Review Essay

Magisterial Reformers and Postliberalism

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American government is in a bad way, as are its churches, and politics and religion are entangled. Questions of ‘church and state’ or ‘establishment’ are far from settled. Hostility against Christianity seems to be on the rise. Articles and surveys about another American civil war proliferate.

What can we learn from the past? Canon Press, always up for a good controversy, have released three timely books. Two are re-releases from eras when Protestants faced persecution and religious wars. The third offers a terse but ambitious history.

The oldest of the two re-releases is the famous Vindiciae Contra Tyrannos (1579), a Huguenot tract published pseudonymously by ‘Junius Brutus’, and likely composed by Philippe de Mornay (1549–1623). It joined three other books
written in the context of France's wars of religion and the murderous persecution of Protestants: Theodore Beza’s *De jure magistratuum* (1575), the anonymously published *Le Reveille-matin des François* (1573–1574), and Francis Hotman’s *Franco Gallia* (1575).¹

Mornay’s argument consists of answers to four questions. The author asks if ‘the people’, those magistrates acting on their behalf, or even neighboring rulers have a right or duty to resist rulers whose commands run contrary to the law of God or whose actions betray the commonwealth (e.g., ignoring counsel, abusing taxation to fund extravagance, or lawlessly persecuting of subjects). The author answers yes, relying on a political theology positing a covenant among the ruler, God, and the people. The most important of these parties is God, of course, who views covenant breaking as meriting sanction. The people, via their representatives, may effect that sanction against tyrants.

The *Vindiciae* has been cited over the years as an example of Protestant political theology par excellence. A distinctly Protestant covenant theology is central to its argument, including the idea that a tyrant is a covenant breaker. However, its ideas also rely so heavily on Roman and canon law that Quentin Skinner and Martin van Gelderen asserted that it is better understood as a particularly secular work and, insofar as it is Christian, more medieval than early modern or Protestant. Furthermore, they asked how one can reconcile ‘theocracy’ (in which God is the de facto ruler of the kingdom) with the book’s democratic ethos wherein the people approve the ruler. David Henreckson has most recently defended the coherence of the *Vindiciae*, and covenantal political thinking generally, though more study is always welcome.²

Part of modern scholarship’s problem with such works is its inclination to ask whether something sacred or secular is sovereign, seeing the former as medieval and the latter as modern. A better solution, especially with works that have covenant theology in the background, is not to focus on sovereignty (divine or popular) but to recall the more complex mechanisms of constitutionalism and the rule of law. The *Vindiciae* relies heavily on constitutionalist theories of resistance one later finds in Hugo Grotius, for example, though Grotius’s contribution is decidedly more ‘secular’ in its presentation and less dependent on Scripture compared to the *Vindiciae*. Regardless of the character

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of the argumentation, however, the constitutional bona fides of the *Vindiciae* are verified by no less than John Adams. Adams cited it in his *A Defense of the Constitutions of Government of the United States of America* (1778) as influential in the development of English and American liberty.\(^3\)

This edition by Canon Press features the 1648 translation from the Latin by William Walker. That translation has obviously been published in modern editions before, and is also on the web in various forms. However, if one wants an inexpensive print edition, especially for undergrads, this new incarnation is priced right. It is handsome enough, with pleasant typeface, though there should be more room for marginalia. The cover’s regimental drummer suggests that the *Vindiciae* was assigned reading for George Washington’s continental army or something odd like that. It was not, of course, but the cover art does rightly emphasize the revolutionary character of the work.

Glenn Sunshine, former Professor of History at Central Connecticut State University and a Senior Faculty Member of the Colson Center Fellows, provides a sound introduction to the historical context of the work. Sunshine’s brief speculation that the *Vindiciae* influenced John Locke is neither original nor persuasive, however. If such a connection existed, someone would have found persuasive evidence by now, someone among the many able Locke scholars, period-focused political theorists, and intellectual historians or Christian scholars who would love to demonstrate that one of the greatest political theorists in history cribbed from a French Huguenot.

