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## **THE DOCTRINE OF INTERPOSITION IN CHRISTIAN THEOLOGY**

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The doctrine of interposition has an interesting history in Christian theology. Understandably, it is often invoked when Christians believe themselves oppressed by a hostile government, and ignored or downplayed when the government seems favorable to Christianity. Always there is a tension between liberty and authority, and the Christian who believes in both liberty and authority is going to feel that tension more than most.

I myself have seen and experienced this tension from both sides. From 1963 to 1967, I was an Air Force ROTC cadet and a conservative activist at St. Olaf College in Minnesota, a moderately conservative school that was rapidly becoming liberal. After graduation I attended law school at the University of Iowa, a school dominated by the radical Left. Again I worked in the conservative opposition, and I was horrified and angry as I watched Leftists, anarchists, hippies, Marxist revolutionaries, and the like block buildings, take to the streets in protest, work to bring down America's hallowed institutions and replace them with who-knows what.

After graduation I served as an Assistant Woodbury County Attorney in Sioux City, Iowa, while I waited to be ordered to active duty. My duties included prosecuting drug cases, pornography, union violence, juvenile delinquency, and a host of other offenses. Again, it seemed like respect for law and order was a thing of the past, and even the courts seemed to be on the side of the criminals.

On 15 August 1971 I entered active duty as an Air Force Judge Advocate and was firmly committed to upholding the good order and discipline of the armed forces. By this time the antiwar movement had lost some of its steam, but off the military reservation a man in uniform could expect hostile stares and insults. (Ever the defiant one, I often wore my uniform deliberately to irritate such people!)

During this period of my life, Romans 13 was a central Scripture for me, and I could cite it almost from memory:

Let every soul be subject to the higher powers. For there is no power but of God: the powers that be are ordained of God.

Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation.

For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same.

For he is the minister of God to thee for good. But if thou do that which is evil, be afraid: for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. (Romans 13:1-4)

Government has been ordained of God, and these New Left revolutionaries were working with foreign enemies to bring down the very institutions of American government. As I saw it, military service and political opposition to the New Left were more than a patriotic obligation; they were my responsibility as a Christian.

Time passed, and the anti-authority attitudes of the 1960s and 1970s gradually faded. Patriotism was no longer outmoded, and the uniform could be worn with pride. Meanwhile, perhaps always out of touch with the times, I transferred from active duty to the Air Force Reserve, enrolled in Lutheran Brethren Seminary in Minnesota, and began the part-time practice of law with a firm in Fergus Falls.

During this time I saw another side of government. I found myself busy defending home school and Christian school parents who were prosecuted by an alliance of public school officials and state and local prosecutors. In my view, all of the evidence demonstrated that these parents were providing quality education for their children; the issue was not quality, but government control.

I also represented parents in child custody battles with the state. Sometimes these involved genuine abuse or neglect, but sometimes they involved unsupported allegations, turf disputes, or differing theories of child development. My practice also involved representing mental patients in disputes with the state hospitals, and farmers who were fighting state and federal regulation of the use of their land. It seemed that I was spending one day a month in Air Force Reserve duty defending the government, and the rest of the month in court fighting the government. My response was that I was defending the government in its legitimate area of responsibility, defending the nation against foreign enemies, and fighting the government where it did not belong, interfering with the lives of law-abiding people.

Then came the 1990s. With Bill Clinton in the White House, it seemed the powers of government were being placed squarely on the side of abortion, gay rights, and political correctness. Ranchers who objected to government regulation of their land, landlords who refused to rent to unmarried or gay couples, and military personnel who refused to buy the line of political correctness, found themselves on

the receiving end of the government's wrath. And I found myself looking once again at Romans 13.

The passage tells us to submit to the higher powers, because those powers are ordained of God. Government officials are God's ministers, Romans 13 says, to reward good and punish evil.

### **Law, Liberty & Human Nature**

But doesn't this imply that there is a higher standard of good and evil to which human government must conform? What happens when the tables are turned? What should be the Christian attitude and response when government rewards evil and punishes good?

Having worked with and against government over many decades and from many standpoints, I hope I have developed a balanced perspective on questions of liberty and authority. That balanced perspective begins with the recognition that God has ordained both liberty and authority, and that when we try to apply both in a society of sinful and fallen people, a tension sometimes develops between the two.

Human nature being what it is, man cannot live in a state of anarchy. In fact, while anarchy would appear to involve complete freedom, it inevitably leads to the destruction of freedom. Without restraint, people abuse each other's freedom by killing, robbing, abusing and enslaving one another. As a result, nobody is truly free unless government is instituted to protect people from one another.

But this view of human nature also forces us to conclude that government must be restrained as well. Rulers have the same sinful nature as everyone else, and therefore they cannot be trusted with absolute power, for they will inevitably become tyrannical, oppressive, and corrupt. Anarchy and tyranny may appear to be opposites, but in reality they are very much alike. Anarchy exists when the people are not restrained by law. Tyranny takes over when the government is not restrained by law. Christian thought, which understands the true nature of man and appreciates the higher law of God, is well suited to apply the proper balance between liberty and authority, anarchy and tyranny.

