

Covenant and the consolidated Christian community: The covenantal roots of theologico-political federalism in Samuel Rutherford's *Respublica Christiana*



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The celebrated author on the mind of Samuel Rutherford, John Coffey, chose the *Calvinist tradition* as the appropriate context for interpreting Rutherford's covenantal perspectives. The authors question this assumption and produce evidence to the effect that the Bullinger–Vermigli approach to theologico-political federalism in Rutherford's views proves to be a more cogent paradigm for understanding Rutherford's thoughts. It is concluded that Rutherford utilised the insights of both Bullinger and Vermigli in structuring the ideal form of government in the Christian state as well as the relationships between ecclesiastical and political offices in the state, a theory that gained in importance in later political theories.

Introduction

In his seminal work on the mind of Samuel Rutherford (1600–1661), John Coffey surmises that Rutherford's theologico-political treatise *Lex, Rex* focused almost exclusively on the horizontal covenant between the king and the people. Coffey identifies the *Calvinist tradition* as the legitimate theologico-political context for interpreting Rutherford's double covenantal theory (Coffey 1997:165). 'The Calvinist tradition', Coffey added, 'had also commonly thought in terms of a vertical covenant or transcendent relationship between nations and God' (Coffey 1997:165). In support of the Calvinist tradition informing Rutherford's covenantal views, Coffey alluded to the famous Huguenot tract, *Vindiciae Contra Tyrannos* (1579) as a source in which the author argued that there was a twofold covenant at the inauguration of kings. The first was between the king and the people to the effect that the people should be the people of God. The second, between the king and people, was that if the king commanded well, he would be obeyed well (Coffey 1997:165). The first covenant radically altered how the second covenant was to be understood. A nation that had made a covenant with God had placed itself in the same situation as Old Testament Israel, which meant that for the king to 'command well', his commands had always to be in accord with the true religion. A king whose commands were damaging to the true religion was a king who had broken the covenant with God and the people, and thus given due cause for resistance to his rule (Coffey 1997:165).

In this essay, the authors question the theologico-political paradigm proposed in Coffey's analysis. Furthermore, they consider some of the historical and theologico-political implications of the covenantal tradition informing Rutherford's thoughts on ecclesiastical and political offices in the *Respublica Christiana*. In addition to *Lex, Rex*, the authors consider other works by Rutherford in order to glean a more complete and nuanced understanding of his perspectives on covenantal relationships in the *Respublica Christiana*, viz. *A Peaceable and Temperate Plea for Paul's Presbytery in Scotland* (1642); *Due Right of Presbyteries Or, a Peaceable Plea for the Government of the Church of Scotland* (1644); *Divine Right of Church Government* (1646); *A Survey of the Spiritual Antichrist* (1648); *A Free Disputation against Pretended Liberty of Conscience* (1649).

Rutherford and the Bullinger-Vermigli connection

The celebrated Presbyterian divine, Samuel Rutherford (1600–1661), in his work *Lex, Rex*, envisaged a *Respublica Christiana* as the ideal politico-ecclesiastical paradigm for maintaining true religion and ensuring liberty of conscience for the subjects in the state. By the time Rutherford published *Lex, Rex*, the idea of the *Respublica Christiana* had already been established as a potent paradigm for organising political and ecclesiastical life in the Christian commonwealth (Baker 1970:ii).¹ Numerous Reformers subscribed to some form of the idea of the Christian commonwealth, and the theory was

1. Baker observes that the concept of the *Respublica Christiana* became a common Reformed viewpoint during the 16th century.

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put into practice with varying degrees of success in the Reformed cities of Switzerland and South Germany, as well as in England and Scotland, and in the American colony of Plimoth, Massachusetts (Baker 1970:ii). However, Rutherford's work *Lex, Rex*, was the first elaborate effort to investigate the theologico-political implications of the covenantal view for the *Respublica Christiana*. Rutherford quoted the Swiss Reformed theologian Heinrich Bullinger (1504–1575) in support of his theologico-political views and references to Bullinger's theological works occur frequently in Rutherford's treatises on church government. In *A Peaceable and Temperate Plea for Paul's Presbytery in Scotland* (1642) and *Due Right of Presbyteries* (1644), Rutherford relied heavily on Bullinger's teachings on the authority of the Christian magistrate to maintain true religion in the commonwealth. In *A Survey of the Spiritual Antichrist* (1648) and *A Free Disputation against Pretended Liberty of Conscience* (1649), Rutherford applied Bullinger's views on Anabaptism to the Reformational debates with the Libertines and the Anabaptists.

