

## HM 4.1 – Puritan Perspectives on Ministry

### Samuel Rutherford and *Lex, Rex* (cont.)

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#### 1. *Lex, Rex* on civil government - the basic purpose, structure, and argument

1. The purpose of civil government is to secure the well-being of the people by protecting them and the church so that they may attain their highest good in the knowledge of God in Christ.
  2. The God who rules all things through his exalted Son brings government into being using the consent of the people as a means.
  3. What makes government government is its submission to and embodiment of the law of God discovered through study and application of his infallible and sufficient Word, the Bible.
  4. Government is made of sinful human beings each one of whom is directly accountable in conscience and on judgment day to the one true living God.
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1. The final cause of government – what is its purpose? In summary, then, government is the exercise of power for self-preservation. Civil government receives a conditional transfer of such power from the community which does not thereby forfeit its right or escape its duty of self-defence. The end of government is the good of the people and is achieved by preserving their natural liberty and equality, by restraining and punishing the evil-doer and by protecting and supporting the church. Since the people's highest good is found in the true worship of the true God, the civil government's most vicious and reprehensible abuse of power would be in hindering such worship or, worse still, imposing false worship. Nothing could be more contrary to the health and safety of the people. In such a case, the people's duty of self-defence would require – at this point - resistance to the civil government and renunciation of its power.
  2. The efficient cause of government – who or what brings it into being? God as primary cause and people as secondary cause; God as principal and people as agent.
  3. The formal cause of government – what is the essence of government? The traditional three powers of government are recognizably present and distinguished in *Lex, rex*. The enactment and promulgation of law is the legislative power, which Rutherford normally calls the “nomothetic” power. The application of law to restrain the evil-doer and praise the good in individual cases is the judicial power. And the administrative and penal enforcement of law is the executive power. What makes government government is its role of enacting, applying and administering the law.

... the civil government is to do everything according to and in subjection and conformity to the law of God. Government is defined in relation to law. The essence of government is the embodiment of the demands and functions of the law. Government is the instrument of the rule of law. And each of these statements raises the question of which law it is that the civil government identifies, promulgates, applies, administers and enforces. ... The answer, of course, is “God's law”.

Legislatively, a human law is only really a law if it conforms to and expresses the law of God and therefore, “what civil laws parliaments make against God's word, [the church] may authoritatively declare them to be unlawful.<sup>1</sup> Judicially, the interpretation and application of human law must be subject to the law of God for “the king hath no power from God to pronounce what sentence he pleaseth, because the judgment is not his own but God's”.<sup>2</sup> The king was to have “the law of God as his rule”<sup>3</sup> Executively and administratively, as the

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<sup>1</sup> p. xxiii [a2+3]. See also p. 138 [254-56].

<sup>2</sup> p. 88 [160]. See also p. 137 [252-54].

<sup>3</sup> p. 35 [62]. See also p. 109 [198-99].

king “may not command what he will, but what the King of kings warranteth him to command, so may he not punish as he will, but by warrant also of the Supreme Judge of all the earth”.<sup>4</sup>

The only power which God granted was the power to act lawfully: God never could or does give moral power to sin and therefore, as seen above, the only power which the king has from God is power under the law of God.<sup>5</sup>

One of Rutherford’s preferred ways of describing the relationship between the law of God under which the king operated and the king, or civil ruler, himself was in asserting that the king was to be the embodiment of the law:

If the king as the king, be *lex animata*, a breathing and living law, the king, as king, must do by obligation of law what he doth as king, and not from spontaneous and arbitrary grace.<sup>6</sup>

*Rex est lex viva, animata, et loquens lex*, the king as king, is a living, breathing, and speaking law ... so is the king the law reduced in practice.<sup>7</sup>

A royal power is the good gift of God, a lawful and just power. A king acting and speaking as a king, speaketh and acteth law and justice.<sup>8</sup>

All this not only answers the question as to the formal cause, the essence of government, it also means that in some respects, it is the law that is the real ruler. This is merely another way of stating that the civil ruler is the deputy of God, that a deputy has no power other than that given to him by the one whose deputy he is, that obedience to the deputy is actually obedience to the sovereign and that subjection to the sovereign does not entail obedience to the deputy as and when the deputy is acting against or beyond the will of the sovereign.

#### *Tyranny and absolutism*

With this in place it is not hard to guess how Rutherford will define tyranny and on what grounds he will oppose the absolutist rule of the civil government. A king is only a king in so far as he “fulfilleth the condition” which is to “take heed to God’s law as a king, and govern according to God’s will”.<sup>9</sup> The exercise of power beyond God’s law is illegitimate because “God hath given no absolute and unlimited power to a king above the law”<sup>10</sup> and to this degree “when the magistrate doth anything by violence, and without law, in so far doing against his office, he is not a magistrate”.<sup>11</sup>

The measure of a tyrant is solely and simply departure from the law which the king is to embody:

A tyrant is he who habitually sinneth against the catholic good of the subjects and state, and subverteth law ... and so much as he hath of law, so much of a king; and in his remotest distance from law and reason he is a tyrant.<sup>12</sup>

This limitation is not merely theoretical, however. If the king acts beyond or against the law of God then the people are “in these acts ... not to acknowledge him as king”.<sup>13</sup> Moreover, tyrannical power, that is power exercised beyond or against the law of God of which the civil ruler is meant to be the embodiment, is “evil ... and can tie none to subjection ... and if it tie not to subjection, it may be lawfully resisted”.<sup>14</sup>

What makes government government is that it embodies the rule of God’s law for the good of the people. Definitions of government necessarily involve reference to power but in Rutherford’s view it is always power at the service and under the direction of God’s law and it is always power exercised for the good of the people. “The law, rather than the king, hath power of life and death”<sup>15</sup> and the since the law is for the good of the people then, as we have seen above:

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<sup>4</sup> p. 232 [463].

<sup>5</sup> p. 73 [131]. See also p. 191 [385].

<sup>6</sup> p. 98 [178].

<sup>7</sup> p. 101 [184].

<sup>8</sup> p. 177 [358]. See also pp. 111 [201], 125 [230], 146 [269].

<sup>9</sup> p. 57 [102].

<sup>10</sup> p. 101 [183].

<sup>11</sup> p. 103 [186].

<sup>12</sup> pp. 119 [217], 101 [184].

<sup>13</sup> p. 58 [103-4].

<sup>14</sup> p. 141 [261]. See also p. 220 [441].

<sup>15</sup> p. 102 [184].

The king, as king, hath all his official and relative goodness in the world, as relative to the end. All that you can imagine to be in a king, as a king, is all relative to the safety and good of the people, (Rom. 13:4.) "He is a minister for thy good". He should not, as king, make himself, or his own gain and honour, his end.<sup>16</sup>

Rutherford's understanding of the formal cause of civil government thus, quite literally, relativizes it. There is no place for autonomous, arbitrary or absolute rule by a special class. Rather, "the kingdom ... is superior to the king",<sup>17</sup> the king is a "life-renter, not a lord, or proprietor of his kingdom"<sup>18</sup> and in his every activity and intention the government is bounded by the law of God who grants power through the consent and for the well-being of the people.

4. The material cause of government – what is the stuff out of which government is made? The civil government is made out of ordinary human beings, equal with all others by nature, and themselves sinful.

*Distinguishing between the office of the king and the king who holds office*

At this point Rutherford makes a move which is by no means original to him but which is integral to the argument of the whole of *Lex, rex*. If the formal cause of civil government is its embodiment of the rule of God's law and if the material cause of civil government is the stuff of sinful human beings then the probability of there being a discrepancy between how God intends the ruler to behave and how the ruler actually does behave is very high indeed. If, further, the power of office which God has granted is the power to serve as an instrument of the rule of his law then when the ruler uses power beyond or against God's law it should be understood that he does so beyond or against his office. The distinction which Rutherford draws here is between the ruler acting according to his office and the ruler acting beyond or against his office. Rutherford uses two ways of describing this discrepancy. First, he speaks of the king *in abstracto* (the office as God intends and authorizes it, that is, the king considered as exercising power precisely under and according to God's law) and the king *in concreto* (the person who holds the office in his historical reality which may include the exercise of power against or beyond God's law). Secondly, he speaks simply of the king, as a king, over against the king, as a man. Some examples may clarify his usage.

He describes the position which he opposes like this: "the power lawful and the sinful person cannot be separated".<sup>19</sup> And he summarizes his own argument this way:

This distinction, rejected by royalists, must be cleared. This is an evident and sensible distinction: —  
The king *in concreto*, the man who is king, and the king *in abstracto*, the royal office of the king.<sup>20</sup>

For this reason, resisting the tyrant is not resisting the ordinance of God: subjection to the powers is subjection to God as he authorizes the powers. But God does not give the powers authority to impose false religion, for example, and thus the subject who obeys for conscience's sake will obey according to the law of God. The ruler is to be obeyed as the embodiment of the law of God but when he acts beyond or against the law of God he does not embody the law of God and so at those points he is not to be obeyed:

It is evident from Rom. 13 that all subjection and obedience to higher powers commanded there, is subjection to the power and office of the magistrate *in abstracto*, or, which is all one, to the person using the power lawfully.<sup>21</sup>

We must needs be subject to the royal office for conscience, by reason of the fifth commandment; but we must not needs be subject to the man who is king, if he command things unlawful.<sup>22</sup>

Another way of stating this is to say that judges are only "formally judges, in so far as they ... act conform to the will of the King of kings".<sup>23</sup> Rutherford illustrates the way in which the rulers' failure to "act conform to the will of the King of kings" changes the way in which the ruled should relate to them. If a pastor turned robber,<sup>24</sup> if a king turned parricide,<sup>25</sup> or if a "father in a distemper would set his own house on fire, and burn

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<sup>16</sup> p. 83 [150].