### **Obedience & Disobedience**

The Christian therefore concludes that governmental authority deserves high respect and obedience, but not absolute obedience. In Romans 13 Paul told us to obey the authorities, but Paul probably wrote those words from jail in Corinth. Peter also told us to submit to governmental authority (I Peter 3:13-17), but when forbidden to preach the Gospel, he and the other apostles replied in Acts 5:29, "We must obey God rather than men."

In Exodus 1 we are told that the God blessed the midwives because they refused to obey the pharaoh's command to slay the male Hebrew children. In Esther 4 we read that appearing before the king of Persia without having been summoned was a capital offense, but Esther risked death by defying this law and appearing before the king to intercede for her people. Daniel rose to high positions in the Babylonian and Persian governments, but in Chapters 1, 3 and 6 we read that he and his friends were willing to stand against government authority when necessary to obey God.

All sovereign governmental authority rests with God. He delegates a portion of that authority to human rulers, but that authority is always limited in nature and scope. What is the Christian to do when rulers exceed the authority God has given them, or when they misuse that authority to promote evil and punish good?

One alternative is absolute submission, and some Christians have read Romans 13 and other passages to require exactly that. But this leads to tyranny and ignores the many Biblical precedents cited above.

Another alternative is revolution, and some have argued that "Rebellion against tyrants is obedience to God." But this leads to bloodshed and often results in a new government that is worse than the old one.

### **Interposition**

Between these extreme alternatives lies the doctrine of interposition.

In Christian theology, the Atonement is the ultimate example of interposition. As Robert Robinson wrote in the hymn "Come Thou Fount of Every Blessing:"

Jesus sought me when a stranger, Wand'ring from the fold of God;  
He to rescue me from danger, Interposed His precious blood.

In other words, Jesus placed Himself and His blood between us and the judgment of God.

The term is also used in other senses. Noah Webster's 1828 *American Dictionary of the English Language* defines interposition as

1. A being, placing or coming between; intervention; as the *interposition of the Baltic sea between Germany and Sweden*.
2. Intervening agency; as the *interposition* of the magistrate in quieting sedition. How many evidences have we of divine *interposition* in favor of good men!

3. Mediation; agency between parties. By the *interposition* of a common friend, parties have been reconciled.
4. Anything interposed.

The unabridged *Random House Dictionary of the English Language* (1966) defines interposition as:

1. the act or fact of interposing or the condition of being interposed.
2. something interposed.
3. *U.S.* the doctrine that an individual State may oppose any federal action it believes encroaches on its sovereignty.

*Black's Law Dictionary. Fourth Edition* (1951- 1967) offers an expanded definition:

**Interposition.** 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 to the states powers not delegated to the United States. Historically, the doctrine emanated from *Chisholm v. Georgia*, 2 Dallas 419, wherein the state of Georgia, when sued in the Supreme Court by a private citizen of another state, entered a remonstrance and declined to recognize the court's jurisdiction. Amendment 11 validated Georgia's position.

Implementation of the doctrine may be peaceable, as by resolution, remonstrance or legislation, or may proceed ultimately to nullification with forcible resistance.

The Constitution does contemplate and provide for the contingency of adverse state interposition or legislation to annul or defeat the execution of national laws. In *re Charge to Grand Jury*, Fed. Cas.No. 18,274 [2 Spr. 292].

But interposition long predates the establishment of the United States. Medieval theologians advanced the doctrine, and theologians and statesmen of the Reformation period considered it as well. Concisely stated, it is the doctrine that lesser magistrates (lower-ranking or local government officials) have a duty to interpose or place themselves between the people they represent and the higher magistrate (the king, president or federal government) when the higher magistrate departs from the law of God and violates the God-given rights of the people, and require the higher magistrate to either conform to the laws of God and the rights of the people. Should the king refuse to do so, interposition means the lower magistrates have the right and duty to depose him and replace him with another ruler.

### **Case Study: Rehoboam & Jereboam**

For Biblical support, advocates of interposition often pointed to II Chronicles 10. After centuries of limited government under the judges, Israel demanded and received a king. At first the monarchy was limited in the days of Saul, but it expanded under David and grew further under Solomon. When Solomon died and his son Rehoboam came to the throne around 945 BC, "Jereboam and all Israel" came to King Rehoboam and demanded relief from heavy taxation and oppression.

E.C. Wines, in his classic work *Commentary on the Laws of the Ancient Hebrews* (recently reprinted by the Plymouth Rock Foundation under the title *Roots of the Republic*), suggests that since Israel's population numbered several million at this time, the references to "all Israel" and the "congregation of Israel" refer to the lower house of Israel's legislature, consisting of judges, elders, and other representatives from the twelve tribes. These lower magistrates interposed themselves between King Rehoboam and the people they represented, and asked Rehoboam to lessen the burden on their people. When Rehoboam refused, the representatives of the ten northern tribes separated themselves from King Rehoboam and established the northern kingdom of Israel under King Jereboam.

Does this passage justify interposition? Perhaps; but there are some difficulties with that position. After they separated from the southern kingdom and the Throne of David, the history of the northern kingdom hardly reveals a model of godly government. King Jereboam soon turns apostate, and the northern kingdom rapidly degenerated into apostasy, decadence, paganism, and captivity by Assyria in 721 BC. The history of the southern kingdom was not much better, but they did experience several periods of revival under godly kings like Hezekiah and Josiah, and they lasted about a century longer until they too went into captivity in Babylon. But the track record of the northern kingdom hardly argues for the success of interposition.]