The covenantal perspective underlying Rutherford's *Lex, Rex*, also gives ample testimony of the theologico-political perspectives of Peter Martyr Vermigli (1499–1562), and subsequent developments and applications of political federalism by Johannes Althusius and other federalists in postulating the basic principles of the magistrate's rights and duties in the consolidated Christian community. The theologico-political views of Bullinger and Vermigli supportive of the *Respublica Christiana* and their culmination in Rutherford's covenantal views demand closer attention, in particular Bullinger's and Vermigli's perspectives on matters of the church, state and politics in Rutherford's thoughts on the *Respublica Christiana*.

The Zurich Reformation and the ideal of the consolidated Christian community

The ideal of the covenanted Christian society under the governance and with the cooperation of the political and ecclesiastical authorities reached its zenith in Zurich in the second part of the 16th century (Baker 1980:1). Huldrych Zwingli, the leader of the Zurich Reformation (and his successor Heinrich Bullinger), had worked tirelessly towards establishing Zurich as a species of *Respublica Christiana* under the political authority of the Christian magistrate (Stephens, 1986:286).² The Council in Zurich appointed Zwingli as the official town preacher and his expositions of Scripture laid the basis for religious and civil reform in the city (Stephens 1986:287). Not only was the Council of Zurich in control of church property, but the *Great Morals Mandate* of 1530 had also been passed to regulate public morality in the city (Walton 1967:17–29). Zwingli (and Bullinger after him) established a close link between the offices of pastor and magistracy to maintain religious, moral and political order in the city (Raath & De Freitas 2007:855).

²Zwingli had a theocratic view of society, in which preacher and prince are both servants of the kingly rule of God. He did not view state, church and society as separate entities.

The idea of the *Respublica Christiana* flowed from the Zurich understanding, interpretation and application of the covenant between God and his people. The close relatedness of ecclesiastical and political institutions is evident from the emphasis on the practice of baptism as the mechanism through which the citizens in the city were enrolled into the people of God, just as circumcision had done in ancient Israel. Similarly, in Zurich, all citizens were under the binding conditions of the covenant. These conditions, proclaimed by pastors, were implemented by both the people and the magistrates, who were God's servants. For Bullinger, the *Respublica Christiana* was the embodiment of God's will for man on earth, as revealed in the eternal covenant and the powers of the Christian magistrate, between God and his people (see Bullinger 1970:101–138).

In his *De Testamento* (1534), Bullinger sets out the implications of the unity and eternity of God's covenant with man and man's responsibility in living an honest and pure life in society. The conditions of the covenant apply to all facets of man's life. The condition of love teaches man his duties in relation to other human beings in society. Therefore, the condition of love contains both a personal and a social ethic for man's life in the state (Baker 1970:39). In fact, the covenant forms the basis of the Christian state in the form of the *Respublica Christiana*. Because the people of Zürich, similar to the people of Israel, are people of the covenant, the conditions of the covenant apply to both the religious and civil life in Zurich (Baker 1970:40). As such, the covenant binds together both the ecclesiastical and civil spheres into a single corporate entity.³ However, the ecclesiastical and civil spheres are clearly distinguished, with the civil government having authority over the body and material things, but not over the spiritual realm. Therefore, although the kingdom of God and the kingdom of the world might cooperate, the two realms are nevertheless distinguishable, each competent only in its own sphere (Baker 1970:47).

Bullinger on the powers of the Christian magistrate in matters of religion

Bullinger and Erastianism

Thomas Erastus's (1524–1583) views were that the Christian magistrate is fully in control of the Christian community, the civil magistrate exercises all sovereignty in society, and the church possesses no coercive power and therefore cannot exercise excommunication. His ideas surfaced prominently in debates during the proceedings of the Westminster Assembly of Divines (Mitchell 1992:180, 195, 277, 278, 295, 490–491). The triumph of the Presbyterians in Parliament and in the Westminster Assembly was preceded by arduous arguments and contra-arguments on Erastus's views⁴ on the powers of civil magistrates in ecclesiastical affairs and on

³The idea of the Christian society forming one single corporate entity also surfaces in the thoughts of other Reformers e.g. Bucer and Calvin (Baron 1939:36).

⁴His *Explicatio gravissimae questionis utrum excommunicatione mandato nitatur divino an excogitate sit ab hominibus* was published in 1589, translated into English in 1659.

