faithful development from those that are a corruption.

Notably, with the preservation of Roman Catholic tradition in full view, he refers to corruption as “the breaking up of life.”³ Thus, the preservation of “type” for Newman may well include the preservation of biblical principles or the preservation of papal assertions. However, the primacy of Scripture over papal authority is not his primary concern. If anything, his criteria of preserving the past may lead him to reject reformation efforts *a priori*.

While Newman’s criteria have been widely accepted in both Protestant and Roman Catholic circles, his elevation of tradition is incongruent with the Protestant foundation of *sola scriptura*. Indeed, the crisis that necessitated the codification of the Doctrine of Lesser Magistrates was partly brought on by papal authority in conflict with biblical standards. Subsequently, the foundation of Scripture is de-emphasized in Newman’s otherwise useful rubric for doctrinal development. Replacing Newman’s tradition-oriented foundation with a biblical foundation is essential for a biblically consistent doctrine to develop.

Whereas Newman concerns himself primarily with the unity and development of Roman Catholic tradition, Protestant theologian Malcolm B. Yarnell concerns himself first with the foundation for Christian doctrine, divine revelation.⁴ He likewise asserts that this approach to doctrinal development in his book is valid “precisely because the foundational and developmental principles delineated herein are what we believe have been established by God through the Bible.”⁵ While Roman Catholic theologians emphasize tradition and continuity,

¹ John Henry Cardinal Newman, *An Essay on the Development of Christian Doctrine* (New York, NY: Cosimo Classics, 2007), 169.

² *Ibid.*, 171.

³ *Ibid.*, 170

⁴ Malcolm B. Yarnell, *Formation of Christian Doctrine* (Nashville: B & H Academic, 2007), Loc. 345.

⁵ *Ibid.*, Loc. 106.

Protestant theologians emphasize the text of Scripture both for doctrinal foundation and development.⁶ This conflict of foundations is central to both theological and political theories. This paper takes a decidedly Protestant approach to theological foundation.

While the Protestant is indeed concerned with a doctrine's future application, the anticipation of future, conservation of the past, and chronic vigor are not the chief concern of Protestant theological development and thus shall not be of immanent concern for this paper. Rather, the Protestant concerns himself with whether a doctrine adheres to Scripture and maintains rational coherence in its development and application. Therefore, this paper will analyze the Lesser Magistrate Doctrine in terms of biblical consistency and historical development, highlighting its influence on Western political theory, especially in the framing of the United States Constitution.

The Doctrine of the Lesser Magistrates in Present Form

The Doctrine of the Lesser Magistrates is hardly known in evangelical circles of the present era. Having experienced unprecedented freedom of worship over the last two centuries, many Christians in the West have had little interest in doctrines of resistance until recently. Given that the doctrine is often misunderstood as a form of rebellion, a proper definition is needed. Pastor and political theologian Matthew Trehella draws from the principles of the Magdeburg Confession to codify a simple application for Christians engaging tyranny:

The Lesser magistrate doctrine declares that when the superior or higher civil authority makes unjust/immoral laws or decrees, the lesser or lower ranking civil authority has both a right and a duty to refuse obedience to that superior authority. If necessary, the lesser authorities even have the right and obligation to actively resist the superior authority.⁷

Trehella's definition places the biblical responsibility for resistance on lesser authorities who disobey unjust mandates from higher authorities. His definition carries with it a few key elements that must be acknowledged. First, he emphasizes the necessity of lesser magistrates. Citizens are not expected to resist as individuals. Second, his application of the doctrine is not limited to the preservation of worship. Injustice of any kind is worthy of resistance, in Trehella's view. Additionally, according to Trehella, lesser authorities have

⁶ Yarnell, 4.

⁷ Matthew J. Trehella, *The Doctrine of the Lesser Magistrates: A proper Resistance to Tyranny and a Repudiation of Unlimited Obedience to Civil Government* (North Charleston, SC: CreateSpace, 2013), 2.

the obligation to use force against higher authorities for the well-being of their constituents.