<sup>17</sup> p. 69 [125].

<sup>18</sup> p. 86 [155].

<sup>19</sup> p. 141 [259-60].

<sup>20</sup> p. 143 [265].

<sup>21</sup> p. 144 [265-66].

<sup>22</sup> p. 145 [268].

<sup>23</sup> p. 221 [443].

<sup>24</sup> p. 10 [17].

<sup>25</sup> p. 127 [234].

himself and his ten sons”<sup>26</sup> then resisting and restraining such rulers in their madness and wickedness would not be resisting the ordinance of God simply because God’s ordinance consisted in the power to act according to his law and for the good of the ruled. Similarly, if the actions of the ruler tend to anarchy then they are actions beyond or against God’s law and therefore beyond or against his office. Resistance to the ruler in such a case would be resistance to the man and not to the ruler as such.

In response to the charge that the distinction is ultimately unsustainable, Rutherford presses the logic. If, for example, the king required conversion to pagan religion then, according to those who deny the distinction, refusal to convert to paganism would be resistance to God. But this in turn would mean that God had contradicted himself. Rutherford shows that such distinctions are commonplace in Scripture.<sup>27</sup>

The civil ruler has been given a “sword” – the power by which he upholds the rule of law. The distinction between the “king as king” and the “king as man” is simply that between legitimate and illegitimate uses of the sword. Even though the sword has truly been given over to the ruler, it is necessary to identify and resist its wrongful use:

But when he abuseth his power to the destruction of his subjects, it is lawful to throw a sword out of a madman’s hand, though it be his own proper sword, and though he have a due right to it, and a just power to use it for good; for all fiduciary power abused may be repealed.<sup>28</sup> ...

With the all-important distinction in place this means, of course, resisting not the king in his office but the king as a man acting outside of his office. The office and the power may not be resisted but by going beyond or against his office the ruler has put himself outside of it and the ground upon which resistance takes place is precisely the ground “outside the office”.<sup>29</sup> Resisting the king when the king commands “that which is against God” is actually resisting Satan: “a man commanding unjustly, and ruling tyrannically, hath, in that, no power from God”.<sup>30</sup>

... The rulers as rulers, acting according to their office, must be honoured and obeyed. The rulers as men acting against their office must not, in those acts, be recognized or obeyed but rather resisted.

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## **2. Armed resistance – under what conditions is it permissible?**

Rutherford does not describe the “causes” of civil government as a merely theoretical exercise. The title of the book makes clear his polemical and practical purpose, “*Lex, rex: The Law and the Prince. A dispute for The Just Prerogative of King and People. Containing The reasons and causes of the most necessary defensive wars of the Kingdom of Scotland, and of their Expedition for the aid and help of their dear brethren of England. In which their innocency is asserted ...*” Although it is not the purpose of this paper to describe or to evaluate Rutherford’s arguments for the legitimacy of armed resistance to the tyrant, it may be of interest, in passing, to give a short summary.

### *Analogies to resisting the tyrant*

The grounds for resistance are clear from what has already been said: the highest level of the civil government is acting against the highest law for civil government, namely, the well-being of the people. The people’s duty of self-preservation and right of self-defence are inalienable and, thus, while not acting against the king as king, they are to resist the king as tyrant, for at this point his power is illegitimately used. This is especially the case if the tyrannical use of power is aggressively imposing false religion.

Rutherford uses analogies for the people’s defensive resistance against the tyrannical king:

A woman or a young man may violently oppose a king, if he force the one to adultery and incest, and the other to sodomy.<sup>31</sup>

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<sup>26</sup> p. 115 [209].

<sup>27</sup> pp. 147-48 [272-73].

<sup>28</sup> p. 84 [152].

<sup>29</sup> p. 145 [268-69].

<sup>30</sup> p. 144 [267].

<sup>31</sup> p. 162 [331]. See also p. 105 [190].

There is not a stricter obligation moral betwixt king and people than betwixt parents and children, master and servant, patron and clients, husband and wife, the lord and the vassal, between the pilot of a ship and the passengers, the physician and the sick, the doctor and the scholars, but the law granteth, ...if these betray their trust committed to them, they may be resisted: if the father turn distracted, and arise to kill his sons, his sons may violently apprehend him, and bind his hands, and spoil him of his weapons; for in that he is not a father. ... The servant may resist the master if he attempts unjustly to kill him, so may the wife do to the husband; if the pilot should wilfully run the ship on a rock to destroy himself and his passengers, they might violently thrust him from the helm. Every tyrant is a furious man, and is morally distracted, as Althusius saith.<sup>32</sup>

The cutting off of a contagious member, that by a gangrene, would corrupt the whole body, is well warranted by nature, because the safety of the whole is to be preferred to the safety of a part.<sup>33</sup>

He draws the inference:

If it be natural to one man to defend himself against the personal invasion of a prince, then is it natural and warrantable to ten thousand, and to a whole kingdom; and what reason to defraud a kingdom of the benefit of self-defence more than one man?<sup>34</sup>

*Means of resisting the tyrant: conditions attached to the use of force*

There are three ways for the oppressed party to resist the tyrant. First, the sufferer is to make verbal protest. Secondly, he is to attempt to flee. Thirdly, where the other means of resistance have failed, the sufferer may resist with defensive force. David, says Rutherford, used all three:

He made his defence by words, by the mediation of Jonathan; when that prevailed not, he took himself to flight, as the next; but because he knew flight was not safe every way, and nature taught him self-preservation, and reason and light of grace taught him the means, and the religious order of these means for self-preservation, therefore he addeth a third, "He took Goliath's sword, and gathered six hundred armed men," and after that made use of an host. Now a sword and armour are not horsing and shipping for flight, but contrary to flight; so re-offending is policy's last refuge.<sup>35</sup>

The second means, flight, is most definitely a form of resistance, "Flying from the tyranny of abused authority, is a plain resisting of rulers in their unlawful oppression and perverting of judgment",<sup>36</sup> but since a whole people, such as the oppressed godly people of Scotland, is not capable of flight then the third means of resistance must be adopted.<sup>37</sup>

It could be argued that taking up weapons to resist is necessarily offensive rather than defensive and that there is no such thing as merely defensive actions on a battlefield. Rutherford responds that in its essence the violence of a defensive war is reactive:

An act which is physically an act of offending my brother, yea even to the taking away of his life, is often morally and legally an act of lawful self-defence: an offending of another, necessitated from the sole invention of self-defence, is no more but an act of innocent self-defence.<sup>38</sup>

If David, with his men, had killed any of Saul's men in a set battle, David and his men only intending self-defence, the war on David's part was mere defensive; for physical actions of killing, indifferent of themselves, yet imperated by a principle of natural self-defence, and clothed with this formal end of self-defence, or according to the substance of the action, the act is of self-defence.<sup>39</sup>

But I grant, to offend or kill is not of the nature of defensive war, but accidental thereunto; and yet killing of cutthroats, sent forth by the illegal commandment of the king, may be intended as a mean, and a lawful mean, of self-defence.<sup>40</sup>

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<sup>32</sup> pp. 141-42 [261-62].

<sup>33</sup> p. 162 [331].

<sup>34</sup> p. 158 [324].

<sup>35</sup> p. 160 [327].

<sup>36</sup> p. 159 [325].

<sup>37</sup> p. 160 [328].

<sup>38</sup> p. 156 [321].

<sup>39</sup> pp. 156-57 [321].

<sup>40</sup> p. 157 [322].