While this reissue is welcome, those wanting to use the translation and edition more widely used by scholars, albeit at several times the price, are advised to get George Garnett’s new English translation, published by Cambridge University Press in 1994.\(^4\) It includes editorial notes, preface, an extensive introduction, and glossary. Canon Press’s edition contains no scholarly apparatus other than the introduction.

Samuel Rutherford’s *Lex, Rex* (1644) is a similar reprint by Canon. Its cover art, featuring Jenny Geddes throwing her stool, rightly connects the book and the Wars of the Three Kingdoms (British Civil Wars). Rutherford’s book was, after all, burned by the hangman and Rutherford was summoned before the

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king—though ill health disabled him from making the trip. The introduction by pastor and prolific author Doug Wilson eschews the historical background provided by Sunshine in the *Vindiciniae* and instead extols Rutherford's virtues as a theological and pastoral jack of all trades. That is certainly true. Alexander Taylor Innes called Rutherford ‘St. Thomas and St. Francis under one hood’.5

Wilson also does much more than Sunshine to argue for his author’s contemporary relevance, arguing that the churches should be reading Rutherford as a cure for both ‘blind obedience’ to government orders and also treating books like this as ‘legacy furniture’ to be stuffed in an attic. Wilson attacks Covid policy and also hearkens back to earlier cultural warrior Francis Schaeffer. Thankfully he does not repeat Schaeffer’s claim in *The Christian Manifesto* that John Locke relied heavily on Rutherford for his ideas.6 That claim has been debunked by John Coffey (Rutherford’s only modern biographer).7 Any supposed similarities between Rutherford and Locke were further disentangled by Peter Judson Richards.

Wilson does suggest, however, that the phrase ‘We the People’ is owed to Rutherford when, of course, it is not. This kind of thing merits some attention: the idea of the ruler’s accountability to ‘the people’ is prevalent in any work opposing Divine Right or hereditary monarchy, and it is especially emphatic in Monarchomach works. Accountability to ‘the people’ is prevalent in all sound works of constitutionalism from the period (Johannes Althusius’s *Politica*, for example).8 And though one finds it throughout Protestant works (especially those that are Congregational or Presbyterian in orientation), the idea hardly began with Protestantism. Much of medieval constitutionalism said as much, in ways that were similar enough, and one can even read the idea into Cicero’s dictum *salus populi, suprema lex* (the good of the people is the highest law). When Rutherford says, ‘The power of creating a man a king is from the people’, neither he nor anyone else writing in the sixteenth or seventeenth centuries imagined popular elections—as we would think of ‘We the People’ today. Even the American Electoral College suggests how best to interpret ‘We the People’.

8 Johannes Althusius, *Politica*, ed. by Frederick S. Carney (Indianapolis, IN: Liberty Fund, 1995).
America is a nation of political entities or offices through which the people express their approval or disapproval indirectly. That idea was certainly popular with Protestants, with constitutionalists generally, and it is emphasized in the Protestant and American case. *Foedus* is Latin for ‘covenant’. All of this was, at the time that Rutherford or Mornay were writing, intended to discourage Divine Right or hereditary monarchy.

*Lex, Rex*, like the *Vindiciae*, can hardly be called a biblical polemic however much each is a work of Protestant political theory or political theology par excellence. Like the *Vindiciae*, *Lex, Rex* reflects the Christian humanism of the era (ably presented by Margo Todd and others).9 Coffey describes young Samuel Rutherford’s curriculum as ‘strikingly secular’, but that implies an anachronistic dichotomy.10 Rutherford’s supposedly ‘secular curriculum’ was a constituent part of the Christian humanism the Protestants inherited from their medieval predecessors. This included not only a host of secular classical works but many Jesuits, rabbinical commentators, Greek and Latin fathers, medieval scholastics, and contemporaries.