Magisterial interposition, to some degree, presupposes the resistance of the citizenry. Philip Kayser, in agreement with Trehwella, argues that Scripture affirms resistance for at least six causes: when innocent life is at stake (Ex. 1:15-21, Heb. 11:23, Matt. 2:13-15), when the means of protecting or sustaining life is at stake (Luke 22:35-38, 1 Sam. 16:18, Deut. 20:5-9), when the state oversteps the family's jurisdiction (1 Kings 21), when the state oversteps the church's jurisdiction (2 Chron. 26:16-23), when believers are commanded to stop doing what God commands them to do (Acts 5:29, Dan. 6:5-10), or when believers are commanded to do what God prohibits (Ex. 1:15-21, Acts 7:20, Heb. 11:23, 1 Sam. 22:17).⁸ Notably, Kayser's criteria presuppose the idea that God has ordained three distinct and authoritative spheres of government: family, church, and civil. Arguing from Romans 13, he affirms that magistrates are servants of God, deriving authority from Him rather than themselves. Given that citizens are bound by God as well, he refers to the civil government as "a three-way covenantal relationship between magistrate, God, and citizen."⁹

Subsequently, the Doctrine of the Lesser Magistrates in its present form, as demonstrated by Trehwella and Kayser, presupposes that God has ordained three distinct spheres of government: family, church, and civil. Each sphere is responsible to God. Subsequently, resistance is fundamentally predicated on the idea that God must be obeyed above all. Thus, for the citizen and the lesser magistrate, obedience to God is in view for any faithful action of resistance or interposition. This present view of the doctrine must be weighed against the aforementioned criteria to determine its value as a development or disrepute as a corruption.

Biblical Roots of the Doctrine of the Lesser Magistrates

While the Doctrine of the Lesser Magistrates was first named in the Magdeburg Confession in AD 1550, its roots can be found throughout Scripture and Church history. Specifically, its inception can be traced back to biblical history as it relates to believers' resistance to civil authorities and to interposition as lesser authorities act on their behalf. Notably, there is no explicit biblical command given for magisterial interposition that protects citizens from higher magistrates. However, interposition against tyrannical actions is consistently affirmed in Scripture and by believers across the millennia. Moreover, the

⁸ Philip G. Kayser, *The Divine Right of Resistance: Biblical Options for Opposing Tyranny* (North Charleston, SC: CreateSpace, 2021), 28-32.

⁹ *Ibid.*, 13.

functional principle of interposition is even found outside the Church as civil magistrates apply it throughout history.

Old Testament

The base principles for the lesser magistrate doctrine appear in the actions of the Hebrew midwives who refuse to obey Pharaoh's command to kill baby boys at birth. Exodus 1:15-21 indicates that they not only interposed against Pharaoh on behalf of the children but that they lied to him, claiming that the women were so vigorous as to birth the children before they arrived. God affirmed their actions as an act of obedience to Him (Ex. 1:20-21). Likewise, in Daniel 1, the prophet appeals to his direct authority, seeking provision not to defile himself with the king's table food. Neither example exhibits a formalized understanding of the doctrine as the midwives are arguably not civil authorities in the formal sense, yet they interpose nonetheless. Further, Daniel 1 gives no indication that Daniel formally resisted the King's directive. Instead, he requests permission from his immediate authority.

Likewise, Daniel 3 and Daniel 6 provide rudimentary examples of interposition. As leaders, Daniel's friends, Shadrach, Meshach, and Abednego's resistance is itself an interposition. Their refusal to bow to the Nebuchadnezzar's statue results in a reversal of the order across the kingdom. The same may be said of Daniel's resistance to Darius' mandate against prayer. While no other magistrate steps in on his behalf, his disobedience results in freedom for others as he himself is one of three administrators overseeing the kingdom under Darius. Daniel 6:2-3 indicates that the prophet was in a distinguished role of authority.

More pronounced Old Testament examples include 2 Kings 11, Jeremiah 26:10-16, Jeremiah 36:9-31. 2 Kings 11 gives an account of the priest, Jehoiada ordering the guards to protect the rightful king and depose and execute the tyrant queen, Athaliah. This instance exhibits both protective interposition on behalf of the true king and spiritual direction from the clergy regarding magisterial interposition. Likewise, Jeremiah 26:10-16 gives the account of false prophets and priests condemning Jeremiah while the officials apply their civil authority in his protection. Here, it is the clergy seeking unjust punishment as the civil authorities interpose. Conversely, Jeremiah 36:9-31 provides an example of princes and officials failing to interpose on Jeremiah's behalf. Later in Jeremiah 38:7-13, a lowly eunuch named Ebed-Melech interposes to rescue Jeremiah from a cistern after the officials had placed him there in hopes of putting him to death. Notably, Ebed-Melech is affirmed for his faith in Jeremiah 39:12-18, and he is spared during the destruction of the city.