It is true, wars merely defensive cannot be but they must be offensive; but they are offensive by accident, and intended for mere defence, and they cannot be without wars sinfully offensive ... Defensive wars are offensive, *ex eventu et effectu*, not *ex causa*, or *ex intentione*.<sup>41</sup>

Rutherford puts in place important, if predictable, conditions. First, the suffering of the people must be extreme. A single or a few tyrannical acts do not make a tyrant<sup>42</sup> and matters of excessive or illicit taxation,<sup>43</sup> for example, do not justify the radical step of armed resistance. Rather, there must be “such acts of tyranny as seem destructive of the royal covenant, and inconsistent therewith”<sup>44</sup> because “a tyrant is he who habitually sinneth against the catholic good of the subjects and state, and subverteth law”.<sup>45</sup> In fact, “the people are to suffer much before they resume their power”<sup>46</sup> and are to react with violence only “in the exigence of the last and most inexorable necessity”.<sup>47</sup> A key criterion is that “when there is no actual invasion made by a man seeking our life, we are not to use violent re-offending”.<sup>48</sup>

Secondly, in addition to the demand that all other lawful courses of action must have been exhausted, it is not for private individuals violently or precipitately to resist the king. It is parliament and the inferior judges who have the responsibility of taking such action. Since it was through the parliament that the people granted their power of self-preservation to the king, it must be through the parliament that they withdraw or resume that power.<sup>49</sup>

Thirdly, there must be a realistic chance of success<sup>50</sup> and yet minimum force must be used with no revenge permissible (though there may be due punishment of the king):

Buffeting again is formally re-offending – not defending: defending is properly a warding off a blow or stroke. If my neighbour come to kill me, and I can by no means save my life by flight, I may defend myself; and all divines say I may rather kill ere I be killed ... but if I kill him, out of malice or hatred, the act of defending, by the unlawful manner of doing, becometh an act of offending and murder; whence the mind of the blood-shedder will vary the nature of the action.<sup>51</sup>

I hold that the estates of Scotland have power to punish the king, if he labour to subvert religion and laws.<sup>52</sup>

### 3. Armed resistance – but surely we are told not to resist evil?

Rutherford deals with the major objections to his case. His response to arguments for unqualified subjection to the civil government follows the arguments outlined above – that the subjection which God requires is to the civil ruler acting lawfully and not to the ruler acting tyrannically. And he robustly meets the claim that God intends Christians to suffer passively under oppressive rulers. Specifically, he declares of I Peter 2 that “it is clear, the place is nothing against resistance”.<sup>53</sup> He argues that it is never a Christian duty to undergo suffering considered solely as suffering and indeed that such a duty would contradict the natural law demand of self-preservation. As God would not command me to harm myself, so he would not command me, without condition or reservation, to allow myself to suffer. The Lord Jesus Christ, it is true, had a duty to suffer and yet this was “this one merely extraordinary and rare example of Christ, the like whereof was never in the world” and was “by virtue of a special commandment imposed on him by his Father”.<sup>54</sup> In all other cases, commands for Christians to suffer are qualified in one of two ways. First, the duty is to suffer *patiently* rather than to suffer as such. Rutherford points out that this is the case in I Peter 2, the passage cited most frequently in support of an alleged duty to suffer. Secondly, there is a command to suffer and suffering must be chosen in those circumstances where the only other choice is to deny Christ. These two qualifications are explained together:

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<sup>41</sup> pp. 158-59 [324-25].

<sup>42</sup> pp. 37 [64], 199 [401].

<sup>43</sup> p. 157 [321].

<sup>44</sup> p. 58 [104].

<sup>45</sup> p. 119 [217].

<sup>46</sup> p. 36 [63].

<sup>47</sup> p. 160 [328].

<sup>48</sup> p. 161 [329].

<sup>49</sup> pp. 35-36 [60-63], 69 [124-25], 96-97 [174-76], 139 [257].

<sup>50</sup> p. 180 [364-65].

<sup>51</sup> p. 156 [320-21].

<sup>52</sup> p. 213 [428].

<sup>53</sup> p. 152 [313].

<sup>54</sup> p. 153 [315, 314].

All these places of God's word, that recommendeth suffering to the followers of Christ, do not command formally that we suffer; therefore, suffering falleth not formally under any commandment of God. I prove the antecedent, because if they be considered, they prove only that comparatively we are to choose rather to suffer than to deny Christ before men, (Mat. 10:28, 32; Rev. 2:13; Mat. 10:37; 16:24; 19:29) or then they command not suffering according to the substance of the passion, but according to the manner that we suffer, willingly, cheerfully, and patiently. Hence Christ's word to take up his cross, which is not a mere passion, but commendeth an act of the virtue of patience. Now no Christian virtue consisteth in a mere passion, but in laudable habits, and good and gracious acts, and the text we are now on (1 Pet. 2:18, 19) doth not recommend suffering from the example of Christ, but patient suffering; and so the word ὑποτασσόμενον, not simply enjoined, but ἐν παντὶ φόβῳ in all fear, (ver. 18) and the words ὑποφέρων and ὑπομενεῖς, to suffer with patience, as 2 Tim. 3:11; 1 Cor. 10:13, and ὑπομενεῖν; is to suffer patiently, 1 Cor. 13:7, love πάντα ὑπομένει suffereth all things; Heb. 12:17, if you suffer correction; 1 Tim. 5:5, she continueth patiently in prayers; Heb. 12:2, Christ endureth the cross *patiently* (Rom. 15:5; 8:25; Luke 8:15; 21:29). The derivations hence signify patience; so do all our interpreters, Beza, Calvin, Marloratus, and popish expositors, as Lorinus, Estius, Carthusian, Lyra, Hugo Cardinalis, expound it of patient suffering; and the text is clear, it is suffering like Christ, without rendering evil for evil, and reviling for reviling.<sup>55</sup>

Rutherford meets the response that perhaps disobedience to the proper authorities itself constitutes a form of the denial of Christ with his oft-repeated argument that subjection is due to them only where they are acting lawfully. If resistance is ever lawful and possible then suffering rather offering lawful resistance is itself unfaithful. After all, remembering that flight is a form of resistance, “no man is to expect the reward of a witness of Jesus, who having a lawful possible means of eschewing suffering, doth yet cast himself into suffering needlessly”.<sup>56</sup> And there is no reason why patient suffering and lawful resistance should not co-exist: “Patient suffering of wicked men, and violent resisting are not incompatible”.<sup>57</sup> David is an example of just this:

David did bear most patiently the wrong that his own son Absalom, and Ahitophel, and the people inflicted on him ... yet did he lawfully resist Absalom and the conspirators, and sent out Joab and a huge army in open battle against them, (2 Sam. 18:1-4, &c.) and fought against them.<sup>58</sup>

If the opposite were the case then what limits could there be?

Servants are not commanded simply to suffer. (I can prove suffering formally not to fall under any law of God, but only patient suffering. I except Christ, who was under a peculiar commandment to suffer.) But servants, upon supposition that they are servants, and buffeted unjustly by their masters, are, by the apostle Peter, commanded (ver. 20) to suffer patiently. But it doth not bind up a servant's hand to defend his own life with weapons if his master invade him, without cause, to kill him.<sup>59</sup>

Rutherford is outspoken on this point and there is no mistaking his position:

Neither Rom. 13 nor 1 Pet. 2 nor any other place in God's word, any common divine, natural, national or any municipal law, commandeth formally obedience passive, or subjection passive, or non-resistance under the notion of passive obedience; yea, to me, obedience passive (if we speak of obedience, properly called, as relative essentially to a law) is a chimera, a dream, and *repugnantia in adjecto*; and therefore I utterly deny that resistance passive, or subjection passive, doth formally fall under either commandment of God affirmative or negative; only the unlawful manner of resistance by way of revenge, or for defence of popery and false religion, and out of impatient toleration of monarchy or any tyranny, is forbidden in God's word.<sup>60</sup>

Other arguments are deployed, involving Scriptural examples of violent resistance, the duty of care to the weak or of gratitude to benefactors, and political and religious alliance between nations.<sup>61</sup> But the main points are clear: God requires neither active subjection to unlawful commands of the tyrant nor passive subjection to his oppressive acts of violence. If there is not to be passive subjection then there must be reactive self-defence and reactive self-defence at the extreme means armed resistance. Thus:

We hold, that the king using, contrary to the oath of God and his royal office, violence in killing; against law and conscience, his subjects, by bloody emissaries, may be resisted by defensive wars, at the commandment of the estates of the kingdom.<sup>62</sup>

<sup>55</sup> p. 155 [317-18].

<sup>56</sup> p. 154 [317].

<sup>57</sup> p. 152 [313].

<sup>58</sup> pp. 152-53 [313].

<sup>59</sup> p. 111 [201].

<sup>60</sup> p. 155 [318-19].

<sup>61</sup> pp. 187-90 [378-84].

<sup>62</sup> p. 141 [260].

#### 4. *Lex, Rex - The Christendom project / crown rights social order*

Muslims and Christendomites about the only people not playing the pluralist game. Christendom not an alternative answer to standard political questions but a different way of setting the rules.

Illustrative distillation of the Christendom project:

The first line of the constitution of each and every nation on earth should include a statement such as “The triune God, Father, Son and Holy Spirit, Creator, Ruler, Redeemer, and Judge of all things, is the one true God. The Lord Jesus Christ has all authority in heaven and on earth and is the ruler of the kings of the earth.”

This should be uncontroversial:

- Is Jesus Christ the ruler of the kings of the earth?
- Is it desirable that the kings of the earth should acknowledge this?
- Is it desirable that the kings of the earth *qua* kings should publicly confess this?

Or use the redrafting of the coronation service as an illustration?