Some of Rutherford’s arguments may seem novel or innovative to those who do not know his predecessors well. Rutherford certainly brought the heat, but he was not Prometheus. Heinrich Bullinger, for example, had already argued that tyranny was a work of Satan. Extensive work had already been done, first by Lutherans over a century earlier, to dispel the idea that Romans 13 was a call for unconditional obedience. Even the ‘state of nature’, which one wants to read forward into Hobbes or Locke, was nothing new in 1644 but had medieval precedent (as Brian Tierney and others have demonstrated).11

Canon’s third title is Glenn Sunshine’s *Slaying Leviathan: Limited Government and Resistance in the Christian Tradition*, which is intended to be a survey of the background and application of authors like Rutherford or Mornay. Unfortunately, rather than surveying the breadth and depth of Protestant ecclesiology and political theology, *Slaying Leviathan* reflects only one particular type, and it is a type most divorced from the rich tradition of magisterial Protestantism.

Sunshine’s book proposes to be a history—a history of the rise and fall of what can be implicitly read from the subtitle as ‘unlimited government’ or Leviathan. Not surprisingly, the real focus is America because there, Sunshine

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10 Coffey, *Politics, Religion and the British Revolutions*, 63–64.
argues, Leviathan was slain through ‘a system based on principles of unalienable rights and limited government’ (p. 4).

Sunshine’s history of freedom begins with his introduction with the Edict of Milan (313), which Sunshine interprets as forcing a strict separation of the civil and the ecclesiastical. This separation mortally wounds Leviathan. We also learn in the opening pages that John Locke, whom Sunshine says is ‘rightly viewed as an Enlightenment thinker’ but ‘adapted from the Christian tradition’ also helped slay Leviathan. Despite the best efforts of Constantine and Locke, however, Leviathan has now been revived—no thanks to the Supreme Court of the United States, executive power, and the regulatory state (p. 4). Sunshine’s addition of Revelation 13:3 in these early passages to assert that ‘Leviathan’s mortal wound has been healed’ by the expansion of government adds an eschatological dimension. Getting from 313 to the revival of Leviathan obviously demands several chapters from the early church and Augustine, through the Middle Ages, and then to the Reformation and Britain before arriving back in America.

Sunshine attempts simplification of what should take several monographs by making his analysis bipolar. The two poles are ‘theocracy’, which Sunshine ham-fistedly considers to be the same as Leviathan, and something akin to Tertullian’s assertion that ‘The blood of the martyrs is the seed of the church’. However popular these poles may be in the American mind, these are arguably the emptiest cliches in evangelical discourse and reflect the tremendous influence of a particular kind of Baptist or separatist civil theology. This theology eschewed magisterial Protestantism from its origins but still encouraged substantial Christian influence in the public square. One still sees that influence particularly in the South, ironically enough, given its prevalence of denominational or nondenominational churches that are all birds of the same Congregational or Separatist feather. Along with this Christian influence, however, is an ironic embrace of liberalism necessitated by rejecting any kind of partnership between civil and ecclesiastical. For conservative evangelicals, the particular kind of liberalism they prefer is libertarianism and its concern with individual rights. Sunshine’s analytical lens reflects this: one is either a statist or for freedom.

In plain ideological discourse, the dichotomy Sunshine uses is familiar enough and is oft-repeated since the libertarian movement of the sixties—Ayn Rand or Milton Friedman, for example. Of course, Sunshine is not a libertarian insofar as he argues that we must ‘balance individual freedom with public order and concern for the common good, a concept known as ordered liberty’ (p. 67). But that kind of nuance rarely appears in the book. It is mostly a false choice between ‘theocracy’ (which must be avoided because it is ‘statism’) or
martyrdom. There is no nuance, as one finds in most Protestant polities of the sixteenth or seventeenth centuries wherein there is a high view of the magistrate and a concern for accountability to God and the people. One wonders why even much of American practice for centuries is not considered by Sunshine a ‘theocracy’ because of blasphemy laws, blue laws, prayer in schools, decency laws, Production Code, prohibitions on abortion or sodomy, etc. That certainly has been the argument of scholars and activists decrying ‘Christian nationalism’.12

