

# **The Duty of the Civil Magistrate to Enforce the First Table of the Law**

The Results of the Disputations of the Synod  
at Cambridge, New-England July 1646

Edited By Peter Allison, July 2005

On July 1, 1646 a Synod met at Cambridge, Massachusetts to discuss the following question.

## **Does the Civil Magistrate have power to:**

1. Command or forbid things respecting the outward man in matters of religion, or the first table, which are clearly commanded and forbidden in the word, and to
2. Inflict suitable punishments according to the nature of the transgression against the same [the first table transgressions], and all this with reference to godly peace?

Their answer was:

The want [lack] of a right stating of this question touching the civil magistrate's power in matters of religion has occasioned a world of errors, tending to infringe the just power of the magistrate. We shall therefore explain the terms of the questions and then confirm it in the affirmative.

## **Explanation of the Terms of the Question**

By “*Commanding, forbidding, and punishing*” we mean the coercive power of the magistrate.

By “*Matters of religion commanded or forbidden in the word regarding the outward man*” we understand indefinitely, whether those matters be of doctrine, discipline, faith or practice. The magistrates power is not limited only to such matters of religion which are against the either the light of Nature, the laws of Nature, or the fundamentals of religion. All these are matters of religion which may be expressed by the outward man, but these are not the only matters that may be expressed outwardly by men. Therefore, we add “*in matters of religion*” to “*in matters of the first table*” to remove all ambiguity that we mean to include under the authority of the civil magistrate purely evangelical matters to the extent that these matters can be expressed by the outward man.

By “*Commanded or forbidden in the word*” we mean of the whole word, both of the Old and New Testaments; exception being only made of such things which were merely ceremonial or otherwise peculiar to the Jewish polity and clearly to be abolished in the New Testament. By limiting the magistrate’s power to things commanded or forbidden in the word we exclude any power of the magistrate to command any new doctrine or discipline or any matter of religion which is beside or against the word, or to forbid anything which is according to the word.

Hence he is not to establish or impose whatever Erastian form of Church policy he pleases. There is but one form commanded now of God, he cannot therefore command what form he will.

Hence he is not to force all persons into the Church [i.e. membership, not attendance], or to participation of the seals [sacraments] because he is not thus commanded.

Hence he is not to pass laws on things indifferent, which are neither commanded nor forbidden in the word, without apparent expediency or inexpediency of attending the same. By that expression “*clearly commanded or forbidden in the word*,” we understand that which is clear, either by express words or necessary consequence from the scripture. And we say “*clearly commanded or forbidden*,” not simply that which the magistrate or others think to be clearly commanded or forbidden. For they may think things commanded, to be forbidden, and things forbidden to be commanded. But that which is in itself clear in the word, *de jure*, the civil magistrate, in these days since Christ’s ascension, may and ought to command and forbid such things so cleared in the word.

“*Suitably inflicting punishment according to the nature of the transgressions*” This clause does not need much explanation, being so plain of itself. Some things commanded and forbidden in the Law of God are of smaller nature in respect of the Law of man ..., but other things commanded or forbidden in God’s law are momentous and of a high nature, and, though small in themselves, are weighty in consequence or circumstance. If the civil magistrate inflicts a slight paper punishment when the offence is of a high nature, or contrariwise, if he inflicts capital punishment when the offense is of an inferior nature, he does not punish suitably.

There are sundry rules in the word in matters of this sort, touching the punishment of Blasphemy, Idolatry, Heresy, profanation of the Lord’s Day, and sundry other like matters of religion, which Magistrates of old have followed. If magistrates are now guided by these laws in making and executing other particular laws in matters of religion having proportionate sanctions or punishments, they inflict suitable punishment. Only let it be remembered that

though we grant the civil magistrate the power to thus command, forbid, and punish in matters of religion clearly revealed in the word, yet it is one thing when he may and must do, and another thing when and how he must exercise his power to all persons under his jurisdiction. For some such persons may not be at all acquainted with the true God or have any knowledge at all of Christ or his word, but as yet are pagans. Now touching such, the magistrate should take care that the best means be seasonably and wisely used with them, according to their capacities, to bring them first to the knowledge of the true God and of his word and to convince them of the falsehood and vanity of their gods, whom they worship; and afterwards, as there is cause, to utilize his coercive power towards them according to Scriptural rules and examples.

Others though they are Christians, are not clearly instructed or enlightened in matters clearly set down in the Word. In this case the civil magistrate is to inform and convince and not to proceed suddenly till all just means are used to leave him convinced; of which is it more meet for the civil magistrate than for the offending person to judge, who, it may be, will never say he is convinced. We live in times wherein many men are perversely carried and, rather than confess the truth when convinced of it, will go full against the light of reason common sense. Such a fool is not to be answered according to his folly by any further reasoning. A whip is better for such a back, says Solomon.