Throughout the Old Testament, the principle of interposition is applied intermixed with instances of resistance. The consistent, though often unspoken,

theme of each account is the higher law of God applied in faith on behalf of those who would face harm for faith. Often, the principle is applied by those in lesser or no authority against those in higher authority who step outside their God-ordained roles. However, there is little exposition of the doctrine as it appears only in narrative accounts.

New Testament

The New Testament opens with an example of interposition in Matthew 2:1-11 as the wise men simply do not report Jesus' whereabouts to Herod who sought to kill him. This New Testament antitype to the events of Exodus 1 provides another example of the principle of interposition. However, like so many Old Testament examples, it remains somewhat nebulous. The magi do not hold civil authority in the region and thus do not exercise authority as "lesser magistrates." However, like Hebrew midwives in Exodus, they act on behalf of the defenseless against the oppressive hand of a tyrant.

Acts 5:29 gives an account of the apostles at odds with Jewish religious authorities bearing a civil authority backed by Rome. When commanded by the Jewish leaders to cease preaching the news of the resurrection of Christ, the apostles declare that they must obey God rather than men. Despite defying the religious authorities, they are spared by the interposition of Gamaliel, who, though not in authority over the high priest, leverages his "high honor" to speak on behalf of the apostles. This is the simplest presentation of the doctrine of resistance in practical application coupled with a unique application of the doctrine of interposition. While this narrative account is far from a codified doctrine, it is a development in practical application, pairing a clear declaration of obedience to God over human authorities with an interposition on behalf of the resisting believer.

Historical Development of the Doctrine

Early Church Resistance

The early Church largely found itself in the camp of the resisters with limited documentation of lesser magistrates interposing. The consistent declaration of Christ's Lordship and the refusal to say the same of Caesar placed Christians in the crosshairs of Roman persecution beginning under Nero in the last half of the first century.¹⁰ As this persecution continued, Christian resistance

¹⁰ Glenn S. Sunshine, *Slaying Leviathan: Limited Government and Resistance in the Christian Tradition* (Moscow, ID: Cannon Press, 2020), 8-10.

remained largely passive, oriented to the declaration of Christ's Lordship and the denial of Caesar's. Little is known of magisterial interposition on their behalf. Bryan Litfin makes note of Satorus' death in Carthage as recorded in *The Passion of the Saints of Perpetua and Felicity*. His jailer and recent convert, Pudens looked on at Satorus' public martyrdom, despite holding a "lesser magistrate" role.¹¹ This and many other sufferings resulted in the spread of the gospel as faithful believers were "baptized in blood" for want of lesser magistrates. This persecution continued until the ultimate magisterial interposition brought about by Constantine in AD 313.¹²

While this can hardly be seen as a doctrinal development, it is a profound historical example of a human authority wielding his authority to benefit faithfulness in believers. This sudden turn from state-enforced prohibition to religious freedom is unequivocally connected to the conversion of Constantine. Thus, it serves as an example of biblical principles applied to the authority of the magistrate.

Pre-Reformation Historical Development

The principle of magisterial interposition is applied in England against King John in 1215, as the barons interposed against his tyrannical rule and forced his hand to sign the *Magna Carta*. Critical to their reasoning was the Christian belief that all men, including kings and magistrates are subject to God and His law.¹³ While the *Magna Carta* employs specific protections for nobles, it provided a set of liberties codified for the church and other organizations as well as individual citizens. Specifically, it prohibits the Crown from revoking liberties at lower levels of civil authority.¹⁴ The institution of the *Magna Carta* is of particular importance to the development of the Doctrine of Lesser Magistrates in that it required the combined interposition of the nobles. While it is not itself a doctrinal assertion, it is an example of development regarding the role of magistrates in relation to kings, especially within Christendom.

Codification at Magdeburg

The pastors of Magdeberg are undeniably the first to codify biblical principles of resistance and interposition into a formal doctrinal statement. Their public declaration on April 13, 1550 is the watershed document for Christian

¹¹ Bryan M. Litfin, *Wisdom from the Ancients: 30 Forgotten Lessons from the Early Church* (Eugene, OR: Harvest House, 2022), 18.

¹² Glenn S. Sunshine, *Slaying Leviathan: Limited government and Resistance in the Christian Tradition* (Moscow, ID: Cannon Press, 2020), 11.

¹³ Trewhella, 2.