This is speculation, of course, and the point here is not to guess Sunshine’s own positions but to critique his methodology or analysis as inappropriate and anachronistic. Why would not all the aforementioned laws or public practices not be what he criticizes as ‘statism’ opposed to what he praises as ‘liberty’. And insofar as an argument for any of the aforementioned laws might be taken from scripture, why would this not likewise be what Sunshine criticizes as making church and state a ‘single entity’ (p. 10). That union, Sunshine argues, can only happen in a future millennial kingdom. The essential problem is not eschatology but bad historiography. Sunshine is constructing anachronisms. No magisterial Protestant, let alone their medieval predecessors, understood civil-ecclesiastical relations in the terms Sunshine does. To use his terms nevertheless, ‘church’ and ‘state’ were not to be separate. Nor are they to be a ‘single entity’ as he contrasts the two positions. Centuries of Christian practice, even American Christian practice, cannot be viewed profitably through a dichotomous lens of liberalism. For example, even Pennsylvania’s Charter of Liberties (1682), drafted by the (non-magisterial Protestant) Quaker William Penn, while asserting broad religious toleration, for example, also advances blue laws and public abstinence from cursing, idleness, or other public sins that ‘provoke the indignation of God against a country’. More statism?

In Sunshine’s history of the church, the state is an adversary—except, Sunshine says, when it is sustaining orthodoxy or preserving the church—which seems to mean only that it is not persecuting it. This kind of ‘except when’ makes all the difference and introduces considerable dissonance in the opening pages. On the one hand, Constantine ‘did what emperors were supposed to do’ (with the Council of Nicaea). Likewise, he was right to crack down on the Donatists for disturbing the peace. On the other hand, Augustine ‘violated the principle of religious liberty promoted by Lactantius and other, earlier Christian writers’ (p. 13). It is hardly novel to cast Augustine as a bad guy in the sep-

12 Ironically, Canon Press is also the publisher of Stephen Wolfe, The Case for Christian Nationalism (Moscow, ID: Canon Press, 2022).
arist political theology, but Sunshine’s treatment of Augustine comes across as if Augustine never seriously considered the conscience or tolerated without complaint or reservation whatever treatment the Donatists received. Worse, however, is the accusation that Augustine departed ‘from the Christian tradition’ to ‘set up the long centuries of cooperation between church and state in the coercion and persecution of religious dissenters’ (p. 13). Given that the Edict of Milan was only a century old, one must presume that the tradition Sunshine refers to was persecution. It was arguably the only real alternative for Christians qua Christians prior to the edict. One must presume that Sunshine does not desire or advocate for martyrdom, of course. But, again, what lies between martyrdom and ‘statism’. What is more, when the problem of martyrdom was reintroduced by the Reformation, now largely a Christian-on-Christian activity, is the solution only to join Locke and turn all churches into ‘religious societies’ formed through miniature social contracts?

One is tempted to call this a Whig history of Christianity, but that is not quite right. It is implicitly a martyrology. In this martyrology, the Church (capital ‘C’ is intentional there) persists in gathered churches, despite opponents both civil and Roman Catholic. In this view, the Reformation does not free the Church by restoring it to true doctrinal catholicity and sound political theology, it simply introduces new persecutors until a robust separatist theology can be established. This is ahistorical, and few would recognize it outside of Baptist or Anabaptist circles.

Sunshine’s methodology also deploys the niche theology of Neo-Calvinist ‘Sphere Sovereignty’, another very ahistorical way of understanding much of the history under examination (pp. 16–19). Its use is not surprising, however, given that sphere sovereignty became the foundation of libertarian Protestant movements like Christian Reconstruction.13 Sphere sovereignty would be unrecognizable to the Reformers who relied on deliberately articulated theological understandings of spiritual tyranny together with classical definitions of political power rightly understood. Theirs was a robust two-kingdom theology steeped in Christian humanism.14 What redeems Augustine or subsequent great figures in Sunshine’s history, however, is not rich anthropology, politics,

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13 However paradoxical it may sound to say that Christian Reconstruction is libertarian, its leaders were deeply informed by libertarian political philosophy and economics, as Michael McVicar and others have demonstrated. Michael J. McVicar, Christian Reconstruction: R. J. Rushdoony and American Religious Conservatism (Chapel Hill, NC: The University of North Carolina Press, 2015).