The impertinency and invalidity of many objections to this power will be apparent by what has already been spoken touching the acts and rules of the magistrate's coercive power in matters of religion.

## **Objections**

1. That thereby the civil magistrate is made the Church's King and lawgiver. This would be true if he might command or forbid any thing which was not first commanded or forbidden of the Lord who is the churches' lawgiver. But we say he is not.

2. That thereby he is made to have dominion over men's faith. However by our position, he does but press them to that faith, which God, who indeed has dominion over the same, has prescribed.

3. That thereby tyranny is exercised over men's tender consciences, and true liberty of conscience is infringed. However, he *de jure* commands nothing but that which, if men have any tenderness of conscience, they are bound in conscience to submit thereto. Truest liberty of conscience is found in faithfully submitting to what God has commanded. The conscience being never in a truer or in a better estate of liberty here on earth than when most engaged to walk according to God's Commandments.

4. That thereby Christians become servants of men. However, the Magistrate only is to enjoin what his Master and theirs has commanded, or to forbid the contrary. Consequently in submitting they are but servants to Christ in man [i.e. rendering obedience to earthly rulers as unto the Lord].

5. That thereby men are made hypocrites and time-servers; as if to command men to walk according to the Word, and to forbid the contrary, were to make men so contrary to the Word as are time-servers and hypocrites.

6. That thereby a sluice is opened to let in all manner of false religions, and corrupt opinions into the church if the Magistrate were of any false religion, or corrupt in his judgment; yea, that were the way to set up a Pope in a Christian Commonwealth, for religion must turn as he turns. However, the magistrate's power of commanding or forbidding cannot be used in a pope-like way to command whatever he shall please, or what his own spirit shall like best, but only what God has commanded or forbidden in the Word. Our position subjects him to the Word as to the Supreme Law, and does not set him up Pope-like above the Scriptures, or allow him to make his sense of Scripture, or to make human traditional cannons to be as much of force as Scripture to bind mens consciences. Rather we condemn any such power as irregular, usurped and not approved by God, which swerves from the rule of the exercise of his power in matters of religion, namely, the Scriptures. In fact, the contrary to that objected would rather follow. If there were no King or civil power among Gods professed Israel, coercively to restrain forbidden evils in religion, then every man would hold and do as he pleased, as if every one were a Pope; and then Micah's idolatry and any other abomination may be set up. [This does not displace church discipline, but rather complements it. Since church discipline [spiritual sword] does not carry the power of the physical sword to compel obedience, the civil magistrate's sword is needed to prevent people from ignoring church discipline and running away to continue their crimes unchecked. The sword of the civil magistrate is to execute God's wrath on sin so that God's vengeance is satisfied and the land does not incur God's judgement. The purpose of ecclesiastical discipline, on the other hand, is to bring people to repentance and to restore them to a right relationship to their Savior King. This provides the rehabilitation so many in our country are correctly desiring, but seeking in all the wrong places. It should be no contradiction for the civil magistrate to execute a murderer who through the means of church discipline has been brought to a state of repentance. -Ed]

7. That thereby the civil magistrate is put upon many intricate perplexities & hazards of conscience, how to judge in and of matters of religion.

But this does not hinder the magistrate from that use of his coercive power, in matters commanded or forbidden in the first Table any more than it hinders him from the like powers in matters of the second table. There are just as many

perplexing intricacies in the second table as there are in the first, as any conscientious magistrates knows from his daily experience. Yet such as object to his power in the first table don't deny his power in the latter. But if the existence of perplexing difficulties in discerning the mind of Christ was a valid argument for the civil magistrate not to exercise power over the first table, then it would also prevent Church officers from exercising that power in Churches, or parents and masters from enforcing the first table in their families. It does not follow that if it is difficult for a man in authority to know the utmost of his duty in his place, that therefore its not necessary for him to do his duty in his place.

Those who inaugurated Joash to be king in 2 Chronicles 23:11 put upon him the testimony (as the Hebrew word used to be expounded) to show that it was his duty as a King not only to know the testimony or book of Gods Law, but authoritatively to establish what was written in it.

8. That thereby persons are put upon acting with doubting consciences because the magistrates injunctions are oftentimes not clear to such as are to obey them, and so they are thereby compelled to sin.

When the position affirms this power *in matters clear in the Word*, which if not clear to this or that subject in a Christian Commonwealth, that his own fault. By his own ignorance of matters which he is bound to know, he brings such a snare upon his conscience. In such a case he may desire the magistrate to use the best means to clear up the matters enjoined or forbidden, to be commanded or forbidden in the Word; but neither of these hinder but that the magistrate is to command or forbid that which God has commanded or forbidden; even that which Christ has commanded or forbidden, should not then be urged upon mens consciences by Church Officers, or Church censures be executed against obstinate gain-sayers, because through error in judgment, and corruption in conscience, men will say then and after all means used for conviction, they may still affirm that they think otherwise, or at best that they still doubt of the manners is question, yea albeit the matters be fundamental.