However, the rectitude of actions cannot always be determined by their results. And it appears God did have a hand in this act of interposition. For we read in II Chronicles 11:1-4 that King Rehoboam gathered an army to subdue the northern kingdom,

"But the word of the Lord came to Shemaiah the man of God, saying, Speak unto Rehoboam the son of Solomon, king of Judah, and to all Israel in Judah and Benjamin, saying, Thus saith the Lord, ye shall not go up, nor fight against your brethren: for this thing is done of me. And they obeyed the words of the Lord, and returned from going against Jereboam."

In some way, God said of this act of interposition, "this thing is done of me." With these limitations, we can say that God endorsed this act of interposition.

## The Church Fathers

Throughout two thousand years of church history, theologians have wrestled with questions of the relation of church and state. Nearly all of them agreed that God instituted the state to restrain evil and direct the mundane affairs of men, and nearly all of them agreed that the church and the state were separate institutions. But the relationship of church and state, and of believers to government, was the subject of much controversy.

Understandably and perhaps unavoidably, Christian attitudes toward government were influenced by political conditions. During the first three centuries of church history, many theologians were wary of civil government. Many, though by no means all, objected to military service, though often they objected to pagan practices in the Roman military rather than to military service per se. In the fourth century, after Constantine embraced Christianity and made it the official religion of the Empire, Christian attitudes toward civil government became much more favorable. The church historian Eusebius, in his "Speech for the Thirtieth Anniversary of Constantine's Accession," speaks of "our divinely favoured emperor" and says the emperor is invested "with a semblance of heavenly sovereignty" and "directs his gaze above, and frames his earthly government according to the pattern of that divine original, feeling strength in its conformity to the monarchy of God."

A century later Augustine wrote *The City of God*, possibly the most influential work of Christian theology ever written except for the Bible itself. In this work Augustine's discussion of the two kingdoms, the City of God and the City of Man, set the tone for church-state discussion for untold centuries to come, through the medieval period, the Reformation, and into our time and beyond. As he says in Book 14 of *The City of God*,

We see then that the two cities were created by two kinds of love: the earthly city was created by self-love reaching the point of contempt for god, the heavenly city by the love of God carried as far as contempt of self. In fact, the earthly city glories in itself, the heavenly City glories in the Lord. The former looks for glory from men, the later finds its highest glory in God, the witness of a good conscience. The earthly city lifts up its head in its own glory, the heavenly city says to its God: "My glory; you lift up my head"(Ps. 3:3). In the former, the lust for domination lords it over its princes as over the nations it subjugates; in the other both those put in authority and those subject to them serve one another in love, the rulers by their counsel, the subjects by obedience. The one city loves its own strength shown in its powerful leaders; the other says to its God, "I will love you, the Lord, my strength"(Ps. 18:1).

It is tempting, but simplistic, to equate the City of God with the church and the City of Man with the state. This is true to some extent, but Augustine's meaning goes deeper. As he explains in Book 15,

I classify the human race into two branches: the one consists of those who live by human standards, the other of those who live according to God's will. I also call these two classes the two cities, speaking allegorically.

Cain, he says, belonged to the City of Man, while Abel belonged to the City of God. Cain founded an earthly city (Genesis 4:17), while Abel looked to the city of the saints above. But the earthly city and the City of Man are not, strictly speaking, one and the same:

...we find in the earthly city a double significance; in one respect it displays its own presence, and in the other it serves by its presence to signify the heavenly city. But the citizens of the earthly city are produced by a nature which is vitiated by sin, while the citizens of the heavenly city are brought forth by grace, which sets nature free from sin.

Augustine seems to equate the City of God with the kingdom of God. Just and God-fearing rulers may rule their earthly empires according to Kingdom principles, at least to some extent, and the earthly city can fulfill its divinely ordained function of keeping the peace and restraining the exercise of sin. At the same time, Christian believers still possess a sinful nature. Therefore, citizens of the City of God, even pastors and bishops, still sometimes conduct themselves and conduct church affairs according to the principles of the City of Man.

### **Church v. State**

After the fall of the Western Roman Empire, usually dated around 476 AD, Western Europe was left with a power vacuum in civil authority. The Church stepped in to fill the vacuum, and issues of church vs. state authority became critically important. Almost without exception, Christians in Western Europe recognized that church and state had different spheres of authority. The problem lay in defining those spheres and the way they related to one another.

A central issue was, which authority is supreme, the church or the state? Understandably, most theologians argued for the supremacy of the church. Pope Gelasius I (492-496 AD) wrote to the Emperor Athanasius,

Two there are, august Emperor, by which this world is ruled: the consecrated authority of priests and the royal power. Of these the priests have the greater responsibility, in that they will have to give account before God's judgment seat for those who have been kings of men.