14 Cf. William J. Wright, Martin Luther’s Understanding of God’s Two Kingdoms: A Response to the Challenge of Skepticism, Texts and Studies in Reformation and Post-Reformation Thought (Grand Rapids, MI: Wm. B. Eerdmans Publishing Co., 2013).
or social thinking but libertarian bona fides. To steal from Orestes Brownson’s characterization of the American founders, Sunshine thinks that Augustine built better than he knew. Sunshine suggests that Augustine appreciated differences and wanted only minimal legislation. Augustine errs by allowing ‘the state to become the church’s enforcer, opening the door to heresy trials and executions, wars of religion ... to limit or eliminate religious liberty’, but his pessimism about human beings also gives rise to constitutional checks and balances (pp. 26–27).

To find Augustine at the root of constitutionalism would come as a surprise to anyone who knows its history, especially what it owed to pagan societies whose limits on power rose quite apart from Augustinian theology. It is questionable what role Augustine played in constitutionalism at all. Augustine also believed, Sunshine says, that ‘for worship to be acceptable to God, it had to be freely given’ (p. 26). True enough, but Sunshine’s deployment of the idea is more akin to the anthropology of Locke or Roger Williams (who had no doubt read Augustine) than to Augustine. Sunshine’s history forces the reader therefore to conclude that what happened in much of magisterial Protestantism, including colonial America (excepting perhaps religious disestablishment in Pennsylvania and Rhode Island) into the eighteenth century, was an inexplicable period of mass amnesia.

The resulting history through subsequent chapters covering the period between the early church and America is therefore a seesaw of the church having power over the state or the state having power over the church. Everything becomes viewed through one of these two lenses. Aristotle’s Politics, for example, becomes justification for a ‘secular state’ (a curious anachronism) to ‘counter Gelasius’s assertion about the primacy of the papacy’ (p. 48). The separatist ecclesiology stands in judgment of the Reformers whom he says set up ‘state churches’ or made the mistake of using bishops.

The dissonance becomes overwhelming, however, when one gets to Sunshine’s history of the Anabaptists and the idea of the gathered or voluntaristic church that he contrasts predictably with the ‘state church’. He asserts that while the Anabaptists were persecuted, ‘they had the last laugh’ because their ecclesiology ‘became the norm throughout Europe and America’. That is true, although many Independents/Congregationalists/Baptists or other separatist groups would, as Sunshine implicitly acknowledges, bristle at the idea that they owe everything to the Anabaptists. But the larger problem is that we are told that the gathered or voluntarist church became the norm ‘in large measure because of the rise of the secular state’. So, ‘state churches’ are bad but gathered churches flourish only thanks to a ‘secular state’. Both the secular state and the voluntarist church undermine ‘the cozy, covenantal relationship between
church and state suggested by the Two Kingdoms doctrine’ (p. 91). So, perhaps Sunshine's solution is a secular state that exists alongside a buzzing proliferation of separatist congregations—however much he also scorns the 'secular state'?

It is true that separatist/voluntaristic churches cannot sustain any kind of covenant theology outside of the purely soteriological, but Sunshine refuses to acknowledge that it may not have been an autonomous rise of secular politics that enabled the separatist church, but the other way around: the separatist church enabled the secular state. That may not have been what Williams or Locke intended for example, as believers. But their separatist ecclesiology certainly gave an assist for tolerationists much more skeptical of religion (e.g., Spinoza, Bayle, Voltaire) or enthusiastic for a supposedly neutral civil magistrate (e.g., Mill, Rawls). Furthermore, Sunshine seems to praise the voluntaristic church while scorning the 'secular state'.

It is a shame that Sunshine glosses over or oversimplifies alternatives to a 'secular state' with separatist churches. The best we get is acknowledgement that 'there is a grain of truth in the Reformed Two Kingdom view'. (Sunshine seems to mean here the historical two kingdom view rather than the 'more radical Two Kingdoms advocates in the Reformed world' which presumably means David VanDrunen, for example). In this historical view, 'Calvin did see preaching the gospel as the primary role of the church and sought to insulate both church and state from illicit interference from the other'. Perhaps, depending on how you look at it. But the problem is that the reader is not able to look at it. Instead we are told that two kingdom theology is merely conceptual with no clear way to implement it and no way 'for the church to speak out about the pressing issues of the day' (pp. 91–92). The secular state then is inevitable? Sunshine seems to be validating the criticisms of Brad Gregory and others who claim that Protestantism destroyed Christendom and give rise to modernity in toto. Though Sunshine does not note them as kindred spirits, his alternative to two kingdom theology seems to be some terse discussion of 'cultural engagement', 'cultural creation', and the transformationalist model of Abraham Kuyper or H. Richard Niebuhr.