9. That hereby Christians are discouraged from seeking more light or hindered from embracing or following such new light as the Saints expect in these latter days. When as it's evident that the commanding and forbidding things cleared in the Word, to be good or evil, does neither express what light men have from the Word, nor discourage them from more light in & from the same, as not in matters if the second Table, so neither in matters if the first.

10. That thereby conscientious men especially will come to suffer because magistrates may think things commanded or forbidden of God and accordingly ratify them by their authority, which God did never command or forbid, when as the question is not concerning Magistrates enjoining what they think, but

what is the mind of God; nor can the pressing of the mind of God commanding what he requires, and forbidding the contrary, be any just or proper cause of suffering to men truly conscientious.

The magistrate may indeed through mistake command or forbid things respecting not only the first but the second table. But as this does not deprive the civil magistracy of coercive power in matters of the second, neither should it in matters of the first table. But in this case Christians must be content to suffer in either, albeit withal the magistrate do break his rule.

11. That thereby we encourage and harden papists and Turks in their cruel persecutions of saints whereas for the magistrate to command or forbid according to God, as it is not persecution, so neither does it of itself tend to persecution. Power to press the Word of God and his truth, does not give warrant to suppress or oppress the same. The times are evil indeed when the pressing of obedience to the rule shall be counted persecution.

12. That thence are caused all the wars in Christendom at this day ; when it is evident that the pressing man to obey the will and word of God in matters either of the second or first table, is not of it self any cause of wars but the lusts rather of such as abut their power contrary to the word.

By this already spoken we have seen the ruin of twelve of our opponents castles in the air, imaginably framed to withstand the civil Magistrate's coercive power in matters of Religion.

Let us now in the next place consider the object of this coercive power of the magistrate, which, in the stating of the question, we called the *outward man*. The things which the civil Magistrate commands or forbids, he commands or forbids with immediate respect to the outward man. The Magistrate as a Magistrate looks immediately at the external acts of the body, and not at the internal acts of the soul. It is his property as a civil Ruler to attend only the duties and sins which appear in the walk of the outward man. Thus [taught] Calvin, Beza, Chemnitius, Gerard and other protestants Divines generally.

### **Question 1**

Hereby also other objections receive answer; as first, must the Magistrate punish any man for being of a corrupt judgment, or for an minor error in his judgment, or for having a corrupt heart, and sundry lusts in it?

We say no : because whilst his lusts are confined within his breast, he is to be left to the sword of the Spirit, and to the Word of God, thereby only to be convinced; the Magistrate's power only extending to the outward man, but if either his mental errors, or hearts lusts break out into open expression and

view, and become scandalous and spreading, then they become breaches of rules by the outward man, yea, and tend to infringe that outward godly peace of which he is to be a preserver, and so in both respects he is to deal with the same.

## **Question 2**

Must a Magistrate command men to believe with all their heart, to repent and mortify their sins and lusts?

We say no because these appertain to the inward man and soul of man, to attend so far as they are inward. But if we speak of any outward profession of these [actions, i.e. repent, believe], so far he may command [people] to profess the faith by coming to hear the Word, and to repent by public fasting and prayer. And if Princes have no power in such external things, then have they no power instrumentally to remove the wrath of God from their Kingdoms by general humiliations.

Briefly now of the manner and means of the exercise of this power, included in that phrase *civilly* we say not ecclesiastically, as if he might put forth his power in a Church way, & by Church weapons or censures, but civilly or in a civil way or by civil censures or punishments.

Whence also other objections are answered, as that the weapons of our warfare are nor carnal but spiritual; and that Paul sheweth a way of redressing all offences, 1 Cor. 5: 5; 2 Tim. 2:25; and Faith comes by hearing, and not by whipping.

These places show a Church way of healing Church offences and do no more exclude a Political way of healing offences in a Christian Commonwealth, than an Economical way of redressing disorders in the Family. [In other words just as these passages do not prevent a father from using the rod of correction with his children, so they should not stop the civil magistrate from using the sword.] The other passages show a spiritual means of drawing men to the Faith, so that neither are pertinent to the case of the Civil power, acting civilly.

In an analogous manner, the assertion that the Magistrate is to be a terror to all evil works, (including evil works forbidden in the first Table) does not exclude the use of Church discipline for sins of the second table. For the Church may proceed in her way to censure Ecclesiastically one and the same thing, whether it be against the first or second Table, which the Magistrate punishes civilly.