¹⁴ Sunshine, 57-58.

resistance theory. The 2012 translation of the Magdeburg Confession includes a foreword by Matthew Trehwella in which he notes, “The men of Magdeburg were the first in history to identify many examples of the lesser magistrate doctrine in action, both from the Bible and from human history. They knew they had stumbled upon something new.”¹⁵ Noting the novel nature of this doctrinal development, the Magdeburg authors assert that their circumstances make the development important: “We would have desired even now to hide this true opinion as it had always been hidden hitherto, had we not been defeated by the present injustice and tyranny of certain men, and deemed that the preservation of the Gospel and the true Church ought to be put before such dangers from those ignorant men.”¹⁶ The writers of the Confession held that their doctrinal assertions were indeed a development, though one based upon clear principles found in Scripture and applied throughout history.

Notably, the believers of Magdeburg were privy to the actions of Prince Frederick the Wise, Elector of Saxony in interposing on Martin Luther’s behalf against Emperor Charles V and Pope Leo X. When Charles V sought to force Protestants to return to Roman Catholic worship practices through his *Augsburg Interim* in 1548, the Magdeburg writers had Prince Fredericks’s example of interposition as an inspiration for their forthcoming resistance and doctrinal response.¹⁷

Wishing absolute clarity on matters of doctrine, the writers begin *The Magdeburg Confession* with several key theological affirmations. They affirm Scripture, the Apostolic Creed, the Nicene Creed, and the Athanasian Creed.¹⁸ They continue with affirmations regarding the Triune nature of the Godhead and the nature of justification by faith alone before asserting their statement on resistance and interposition. Of the latter, they make the following statement:

Therefore, we again affirm the sure Word of God that when superior magistrates attempt to force Papistical idolatry upon their citizens, to overwhelm the true worship of God and His true worshippers, just as they have now begun to do, by unjust maneuvers with their laws, even if they pretend otherwise—the pious magistrates are not only able, but even have an obligation to resist them as far as they are able, to defend the true doctrine, worship of God, life, modesty, and the property of their subjects, and preserve them against such great tyranny.¹⁹

¹⁵ Matthew Trehwella, foreword to *The Magdeburg Confession* (North Charleston, SC: CreateSpace, 2012), ix

¹⁶ *Ibid.*, ix-x.

¹⁷ *Ibid.*, ix

¹⁸ *The Magdeburg Confession*, 11.

¹⁹ *Ibid.*, 55.

Subsequent to the culminating affirmation of the doctrine, the Confession dedicates three chapters to their three arguments in support of the doctrine. First, it argues from Romans 13 that the magistrate is an ordinance of God to honor good and serve as a terror to evil.²⁰ Second, the Confession argues that Jesus' command to render to God what is God's and to Caesar what is Caesar's necessarily requires that the things of God be respected as such. This includes obedience to God over men as necessary.²¹ Last, the Confession argues from practicality that unchecked tyranny cannot be honored as legitimate, God-ordained authority as that would mean God was abetting evil decrees.²² Citing Emperor Trajan's command to his Horse Master, "Use this sword against my enemies, if I give righteous commands; but if I give unrighteous commands, use it against me," the *Confession* affirms that even non-believing kings recognize that their authority is subject to a higher law.²³

The Magdeburg Confession not only assimilates biblical principles into the first doctrinal statement on resistance and lesser magistrate interposition, it goes further to make a comprehensive case for the doctrine in harmony with historical creeds and confessions. The Confession subsequently influenced other reformers in Europe, such as John Knox and Theodore Beza, who both expound on the doctrine in their own treatises.

Further Development During the Reformation

John Calvin addresses the doctrine of interposition without appealing to Scripture, instead providing historic examples among pagan cultures.²⁴ While affirmative, his writing provides little in the way of development. However, John Knox affirmed the Magdeburg Confession and further developed the doctrine of resistance. Knox was directly influenced by Magdeburg, citing them directly in his 1564 debate with William Maitland of Lethington, Secretary of State to Mary, Queen of Scots.²⁵ He supports the doctrine with seventy Biblical passages in his *Appellation* to the Scottish nobles in 1558.²⁶ He cites Jeremiah 26:10-16 in which the princes of Judah interpose against the false priests and prophets on Jeremiah's

²⁰ *The Magdeburg Confession*, 57-61.

²¹ *Ibid.*, 63.

²² *Ibid.*, 67.

²³ *Ibid.*, 72.

²⁴ John Calvin, *Institutes of the Christian Religion* (1559) Book 4, Chapter 22, trans. Henry Beveridge (Peabody, MA: Hendrickson Publishing, 2008).

²⁵ John Knox, *History of the Reformation in Scotland*, edit. William Dickinson, Vol. 2 (New York, NY: Philosophical Library, 1950), 129-130.