##### A. responding to crits

1. you can't proceed with this project until you're clear about Christian use of the OT
  - a) some things are clear – God-breathed, useful, points to Christ, equips for every good work; wise, just and beautiful laws which expressed God's characters for one particular social order ...
  - b) don't “get clear” and then proceed ... you get clear as you proceed
2. the Christendom project / crown rights social order fails fully to take into account our fallibility and ignorance – other voices must be heard
  - a) we know some things pretty clearly – the triune God is maker, ruler and judge of all things; Jesus has all authority in heaven and on earth; the Bible is the infallible and sufficient word of God; civil government is God's servant, an avenger of his wrath on the evil-doer
  - b) were Adam and Eve (ignorant and fallible as they were) right to give the serpent a hearing?; did God not realize that his people were ignorant and fallible when he told them not to give a hearing to the idolater in Deut 13?
  - c) if there were never foreclosure / judgment / decision then there would be no laws or punishments at all; if there are laws or punishments at all then we have concluded that there are some things which our ignorance and fallibility does not prevent us acting on
3. the Christendom project / crown rights social order does not adhere to NT priorities / agenda
  - a) depends on what priority it is given – if a converted civil magistrate or parliament asks what would please the Lord then ... (O'D – Christendom as *response* to mission)
  - b) need to understand what time it is – Athens and Corinth in the 50s different from Scotland in the 1650s and then again from UK in 2005 and then again from US / Chile / Zambia 2005. SR addressing the powers may be more like an OT prophet's social context than a NT evangelist's
4. the Christendom project / crown rights social order does not adhere to NT methods for gospel growth / building the church / coming of the kingdom
  - a) but SR and like-minded assert the centrality of the church, the priority of the preaching of the Word by prayerful, suffering, servant-hearted, godly believers. When did they say either that reforming civil government was the salvation of the nation or that preaching of the gospel was not? Affirming the priority of gospel preaching and godly living does not require abandonment of concern that Christ be increasingly given first place in all things
5. the Christendom project / crown rights social order is triumphalist either in demeanour (arrogant) or in theology (over-realized eschatology)
  - a) in demeanour – inexcusable and no doubt SR has been forgiven for any lapses
  - b) in theology – distinguish between what is desirable and what is possible and ask what you do with that in the case of the individual. Desirable is entire Christlikeness, possible is something short of that. The standard becomes the (within-history) unattainable but striven for goal and the measure of current faithfulness. Deut 4, Psalm 2, Isaiah 2, Matt 13, Matt 28, I Cor 15. What is possible is a moving target – same said about slavery, child labour, lower-class illiteracy etc.

6. the Christendom project / crown rights social order leads to theocracy / ecclesiocracy
  - a) theocracy – like the kingdom is already and not yet and altogether to be longed for
  - b) ecclesiocracy – not in SR – believed in plural institutions accountable to one Lord not that the church should rule the civil government
7. establishment doesn't work
  - a) what does it mean? what is established - e.g. the four propositions of 2a) above or a particular denomination?
8. the Christendom project / crown rights social order is unrealistic because it's too difficult or too late
  - a) too difficult? so is entire personal Christlikeness; but Christ is King and the Spirit omnipotent
  - b) too late? (post-Christendom, irrecoverable etc) do you know something about the date of Christ's return that I don't? global perspective ...

## B. going on the attack

The Christendom project / crown rights social order is the only proper foundation for human freedom and maturity.

1. Distinguish between the basis of civil order and the substance of it – between the constitution and the statute-book.
2. Neither pluralists nor Christendomites believe in an empty statute-book; neither pluralists nor Christendomites believe that the statute-book should cover every single human action
3. So both pluralists and Christendomites believe in the criminalization of some activities and in the toleration of some activities – and that many sins will be amongst the tolerated actions
4. What pluralists and Christendomites disagree about, then, is how to determine which activities should be criminal and which should be tolerated
5. And the criterion which they apply and the authority to which they appeal is, in effect, what they write in their constitution
6. The ultimate constitutional pluralist would write “everyone is right and no-one is right and none of us can ever know for sure” in his constitution. Obviously this would mean that the statute-book would be empty too.
7. The intermediate constitutional pluralist would write “we will not take a view upon whether Jesus is Lord and the Bible is sufficient, nor upon Allah and Muhammed, nor upon ... but we will proceed on the basis of ...” What? Either something is said to ground what is then written in the statute-book or the whole exercise is building castles in the air.
8. If something is said then the pluralist is not a constitutional pluralist any longer – he has declared some basis, some authority, some standard – pluralism is unstable at the constitutional level
9. Or if the pluralist decides to keep his constitution blank then he has no grounds upon which to write something in his statute-book – his criminalization of some activities and toleration of others is unstable
10. On the other hand, the Christendomite may declare in his constitution, “the Triune God is maker, ruler and judge of all things, the Bible is his infallible and sufficient Word, the Lord Jesus Christ has all authority in heaven and on earth and the civil government is God's servant, an avenger of his wrath on the evil-doer ..” and then proceed to say, “and look, the Bible tells us that murder should be criminalized and that pride, though sinful, should not ...”
11. Thus, constitutional pluralism is unstable and any statute-book pluralism founded upon it is arbitrary.
12. Whereas constitutional Christendom is stable and (ironically, in view of the hatred some have for it) provides a sure foundation for toleration
13. Which may leave you with 50,000 exegetical questions but at least you have a place to stand ...
14. If you like SR's Whig constitutionalism (multiple institutions, freedom of the press (I know ...), the rule of law etc) – then you have his Reformed theocracy to thank for it!

## *The Prose Version*

What follows is obvious – a question for those who seek to affirm the possibility or legitimacy of neutrality or pluralism in civil government. If, Rutherford might ask, one set of answers to the questions above is correct and other sets incorrect, then how, for right-minded people, could the recognition and implementation of the correct answers not be the goal for the future and the critical measure of the present? In a few short steps Rutherford takes us to the Christendom question. Coffey calls Rutherford a “full-

blooded defender of Reformed theocratic ambition”.<sup>63</sup> Rutherford would wish to ask what else he could be while remaining consistent with his answers to the original questions.

Pressing his point, Rutherford might then ask whether, far from there being a tension in his thought between the “Whig constitutionalist” and the “Presbyterian theocrat”, it is not rather the case – in a politically presuppositionalist sort of way – that all that is good and proper in his political theory hangs or falls together. Coffey describes how *Lex, rex* is experienced as an “ambiguous book” by modern readers:

On the one hand, Rutherford’s arguments for popular sovereignty, the rule of law, and the right of resistance to tyranny, remind us of Locke, and can lead to the impression that the author of *Lex, Rex* was something of a modern liberal. On the other hand, his desire for a covenanted nation purged of heresy, idolatry and unbelief, makes him appear thoroughly reactionary, utterly committed to the ideals of Christendom.<sup>64</sup>

Rutherford might reply that those features of his thought which are attractive to moderns (the “modern liberal” Rutherford) – its contractarianism, division of powers, checks and balances, emphasis on the rule of law, person-office distinction – cannot be separated from the Reformed systematics and covenantal reading of Scripture (the “thoroughly reactionary” Rutherford) with which they are associated in *Lex, rex*. This is because they are not merely “associated”. Rather, Rutherford’s affirmation of modern aspects of political thought and practice wholly depends upon its theological underpinning. Unless there is a sovereign, righteous God, unless the Calvinist doctrine of providence is true, unless the church is the bearer of salvation news and Christ is Lord over all human institutions, unless the law of God clearly and authoritatively describes human maturity and social well-being, then what the successors of the “Whig constitutionalist” so appreciate in *Lex, rex* is lost to them and to the rest of us. This is presuppositionalist by affirming politically what is also true epistemologically and ethically and personally: the only sure foundation for ordered and good thinking and living is the rule and rules of the triune God; where those who deny that rule and those rules nonetheless prosper (think straight, live well, or do politics properly) it is because they are being inconsistent with their denial; sanity and well-being are found and human flourishing experienced best by submissive and dependent acknowledgement of God and by living, thinking and politicking consistently with that.

Taking this further: if, for a few moments, Rutherford could set aside his own refusal of toleration, he might even ask modern Christians who are so keen on toleration for an explanation of how they think that pluralism can provide a basis for it. Imagine that the constitution sets out the principles by which a society determines what is to be tolerated and what to be criminalized, that is, what should be placed on the statute book. A full pluralist constitution will say something like “everyone is right and no-one is right and none of us can ever know for sure.” This makes any toleration which is offered “out there” in the public square or on the statute-book either arbitrary or unfounded. In contrast – and somewhat ironically - a commitment at the level of the constitution to the recognition of the authority of Christ provides solid grounds for extending toleration exactly as far as he commands. The constitution will read, “Jesus Christ is Kings of Kings and we are to do what he says”. The statute-book can then say with a proper basis in the constitution, “The King says that behaviours X and Y are to be tolerated (with respect to sanctions from the magistrate) and that behaviours A and B are to be punished.” And, depending on answers to a multitude of exegetical questions, it is a distinct possibility that X and Y will include “belief in a false god”. Toleration has a foundation in a “Christendomite” constitution which it does not have in a pluralist constitution. This, too, demonstrates that those wishing for “Whig constitutionalist” benefits such as toleration need the “Reformed theocrat” Christendom ideal (the “professedly Christian civil order”) to underpin such benefits.

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<sup>63</sup> Coffey, *Politics*, p. 29.

<sup>64</sup> Coffey, *Politics*, p. 187.

## 5. An important extract from *Lex, Rex*

*Q.XXVIII: For the lawfulness of resistance in the matter of the king's unjust invasion of life and religion, we offer these arguments:*

**Arg. 1:** That power which is obliged to command and rule justly and religiously for the good of the subjects, and is only set over the people on these conditions, and not absolutely, cannot tie the people to subjection without resistance, when the power is abused to the destruction of laws, religion, and the subjects. But all power of the law is thus obliged, (Rom. xiii. 4 ; Deut. xvii. 18-20 ; 2 Chron. xix. 6 ; Ps. cxxxii. 11, 12 ; lxxxix. 30, 31; 2 Sam. vii. 12 ; Jer. xvii. 24, 25,) and hath, and may be, abused by kings, to the destruction of laws, religion, and subjects. The proposition is clear. 1. For the powers that tie us to subjection only are of God. 2. Because to resist them, is to resist the ordinance of God. 3. Because they are not a terror to good works, but to evil. 4. Because they are God's ministers for our good, but abused powers are not of God, but of men, or not ordinances of God ; they are a terror to good works, not to evil ; they are not God's ministers for our good.