John of Damascus (670-750 AD) argued in his Second Speech against Those Who Reject Images" that "Kings have no right to make laws for the church. As the apostle says, 'God has appointed in the church first apostles, second prophets, third pastors and teachers' (I Cor. 12:28) 'for the equipment' of the church (Eph. 4:12). No mention of kings!" Pope Gregory VII (1030-1085 AD), in a letter to Hermann the Bishop of Metz, asked,

...Who does not remember the words of our Lord and Saviour Jesus Christ "Thou art Peter and upon this rock I will build my Church, and the gates of hell shall not prevail against it. And I will give thee the keys of the kingdom of heaven and whatsoever thou shalt bind on earth shall be bound in heaven and whatsoever thou shalt loose on earth shall be loosed in heaven" (Matt. 16:18f.). Are kings excepted here? Or are they not of the sheep which the Son of God committed to Peter?

Another writer of this period, referred to by historians as Norman Anonymus, argued for the superiority of secular authority over religious authority. In "The Consecration of Bishops and Kings" he declared that

Holy Church is the Bride of Christ, who is true King and Priest; but it is not as priest that he is said to make her his bride, but as king.

But his appears to have been the minority view. Honorius Autustodunensis (circa 1080-1156 AD), argued in *Summa Gloria* that in the Old Testament King Saul was disciplined by God for usurping the function of the priesthood and performing sacrifices and that in Israel and Judah the kings who honored the priests were blessed of God and those who did not received God's judgment. Kings, he suggests, have jurisdiction over our bodies, and priests have jurisdiction over our souls; but "just as the soul is of higher dignity than the body to which it gives life, and the spiritual than the secular to which it gives life, so is the priesthood of higher dignity than the kingship to which it appoints and gives order." He then declared that "The Roman emperor ought to be selected by the apostolic see in agreement with the princes and by the acclamation of the people, and ought to be set at the head of the populace, consecrated and crowned by the Pope." (One is reminded of Charlemagne, who on Christmas Day 800 AD was crowned Holy Roman Emperor by Pope Leo III.) He also notes that "Jehoiadah the priest set up Joash as king (II Kings 11:17); but a king is never found to have created a priest."

Likewise James of Viterbo, the Augustinian regent-master at the University of Paris, wrote in his treatise *On Christian Government* (circa 1302 AD) that spiritual authorities should confirm the authority of civil rulers, such as crowning the emperor. Likewise, he says, citing Hugh of St. Victor, "the spiritual power has judgment of the temporal, since it can and ought to direct, correct and punish it for

its crimes and faults not only with spiritual but also with temporal penalties, even to the extent of proceeding to depose it, should the gravity of the fault necessitate it. The deposition is not of the power itself, which would destroy the order of powers, but of the individual who is abusing the power granted to him."

Generally, religious and secular authorities supported and reinforced each other. But sometimes they came into conflict, especially when one thought the other was usurping his authority. Kings and princes often insisted that they be consulted before bishops or cardinals from their kingdoms were appointed. Sometimes, as a political favor to a lesser lord or as appeasement to a second son who would not inherit his father's titles, a king would recommend that such a person be appointed to a high post in the church. Since the cardinals selected the next pope, the kings' recommendations could have far-reaching political ramifications for the Church.

The Church generally did not use physical or military force to achieve its goals, but it had powerful weapons at its disposal. The threat of excommunication could force a king into submission to the will of the Church or the Pope, because even if the king did not take Christianity very seriously, he knew excommunication would disgrace him in the eyes of his subjects. An even more potent weapon was interdiction, a decree that the Mass was not to be performed nor the sacraments administered in a certain kingdom until its king made his peace with the Church. Loyal Catholic noblemen, believing the Mass and the sacraments were vital to their spiritual welfare and perhaps even their very salvation, would have little patience with a king who refused to make amends to the Church.

And under the feudal system which prevailed in most of Europe, the bonds between kings and their subjects were held together by oaths of vassals and lords. Vassals pledged to pay just taxes, obey laws, and serve the lord; the lord promised to the vassal his justice and his protection. Sometimes, when the Pope or other high church authority was in a dispute with a king, the Pope would absolve the king's vassals of any and all oaths of fealty to that king -- meaning, in effect, that they were free to rebel, with the Church's blessing.

### **Tyranny**

This did not mean, or at least it was not intended to mean, that the Church could simply depose any ruler it did not like. Rather, the Church developed a distinction between legitimate and illegitimate ruler, and among the illegitimate rulers were those known as tyrants.

Noah Webster's 1828 *American Dictionary of the English Language* defines a tyrant as "A monarch or other ruler or master who uses power to oppress his subjects; a person who exercises unlawful authority, or lawful authority in an unlawful manner." This aspect tyranny -- the unlawful exercise of power -- has

been lost in many later definitions, but is present in the thought of the early Christian theologians.

Pope Gregory VII (1030-85 AD) declared that "...all good Christians, whosoever they may be, are more properly to be called kings than are evil princes; for the former, seeking their own rather than the things that are of God, being enemies to themselves, oppress others tyrannically."

John of Salisbury (approx. 1115-1180 AD), a churchman and writer of great learning and high political standing, wrote unhesitatingly in Book 8 of *Policraticus* that

"As the image of the deity, the prince is to be loved, venerated and respected; the tyrant, as the image of depravity, is for the most part even to be killed. The origin of tyranny is iniquity and it sprouts forth from the poisonous and pernicious root of evil and its tree is to be cut down by an ax anywhere it grows."

John further explains,

"Yet I do not deny that tyrants are ministers of God, who by his just judgment has willed them to be pre-eminent over both soul and body. By means of tyrants, the evil are punished and the good are corrected and trained."