The last thing to be explained in the statement of the question is touching the coercive power of the Magistrate, namely, godly peace. Now by Godly peace

(to which the Magistrate immediately looks ) we mean a peaceable living, as in all honesty, so in godliness, as the Apostle has it, in 1Tim 2:1-2. So far as any matters of Religion, coming under the Magistrates cognizance as a public Officer in the Commonwealth, do either further or hinder such a peace of a Christian Commonwealth, so far is he to put forth his coercive power accordingly.

Hereby also, with reference to things before explained, other Objections may receive answer, such as:

### ***Objection 1***

Will you have Magistrates put forth their coercive power to the full, in Laws, with Sanctions of punishments regarding how long or how often men shall pray in their Families or else suffer? That a Minister in preaching, if he exceed a just hour, he must suffer, and the like? We say, if either the matters be merely circumstantial, or if they be matters of less importance, and such as do not of themselves in any way infringe public peace or that they are not pretentiously & tumultuously maintained to the disturbance of public peace, in all such like cases, wherein the Civil Magistrate's end is not entrenched upon, he may not exercise the coercive power of his Authority, with sanction, or execution of punishments.

### ***Objection 2***

Will not this thesis arm and stir up the Civil power in Old England, against godly Orthodox ones of the Congregational way : or exasperate Civil power in New England, against godly, moderate, and Orthodox Presbyterians, if any such should desire their liberty here? We conceive no, except the civil disturbance of the more rigidly, un-peaceably, and corruptly minded, be very great. But between men godly and moderately minded on both sides, the difference upon true and diligent search is found so small, by judicious, Orthodox, godly, and moderate Divines, as that they may both stand together in peace and love. If liberty should be desired by either sort here or there, so exercising their liberty, the public peace will not be not infringed. The state of that Question in the explication thereof will quench rather than kindle any such coals against either; If persons professing either the Congregational or Presbyterian way, will shelter or close, either with other Blasphemous, Heretical, or Schismaticall Tenants, which tend to break the peace of the Congregational way there where a Presbyterian way is authorized to be the general way of the Churches, or the Presbyterian way here, where the Congregational way is authorized to be the general way of the Churches, there they may be strained by the power of the Civil Magistrate, as disturbers and breakers of godly peace, the conservation whereof is the Civil Magistrate's end [i.e. goal] and work, unto which he is to attend.



Having thus cleared the state of the question, we shall now come to some Arguments from Scripture, which confirm the Affirmative part of the question so stated. Some of the Arguments are taken from the old, and some from the New Testament. Of the former sort there are three.

### **Argument 1**

1. The Rulers of old, and those Rulers in the Commonwealth of Israel, are commended in Scripture for the exercise of such power in the matters of the first Table; and therefore it is according to the mind of God that now civil Rulers do the like. Abraham, who was not an ordinary master of a family, but a Prince among them, (Gen. 23:6) is commended for laying the force of his command upon those under his power, in matters of Religion, Gen. 18:19. And if he had been considered as a Master, yet less would not be granted that way to a Ruler of a Common-wealth, than of a Family, but rather more. Job as a civil Ruler, as a King in an Army of persons under his command, did not leave each of them to choose out their own way of Religion or justice, but he chose it, he determinatively set it down for them. *I sat as King in an Army, I chose out their way, &c.* Job 29:25. The King of Niniveh, with his Princes, did not barely commend that duty of fasting and prayer, to his people, as very convenient to be attended, yet leaving them to their liberty to omit the same: but he positively commands the same, that the wrath of God might be prevented, Jonah 3 - 7. The word is used for a coercive command or decree, Ezra 4:21. & 6:11. Dan. 3:10,11 & 29. & 6:7, 8,9,13 and the act of the civil Authority of Niniveh, having so much influence into the peoples act, Jonah 3:5,6,7 verses compared, is implicitly commended by Christ, in his commendation of the repentance of the men of Niniveh; and too of the King and Princes of Niniveh; whose hearts were so thoroughly touched, as to improve their authority to further that civil work of Niniveh's repentance. The examples of Moses, Joshua, David, Solomon, Asa, Jehosaphat, Hezekiah, Josiah, Nehemiah, &c. are obvious to every ordinary eye, which looks into the Scripture.

### **Objection 1**

They of old were Types, therefore their examples are not now of force for our imitation.

We suppose the Objection intends not by Type, and exemplar for imitation, as Type in a general sense is used, 1 Cor 10:6. compared with 11 for this were to overthrow the scope of the Objectors, but rather it means a type strictly taken, namely that they in that exercise of their power, did but shadow out Christ's Kingly power; but of this the opposites give only a barren assertion without proof, and that will not carry it. But we shall answer it more particularly.

1. Then such may as well say, those Rulers did shadow out Christ in the exercise of their power in matters of the second Table, and therefore are not therein imitable, which none will affirm. Solomon typed out Christ in the subduing of enemies, relieving the oppressed, procuring the peace of the state, Ps. 72. Must not Princes therefore do the like?