**Arg. 2:** That power which is contrary to law, and is evil and tyrannical, can tie none to subjection, but is a mere tyrannical power and unlawful; and if it tie not to subjection, it may lawfully be resisted. But the power of the king, abused to the destruction of laws, religion, and subjects, is a power contrary to law, evil, and tyrannical, and tyeth no man to subjection : wickedness by no imaginable reason can oblige any man. Obligation to suffer of wicked men falleth under no commandment of God, except in our Saviour. A passion, as such, is not formally commanded, I mean a physical passion, such as to be killed. God hath not said to me in any moral law, Be thou killed, tortured, beheaded ; but only, Be thou patient, if God deliver thee to wicked men's hands, to suffer these things.

**Arg. 3:** There is not a stricter obligation moral betwixt king and people than betwixt parents and children, master and servant, patron and clients, husband and wife, the lord and the vassal, between the pilot of a ship and the passengers, the physician and the sick, the doctor and the scholars, but the law granteth, (l. Minime 35, de Relig. et sumpt. funer.) if these betray their trust committed to them, they may be resisted: if the father turn distracted, and arise to kill his sons may violently apprehend him, and bind his hands, and spoil him of his weapons; for in that he is not a father.....The servant may resist the master if he attempts unjustly kill him, so may the wife do to the husband; if the pilot should wilfully run the ship on a rock to destroy himself and his passengers, they might violently thrust him from the helm. Every tyrant is a furious man, and is morally distracted, as Althusius said, Polit. c. 28, n. 30, and seq.

**Arg. 4:** That which is given as a blessing, and a favour, and a screen, between the people's liberty and their bondage, cannot be a given of God as a bondage and slavery to the people. But the power of king is given as a blessing and favour God to defend the poor and needy, to preserve both tables of the law, and to keep the people in their liberties from oppressing and treading one upon another. But so it is, that if such a power be given of God to a king, by which, *actu primo*, he is invested of God to do acts of tyranny, and so to do them, that to resist him in the most innocent way, which is self-defence, must be a resisting of God, and rebellion against the king, his deputy ; then hath God given a royal power as uncontrollable by mortal men, by any violence, as if God himself were immediately and personally resisted, when the king is resisted, and so this power shall be a power to waste and deatroy irresistibly, and so in itself a plague and a curse; for it cannot be ordained both according to the intention and genuine formal effect and intrinsical operation of the power, to preserve the tables of the law, religion and liberty, subjects and laws, and also to destroy the same. But it is taught by royalists that this power is for tyranny, as well as for peaceable government; because to resist this royal power put forth in acts either ways, either in acts of tyranny or just government, is to resist the ordinance of God, as royalists say, from Rom. xiii. 1-3. And we know, to resist God's ordinances and God's deputy, *formaliter*, as his deputy, is to resist God himself,(1 Sam. viii. 7; Matt.x. 40,) as if God were doing personally these acts that the king is doing; and it importeth as much as the King of kings doth these acts in and through the tyrant. Now, it is blasphemy to think or say, that when a king is drinking the blood of innocents, and wasting the church of God, that God, if he were personally present, would commit these same acts of tyranny, (God avert such blasphemy !) and that God in and through the king, as his lawful deputy and vicegerent in these acts of tyranny, is wasting the poor church of God. If it be said, in these sinful acts of tyranny, he is not God's formal vicegerent, but only in good and lawful acts of government, yet he is not to be resisted in these acts, not because the acts are just and good, but because of the dignity of his royal person. Yet this must prove that those who resist the king in these acts of tyranny, must resist no ordinance of God, but only resist him who is the Lord's deputy, though not as the Lord's deputy. What absurdity is there in that more than to disobey him, refusing active obedience to him who is that Lord's deputy, not as the, Lord's deputy, but as a man commanding besides his master's warrant?

**Arg. 5:** That which is inconsistent with the care and providence of God in giving a king to his church is not to be taught. Now God's end in giving a king to his church, as the feeding, safety, preservation, and the peaceable and quiet life of his church. (1 Tim. ii. 2 ; Isa. xlix. 23 ; Psal. lxxix. 71). But God should cross his own end in the same act of giving a king, if he should provide a king, who, by office, were to suppress robbers, murderers, and all oppressors and wasters in his holy mount, and yet should give an irresistible power to one crowned lion, a king, who may kill ten hundred thousand protestants for their religion, in an ordinary providence; and they are by an ordinary law of God to give their throats to his emissaries and bloody executioners. If any say the king will not

be so cruel, - I believe it; because, *actu secundo*, it is not possibly in his power to be so cruel. We owe thanks to his good will that he killeth not so many, but no thanks to the nature and genuine intrinsical end of a king, who hath power from God to kill all these, and that without resistance made by any mortal man. Yea, no thanks (God avert blasphemy!) to God's ordinary providence, which (if royalists may be believed) putteth no bar upon the unlimited power of a man inclined to sin, and abuse his power to so much cruelty. Some may say, the same absurdity doth follow if the king should turn papist, and the parliament all were papists. In that case there might be so many martyrs for the truth put to death, and God should put no bar of providence upon this power, then more than now; and yet, in that case, the king and parliament should be judges given of God, *actu primo*, and by virtue of their office obliged to preserve the people in peace and godliness. But I answer, If God gave a lawful official power to king and parliament to work the same cruelty upon millions of martyrs, and it should be unlawful for them by arms to defend themselves, I should then think that king and parliament were both *ex officio*, by virtue of their office, and *actu primo*, judges and fathers, and also by that same office, murderers and butchers,- which were a grievous aspersion to the unspotted providence of God.

**Arg. 6:** If the estates of a kingdom give the power to a king, it is their own power in the fountain; and if they give it for their own good, they have power to judge when it is used against themselves, and for their evil, and so power to limit and resist the power that they gave. Now, that they may take away this power, is clear in Athaliah's case. It is true she was a tyrant without a title, and had not the right of heaven to the crown, yet she had, in men's court, a title. For supposing all the royal seed to be killed, and the people consent, we cannot say that, for these six years or thereabout, she was no magistrate: that there were none on the throne of David at this time: that she was not to be obeyed as God's deputy.

## 6. Two earlier documents illustrating Reformed/Covenanter/Puritan thinking on the State

*a) Extract from John Knox's 1558 Appellation from the The Appellation from the Sentence Pronounced by the Bishops and Clergy: Addressed to the Nobility and Estates of Scotland. (Papal authorities had condemned him and burned his effigy – this was his "open letter" response.)*

Advert and take heed, my lords, that the men who had condemned the prophet were the king, his princes, and council; and yet did one man accuse them all of iniquity, and did boldly speak in the defence of him of whose innocence he was persuaded. And the same, I say, is the duty of every man in his vocation, but chiefly of the nobility which are joined with their kings, to bridle and repress their folly and blind rage. Which thing, if the nobility do not, neither yet labour to do: as they are traitors to their kings, so do they provoke the wrath of God against themselves and against the realm in which they abuse the authority which they have received of God to maintain virtue and to repress vice. For hereof I would your honours were most certainly persuaded, that God will neither excuse nobility nor people, but the nobility least of all, that obey and follow their kings in manifest iniquity; but with the same vengeance will God punish the prince, people, and nobility, conspiring together against him and his holy ordinances; as in the punishment taken upon Pharaoh, Israel, Judah, and Babylon is evidently to be seen. For Pharaoh was not drowned alone, but his captain, chariots, and great army drank the same cup with him. The kings of Israel and Judah were not punished without company; but with them were murdered the counsellors, their princes imprisoned, and their people led captive. And why? Because none was found so faithful to God, that he durst enterprise to resist or stand against the manifest impiety of their princes. And therefore was God's wrath poured forth upon the one and the other.

But the more ample discourse of this argument I defer to better opportunity. Only at this time, I thought [it] expedient to admonish you, that before God it shall not excuse you to allege, "We are no kings, and therefore neither can we reform religion, nor yet defend the persecuted." Consider, my lords, that you are powers ordained by God (as before is declared), and therefore does the reformation of religion, and the defence of such as unjustly are oppressed, appertain to your charge and care, which thing shall the law of God, universally given to be kept of all men, most evidently declare; which is my last and most assured reason, why, I say, you ought to remove from honours and punish with death such as God has condemned by his own mouth. After that Moses had declared what was true religion: to wit, to honour God as he commanded, adding nothing to his word, neither yet diminishing anything from it (Deut. 12:32); and also after he had vehemently exhorted the same law to be observed; he denounced the punishment against the transgressors in these words, "If thy brother, son, daughter, wife, or neighbour, whom thou lovest as thine own life, solicit thee secretly, saying, 'Let us go serve other gods,' whom neither thou, nor thy fathers have known; consent not to him; hear him not. Let not thine eye spare him; show him no indulgence or favour; hide him not; but utterly kill him. Let thy hand be the first upon him, that he may be slain, and after the hand of the whole people" (Deut. 13:6-9, 27). Of these words of Moses are two things, appertaining to our purpose, to be noted: [49] Former, that such as solicit only to idolatry ought to be punished to death, without favour or respect of persons. For he that will not suffer man to spare his son, his daughter, nor his wife, but straitly commands punishment to be taken upon idolaters (have they never so near conjunction with us), will not wink at the idolatry of others, of what estate or condition so ever they be.