In Book 4 John seems to approve tyrannicide, for he says, "...it is not only permitted, but it is also equitable and just to slay tyrants. For he who receives the sword deserves to perish by the sword." But in Book 8 he is more cautious. He notes that Israel and Judah were often under the yoke of tyrants:

"And even before the time of their kings, just as the history of Judges narrates, the children of Israel were repeatedly enslaved under tyrants. They were afflicted at many and various times according to divine dispensation, and they were often freed by crying out to the Lord. And after the termination of the period of divine supervision, the death of the tyrants permitted them to remove the yokes from their necks. Not a single one of those by whose virtues a penitent

and humble people was liberated is to be censured, by the memory of posterity is to recall them favourably as ministers of God."

But even though those who slew tyrants were remembered well in Scripture, John is cautious about recommending tyrannicide:

"The histories teach that we are to take care, lest anyone cause the death of a tyrant who is bound to him by the obligation of fealty or a sacred oath.... And

I do not read that poison was licensed by the indulgence of any legal right at any time, although I have read that it was sometimes made use of by infidels. Not that I do not believe that tyrants are to be removed from the community, but they are to be removed without loss to religion and honour."

He notes that David did not slay Saul even though he had an opportunity to do so, but chose to suffer Saul's misrule until God should choose to remove Saul from the throne.

Thomas Aquinas (1225-1274 AD), whose influence on Roman Catholic theology is rivaled only by Augustine, wrote explicitly about tyrannicide and interposition. His *Summa Theologiae* is one of the most comprehensive and influential theological works ever written. Like many theologians of his time, Aquinas believed that governmental authority comes from God and is to be obeyed when legitimate. In Book 2 of his *Commentary on the Sentences of Peter Lombard* he says,

"...the duty of obedience is, for the Christian, a consequence of this derivation of authority from God, and ceases when that ceases. But, as we have already said, authority may fail to derive from God for two reasons: either because of the way in which authority has been obtained, or in consequence of the use which is made of it."

When authority has been wrongfully seized by violence, or when "some sinful action is commanded or one which is contrary to virtue," Aquinas says,

"In such a case, not only is there no obligation to obey the authority, but one is obliged to disobey it, as did the holy martyrs who suffered death rather than obey the impious commands of tyrants. Secondly, when those who bear authority command things which exceed the competence of such authority; as, for example, when a master demands payment from a servant which the latter is not bound to make, and other similar cases. In this instance the subject is free to obey or to disobey."

In Book 1 of *On Kingship* Aquinas says Christians should try to prevent the king from becoming a tyrant. First, he says, "...the man who is raised up to be king by those whom it concerns should be of such condition that it is improbable that he should become a tyrant." -- in other words, we should select men of character who are likely to resist the temptation to abuse power. Second, he says, "once the king is established, the government of the kingdom must be so arranged that opportunity to tyrannize is removed. At the same time his power should be so tempered that he cannot easily fall into tyranny." Aquinas would likely approve the United States Constitution, with its separation of powers and its checks and balances, as one means of minimizing the likelihood of tyranny.

But even with these safeguards, kings may turn into tyrants. What should be done when that happens? Aquinas advises caution:

"...if there be not an excess of tyranny, it is more expedient to tolerate the milder tyranny for awhile than, by acting against the tyrant, to become involved in many perils more grievous than tyranny itself. For it may happen that those who act against the tyrant are unable to prevail and the tyrant will then rage the more. But should one be able to prevail against the tyrant, from this fact itself very grave dissensions among the people frequently ensue: the multitude may be broken up into factions either during their revolt against the tyrant, or in process of the organization of the government, after the tyrant has been overthrown. Moreover, it sometimes happens that while the multitude is driving out the tyrant by the help of some man, the latter, having received the power, thereupon seizes the tyranny. Then, fearing to suffer from another what he did to his predecessor, he oppresses his subjects with an even more grievous slavery."

Nevertheless, there comes a point at which tyranny can no longer be endured. When that point is reached, action must be taken:

"If the excess of tyranny is unbearable, some have been of the opinion that it would be an act of virtue for strong men to slay the tyrant and to expose themselves to the danger of death in order to set the multitude free. An example of this occurs even in the Old Testament, for a certain Ehud slew Eglon, King of Moab, who was oppressing the people of God under harsh slavery, thrusting a dagger into his thigh; and he was made a judge of the people." [Judges 3:1]

But Aquinas does not agree with this position, because

"...this opinion is not in accord with apostolic teaching. For Peter admonishes us to be reverently subject to our masters, not only to the good and gentle but also the froward... . Ehud, then, must be considered rather as having slain a foe than assassinated a ruler, however tyrannical, of the people."

This is a difficult dilemma. Tyranny must not be allowed to continue unchecked. But rebellion against the tyrant can lead to bloodshed and possibly worse tyranny. So what is the solution? Without using the word, Aquinas calls for interposition:

"...it seems that to proceed against the cruelty of tyrants is an action to be undertaken, not through the private presumption of a few, but rather by public authority.