2 Those that make that Objection, they use to put it thus, The Kings of Israel were such Types; but such an one was not Abraham, nor Job nor Nehemiah, who by a Coercive Law enjoined the sanctifying of the Sabbath, Neh. 13. nor the King of Niniveh, nor was that wicked King of Israel, Ahab, a type of Christ, which should have put that blaspheming Benhadad to death whence that sharp reproof of him for not doing it, 1 Kings 20. To say nothing, of Darius & Nebuchadnezzars Decrees this way, which are recorded in way of commendation thereof, Ezra 6 and Dan 3:29.

3. Solomon himself(who if any were types of Christ therein, he was) sets it down by direction of the Spirit as a moral duty of each King indefinitely, that (howsoever de facto, many do otherwise, yet de jure) he scatters away all evil with his eye, Proverbs 20:8, meaning all public evil which cometh within his ken; as a King or public person, whether the evil be against the first or second Table; unless any make exception, and say, that either there are no sins against the first Table coming under the Magistrates view, or though they do, yet they are not evil:

4. It was a stated doctrine in the time of Job (who by the most judicious is thought to live before Moses)and it is attested and approved by the Holy Ghost, that sins against the first Table, as Idolatry, was iniquity to be punished by the Judges, Job 31. 26, 27, 28. as well as sins against the second Table, as Adultery, ibid. verse. 9 and 11

## ***Objection 2***

Those Rulers of old did thus as Members of the National Church of the Jews, the same persons being Members of Church and Common-wealth; but it is not always so now.

1. Then at least where Magistrates are Members of Churches, they may in these days exercise such power.

2. Though they were Members both of Church and State, yet they were to put forth their Coercive power civilly, not as Members of the Church, but of the State, else it had been to confound Church and State, yea, to make God (which directed to it) to be the author of that confusion.

3. They were to punish such to whom they stood in no Church relation at all, but merely Civil, for sins against the first Table. Hence Ahab was blamed for not punishing Benhadad blaspheming God, as if a God of the Hills, but not of the valleys: Hence Nehemiah's resolution to punish even any of those strangers which should profane the Sabbath, chap. 13.

4. Job, and those judges mentioned in his time, as bound to punish idolatry, were no Members of the Jewish Church.

### **Objection 3**

If you make the example of the Princes of Israel acting Coercively in matters of Religion for Magistrates imitation, why due not you make the Levites a pattern also to Ministers now, to act as they did civilly, in civil censures?

1. It's not clear that the Levites did act any further than by council, or at most by some general consent to that which the Princes were formally to act

2 If the Levites did act in matters of the State by a peculiar liberty, it does not follow, that this can invalidate the Rulers power, then acting in matters of Religion; as if by a peculiar liberty also unless the Objection could be bottomed on the proportion betwixt the Levites then, and the Rulers then: Thus, that as the Levites which by special liberty (proper to those times, and so not imitable now) did intermeddle in matters peculiar to Magistrates, so the Magistrates then did intermeddle in matters peculiar to the priests - by a liberty proper to those times; and this would be cross to express Text, 2 Chronicles 26:16. where Uzziah meddling with priestly matters of offering Incense, is made a transgression against the Lord, for which he was afterward ruined.

3 We make the Levites intermeddling judicially in Civil matters, therefore nor imitable, because what they are supposed to do that way, was by a liberty peculiar to that times but we make the example of the civil Rulers acting their Coercive power in matters of Religion, imitable, because not peculiar to the Jewish Church, as appears, in that what power they that way exercised, the same in substance did Job, and other judges in his time, by Divine direction and approbation, put forth; yea the judicial act of Nebuchadnezzar in punishing Ahab and Zedekiah with death, not for their Adultery only (a sin against the second Table ) but for their false doctrine (a matter of Religion) was of Gods appointment, Jeremiah 29:21. with 23 and hence by Gods appointment was this execution of Gods vengeance on them, made a proverbial Curse, verse 22.

### **Argument 2**

A second Argument is, in that it's recorded as a most desperate and accursed estate of old, that they had no King or chief Ruler in Israel, to restrain, as Adultery, and Murder ( sins against the second Table, cf. Judges 19:1 with Chap. 20.) so Idolatry (a sin against the first Table, chap 17:1, & 18:1 compared) but every man had his liberty, to do what was right in his own eyes.