Bullinger's stance on these issues.⁵ It is noteworthy that the Scottish Presbyterian divines were thoroughly rooted in the idea of the Christian community binding together the offices of magistracy and pastor. Alexander Henderson (1583–1646), for example, maintained, in line with the Zurich idea of the Christian community in which the covenant joins together religion and the king's authority such that the true religion and the king's political authority are not in conflict with each other: '... for preservation of religion and of the Liberties and Lawes of this Kingdome ...' (Henderson 1638). In fact many prominent Puritans applied Bullinger's covenantal views to issues of church and state.

Up to 1536, Bullinger maintained a view similar to that of Thomas Erastus. However, by 1549 (in his *Decades*), he had reconsidered his views and more clearly distinguished between the ecclesiastical and political spheres, and awarded ecclesiastical bodies the sole right to maintain discipline in the church (Raath & De Freitas 2007:856). In his *Decades*, Bullinger observed that man's flesh is corrupt and vices are continual. Consequently, the church must continually practice admonition and correction, otherwise 'those things which we think to be most firm shall fall to decay and perish sooner than we suppose' (Bullinger 2004:V, 10, 207).⁶ Just as the Lord would have the transgressing ministers of the churches privately admonished and corrected, so does he extend the commodity of the same admonition and correction to the whole church, says Bullinger (V, 10, 507). Therefore, the ancient church had:

an holy senate of elders, which diligently warned them that transgressed in the church, corrected them sharply, yea, and excluded them out of the ecclesiastical fellowship, namely if they perceived that there was no hope of amendment to be looked for in them. (Bullinger 2004:V, 10, 507).

Bullinger stated that, in later times, the popes and bishops tyrannically took that kind of punishment into their hands and exercised it sacrilegiously and, 'contrary to the first institution, have turned an wholesome medicine into an hurtful poison, making it abominable both to the good and bad' (Bullinger 2004:V, 10, 507).

Bullinger referred to St. Paul's teaching that this kind of punishment was permitted by the Lord to restrain the licentiousness of many:

I have decreed, that he which hath committed this offence, when you be gathered together, in the name of our Lord Jesus Christ and my spirit with you, together with the power of our Lord Jesus Christ, be delivered to Satan to the destruction of the flesh, that the spirit may be saved in the day of the Lord Jesus. (Bullinger 2004:V, 10, 507)

This is 'the power and revengement' of the elders of the church (Bullinger 2004:V, 10, 508). The means is the destruction of the flesh; the end is the safety of the spirit, or

5. For a summary of Bullinger's views on the corporate nature of society and the relationship between church and state, see Baker, 1980: 170–172.

6. References to Bullinger's *Decades* cite the number of the decade, the sermon and the page (2004:V, 10, 507).

the saving of the faithful man. With reference to 2 Thessalonians 3, Bullinger identified those punishable by the ecclesiastical sword as wicked doers and pernicious men (Bullinger 2004:V, 10, 508). Referring to Matthew 13, Bullinger stated that it is necessary that holy judgment be used, lest offence is committed either by too much favour, or by too much extremity (Bullinger 2004:V, 10, 508). This means that:

there is a magistrate in the church, and authority to execute the sword upon evildoers; and a magistrate, which doth judge and exercise the sword, and notwithstanding is reckoned up among the true members of the church; yea, and that magistrate is very necessary for the church in respect of his office: as is set down in our 7. and 8. sermon of the second Decade. (Bullinger 2004:V, 10, 509)

To Bullinger, the whole office of magistracy consisted of three points: to order, to judge, and to punish. The ordinance of the magistrate is a decree made by him for maintaining 'religion, honesty, justice and public peace' (Bullinger 2004:II, 7, 323). The ordinance of magistracy consists in two points, namely the 'ordering rightly matters of religion' and the making of good laws for the preservation of honesty, 'justice, and common peace' (Bullinger 2004:II, 7, 323). Bullinger gave an affirmative answer to the question of whether the care of religion belongs to the office of the magistrate. Not only is it in the power of the magistrate to take care of religion, but it also forms part of his office and duty 'to dispose and advance religion' (Bullinger 2004:II, 7, 323–324). Relying on Leviticus 26 and Deuteronomy 24, Bullinger propounded that there can be no doubt that the magistrate's special care ought to be to keep the commonweal in safety and prosperity, which he cannot do unless he provides for the word of God to be preached to his people 'and to cause them to be taught the true worship of God, by that means making himself, as it were, the minister of true religion' (Bullinger II, 7, 324). The magistrate has the duty to advance true religion; consequently, the care of religion belongs to the magistrate (Bullinger 2004:II, 7, 325). Quoting Biblical examples, Bullinger stated that Joshua and David were Christians, and that the examples set by them are still in force and effective today (Bullinger 2004:II, 7, 326).