²⁶ John Knox, *Selected Writings of John Knox*, edit. Kevin Reed (Dallas, TX: Presbyterian Heritage Publishing, 1995), 471.

behalf. He further argues from Daniel 3 that Daniel and his friends not only resist Nebuchadnezzar's unjust law forcing idolatry, but as men of authority, they serve in positions of interposition, ultimately leading to freedom of worship in the whole of the empire. Knox likewise cites Daniel 6 (Daniel prays to God in defiance of the King's edict), 2 Kings 11 (Jeohoiada gets the captains of the quart to depose the tyrant, Queen Athaliah), and Jeremiah 36:9-31 (The princes fail to interpose on behalf Jeremiah and Baruch).

Here, Knox develops the doctrine by challenging the Scottish nobles to not be like the princes in Jeremiah 36. Knox argues from the passage that interposition is not just permissible but also required. He chides their hesitancy with indignation stating, "For now the common song of men is, 'We must obey our kings, be they good or be they bad; for God has so commanded.'"²⁷ Conversely, he admonishes them with the account of Ebed-Melech who interposes for Jeremiah when other magistrates refused (Jeremiah 38:7-13). The result is that Ebed-Melech is spared due to his act of trust in the Lord when the city is destroyed (Jeremiah 39:15-18). Thus, Knox places the burden of blessing or curse on the shoulders of magistrates tasked with interposition.

As other reformers consistently found themselves at odds with the state, reformers such as Theodore Beza cited the Magdeburg Confession as an example and helped to propagate its principles through their writing.²⁸ Reformers consistently appealed to biblical texts as interpreted and systematized in the Magdeburg Confession, providing ongoing development of the doctrine as it related to each reformer's context.

Vindiciae Contra Tyrannos

Doctrinal development continued to accelerate during the reformation, especially as it related to resistance. As the Huguenots grew in number, they developed the Doctrine of Lesser Magistrates beyond defensive strategies. Writing under the pseudonym, *Junius Brutus*, the writer of *Vindiciae Contra Tyrannos* explores the possibility of offensive measures against the state based on the idea that the state is destroying the commonwealth. Here, the Lesser Magistrate doctrine moves beyond mere freedom of worship to the well-being of the people as a whole. Fundamental to its arguments is the idea that the state exists in a God-ordained covenant with the people based on Romans 13 and that civil law is based on this covenant.

²⁷ Knox, *Selected Writings*, 508.

²⁸ Theodore Beza, *On the Right of Magistrates* (1547) Trans. Henry-Louis Gonin, ed. Patrick S. Poole. <http://www.constitution.org/cmt/beza/magistrates.htm>.

First, the Holy Scripture does teach that God reigns by his own proper authority and kings by derivation, God from Himself, kings from God, that God hath a jurisdiction proper, kings are His delegates. It follows then that the jurisdiction of God hath no limits, that of kings bounded; that the power of God is infinite, that of kings confined; that the kingdom of God extends itself to all places, that of kings is restrained within the confines of certain countries.²⁹

Further, according to *Brutus*' analysis of history, all kings ultimately acquire their crown by the consent of those governed.³⁰ Moreover, he subsequently asserts that "the whole body of the people is above the king."³¹ Thus, when a civil authority violates the law against the people, he is violating a God-ordained covenant and is liable to the resistance of the people. Notably, this resistance is not sequestered solely to the realm of defense but has implications for offense as well. Since the people are above the king in *Brutus*' view, then the people may bear the sword against tyrants when they have violated the law and require just punishment. However, *Brutus* argues that such resistance must involve a lesser magistrate.³²

This is undoubtedly a development as *Brutus* asserts the assembly of the people as a greater authority than the king. Rooted in the covenantal view of the king's authority, *Brutus* makes the case for an organized citizenry using force against tyranny if a lesser magistrate leads them in the effort. *Vindiciae* was written in 1579, just 29 years after *Magdeburg*, and represents a rapid development in resistance and lesser magistrate doctrine. Notably, in 1644 Samuel Rutheford wrote *Lex Rex*, expanding the doctrine even further, building specifically on *Vindiciae* to make the case for limited government and the separation of church and state governments.³³ The paradigmatic assertions of *Magdeburg* led to the rapid development of political theory both inside and outside the church for centuries.