[50] It is not unknown that the prophets had revelations of God which were not common to the people: as Samuel had the revelation that Eli and his posterity should be destroyed; that Saul should first be king, and thereafter that he should be rejected; that David should reign for him (1 Sam. 3:11-14; 9:15-17; 15:10-31). Micaiah understood by [a]

vision that Ahab should be killed in battle against the Syrians (1 Kings 22:17-28). Elijah saw that the dogs should eat Jezebel in the fortress of Jezreel (1 Kings 21:17-24). Elisha did see hunger come upon Israel for the space of seven years (2 Kings 8:1-3). Jeremiah did foresee the destruction of Jerusalem and the time of their captivity. And so diverse other prophets had diverse revelations of God, which the people did not otherwise understand but by their affirmation; and therefore in those days were the prophets named *seers*, because God did open unto them that which was hid from the multitude. Now, if any man might have claimed any privilege from the rigour of the law, or might have justified his fact, it should have been the prophet. For he might have alleged for himself his singular prerogative, that he had above other men, to have God's will revealed unto him by vision or by dream, that his pleasure was to be honoured in that manner, in such a place, and by such means. But all such excuses does God remove, commanding that the prophet that shall solicit the people to serve strange gods shall die the death, notwithstanding that he allege for himself dream, vision, or revelation. Yea, although he promises miracles, and also that such things as he promises come to pass: yet, I say, God commanded that no credit be given to him, but that he die the death, because he teaches apostasy, and defection from God (Deut. 13:1-5).

Hereof your honours may easily espy, that none provoking the people to idolatry ought to be exempted from the punishment of death. For if neither that inseparable conjunction (which God himself has sanctified bewixt man and wife), neither that unspeakable love grafted in nature (which is betwixt the father and the son), neither yet that reverence which God's people ought to bear to the prophets, can excuse any man to spare the offender, or to conceal his offence (Deut. 13:6-11): what excuse can man pretend, which God will accept? Evident it is, that no estate, condition, nor honour can exempt the idolater from the hands of God, when he shall call him to accounts, or shall inflict punishment upon him for his offence: how shall it then excuse the people that they, according to God's commandment, punish not to death such as shall solicit or violently draw the people to idolatry?

And this is the first, which I would your honours should note, of the former words: to wit, that no person is exempted from punishment, if he can be manifestly convicted to have provoked or led the people to idolatry. And this is most evidently declared in that solemn oath and covenant which Asa made with the people to serve God, and to maintain his religion, adding this penalty to the transgressors of it: to wit, "that whosoever should not seek the Lord God of Israel should be killed: were he great, or were he small, were it man, or were it woman" (2 Chron. 15:13). And of this oath was the Lord pleased; he was found of them, and gave them rest on every part, because they sought him with their whole heart, and did swear to punish the offenders, according to the precept of his law, without respect of persons. And this is it which, I say, I would your honours should note for the first, that no idolater can be exempted from punishment by God's law.

The second is, that the punishment of such crimes as are idolatry, blasphemy, and others, that touch the majesty of God does not appertain to kings and chief rulers only, but also to the whole body of that people, and to every member of the same, according to the vocation of every man, and according to that possibility and occasion which God does minister to revenge the injury done against his glory, what time that impiety is manifestly known. And that does Moses more plainly speak in these words: "If in any of thy cities," says he, "which the Lord thy God giveth unto thee to dwell in them, thou shalt hear this bruit [*report*]: 'There are some men, the sons of Belial, passed forth from thee, and have solicited the citizens of their cities by these words, 'Let us go and serve strange gods which you have not known;'' search and inquire diligently; and if it be true that such abomination is done in the midst of thee, thou shalt utterly strike the inhabitants of that city with the sword. Thou shalt destroy it, and whatsoever is within it; thou shalt gather the spoil of it in the midst of the marketplace; thou shalt burn that city with fire, and the spoil of it to the Lord thy God, that it may be a heap of stones for ever; neither shall it be any more builded. Let nothing of that execration cleave to thy hand; that the Lord may turn from the fury of his wrath, and be moved towards thee with inward affection" (Deut. 13:12-17).

[51] Plain it is that Moses speaks, nor gives not charge to kings, rulers, and judges only, but he commands the whole body of the people, yea, and every member of the same according to their possibility. And who dare be so impudent as to deny this to be most reasonable and just? For seeing that God had delivered the whole body from bondage, and to the whole multitude had given his law, and to the twelve tribes had he so distributed the inheritance of the land of Canaan, that no family could complain that it was neglected: was not the whole and every member indebted to confess and acknowledge the benefits of God? Yea, had it not been the part of every man to have studied to keep the possession which he had received? (Deut. 28, 30) Which thing God did plainly pronounce they should not do, except that in their hearts they did sanctify the Lord God (Deut. 7); that they embraced, and inviolably kept his religion established; and finally, except they did cut out iniquity from amongst them, declaring themselves earnest enemies to those abominations (which God himself declared so vehemently to hate, that first he commanded the whole inhabitants of that country to be destroyed, and all monuments of their idolatry to be broken down; and thereafter he also straitly commanded that a city declining to idolatry should fall in the edge of the sword, and that the spoil of the same should be burned, no portion of it reserved).

[52] To the carnal man this may appear a rigorous and severe judgment; yea, it may rather seem to be pronounced in a rage than in wisdom. For what city was ever yet, in which, to man's judgment, were not to be found many innocent persons, as infants, children, and some simple and ignorant souls, who neither did nor could consent to such impiety? And yet we find no exception, but all are appointed to the cruel death. And as concerning the city, and the spoil of the same, man's reason cannot think, but that it might have been better bestowed than to be consumed with fire (and so to profit no man). But in such cases God wills that all creatures stoop, cover their faces, and desist from reasoning, when commandment is given to execute his judgment.

Albeit I could adduce diverse causes of such severity, yet I will search [for] none other than the Holy Ghost has assigned. First, that all Israel, hearing the judgment, should fear to commit the like abomination. And secondarily, that the Lord might turn from the fury of his anger, might be moved towards the people with inward affection, be merciful unto them, and multiply them, according to his oath made unto their fathers. Which reasons, as they are sufficient in God's children to correct the murmuring of the grudging flesh; so ought they to provoke every man, as before I have said, to declare himself enemy to that which so highly provokes the wrath of God against the whole people. [53]For where Moses says, "Let the city be burned, and let no part of the spoil cleave to thy hand; that the Lord may return from the fury of his wrath," etc. (Deut. 13:16-17), he plainly does signify that, by the defection and idolatry of a few, God's wrath is kindled against the whole, which is never quenched till such punishment be taken upon the offenders; that whosoever served them in their idolatry be brought to destruction, because that it is execrable and accursed before God; and therefore he wills not that it be reserved for any use of his people.

I am not ignorant that this law was not put in execution, as God commanded. But what did thereof ensue and follow, histories declare: to wit, plague after plague, till Israel and Judah were led into captivity, as the books of Kings do witness. The consideration whereof makes me more bold to affirm, that it is the duty of every man, that lists to escape the plague and punishment of God, to declare himself enemy to idolatry not only in heart hating the same, but also in external gesture, declaring that he laments, if he can do no more, for such abominations (Ezek. 9). Which thing was shown to the prophet Ezekiel, what time he gave him to understand why he would destroy Judah with Israel; and that he would remove his glory from the temple and place that he had chosen, and so pour forth his wrath and indignation upon the city (Ezek. 8-9), that was full of blood and apostasy, which became so impudent, that it durst be bold to say, "The Lord hath left the earth, and seeth not" (Ezek. 8:12). At this time, I say, the Lord revealed in [a] vision to his prophet, who they were that should find favour in that miserably destruction: to wit, "those that did mourn and lament for all the abominations done in the city, on whose foreheads did God command to print and seal Tau," (Ezek. 9:4)[54] to the end that the destroyer, who was commanded to strike the rest without mercy, should not hurt them in whom that sign was found.

Of these premises, I suppose it is evident, that the punishment of idolatry does not appertain to kings only, but also to the whole people, yea, to every member of the same, according to his possibility. For that is a thing most assured, that no man can mourn, lament, and bewail for those things which he will not remove to the uttermost of his power. [55]If this be required of the whole people, and of every man in his vocation, what shall be required of you, my lords, whom God has raised up to be princes and rulers above your brethren, whose hands he has armed with the sword of justice? yea, whom he has appointed to be as bridles, to repress the rage and insolence of your kings, whensoever they pretend manifestly to transgress God's blessed ordinance?

[56]If any think that this my affirmation, touching the punishment of idolaters, is contrary to the practice of the apostles, who, finding the Gentiles in idolatry, did call them to repentance, requiring no such punishment: [57]let the same man understand, that the Gentiles, before the preaching of Christ, lived, as the apostle speaks, without God in the world, drowned in idolatry, according to the blindness and ignorance in which then they were held, as a profane nation, whom God had never openly avowed to be his people, had never received in his household, neither given unto them laws to be kept in religion nor polity; and therefore did not his Holy Ghost, calling them to repentance, require of them any corporeal punishment, according to the rigour of the law, unto the which they were never subjects, as they that were strangers from the commonwealth of Israel.