### **Argument 3**

The third Argument is, in that it is recorded as a matter of special guidance and direction of God, and acknowledged by Ezra, inspired by the Spirit, as a special mercy of God to his people, that Artaxerxes an Heathen King, had a heart to put forth his coercive power enjoining things commanded of God, and forbidding, with sanction of suitable punishments, the evils, whether against the Laws of the King, or against the Laws of God, whether concerning Religion or righteousness: whence we argue, that this use of the civil power was of God of old, and therefore the same is as well of God now. Artaxerxes was indeed an instrument in the hand of Christ but not therefore a Type of Christ: Nor was this of the nature of a mere Jewish judicial Law; because enjoining punishments, moral offences being punishable; and yet not therefore of a mere judicial nature, or merely against a judicial Law; besides this act of Artaxerxes respected civil matters, and matters of the second Table (which none will challenge as not imitable) as well as matters of Religion. And that which some object, that he did this for fear of wrath, rather confirmeth the morality of the use of such power, then otherwise. For what ground of fear in not putting forth of such coercive power, if the omission of it were not sinful? Yea, if the use of such a coercive power in matters of Religion, were not according to Gods mind (as, our opposites say) he might rather more groundedly have feared Gods wrath for such an high offence, as usurpation of a power which the Lord disliked, and forbade.

Thus much of the first head of Arguments from the Old Testament; those from the New follow, and they are four.

The first is taken from Romans 13. if God will have every soul in and of the Churches, and that of Rome, as well as others, to be subject to civil Magistrates, as being powers ordained of God, v. 1 an Ordinance of God, v. 2 a terror not to good works, but to evil v. 3 the ministry of God for their good, v. 4 and that for conscience sake, v. 5. Then Magistrates are to put forth coercive power in such matters of Religion, respecting the outward man. But the former is true, *ergo*, the latter.

All this may be true, and yet verified only in Matters of the second Table, and is extended to matters of the first, yet only to such things as are against the

Law of Nations, or the light of Nature, and so no proof of that for which it is urged. He is a terror to evil works, but it is not said he is so to all evil works.

1. If all this be restrained according to the intent of the Objection, then is none to have praise, approbation, encouragement from Civil Authority, by reason of matters of Faith, or of Religion, but for matters of righteousness one : or if for any matters of Religion, yea only for such as stand with the light of nature, and Law of Nations, as the third verse must be expounded. For if it be supposed that it is an act of Justice (whereof the magistrate is Minister) to distribute rewards in any matters of Religion, that appears in the walk of the outward man, and respect godly peace in way of encouragement, it must needs be an act of like justice, to distribute punishments to the contrary. The Magistrate being, according to the Apostles distribution, a minister of God, as well when he encourageth goods as when he represseth and punisheth evil.

2 The Objection would make only offences against the rules of the second Table, or at most, those that are against the law of nature and Nation (which come under the view of the Magistrate, as a public Minister of God) to be evil works, and not other sins of like public cognizance & concernment, respecting other matters of Religion. For if both sorts of offences are evil, he being a terror to evil works indefinitely, which come to his public cognizance, he is a terror ex officio, to both; and it is vain to say, he saith evil works, not all evil works; for he saith, he is not a terror to good works, but saith not, to all good works, and therefore if that indefinite (good works) be not equivalent to that general (all good works) he may then it seems be a terror to some good works which come under his public cognizance.

3. We are yet to speak of that limitation, where the New Testament alloweth the civil Magistrate power, as in matters of righteousness, so in matters of Religion; so far namely as the light of nature, and Law of Nations extends in matters of the outward man, which come to his public view: but restraints him from meddling further in any matters of Religion, of like public cognizance and concernment. That Scripture ground of this distinction and restriction, would be produced.

1. When Paul wrote this Epistle to the Romans, their Rulers were Pagans, and what coercive power was it likely they would put forth in any matters of Religion, unless against the true Religion, as undermining their Paganism; Crying down the same as worship of Devils, and teaching them to cast off their heathen gods as no Gods? They did not look at Jesus Christ as their Supreme Lord, but as a new upstart God in comparison of their Roman Gods; and to make penal Laws against false doctrine or Religion, had been to Make Laws against themselves as well as others, and to make Laws against the present light of their own consciences.

This no way weakneth, but strengthens what we have said: For if even those Pagan Rulers in Paul's time, were (by their Office ministers of God) then bound to improve their Authority for the ratifying and establishing of his Laws, and for those of the first, as well as second Table, and then bound by their Office (as Ministers of God) to rule for him, and the exacting of his rule in and over their subjects. And that they did not know, and do thus, it was their sin. Many of them thought plurality of wives, fornication, rash divorces, incestuous marriages, usury, no sin, and it may be said, if they had made Laws against these, they had made Laws against themselves, and the light of their own consciences, as thinking in their seduced, blinded consciences, that these were lawful ; yet all will say, they were all Ministers of God, and bound to know and do otherwise. Nero is branded for a beastly person, a Lion, in that he abused that Authority of his, which of right should have been improved for encouragement of Paul in his Ministry and doctrine, to be a means to endeavor to destroy and devour him, 2 Tim 4:17.

2 A second Argument is taken from 1 Tim: 2. 1, 2. We are to pray that we may have such Magistrates as may act Authoritatively in matters of Religion and piety, as well as of righteousness and honesty; therefore it is the mind of God, that civil Magistrates should put forth their power in, the one as well as in the other.