Kings and princes, after the time of Christ and the revealing of the gospel, 'should have a diligent care of the church, and should by that means become the feeders and nurses of the faithful' (Bullinger 2004:II, 7, 327). They should be the fathers and mothers of the church, and therefore the care of religion does not belong to the bishops alone (Bullinger 2004:II, 7, 327). Kings and princes have to act like 'foster-fathers and nourishers of the church' (Bullinger 2004:II, 7, 328). Does this mean that the magistrate may interfere with the internal affairs of the church? Bullinger advances the principle that the offices and duties of the magistrate and ministers of the church may not be confounded:

as that we would have the king to preach, to baptize, and to minister the Lord's supper; or the priest, on the other side, to sit in the judgment-seat, and give judgment against a murderer, or by pronouncing sentence to take up matters in strife. (Bullinger 2004:II, 7, 329)

Because God is the God of order, and not of confusion, said Bullinger, the magistrate ought to have a care of religion, either in ruin to restore it, or in soundness to preserve it; 'and still to see that it proceed according to the rule of the word of God' (Bullinger 2004:II, 7, 329). Because the offices of magistracy and pastor in the Christian community are bound together by covenant, 'the politic magistrate is commanded to give ear to the ecclesiastical ruler, and the ecclesiastical minister must obey the politic governor in all things which the law commandeth' (Bullinger 2004:II, 7, 329). This means that the magistrate is not made subject by God to the priests as to lords, but as to the ministers of the Lord:

the subjection and duty which they owe is to the Lord himself and to his law, to which the priests themselves also ought to be obedient, as well as the princes. (Bullinger, 2004:II, 7, 329)

The magistrate is to assist and aid the pastors. In the Old Testament, the godly princes of Israel aided and assisted the priests; they sharply rebuked those who neglected their offices and issued decrees for the execution and proper administration of every office (Bullinger 2004:II, 7, 329–330). The basic principle at the root of Bullinger's discourse is that the proper office of the priests is to determine religion by proofs from the word of God, and that the prince's duty is to aid the priests in the advancement and defence of true religion (Bullinger 2004:II, 7, 331). If it should happen at any time that the priests are slack in doing their duty, then it is the prince's duty by compulsion to force the priests to live in an orderly manner according to their profession, to be determined, according to the word of God (Bullinger 2004:II, 7, 331). It should be noted, however, that the magistrate's interference in the internal ecclesiastical sphere is limited to instances in which church officials are slack in performing their duties. Bullinger cited the examples from the emperor Justinian's laws, which commanded the lieutenants of every province to assemble a council for the use and defence of ecclesiastical laws, if the bishops were slack in performing their required duties (Bullinger 2004:II, 7, 332). The laws promulgated by civil authorities are given only for ordering of religion or 'outward worship of God' or else for the outward conversation of life and civil behaviour (Bullinger 2004:II, 7, 343).

Rutherford's reliance on Bullinger in favour of independent Church government

From 1644 to 1649, a number of issues related to Erastianism and Anabaptism surfaced in the discourses of the Scottish Puritans.⁷ Already in his early work, *A Peaceable & Temperate Plea for Paul's Presbytery in Scotland* (1642), Rutherford investigated the arguments in favour of independent churches and opposed to Presbyterian church government. In this work, he quoted Bullinger in support of Presbyterian church government (1642:239). Rutherford applied Bullinger's views to the effect that the office-bearers in the

church have the power to edify, exhort, rebuke and comfort one another. Rutherford also relied on Bullinger to exert the right of prophets, doctors and elders to exercise the power of excommunication (1642:49, 239). In the same work (*A Peaceable and Temperate Plea*), Rutherford addressed a number of issues related to church discipline and excommunication. In answering the question of whether the church of believers has supreme jurisdiction above the eldership, Rutherford relied on Bullinger to support the view that, in the multitude, there is authority of grace professing the truth but not the power of the keys, and therefore no public discipline in the church is to be done without the knowledge and consent of the eldership (1642:49). With reliance on Bullinger, he also refuted the argument that all particular congregations have within themselves full power of church discipline without any subjection to Presbyteries, Synods or higher assemblies – there are no congregations of believers independent, who have power to ordain pastors without a college of pastors (1642:239–241).