"If to provide itself with a king belongs to the right of a given multitude, it is

not unjust that the king be deposed or have his power restricted by that same multitude if, becoming a tyrant, he abuses the royal power. It must not be thought that such a multitude is acting unfaithfully in deposing the tyrant, even though it had previously subjected itself to him in perpetuity, because he himself has deserved that the covenant with his subjects should not be kept, since, in ruling the multitude, he did not act faithfully as the office of a king demands. Thus did the Romans, who had accepted Tarquin the Proud as their king, cast him out from the kingship on account of his tyranny and the tyranny of his sons; and they set up in their place a lesser power, namely, the consular power. Similarly Domitian, who had succeeded those most moderate emperors, Vespasian, his father, and Titus, his brother, was slain by the Roman senate when he exercised tyranny, and all his wicked deeds were justly and profitably declared null and void by a decree of the senate."

So Aquinas saw interposition as an orderly means of deposing a tyrant -- effective, but less likely than mob rebellion to lead to violence and chaos.

The doctrine of interposition was developed further during the Reformation. In Book 4, Chapter 20 of his *Institutes of the Christian Religion*, John Calvin declared in 1559AD,

"Herein is the goodness, power, and providence of God wondrously displayed. At one time he raises up manifest avengers from among his own servants, and gives them his command to punish accursed tyranny, and deliver his people from calamity when they are unjustly oppressed; at another time he employs for this purpose the fury of men who have other thoughts and aims. Thus he rescued his people Israel from the tyranny of Moses; from the violence of Chusa, the king of Syria, by Othniel; and from other bondage by other kings or judges."

But like Aquinas, Calvin also cautions private citizens against outright rebellion. Rather, he says, interposition by lesser magistrates is the more prudent course to follow:

"Although the Lord takes vengeance on unbridled domination, let us not therefore suppose that that vengeance is committed to us, to whom no command has been given but to obey and suffer. I speak only of private men. For when popular magistrates have been appointed to curb the tyranny of kings (as the Ephori, who were opposed to kings among the Spartans, or Tribunes of the people to consuls among the Romans, or Demarchs to the senate among the Athenians; and perhaps there is something similar to this in the power exercised in each kingdom by the three orders, when they hold their primary diets), so far am I from forbidding these officially to check the undue license of kings, that if they connive at kings when they tyrannise and insult over the humbler of the

people, I affirm that their dissimulation is not free from nefarious perfidy; because they fraudulently betray the liberty of the people, while knowing that, by the ordinance of God, they are its appointed guardians."

Others, following the Reformers' lead, developed the doctrine of interposition further. One of these was a French Huguenot who used the pen name Junius Brutus, and whose 1579 treatise *Vindicae Contra Tyrannos* is one of the most comprehensive and persuasive justifications of interposition ever written. Another eloquent defender of interposition was the Scottish theologian Samuel Rutherford, who argued in *Lex Rex* (1644) that the King of England was "subject to God's law and obligated to the 'fountain-power' of the people, who have the right and duty to overthrow him for abuse of power they have not delegated to him."

Another was John Knox, father of the Presbyterian Church of Scotland (1505-72 AD). Knox declared in *The Appellation of John Knox from the cruel and most unjust sentence pronounced against him by the false bishops and clergy of Scotland to the nobility and estates of Scotland*:

"...I fear not to affirm that it had been the duty of the nobility, judges, rulers and people of England not only to have resisted and againstanded Mary, that Jezebel whom they call their queen, but also to have punished her to the death, with all the sort of her idolatrous priests, together with all such as should have assisted her what time that she and they openly began to suppress Christ's Evangel, to shed the blood of the saints of God and to erect that most devilish idolatry, the papistical abominations and his usurped tyranny, which once most justly by common oath was banished from that realm."

### **From Theory to Practice**

While theologians on the continent wrote about interposition, theologians and nobles in the British Isles put interposition into practice. After the Norman Conquest in 1066 AD, Anglo-Saxons, Celts, and Vikings in the British Isles felt themselves oppressed by Norman rule. Things came to a head under King John, who reigned from 1199-1216 AD. After a series of confrontations with English barons and church leaders, as a result of which the Pope temporarily excommunicated John and placed England under interdiction, a group of barons and bishops met at St. Paul's in London on 25 August 1213. There, Stephen Langton took the lead. Langton, a Cardinal and Archbishop of Canterbury, is most famous for having first divided the Bible into chapters, and his chapter divisions are still in general use by Christians and Jews today. Archbishop Langton read the Charter of King Henry to the barons and bishops, and he administered to them an oath that they would conquer or die in defense of their liberties. Two years later, the barons and bishops commissioned Robert Fitz Walter as Marshall of the Army of God and Holy Church, and on 15 June 1215 they met King John at

Runnymede and forced him to either sign the Magna Charta or abdicate the throne. John chose the former alternative. (J.C. Holt, *Magna Carta*; 2nd Edition; Cambridge: Cambridge University Press, 1992)

The 63 articles of the Magna Charta do not constitute a radical new declaration of rights; the rights asserted therein are simply the ancient rights of Englishmen, rights the barons and bishops believed were given by God and had been theirs for thousands of years. In this sense it is a reactionary document, reasserting these rights against the usurpations of a Norman king. But it is radical in that it is the first time in recorded English history that an English king was forced to sign such a document against his will under threat of removal. In this sense, the Magna Charta is a classic textbook example of interposition. The *Catholic Encyclopedia* (1910 edition, "Langton, Stephen") calls Archbishop Langton "the soul of the movement that led to these results" and "the real author of the Magna Charta."