But if any think, that after the Gentiles were called from their vain conversation, and by embracing Christ Jesus were received into the number of Abraham's children, and so made one people with the believing Jews (Eph. 2): if any think, I say, that then they were not bound to the same obedience which God required of his people Israel, what time he confirmed his league and covenant with them, the same man appears to make Christ inferior to Moses, and contrary to the law of his heavenly Father. For if the contempt or transgression of Moses' law was worthy of death, what should we judge the contempt of Christ's ordinances to be? I mean after they are once received. And if Christ be not come to dissolve, but to fulfill the law of his heavenly Father, shall the liberty of his gospel be an occasion that the especial glory of his Father be trodden under foot, and regarded of no man? God forbid!

[58]The especial glory of God is that such as profess themselves to be his people should hearken to his voice; and amongst all the voices of God revealed to the world, touching punishment of vices, none is more evident (neither more severe) than is that which is pronounced against idolatry, [and] the teachers and maintainers of the same (1 Sam. 15). And therefore I fear not to affirm, that the Gentiles (I mean every city, realm, province, or nation amongst the Gentiles, embracing Christ Jesus and his true religion) are bound to the same league and covenant that God made with his people Israel, what time he promised to root out the nations before them, in these words: "Beware that thou make any covenant with the inhabitants of the land to the which thou comest, lest perchance that this come in ruin (that is, be destruction to thee); but thou shalt destroy their altars, break their altars, and cut down their groves. Fear no strange gods, worship them not, neither yet make you sacrifice to them. But the Lord, who in his great power and outstretched arm hath brought you out of the land of Egypt, shall you fear; him shall you honour; him shall you worship; to him shall you make sacrifice; his statutes, judgments, laws and commandments you shall keep and observe. This is the covenant which I have made with you, saith the Eternal, forget it not; neither yet fear ye other gods, but fear you the Lord your God, and he shall deliver you from the hands of all your enemies" (Ex. 34).

To this same law, I say, and covenant are the Gentiles no less bound, than sometime were the Jews, whensoever God does illuminate the eyes of any multitude, province, people, or city, and puts the sword in their own hand to remove such enormities from amongst them, as before God they know to be abominable. Then, I say, they are no less bound to purge their dominions, cities, and countries from idolatry, than were the Israelites, what time they received the

possession of the land of Canaan. And moreover, I say, if any go about to erect and set up idolatry, or to teach defection from God, after that the verity has been received and approved, that then, not only the magistrates, to whom the sword is committed, but also the people, are bound, by that oath which they have made to God, to revenge to the uttermost of their power the injury done against his Majesty.

In universal defections, and in a general revolt, such as was in Israel after Jeroboam, there is a diverse consideration. For then, because the whole people were together conspired against God, there could none be found that would execute the punishment which God had commanded, till God raised up Jehu, whom he had appointed for that purpose. And the same is to be considered in all other general defections, such as this day be in the Papistry, where all are blinded, and all are declined from God, and that of long continuance, so that no ordinary justice can be executed, but the punishment must be reserved to God, and unto such means as he shall appoint.

But I do speak of such a number as, after they have received God's perfect religion, do boldly profess the same, notwithstanding that some, or the most part, fall back (as of late days was in England): unto such a number, I say, it is lawful to punish the idolaters with death, if by any means God gives them the power. For so did Joshua and Israel determine to have done against the children of Reuben, Gad, and Manasseh, for their suspected apostasy and defection from God (Josh. 22:10-34). And the whole tribes did in very deed execute that sharp judgment against the tribe of Benjamin, for a less offence than for idolatry (Judges 20). And the same ought to be done wheresoever Christ Jesus and his evangel are so received in any realm, province, or city, that the magistrates and the people have solemnly avowed and promised to defend the same, as under King Edward of late days was done in England. In such places, I say, it is not only lawful to punish to the death such as labour to subvert the true religion, but the magistrates and people are bound to do so, unless they will provoke the wrath of God against themselves. And therefore I fear not to affirm, that it had been the duty of the nobility, judges, rulers, and people of England, not only to have received and stood against 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 [*the pope's*] usurped tyranny, which once most justly by common oath was banished from that realm.

But because I cannot at this present [time] discuss this argument, as it appertains, I am compelled to omit it to better opportunity. And so returning to your honours, I say that if you confess yourselves baptized in the Lord Jesus, of necessity you must confess that the care of his religion does appertain to your charge. And if you know that in your hands God has put the sword for the causes expressed above, then you cannot deny, but that the punishment of obstinate and malapert idolaters (such as your bishops are) does appertain to your office, if after admonition they continue obstinate.

I am not ignorant what is the vain defence of your proud prelates. They claim first a prerogative and a privilege that they are exempt and that by consent of councils and emperors from all jurisdiction of the temporality. And secondarily, when they are convicted of manifest impieties, abuses, and enormities (as well in their manners as in religion), neither fear nor shame they to affirm, that things so long established cannot suddenly be reformed, although they be corrupted, but with process of time they promise to take order. But in few words I answer, that no privilege granted against the ordinances and statutes of God is to be observed, although all councils and men in the earth have appointed the same. But it is against God's ordinance that idolaters, murderers, false teachers, and blasphemers, shall be exempted from punishment, as before is declared. And therefore it is in vain that they claim for privilege, when God says, "The murderer shalt thou rive from my altar, that he may die" (Num. 35). And as to the order and reformation which they promise: that is to be looked for or hoped for when Satan, whose children and slaves they are, can change his nature.

This answer I doubt not shall suffice the sober and godly reader. But yet to the end that they [*the prelates*] may further see their own confusion, and that your honours may better understand what you ought to do in so manifest a corruption and defection from God, I ask of them, what assurance they have for this their immunity, exemption, or privilege? Who is the author of it? And what fruit has it produced?

[59]And first, I say, that of God they have no assurance, neither yet can he be proved to be author of any such privilege. But the contrary is easy to be seen. For God in establishing his orders in Israel, did so subject Aaron (in his priesthood being the figure of Christ) to Moses, that he feared not to call him in judgment, and to constrain him to give account of his wicked deed in consenting to idolatry, as the history does plainly witness. For thus it is written: "Then Moses took the calf which they had made, and burned it with fire, and did grind it to powder, and scattering it in the water, gave it to drink to the children of Israel;" declaring hereby the vanity of their idol, and the abomination of the same. And thereafter, "Moses said to Aaron, 'What hath this people done to thee, that thou shouldest bring upon it so great a sin?'" (Ex. 32:20-21).

Thus, I say, does Moses call and accuse Aaron of the destruction of the whole people; and yet he perfectly understood that God had appointed him to be the high priest, that he should bear upon his shoulders and upon his breast the names of the twelve tribes of Israel, for whom he was appointed to make sacrifice, prayers, and supplications. [60]He knew his dignity was so great, that only he might enter within the most holy place; but neither could his office nor dignity exempt him from judgment when he had offended.

If any object, Aaron at that time was not anointed, and therefore was he subject to Moses: I have answered, that Moses, being taught by the mouth of God, did perfectly understand to what dignity Aaron was appointed, and yet he

feared not to call him in judgment, and to compel him to make answer for his wicked fact. But if this answer does not suffice, yet shall the Holy Ghost witness further in the matter. Solomon removed from honour Abiathar being the high priest, and commanded him to cease from all function, and to live as a private man. Now if the unction did exempt the priest from jurisdiction of the civil magistrate, Solomon did offend, and injured Abiathar; for he was anointed, and had carried the ark before David. But God does not reprove the fact of Solomon, neither yet does Abiathar claim any prerogative by the reason of his office, but rather does the Holy Ghost approve the fact of Solomon, saying, "Solomon ejected forth Abiathar that he should not be the priest of [the] Lord; that the word of the Lord might be performed, which he spake upon the house of Eli" (1 Kings 2:27; 1 Sam. 3:11-14).

And Abiathar did think that he obtained great favour, in that he did escape the present death, which by his conspiracy he had deserved. If any yet reason, that Abiathar was no otherwise subject to the judgment of the king, but as he was appointed to be the executor of that sentence which God before had pronounced: as I will not greatly deny that reason, so I require, that every man consider, [61] that the same God who pronounced sentence against Eli and his house, has also pronounced that idolaters, whoremongers, murderers, and blasphemers shall have neither portion in the kingdom of God, neither ought to be permitted to bear any rule in his church and congregation. Now if the unction and office saved not Abiathar, because God's sentence must needs be performed, can any privilege granted by man be a buckler to malefactors, that they shall not be subject to the punishments pronounced by God? I think no man will be so foolish as to affirm so. For it is a thing more than evident, that the whole priesthood in the time of the law was bound to give obedience to the civil powers; and if any member of the same was found criminal, the same was subject to the punishment of the sword, which God had put in the hand of the magistrate. And this ordinance of his Father did not Christ disannul, but rather did confirm the same, commanding tribute to be paid for himself and for Peter (Matt. 17:24-27); who perfectly knowing the mind of his Master, thus writes in his epistle, "Submit yourselves to all manner [of] ordinance of man" he excepts such as be expressly repugning to God's commandment "for the Lord's sake; whether it be to king, as the chief head, or unto rulers, as unto them that are sent by him for punishment of evil doers, and for the praise of them that do well" (1 Pet. 2:13-14; Acts 4:18-20; 5:28-29).