The fact that the Church of Colosse had order and so discipline, independent of the Presbytery, according to Rutherford, does not diminish the fact that the congregation stood under the subjection of the Presbytery (1642:241). Regarding the office of pastors, Rutherford reiterated his reliance on Bullinger by stating that preachers are bound by office to edify, exhort, rebuke and comfort one another; they are to speak words ministering grace to the hearers not only on an individual basis, but also to the congregation as a whole (1642:257).

In his *Due Right of Presbyteries Or, a Peaceable Plea for the Government of the Church of Scotland* (1644), Rutherford elaborated upon the right of Presbyterian church government, with reliance on Bullinger. Rutherford cited Bullinger on Matthew 16, in support of the principle that to bind and to lose are acts of official ecclesiastical power (1644:12), a power to be used by the church to root out wickedness (1644:80). Through the covenant of Baptism, the believers enter into the visible church and become subject to church discipline (1644:80, 100).

In Rutherford's work *Divine Right of Church Government* (1646), he argued in favour of Bullinger's position against Erastianism (see 1646:421ff.). Rutherford addressed the arguments in favour of Bullinger's alleged support of Erastianism and remarked that 'some private epistles of Bullinger written to Erastus are cited' but nothing of the 'publike writings of Bullinger'. Although, according to Rutherford, Bullinger was pleased with Erastus's theses, he was not in agreement with Erastus's views because Bullinger spoke against the Anabaptists that excommunication be maintained; Bullinger never condemned the Church of Geneva's views on excommunication and he was in favour of maintaining the right of excommunication in the Churches of the Palatine for their edification. Bullinger was not in favour of bringing the issue of excommunication into the public view because the church was suffering many afflictions at that time. The views that Bullinger expressed privately to

7. For an interesting account of Bullinger's popularity among the Reformers in the English-speaking world, see Kirby (2007: 891–934).

Erastus were his private opinions, and Erastus wronged Bullinger by publishing his secret letters. The fact that Bullinger desired Beza not to answer Erastus was for the sake of peace in the church, and he wrote the same to Erastus (1646:634).

Rutherford consequently analysed Bullinger's response to Petrus Dathenus's correspondence to the Prince Elector concerning Erastus's views. Rutherford quotes from Bullinger's interpretation on 1 Corinthians 5, Matthew 18 and 2 Thessalonians 3 and his observations in his *Decades* as being in opposition to Erastianism and in favour of Presbyterian church government and the right of excommunication (Bullinger 2004:V, 10). These are the same arguments advanced by Bullinger in favour of ecclesiastical admonition and correction contained in the tenth sermon of the fifth of the *Decades*. Bullinger cited 1 Corinthians 5 as authority of St. Paul's teaching in favour of the right of the senate of elders to correct and exclude transgressing ministers of the church from ecclesiastical fellowship, namely if they perceived that there was no hope of amendment. Bullinger expressly stated that this is the power of the elders of the church ('ecclesiae seniorumque in ecclesia'). Bullinger also relied on the text of 2 Thessalonians 3 for support of St. Paul's views in favour of punishment by the 'ecclesiastical sword'. Rutherford concluded that Bullinger's interpretation of Scripture is contrary to the Erastian denouncement of excommunication and putting 'all Church-discipline on the point of the Magistrate's sword', although he was Erastus's 'intimate and too dear friend' (Rutherford 1646:639).

Two important aspects of Bullinger's exposition of ecclesiastical admonition and correction in his *Decades* (2004:V, 10) count in favour of Rutherford's interpretation of Bullinger's anti-Erastian position. Firstly, Bullinger, by acknowledging the right of the elders in the Church to admonish and even exclude ministers who had no hope of amending their ways, was clearly in opposition to the principle that the civil magistrate exercises all sovereignty within the Christian community. Secondly, although Bullinger subscribed to the assumption that there is a single Christian community, he held that the offices of pastor and magistracy should not be confounded and that ecclesiastical admonition and correction should 'continually be put in use' by the elders of the church in order to avoid the tyranny of a few: '... the popes and bishops tyrannically taking that kind of punishment into their hands, and exercising it sacrilegiously, contrary to the first institution ...' (Bullinger 2004:V, 10, 507). It therefore appears that there is merit in Rutherford's view that Bullinger, from his public writings, was not totally a supporter of Erastianism. By acknowledging that Matthew 18 and 1 Corinthians 5 clearly prove an ecclesiastical excommunication, which Erastus denies, Bullinger accepts the principle of Presbyterian church government. Bullinger's distinction between the office of magistracy and that of the pastor goes contrary to Erastus's idea of total sovereignty seated in the hands of the magistrate. Bullinger supported the view of an ecclesiastical Senate or Presbytery in the apostolic church, which Erastus denied.