In the years that followed the English Parliament, a continuation of the old Anglo-Saxon Witangemot or high council, gained in power and respect and frequently opposed the king. In 1327 the Parliament practiced interposition by deposing King Edward II on grounds of general incompetence, and in 1399 Parliament drafted and passed thirty-three articles of deposition against King Richard II, charging him with various counts of extravagance, favoritism, and tyranny.

Meanwhile, the Scots practiced interposition of their own. After a series of battles against the English monarch, including the English victory at Falkirk in 1302 and the Scottish victory at Bannockburn in 1314. King Robert Bruce called the Parliament of Scotland together at Arbroath Abbey in April 1320. There they drafted and adopted the Declaration of Arbroath, which they sent to Pope John XXII. In this document they cite their early history, how according to their belief their ancestors had "journeyed from Greater Scythia by way of the Tyrrenian Sea and the Pillars of Hercules, and dwelt for a long time in Spain among the most savage tribes, but nowhere could they be subdued by any race, however barbarous. Thence they came, twelve hundred years after the people of Israel crossed the Red Sea, to their home in the west where they still live today." Enjoying the protection of the Church Fathers, they declare that their ancestors in Scotland "did indeed live in freedom and peace up to the time when that mighty prince the King of the English, Edward, the father of the one who reigns today, when our kingdom had no head and our people harboured no malice or treachery and were then unused to wars or invasions, came in the guise of a friend and ally to harass them as an enemy"

The Scottish Parliament then declares that Scotland has been made free from England by the leadership of King Robert the Bruce. But to counter charges that they had been forced to sign this document by King Robert, they further declare,

"Yet if he [King Robert the Bruce] should give up what he has begun, and agree to make us or our kingdom subject to the King of England or the English, we should exert ourselves at once to drive him out as our enemy and a subverter of his own rights and ours, and make some other man who was well able to defend us our King; for, as long as but a hundred of us remain alive, never will we on any conditions be brought under English rule. It is in truth not for glory, nor riches, no honours that we are fighting, but for freedom -- for that alone, which no honest man gives up but with life itself."

This document, which is often called the Scottish Declaration of Independence, bears many similarities to the American Declaration of Independence of 1776. (E. Raymond Capt, *The Scottish Declaration of Independence* (Muskogee, OK: Hoffman Printing, 1998)

The 1600s in England were marked by constant strife between the Puritan-dominated Parliament and supporters of the Stuart kings, James and Charles I and Charles and James II. The Stuart kings and their supporters argued for the "divine right of kings," believing that governmental authority flows from God directly to the king, and from the king downward to lesser government officials. The Puritans in Parliament believed, just as strongly as the Royalists, that all legitimate governmental authority comes from God. But they insisted that governmental authority flows from God directly to the people, and from the people to the lesser magistrates (nobles, members of Parliament, shire and other local governmental officials), and from the lesser magistrates to the higher magistrate, the king.

Throughout this conflict the English Parliament practiced lesser forms of interposition, through negotiation and legislation. Twice they took interposition to its ultimate conclusion: in 1649 by trying and convicting King Charles I of treason and beheading him, and in 1688 by forcing King James II to abdicate the throne and move to France in the bloodless Glorious Revolution. In 1689 Parliament adopted the English Bill of Rights, which again asserts the ancient God-given rights of Englishmen.

And less than a century later, these people's descendents in America took up the same cause of interposition. Believing that the English King and Parliament were usurping their basic rights, abrogating their colonial charters, and imposing taxation without representation, the colonist came together in the First Continental Congress, which on October 14, 1774, issued Declaration and Resolves that:

"The good people of the several colonies..., justly alarmed at these arbitrary proceedings of parliament and administration, have severally elected, constituted, and appointed deputies to meet, and sit in general Congress...in order to obtain such establishment, as that their religion, laws, and liberties, may not be subverted."

After two years of futile attempts to resolve their differences with England, the Continental Congress adopted the Declaration of Independence on July 4, 1776. The Declaration is perhaps the most famous act of interposition in all history. It begins by asserting that the colonies are entitled to independence by "the Laws of Nature and of Nature's God," and acknowledges that "a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation."

The Declaration then sets for the basic principles upon which the United States is founded, the "self-evident" truths: that all men are created equal, that they are endowed by their Creator with unalienable rights, that governments are instituted to secure these rights, that governments derive their legitimacy from the consent of the governed, and that when government becomes destructive of these ends, the people have the right to alter or abolish that government and replace it with another.

Then comes a word of caution. "Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes" (reminder of Thomas Aquinas 500 years earlier). But after a "long train of abuses" that show a design to put the colonies "under absolute Despotism," "it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security."

And has there been such a "long train of abuses"? The Declaration says, "let Facts be submitted to a candid world." Then follows the list of grievances against England, after which the Congress declares, "A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people."

Because of these abuses which constitute tyranny, the Congress, "appealing to the Supreme Judge of the world for the rectitude of our intentions," declares "That these United Colonies, are and of Right ought to be free and independent States."