Yea but some have said, if you now allow civil Rulers power, in matters of Religion, they will persecute us.

The Apostle does not answer; pray therefore in these persecuting times of Romish Emperors, that they may not meddle at all coercively in matter of religion, as being to usurp power not belonging to them; but rather pray that they may use this power which they have aright, or as we may peaceably exercise acts of Religion, as well as honesty; nor does he say, pray that they may deal in matters of Religion negatively, that is, so as authoritatively to hinder any from disturbing any Christian in that which he taketh up for truth or piety; or in any opinion which he may hold, and yet be a godly man; no more then he saith, pray that they may deal so in matters of honesty, as to hinder any from disturbance in any supposed course of honesty, yea in any acts of dishonesty, which may be incident to one, that yet the main is godly, for that were to pray to be let alone in all ungodliness or dishonesty: Nor does he say, pray that every one may live according to his Conscience, or holdout any opinion, Tenant, or practice, suiting with his conscience, so it race not the foundation of godliness; but pray for them, that we may live in all godliness peaceably or that we may with quietness and encouragement so carry it, as will stand with godliness it self, yea with godliness in the highest degree of it, or any part of it, in all godliness.

A third Argument is taken from Isa 49:23 which though a Scripture of the Old, yet respecting the days of the New Testament, and the substances of the Argument Stands thus. It is the mind of God that civil Rulers in the days of the New Testament should Authoritatively act in spiritual things, Which are to the Church as milk; therefore its his mind that in these days they should act Authoritatively in matters of Religion, we say to act Authoritatively, because to act as Fathers and Mothers, and therefore not to act merely alluringly (as some say) or in a general way of countenance, but coercively: Fathers act fatherly in commanding, in forbidding, and in punishing as well as in Listening, and giving good words; in taking the rod, as giving an Apple; nor does he say, they should be Nurses, as if they were to take upon them to act officially in Preaching or in administration, whether of Church seals, or of Church censures,

The nature of the similitude forbids it. Nurse-fathers cannot give milk to the Child, but Nurse-fathers, and Nurse-mothers, to take Authoritative care, what milk either Church-Officer, or any others yield forth to the Church, to see that it be good, and accordingly to reward and encourage it, to look that it be not bad, but coercively to restrain it, at least from being milked forth to the Churches hurt: Albeit if kept within the breast that bred it, out of their cognizance; nor is this spoken of Heathen Rulers, as Pagans, not Christians, but of such which though as civil Rulers they command in matters of Religion, or righteousness, yet as Members of the Church they obey the Church, stooping to its doctrine and discipline so, they lick up the dust of the Churches feet

4 A fourth Argument is taken from Zech 13:2- 6 it is Prophetied of as an approved act, of the zealous Members of the purest Churches to be In the days of the Gospel, to make use of the coercive power of the civil Magistrate in matters of doctrine. (a matter of Religion) therefore it's the mind of God that in these days such coercive power in matters of Religion should be exercised; nor may any here restrain these words to Church-censures, is being not the use of the Holy Ghost to express Church-censures greater and lesser by taking away the life, wounds, and works in the hands, but rather proves that power of civil-Authority to inflict death in some cases of false doctrine, and some other reproachful corporal Punishments, in some cases of errors which are not of moment as the other.

Thus much for the Arguments proving the position we shall briefly now take off two or three general Objections and then come to a close of this question

The weapons of our warfare are not carnal, but spiritual: Therefore no such use now to the people of God of such carnal weapons as the penal Laws or censures of Civil Magistrates in matters of Religion.

Its the unhappiness of the most of the Arguments in the late Pamphlets and Pleas for Liberty, used against this Coercive power of the Magistrates in some cases which we plead for, that if they be forcible, they conclude universally, even against that coercive power which our opposites allow to him in matters of the second Table, and so far also of the first, as in things against the light of nature, and law of Nations: And of this we have a taste in this Argument; for besides the mistake of applying this, as if meant of other persons , then Church Officers (contrary to the very scope of the Text) the Argument concludes against the use of Civil Magistrate power by Civil Rulers in matters of the second Table as well as of the first, because spiritual weapons are as weighty to pull down strong hulls against the second Table, as well as against the first: Of life nature is that Objection Christ's Kingdom is not of this world, this (if of any force) excluding wholly, takes away the Magistrates power in both Tables

The Church has sufficient power to reach her end, in curbing or curing offences in any matters of Religion; therefore what need is there of such coercive power therein of the Civil Magistrate.