American War for Independence and Interposition

The lesser magistrate doctrine bears unique development in both the church and the Christianized state as it relates to the freedom movement, especially in the United States. Not only is the doctrine of interposition integral to the colonial resistance against parliament and the crown on behalf of the colonists

²⁹ Junius Brutus, *Vindiciae Contra Tyrannos* (Moscow, ID: Cannon Press, 2020), 6.

³⁰ *Ibid.*, 65.

³¹ *Ibid.*, 73.

³² *Ibid.*, 168-9.

³³ Notably, John Locke would "secularize" the Rutheford's presbyterian political theory, a development that directly influenced the United States founding fathers.

but it is also written into the Bill of Rights. John Adams was among the many founding fathers to root his doctrine of resistance in Christian theology.³⁴ Adams and many of the other founding fathers based their arguments on Reformed theology specifically influenced by *Vindiciae Contra Tyrannos* and other Puritan political works.³⁵ Comprehensively, Christian history and Reformed political theology directly influenced the advent of constitutional government in the Western world.³⁶ Subsequently, interposition, the secularized version of the lesser magistrate doctrine finds its way into constitutional law. *Black's Law Dictionary* highlights the defines interposition in accordance with the 10th Amendment:

The doctrine that a state, in the exercise of its sovereignty, may reject a mandate of the federal government deemed to be unconstitutional or to exceed the powers delegated to the federal government. The concept is based on the 10th Amendment of the Constitution of the United States reserving the states powers not delegated to the United States.³⁷

Thus, the theological doctrine made its way into federal and state law, taking on its own development in political theory outside the church. Simultaneously, the topic drifted from focus in theological circles.

Renewed Focus on the Doctrine of Interposition

Absent of immediate tyranny to incite resistance, after the American War for Independence, theological attention turned to other topics. However, the doctrine has gained interest in recent decades, most pronounced during and following Covid-19 mandates. James Coates, Tim Stephens, and other Canadian pastors faced jail time and steep fines for holding church services during strict

³⁴ John Adams to Thomas Jefferson, 28 June 1813," *Founders Online*, National Archives, <https://founders.archives.gov/documents/Jefferson/03-06-02-0208>. [Original source: *The Papers of Thomas Jefferson*, Retirement Series, vol. 6, *11 March to 27 November 1813*, ed. J. Jefferson Looney. Princeton: Princeton University Press, 2009, pp. 236–239.]

³⁵ Hall, Mark David, 'Vindiciae, Contra Tyrannos: The Influence of the Reformed Tradition in the American Founding', in Mark David Hall, and Daniel L. Dreisbach (eds), *Faith and the Founders of the American Republic* (New York, 2014; online edn, Oxford Academic, 16 Apr. 2014), <https://doi.org/10.1093/acprof:oso/9780199843336.003.0003>, accessed 13 Mar. 2023.

³⁶ Douglas F. Kelly, *The Emergence of Liberty in the Modern World*, (Phillipsburg, NJ: P&R Publishing, 1992).

³⁷ Henry Campbell Black, *Black's Law Dictionary* (St. Paul, MN: West Publishing Co., 1978), 733.

Covid-19 mandates.³⁸ Likewise evangelical churches in the United States took similar measures, even protesting mask mandates in public spaces.³⁹

The rapid growth of government authority and the simultaneous mitigation of Church influence have brought the doctrines of resistance and interposition back into view for Christian political theologians such as Matthew Trewhella and Phillip Kayser in addition to scholars at the lay level such as Canadian pastor, James Coates. The present application of the doctrine reflects not so much a development but a rediscovery of the doctrine.

Analysis of the Doctrine of Lesser Magistrates in Present Form

Recent applications of the lesser magistrate doctrine have focused on historical analyses more than developments. Kayser's *The Divine Right of Resistance* serves as a brief rubric for simple application. It is hardly a theological excursion, though it provides practical insights to believers rediscovering the resistance. Kayser's work notwithstanding, apart from recent republications of earlier works, Trewhella's *The Doctrine of the Lesser Magistrates* provides the most recent development. Trewhella affirms interposition thusly, "When the superior or higher civil authority makes unjust/immoral laws or decrees, the lesser or lower ranking civil authority has both a right and a duty to refuse obedience to that superior authority. If necessary, the lesser authorities even have the right and obligation to actively resist the superior authority."⁴⁰ This present version of the doctrine will serve as the example for analysis using the aforementioned criteria.

Is The Lesser Magistrate Doctrine Rooted In Biblical Affirmations?