The same does the apostle Paul most plainly command in these words, "Let every soul be subject to the superior powers" (Rom. 13:1). Which places make evident, that neither Christ, neither his apostles, have given any assurance of this immunity and privilege, which men of the church (as they will be termed) do this day claim. Yea, it was a thing unknown to the primitive church many years after the days of the apostles. For Chrysostom, who served the church at Constantinople four hundred years after Christ's ascension (and after that corruption was greatly increased), does yet thus write upon the aforesaid words of the apostle: [62] "This precept," says he, "does not appertain to such as are called seculars only, but even to those that are priests and religious men." [63] And after he adds, "Whether you be apostle, evangelist, prophet, or whatsoever you be, you cannot be exempted from this subjection."

50. *Marginal note:* If any estate might have claimed privilege, it was prophets

51. *Marginal note:* Why every man in Israel was bound to obey God's commandment

52. *Marginal note:* God's judgment to the carnal man appears rigorous

53. *Marginal note:* For the idolatry of a small number is God's wrath kindled against the multitude not punishing the offenders

54. So in the original edition [Ezek. 9:4]. In our present version the words are, "and set a mark upon the foreheads of the men that sigh and cry for all the abominations that be done in the midst thereof." [D.L.]

55. *Marginal note:* Note

56. *Marginal note:* An answer to an objection

57. *Marginal note:* Why no law was executed against the Gentiles, being idolaters

58. *Marginal note:* The special honour which God requires of his people

59. *Marginal note:* God is not the author of any privilege granted to bishops, that they be exempted from the power of the civil sword

60. *Marginal note:* The dignity of Aaron did not exempt him from judgment

61. *Marginal note:* Note well

62. *Marginal note:* Chrysostom upon Rom. 13

63. *Marginal note:* Let the Papists answer Chrysostom

b) Chapters I and X from the 1578 Second Book of Discipline. (A reformed/covenanter manifesto for church government and the relationship between church and state.)

Chapter 1 - Of the Kirk and Policy Thereof in General, and Wherein it is Different from the Civil Policy

The kirk of God is sometimes largely taken for all them that profess the gospel of Jesus Christ, and so it is a company and fellowship, not only of the godly, but also of hypocrites professing always outwardly a true religion. Other times it is taken for the godly and elect only; and sometimes for them that exercise spiritual function among the congregation of them that profess the truth.

2. The kirk in this last sense has a certain power granted by God, according to the which it uses a proper jurisdiction and government, exercised to the comfort of the whole kirk. This power ecclesiastical is an authority granted by God the Father, through the Mediator Jesus Christ, unto his kirk gathered, and having the ground in the word of God; to be put in execution by them unto whom the spiritual government of the kirk by lawful calling is committed.

3. The policy of the kirk flowing from this power is an order or form of spiritual government which is exercised by the members appointed thereto by the word of God; and therefore is given immediately to the office-bearers, by whom it is exercised to the weal of the whole body. This power is diversely used: for sometimes it is severally exercised, chiefly by the teachers, sometimes conjunctly by mutual consent of them that bear the office and charge, after the form of judgment. The former is commonly called *potestas ordinis*, and the other *potestas jurisdictionis*. [1] These two kinds of power have both one authority, one ground, one final cause, but are different in the manner and form of execution, as is evident by the speaking of our Master in Matt. 16 and 18.

4. This power and policy ecclesiastical is different and distinct in its own nature from that power and policy which is called the civil power and appertains to the civil government of the commonwealth; albeit they are both of God, and tend to one end, if they are rightly used: to wit, to advance the glory of God, and to have godly and good subjects.

5. For this ecclesiastical power flows immediately from God, and the Mediator Jesus Christ, and is spiritual, not having a temporal head on earth, but only Christ, the only spiritual King and Governor of his kirk.

6. It is a title falsely usurped by Antichrist to call himself head of the kirk, and ought not to be attributed to angel nor man, of what estate that ever he is, saving to Christ, the only Head and Monarch of the kirk.

7. Therefore this power and policy of the kirk should lean upon the word immediately as the only ground thereof, and should be taken from the pure fountains of the scriptures, the kirk hearing the voice of Christ, the only spiritual King, and being ruled by his laws.

8. It is proper to kings, princes, and magistrates to be called lords and dominators over their subjects, whom they govern civilly, but it is proper to Christ only to be called Lord and Master in the spiritual government of the kirk; and all others that bear office therein ought not to usurp dominion therein, nor be called lords, but only ministers, disciples, and servants. For it is Christ's proper office to command and rule in his kirk universal, and every particular kirk, through his Spirit and word, by the ministry of men.

9. Notwithstanding, as the ministers and others of the ecclesiastical estate are subject to the civil magistrate, so ought the person of the magistrate be subject to the kirk spiritually, and in ecclesiastical government. And the exercise of both these jurisdictions cannot stand in one person ordinarily. The civil power is called the power of the sword, and the other the power of the keys.

10. The civil power should command the spiritual to exercise and do their office according to the word of God. The spiritual rulers should require the Christian magistrate to minister justice and punish vice, and to maintain the liberty and quietness of the kirk within their bounds.

11. The magistrate commands external things for external peace and quietness amongst the subjects; the minister handles external things only for conscience cause.

12. The magistrate handles external things only, and actions done before men; but the spiritual ruler judges both inward affections and external actions, in respect of conscience, by the word of God.

13. The civil magistrate craves and gets obedience by the sword and other external means, but the ministry by the spiritual sword and spiritual means.

14. The magistrate neither ought to preach, minister the sacraments, nor execute the censures of the kirk, nor yet prescribe any rule how it should be done, but command the ministers to observe the rule commanded in the word, and punish the transgressors by civil means. The ministers exercise not the civil jurisdiction, but teach the magistrate how it should be exercised according to the word.

15. The magistrate ought to assist, maintain, and fortify the jurisdiction of the kirk. The ministers should assist their princes in all things agreeable to the word, provided they neglect not their own charge by involving themselves in civil affairs.

Finally, as ministers are subject to the judgment and punishment of the magistrate in external things, if they offend; so ought the magistrates to submit themselves to the discipline of the kirk, if they transgress in matters of conscience and religion.

## Chapter 10 - Of the Office of a Christian Magistrate in the Kirk

1. Although all the members of the kirk are held, everyone in his vocation, and, according thereto, to advance the kingdom of Jesus Christ so far as lies in their power; yet, chiefly, Christian princes, and other magistrates, are held to do the same. For they are called in the scriptures nourishers of the kirk, for so much as by them it is, or at least ought to be, maintained, fostered, upheld, and defended against all that would procure the hurt thereof.
2. So it pertains to the office of a Christian magistrate to assist and fortify the godly proceedings of the kirk in all behalfs; and, namely, to see that the public estate and ministry thereof be maintained and sustained as it appertains, according to God's word;
3. To see that the kirk be not invaded, nor hurt by false teachers and hirelings, nor the rooms thereof be occupied by dumb dogs or idle bellies;
4. To assist and maintain the discipline of the kirk, and punish them civilly that will not obey the censure of the same; always without confounding the one jurisdiction with the other;
5. To see that sufficient provision is made for the ministry, the schools, and the poor; and, if they have not sufficient to await upon their charges, to supply their indigence with their own rents if need require; to hold hand as well to the saving of their persons from injury and open violence, as to their rents and possessions, that they be not defrauded, robbed, nor spoiled thereof;
6. Not to suffer the patrimony of the kirk to be applied to profane and unlawful uses, or to be devoured by idle bellies, and such as have no lawful function in the kirk, to the hurt of the ministry, schools, poor, and other godly uses whereupon the same ought to be bestowed;
7. To make the laws and constitutions agreeable to God's word, for advancement of the kirk, and policy thereof; without usurping anything that pertains not to the civil sword, but belongs to the offices that are merely ecclesiastical, as are the ministry of the word and sacraments, using of ecclesiastical discipline and the spiritual execution thereof, or any part of the power of the spiritual keys, which our Master gave the apostles and their true successors. And, although kings and princes that are godly, sometimes by their own authority, when the kirk is corrupt, and all things out of order, place ministers and restore the true service of the Lord, after the example of some godly kings of Judah, and diverse godly emperors and kings also in the light of the New Testament; yet where the ministry of the kirk is once lawfully constituted, and they that are placed do their office faithfully, all godly princes and magistrates ought to hear and obey their voice, and reverence the Majesty of the Son of God speaking by them.

### Footnotes for Second Book of Discipline

1. "The distinction between *potestas ordinis*, the authority to preach the Word and administer the sacraments, and *potestas jurisdictionis*, the authority to administer ecclesiastical discipline, was traditional.... The significance here, however, is the claim that whereas *potestas ordinis* is lawfully exercised by individual ministers, *potestas jurisdictionis* pertains not to individuals but should be administered collectively by an ecclesiastical court, defined below as the eldership composed of ministers and elders." James Kirk, *The Second Book of Discipline* (Edinburgh: St. Andrew Press, 1980), p. 165.