When Sunshine is not deciding what he thinks about two kingdom theology, he is musing about resistance theory. He draws some unconvincing conclusions from Luther’s writings from the 1520s, but then addresses some of the ‘greatest

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hits’ from Theodore Beza, Francois Hotman, John Ponet, Samuel Rutherford, interposition by lesser magistrates, the *Vindiciæ Contra Tyrannos*, etc. Much of this is fine so far as it goes, but it leaves off a lot of the other dimensions of so-called resistance theory. Sunshine gives little attention to calls to repentance in the face of tyranny, or warnings against imprudent resistance, for example. Furthermore, there are errors of fact. There is no reason to accept Sunshine’s assertion that Locke was influenced by the *Vindiciæ*. Also, John Knox’s *First Blast of the Trumpet Against the Monstrous Regiment of Women* was directed at Mary of Guise, not Mary Queen of Scots (p. 115). Thomas Hobbes did not lay a foundation for Locke by turning ‘covenantalism into contractualism’ because social contract theory and the conception of a state of nature had been around for quite a while before either (p. 126). Anglicans will be surprised to learn that worship according to the Book of Common Prayer is ‘pro forma attendance at church and participation in the sacraments’ which, if not for ‘the Methodists and British Evangelicals’ would have led Britain to follow the French into an anti-Christian revolution (pp. 126–27).¹⁷ Also, it would be surprising to any reader of Locke’s *Second Treatise* that ‘he did not argue that everything was held in common in the state of nature: property, meaning things that are properly your own, existed from the beginning’ (p. 142). Sunshine does have some ensuing explanation of Locke’s labor theory but seems unclear as to what property in the original means.

A similar number of surprising assertions abound in these later chapters, though many are tropes from mid-twentieth century American historiography: Puritanism gave rise to rationalism then Unitarianism; the Founders owed a great debt to Locke; the American Revolution is owed to the Great Awakening. We also learn that Evangelicalism saved America and Britain from something like the French Revolution. One should not give the impression that the history is shot through with errors, but one also wishes that this was more than a breezy tour, punctuated by expressions like, ‘We haven’t got time to go into that here.’

If one evaluates Christian political theology only through the lens of recent American culture wars, or sees things as a contest between freedom and ‘statism’, Sunshine’s prescriptions and proscriptions look fairly conservative and sensible. In truth, however, Sunshine conserves very little of what was built by Protestant political theology over many generations. While there are many familiar talking points for right-leaning evangelicals, and the book may

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¹⁷ Later, Sunshine will describe the Church of England as ‘a number of pro-forma activities’ and quotes an Anglican friend to say ‘The beauty of being an Anglican is you don’t actually have to do anything’ (p. 150).
serve to energize some, it will do little to advance serious Protestant political thinking in a future that currently promises to be both less liberal and less Christian. *Slaying Leviathan* is little more than a somewhat sanctified libertarian complaint against ‘statism’—categories of thinking characteristic of mid-twentieth anticommunism or laissez faire economics. Both were arguably salutary movements for their day, but did almost nothing to prepare us for an arguably postliberal and populist future requiring more astute and historically accurate insights into institutions, authority, the rule of law, and the increasingly religious (but anti-Christian) character of politics.

*Slaying Leviathan* might have been an excellent book in the 1980s before very little substantive or insightful was written apart from some bits of Christian Reconstruction, Francis Schaeffer’s *How Should We Then Live?* or John Whitehead’s *The Second American Revolution*. As it is, however, the scholarship has advanced and the culture and politics have regressed. Even if this book is intended to be a ‘movement’ book rather than scholarship, it no longer fits the times. Nor will it do much to recover what may still relevant in Mornay or Rutherford.