Trewhella asserts that the doctrine of the lesser magistrates is not only "founded in Scripture and seen in history" but is also presently exercised.⁴¹ Indeed, in every era, those who affirm and develop the doctrine go to great lengths to cite biblical principles in support of their doctrinal assertions. Knox, *Brutus*, and the men of Magdeburg, exhibit consistent biblical hermeneutics in their arguments. Further, a biblical survey of the principles of the doctrine demonstrates a clear biblical basis for the doctrine in its present form.

³⁸ Sarah Rieger, "Calgary Pastor Arrested After Breaking Pandemic gathering rules for Months," *CBC News*, May 16, 2021. Accessed March 24, 2023.

<https://www.cbc.ca/news/canada/calgary/tim-stephens-fairview-baptist-church-arrest-1.6029078>

³⁹ "3 Arrested at Idaho Church Singing Event to Flout Mask Order," *AP News*, September 24, 2020. Accessed March 24, 2023. <https://apnews.com/article/virus-outbreak-arrests-moscow-archive-idaho-493cfd970eda54a57b8bc6ebb7f5d5f2>

⁴⁰ Trewhella, *The Doctrine of the Lesser Magistrates*, 2.

⁴¹ *Ibid.*, 4.

Has The Doctrine Developed Naturally Across Church History?

As seen above, the natural progression of the Doctrine of Lesser Magistrates is observable across Church history as it is seen in the early Church's civil disobedience. It was further developed by both Christians and pagans in the centuries before the reformation. Moreover, it was codified in the Magdeburg Confession through an application of pre-reformation creeds and exegesis applied to a politico-religious crisis. This codification led to a natural development throughout the reformation in key figures such as John Knox. However, the doctrine saw rapid development in the years following the Reformation as Roman Catholic statesmen persecuted Protestant Christians. Thus, further development became necessary, leading to publications such as *Vindiciae Contra Tyrannos*. Moreover, the application and further development of the doctrine are evident in the American War for Independence and the Constitutional Convention. However, recent crises in Western Christianity have limited free association and thus brought the doctrine into view once again, leading to development in the work of Trehwella, Kaiser, and others.

Has The Doctrine Influenced Western Political Theory?

The political nature of the doctrine is self-evident, as any form of interposition against civil authorities is by nature a political action. The Scriptural examples provided above highlight the principle of divine justice over human authority, at times necessitating disobedience to human magistrates in order to remain obedient to God (Acts 5:29). The phases of development demonstrated throughout Church history reveal a profound influence on political theory that is especially evident following the Reformation. From John Kox's emboldened rhetoric against Mary Queen of Scots to the influence of *Vindiciae Contra Tyrannos* on the framers of the United States Constitution, the principle of interposition seen in the Doctrine of Lesser Magistrates is paradigmatic for any political theory that appeals to divine law in resistance to human authority. This is most clearly seen in the American founding fathers' interposition against King George III, though it remains imbued in the teaching of Canadian and American pastors resisting their provincial authorities on the principle of free worship.

Is the Doctrine Consistent With The Whole Counsel of Scripture?

Without question, 1 Peter 3:13-17 and Romans 13 must be considered. Romans 13 calls men to be subject to civil authorities, noting that they are ordained by God and that resistance to such is resistance to God. On the surface, this would rule out any form of interposition by a lesser authority. However, as many lesser magistrate theologians note, Romans 13 refers to magistrates as “servants of God” who are called to enforce His law, functioning as a terror to evil and an honor to good. As Peter stated with the other apostles in Acts 5:29, God must be obeyed rather than men. Clearly, Romans 13 does not allow for totalitarianism or for unlawful magisterial function. Psalm 94:20 asks, “Can wicked rulers be allied with you, those who frame injustice by statute?” The implication is that the ruler who mandates injustice and sins against God is no servant of the Most High.

This makes the application of 1 Peter 3:13-17 simple. In verse 17, Peter reminds the believers, “it is better to suffer for doing good, if that should be God's will, than for doing evil.” Given that God's standard of righteousness is in view, the implication is that the faithful can expect to suffer persecution for obedience to God. 1 Peter 3 is an admonition to faithful resistance, not to obedience to tyranny. As such, it applies to the lesser magistrate as well as to any believer.

Moreover, the doctrine is consistent with the historic Christian faith. The opening statement of *The Magdeburg Confession* affirms the historic creeds of the Church. While the lesser magistrate doctrine sees limited application in the first few centuries of the Church, the history of Christianity is a history of resistance. The faithful affirm Christ's Lordship at the expense of Caesar. While interposition is limited in the early Church, it is certainly not condemned, and when it comes about in the eucatastrophic Edict of Milan, it is welcomed, not condemned by faithful Christians.