There you have it -- the ultimate act of interposition. Not a rebellion by a disorderly mob, not a coup by a band of unelected thugs like the leaders of the French Revolution who represented nobody but themselves, but an act of interposition by the legitimate, duly-elected representatives of the people -- the lesser magistrates protecting the people who have entrusted them with authority, against the higher magistrates who have become tyrants.

### **The Lesson for Today**

So what does this mean for today? Does interposition have a place in the political agenda of an American Christian or constitutional conservative?

In a day when Congress has expanded the federal government far beyond its intended limits, when Presidents choose to govern by executive orders and administrative law (much of which has no basis in the Constitution), when the federal courts have distorted the constitutional limitations almost beyond recognition and twisted liberty into a constitutional license to engage in abortion and other abhorrent practices, the answer must be: yes, possibly.

I am hesitant to recommend this step, especially when, as of this writing, we are about to usher in a new Chief Executive who may change things for the better. But I would caution against expecting too much from the new Administration. Under the President is a Civil Service that continues to follow its course whether the President be Democrat or Republican, liberal or conservative, and outside the President we still have a Congress and a Court with minds of their own. I am hopeful that the President-elect will make some changes, but we must be realistic about the obstacles he faces.

Certainly, as a retired Air Force Lt. Colonel, I do not advocate rebellion, nor do I disrespect authority. But while America is founded on the principle of obedience to lawful authority, we have never believed that such obedience is to be absolute. In fact, the Declaration of Independence would itself demonstrate that the duty of obedience, while strong, does have limitations. As a nation we believe in law and order, but we also believe government must obey its own laws, and even more, the Law of God.

Certainly, if the rule of law is to have any meaning at all, the decrees of courts are entitled to respect. But does this mean that when the Court makes a decision, every other branch and every other level of government must blindly do the Court's will. The Constitution doesn't say so, and at the very least, the subject is open to serious debate. Thomas Jefferson wrote in 1820,.

"...You seem...to consider the judges as the ultimate arbiters of all constitutional questions -- a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. ... Our judges are as honest as other men, and not more so... They have, with others, the same passions for party, for power, and the privilege of their corps. Their maxim is, 'Boni judicis est ampliare jurisdictionem'; and their power is the more dangerous as they are in office for life, and not responsible, as the other functionaries are, to the elective control. The Constitution has erected no such single tribunal, knowing that, to whatever hands confided, with the corruptions of time and party, its members would become despots... ."

When the President by executive orders commands states and local officials to act in ways not authorized by the Constitution and injurious to the rights of local citizens, when federal courts prohibit prayers that the Constitution clearly authorizes or strike down abortion laws that the Constitution does not forbid, it may be time for state and local officials to practice interposition, saying in effect, "This is wrong, this is not what the Constitution says, and in my state or county, it shall be so."

I certainly do not suggest interposition as a substitute for political action and court litigation, but I do suggest that it be considered as an additional last resort. And interposition does have certain advantages. State and local officials have official status that private individuals do not, and federal officials are more likely to show them some deference. And whether Democrat or Republican, liberal or conservative, state and local officials are interested in preserving their own authority against federal usurpation. Furthermore, state and local officials are likely to feel a protective concern for the people they represent and serve, and thus should be receptive to the doctrine of interposition.

I close with a marvelous example of interposition, the case of *Dyett v. Turner*, 439 P.2d 266 (1968). In this case the conservative Utah Supreme Court, standing in opposition to the usurpations of the Warren Supreme Court, had the courage to declare:

"The United States Supreme Court, as at present constituted, has departed from the Constitution as it has been interpreted from its inception and has followed the urgings of social reformers in foisting upon this Nation laws which even Congress could not constitutionally pass. It has amended the Constitution in a manner unknown to the document itself. While it takes three-fourths of the states of the Union to change the Constitution legally, yet as few as five men who have never been elected to office can by judicial fiat accomplish a change just as radical as could three fourths of the states of this Nation. As a result of the recent holdings of that Court, the sovereignty of the states is practically abolished, and the erst while free and independent states are now in effect and purpose merely closely supervised units in the federal system.

"We do not believe that justices of once free and independent states should surrender their constitutional powers without being heard from. We would betray the trust of our people if we sat supinely by and permitted the great bulk of our powers to be taken over by the federal courts without at least stating reasons why it should not be so. By attempting to save the dual relationship which has heretofore existed between state and federal authority and which is clearly set out in the Constitution, we think we act in the best interest of our country.

"We feel like galley slaves chained to our oars by a power from which we cannot free ourselves, but like slaves of old we think we must cry out when we can see the boat heading into the maelstrom directly ahead of us; and by doing so, we hope the master of the craft will heed the call and avert the dangers which confront us all. But by raising our voices in protest we, like the galley slaves of old, expect to be lashed for doing so. We are confident that we will not be struck by 90 per cent of the people of this Nation who long for the return to the days when the Constitution was a document plain enough to be understood by all who read it, the meaning of which was set firmly like a jewel in the matrix of common sense and wise judicial decisions. We shall not complain if those who berate us belong to that small group who refuse to take an oath that they will not overthrow this government by force. When we bare our backs to receive the verbal lashes, we will try to be brave; and should the great court of these United States decide that in our thinking we have committed error, then we shall indeed feel honored, for we will then be placed on an equal footing with all those great justices who at this late date are also said to have been in error for so many years."

Now, those are the kinds of Justices who would get my vote!