1. Suppose it were granted, that therefore the Church, as a Church, stood not in need thereof: yet the Church, considered as a Civil Society, stood in need thereof, and so far the state of the question were yielded. Or what if the Church had no need, yet in respect of other subjects enjoying the light of the Gospel, though not actually of the Church, as person not yet joined to any Church, or such as are actually cast out of the Church, that power might be most needful; else they might vent things as well against the light of nature, as Law of Nations, or deny things obstinately, which are fundamental, albeit not against the light of nature, or Law of Nations as for example, that Jesus Christ is the Redeemer and only Mediator; that the Scriptures are the word of God, etc. should yet nor be restrained: yea, that were to suppose some under the shining of the Gospel, left of the Lord in a lawless condition (in respect of any Authority to restrain them) in matters of Religion; the Civil power may meddle with them, and Ecclesiastical can not, as not being actually of the Church.

2 The Church has sufficient power to reach her ends, in curbing and curing offence of the second Table; yet none will thence conclude, that therefore no need no the Church therein, of the Coercive power of the Magistrate.

3 The Church aims at restraint from infection of others, as well as amending the parties themselves; now supposing the Church casting out a person for obstinate holding of Heretical Tenets, yet the Church cannot now restrain him any further in any Ecclesiastical way, but that he may now, do more mischief in spreading his Tenet then ever, unless the magistrate also exercise his Coercive power.



4. The Church may in case by clamorous noise, made in the Assembly, or otherwise by sanction, be hindered from the exercise of its power to tenure, and so although it have power enough to act yet it will need the Magistrates help to exercise that powers unless we dare plead as some (it seems do) that in this case the Elders may act by corporal force, to redress it, as Phineas the Priest did, in killing Zimri, and Cozri, disturbing the Congregation then humbling themselves before God; but we say, that was extraordinary, as was the act of Samuel in cutting Agag in pieces; of Elijah in putting Baal Priests to death; and Peter's act against the life of Ananias and Saphira; nor would we plead the Priests example, 2 Chronicles 26 in thrusting out Uzziah out of the Temple, or such like Arguments; supposing that the Priests of old, and the Levites might, by a dispensation peculiar to those times be allowed more liberty of acting in matters of a Civil nature, both in the great Synedrien, and other where, then any of us dare say is imitable by, or allowable to Churches, or Church Officers now.

Thirdly and lastly, the tares are commanded to be let alone, Mat. 13. 29,30. Therefore what Authority has the Magistrate to refrain or punish men now under the Gospel, but rather to leave Christians to the liberty of their own Consciences?

This is a Parable, and therefore to be taken in the scope and substance, and not according to the circumstances thereof, as Peter Martyr notes in this case. Now the scope of part of the Parable, is not to be a direction unto us, what we shall do in point of exercise of any power with us, but contains simply a doctrine of providence, what God will order to be the condition of his visible Church in this world, and therefore to show, that Christ intended not any rule of precept of our duty in this sentence of the Parable, verse 29,30 (Nay let both grow together) he does not in his after exposition of the several branches of the Parable, insist at all on the branch mentioned, to give any explication thereof; and if it were any direction it must either look to Civil or Church power; if to Civil power, then since the tares are expressly interpreted to be the Children of the devil, and such as offend, and do iniquity, and are as reprobates to be burned, or damned, verse 38. Then the worst wretches that live, Murderers, Sodomites, Traitors, etc. must be all let alone in their sins, and only left to Christ judgement at the last day.

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for a time, Mixtures of good and bad together ,elect and reprobate; in his visible Church; nor are we to fret, or be discontented at his providence in it, or to think that by any course we can take, is will be other wise, whilst and where ever we are in this world; like to that speech of Paul, 1 Cor 5:10. Now in the close of all, let it be considered whose doctrine does most infringe true liberty of conscience; those Which would have every christian left to the libtrty of his

own conscience, in matters of Religion, which at least are not against the light of nature, Law of Nations, or those that maintain the fore-named power of the Magistrate; for suppose the Magistrate be a Christian, he must be left to the liberty of his Conscience too, as well as others: Now if left to the Lesoian warping rule, what if he in his own Conscience, through temptation and error, be in most things a Papist, which may stand which the Law of Nature and Nations, or suppose he in Conscience deny Jesus Christ to be the Mediator, or such and such Books in the Old and New Testaments to be the word of God, yea, or that there is any use of the Scriptures, but we must only depend on Revelations; and herein the Law of nature and Nations leaves him: Now he in Conscience thinks he is bound to establish this as a Rule to all others, which to him is the truth; and in conscience to oppose all contrary doctrine, what then will become of subjects liberty? The word is not made the rule to regulate this Rulers Conscience, according as we say it should; for if that were so his Rule, there were a remedy and way to bring him to the Rule; but his conscience, judgement, and fantasy, touching the Rule that is by this Tenent made his Rule, according to which he must be left freely to act with out restraint. The mischief necessarily following this, if once cried up, we leave to such of our opposites sadly and seriously to consider of.