

THE TRANSFORMATION OF THE CHURCH

(FROM REALITY TO FICTION)

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According to the Westminster Confession of Faith of 1647, “Jesus Christ is the head of the Church.” While we have generally taken this doctrine for granted, there arises the question concerning the extent of Christ’s Jurisdiction over His Church. Does Christ Jesus have full jurisdiction over His church? If Christ does have full jurisdiction over the church, can the church enter into a contract with the state? And what happens to a church that has entered into a contract with the state? These questions must be considered to protect the church from violating the Holy Scriptures, thus bringing God’s judgement upon it.

The first question to be addressed then is: Does Christ have full and comprehensive jurisdiction over His church? We are instructed by the apostle Paul in Colossians 1:18 that: “He (Christ) is the head of the body, the church.” We are also informed in Ephesians 5:23 that; “Christ also is the head of the church, He Himself being the savior of the body.” Robert Shaw states concerning Christ as head of the church and His jurisdiction thereof:

“Christ is the sole and exclusive head of the Church, whether consideration as visible or as invisible. his authority alone is to be acknowledged by the Church, as her supreme lawgiver. Christ has not delegated his authority either to popes or princes; and though he is now in heaven as to his bodily presence, yet he needs no deputy to act for him to the Church below... Daring encroachments have been often made upon this royal prerogative of Christ, both by ecclesiastical and civil powers.”¹

The Church of Jesus Christ finds her sovereign Lord as the sole authority and ruler. The church is subject to the laws and practices given to her -via- the Holy Scriptures. The church is therefore regulated by the Holy Writ and can only enter into those practices sanctioned by her King. The church cannot submit herself to the jurisdiction of the state or civil magistrate as the authority or head thereof. Neither can the church submit herself to anyone man or ecclesiastical head other than the Lord Jesus Christ. In principle, no one basically disagrees with this position of the protestant faith. However, this brings us to another point.

We must now consider our second question: Can the Church of Jesus Christ enter into any form of contract with the civil magistrate, which submits the church under the authority of the state? First we must define a contract. Noah Webster’s 1828 dictionary states that a contract is: “An agreement or covenant between two or more persons, in which each party binds himself to do or forbear some act, and each acquires a right to what the other promises; a mutual promise upon lawful consideration or cause, which binds the parties to a performance; a compact.” There is nothing wrong with entering into a contract if both parties are free to enter the compact, i.e., if the compact is not a violation of the law of God. However, when the contract requires one party to come under the jurisdiction of another party, the former party may do so only if it has the freedom to enter such a contract. This brings us to the point of the church entering into a contract with the state by incorporation. Can the church seek incorporation without surrendering jurisdiction? Before we answer this question we need to deal with a few preliminary issues.

First we need to define a corporation: A corporation according to Black’s law dictionary is:

1). *An Exposition On The Confession Of Faith*, pg. 208

“An artificial person or legal entity created by law, consisting of one or more individuals who have associated together whose association is recognized by law as having a distinct personality and legal existence distinct from that of its individual members.”²

Bouvier’s Law dictionary explains that according to *Fetsam v. Hay*, 122 Ill. 293, a corporation is: “An artificial being created by law and composed of individuals who subsist as a body politic under a special denomination with the capacity of perpetual succession and of acting with the scope of its character as a natural person.”³ During the 15th century it became a matter of positive law that the corporation must be created by a sovereign power.⁴ All corporations are controlled and moulded by the laws governing corporations. In *Wilson v. U.S.* 221 U.S. 382, 31 Sup. CL 538, 55 L. Ed. 771, Ann. Cas. 1912A, 558, the Supreme Court determined that:

“A corporation is a creature of the state. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises and holds them subject to the laws of the state and the limitation of its charter. Its powers are limited by law. It can make no contract not authorized by its charter. Its rights to act as a corporation are only preserved to it so long as it obeys the laws of its creation. There is a reserved right in the legislature to investigate its contracts and ascertain if it has exceeded its powers.”⁵

In essence, a corporation is a fictitious institution which is created by the state and governed by the state legislature and their laws. Thus the state has the right to examine the practices of any corporation under its jurisdiction.

The state has the authority and power to do this because those individuals who entered into a contract [corporation] with the state have submitted to the state’s jurisdiction. Therefore the state has every right to govern the actions, contracts, and practices of that corporation. This brings us then to our second question: Can the church enter into a contractual relationship with the state? It should be obvious by now that the answer is no! The Church of Jesus Christ must always remain subject to the jurisdiction of its King. To enter into a relationship which requires the church to be subject to the state is a compromise to the declaration that Christ is the sole head and authority of the Church.

This brings us to our third question: What are the results when a church incorporates and surrenders itself to the jurisdiction of the state? Consider the following: (1) The Church is no longer considered a real institution, but it goes through a transformation and becomes a fictitious (state created) person or institution. (2) The church comes under the jurisdiction of the state and therefore surrenders its headship to the state. (3) The church’s chief officers become official representatives of the state by virtue of their corporate charter. (4) The Church must open its books and all practices to the investigation of the state. This would include: (a) church membership roles; (b) Christian school records; (c) state regulations on all functions of the church and any of its ministries; (d) church financial records, including all tithing records (names, addresses and amounts); (e) ministers and churches in courts of law are considered wards of the state by virtue of their charter, including all church members (adults and children). There are many other ramifications which could be stated, but we have made our point. The sole benefit often cited by others is that incorporation allows the church to operate with “limited liability”. However, this raises an important biblical question as to whether we may be allowed to act outside of our proper person, thus relieving ourselves of direct responsibilities concerning our actions...

2). Black’s Law Dictionary, Fourth Edition, s.v. Corporation

3). Bouvier’s Law Dictionary, pg. 682

4). Ibid, pg. 684

5). Ibid, pg. 684

However the real question remains, who is the head of your Church? Not in theory, but in practice? Is it Christ or the state? Who has the authority to govern the actions and functions of the church? What is the current status of your church? Some have already declared the state King! To whom do you give honor as the head of your church? Christ or the State? Those having incorporated have transformed their churches from real institutions which exist under the sovereign head of Jesus Christ into institutions which are fictitious, created by the state and ruled by state laws. Such institutions are State-Churches and they can prove it. They have their corporate diploma that bears the name of their sovereign.

Dr. Ken Talbot is founder of [Whitefield Theological Seminary](#) and the Reformed Presbyterian Church General Assembly. The RPCGA is one of only a few denominations that expressly prohibits any member church from being an incorporated 501c3. This article is used with his permission.

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