Further, the doctrine places biblical principles of worship at the forefront. It is telling that the stated purpose of *The Magdeburg Confession* was to interpose against Charles V on behalf of “the true worship of God and His true worshippers.”⁴² Further, the principled use of interposition in Scripture was primarily related to faithful worship. Daniel 1, 3, and 6 provide particularly important examples. Moreover, present application is primarily apparent in relation to worship as pastors and Christian leaders defy mandates from civil authorities in order to worship in accordance with Hebrews 10:23-25.

⁴² *The Magdeburg Confession*, 55.

Conclusion

The clear and consistent emergence of interposition in both the Old and New Testaments, coupled with the consistent development of the doctrine over time as believers faced new and distinct challenges to obedience, reveals that the Doctrine of Lesser Magistrates is a natural maturation of biblical principles. Moreover, the doctrine proves to be a paradigmatic contribution to political theory in Western countries, inspiring the constitutional governments of free societies such as the United States, making it one of Christianity's many valuable contributions to the wellbeing of the world. Given the present reality of new forms of totalitarianism emerging across the world, new developments are likely to appear in the faithful application of the doctrine.

Bibliography

- Beza, Theodore. *On the Right of Magistrates*. (1547). Translated by Henry-Louis Gonin. Edited by Patrick S. Poole.
<http://www.constitution.org/cmt/beza/magistrates.htm>.
- Black, Henry Campbell. *Black's Law Dictionary*. St. Paul, MN: West Publishing Co., 1978.
- Brutus, Junius. *Vindiciae Contra Tyrannos*. Moscow, ID: Cannon Press, 2020.
- Calvin, John. *Institutes of the Christian Religion*. (1559). Translated by Henry Beveridge. Peabody, MA: Hendrickson Publishing, 2008.
- Hall, Mark David. "Vindiciae, Contra Tyrannos: The Influence of the Reformed Tradition in the American Founding." *Faith and the Founders of the American Republic*. Edited by Mark David Hall, and Daniel L. Dreisbach. New York, NY: Oxford Academic, 2014.
<https://doi.org/10.1093/acprof:oso/9780199843336.003.0003>.
- Kayser, Philip G. *The Divine Right of Resistance: Biblical Options for Opposing Tyranny*. North Charleston, SC: CreateSpace, 2021.
- Kelly, Douglas F. *The Emergence of Liberty in the Modern World*. Phillipsburg, NJ: P&R Publishing, 1992.
- Knox, John. *Selected Writings of John Knox*, edit. Kevin Reed. Dallas, TX: Presbyterian Heritage Publishing, 1995.
- Knox, John. *History of the Reformation in Scotland*, edit. William Dickinson, Vol. 2. New York, NY: Philosophical Library, 1950.
- Litfin, Bryan M. *Wisdom from the Ancients: 30 Forgotten Lessons from the Early Church*. Eugene, OR: Harvest House, 2022.
- The Magdeburg Confession*. North Charleston, SC: CreateSpace, 2012.
- Newman, John Henry Cardinal. *An Essay on the Development of Christian Doctrine*. New York, NY: Cosimo Classics, 2007.

The Papers of Thomas Jefferson, Retirement Series, vol. 6, *11 March to 27 November 1813*, ed. J. Jefferson Looney. Princeton: Princeton University Press, 2009.

Rieger, Sarah. "Calgary Pastor Arrested After Breaking Pandemic Gathering Rules for Months," *CBC News*, May 16, 2021. Accessed March 24, 2023. <https://www.cbc.ca/news/canada/calgary/tim-stephens-fairview-baptist-church-arrest-1.6029078>.

Sunshine, Glenn S. *Slaying Leviathan: Limited Government and Resistance in the Christian Tradition*. Moscow, ID: Cannon Press, 2020.

Trehwella, Matthew J. *The Doctrine of the Lesser Magistrates: A proper Resistance to Tyranny and a Repudiation of Unlimited Obedience to Civil Government*. North Charleston, SC: CreateSpace 2013.

"3 Arrested at Idaho Church Singing Event to Flout Mask Order," *AP News*, September 24, 2020. Accessed March 24, 2023. <https://apnews.com/article/virus-outbreak-arrests-moscow-archive-idaho-493cfd970eda54a57b8bc6ebb7f5d5f2>.

Yarnell, Malcolm B. *Formation of Christian Doctrine*. Nashville, TN: B&H Academic, 2007.