Bullinger denies excommunication by the whole church, which Erastus said is a power to be exercised by all the church if there is any such thing. Bullinger was in favour of discipline in the church, something which Erastus refused to accept (Rutherford 1646:639–640).

In his work, *A Survey of the Spiritual Antichrist* (1648), Rutherford relied strongly on Bullinger's work on Anabaptism (published in English in 1584). Rutherford applied Bullinger's observations about the Antinomians, viz. that idolatry, angel worship, preaching, praying, duties of the law, church government, sacraments, ministers and so forth are matters external, trivial, and circumstantial in religion, not things in which salvation consists, not to be contended for on either side (1648:10).

In his work, *A Free Disputation against Pretended Liberty of Conscience* (1649), Rutherford also applied Bullinger's views on Anabaptism to the parallels between the Libertines and the Anabaptists (1649:356). The magistrate should, as the minister of God, give commandments to the outward man under pain of corporal punishment, not to the soul or to the inward man (1649:356).

Rutherford shared Bullinger's (and other Reformers') views that although political rulers have a duty to protect the church and the preaching of the truth, they do not have the power to compel people to the confessing and professing of the faith *actu imperator*, by an external forcing power (Rutherford 1642:93).

Peter Martyr Vermigli, Rutherford and the double covenant scheme

Bullinger and the idea of the political covenant

Bullinger's preaching on the political books of the Old Testament started towards the beginning of 1543 with his sermons on the book Judges. This was followed by his sermons on 1 Samuel (from 27 April 1543 to 12 December 1544) and 2 Samuel (from 19 December 1544 to 15 August 1546), and he continued with his sermons on this book up to the beginning of 1546.

The year 1549 witnessed the appearance of Bullinger's *Decades*. This work was destined to contribute in two major respects to the theoretical underpinnings of magisterial office and the nature and role of civil magistracy in the Christian commonwealth. Bullinger raised the question of whether an evil magistrate, a tyrant, is of God or not (Bullinger 2004:II, 6). Bullinger maintained the same view he expressed in his commentary on Romans (1532). Subjects vexed by tyrants must first reform their religious manners; next, they must pray that God will save his people from mischief; and finally, they must not resist the office ordained by God. In this *Decade*, Bullinger does, however, leave room for resistance to tyranny in so far as God:

[s]ometime ... stirrith up noble captains and valiant men to displace tyrants, and set God's people at liberty; as we see many

examples thereof in the books of Judges and Kings. (Bullinger 2004:II, 3, 244–245)

Bullinger added:

But lest any man do fall to abuse these examples, let him consider their calling by God: which calling if he have not, or else do prevent, he is so far from doing good in killing the tyrant, that it is to be feared lest he do make the evil double so much as it was before. (Bullinger 2004:II, 6, 318)

Bullinger's references to *Judges* and *Kings* must be read close together with the second important aspect contained in the *Decades*, namely the oath-making preceding the institution of kings and magistrates and the vow-like nature of the covenant with their subjects. The discussion on the role and nature of oaths precedes his exposition of magistracy in his *Decades*. Bullinger started his discussion of oaths by referring to Matthew 5:33, 34. The key perspective in Bullinger's commentary is that solemn oaths are both profitable and needful. The law of God and words of Christ do not forbid things profitable and needful, and therefore they do not condemn solemn and lawful oaths (Bullinger 2004:II, 3, 244–245). Bullinger added that a man is not worthy to be called a Christian if he refuses to swear lawfully. He also warns against the practice in many countries where magistrates require oaths as a 'usual and received custom', to take oaths on light occasions:

Let magistrates therefore learn and know, that an oath ought not to be required but in earnest affairs: as when it standeth for the glory of God, for the safety of our neighbour, and for the public weal. (Bullinger 2004:II, 3, 245–246)

The conditions pertaining to oath-taking are fourfold:

firstly, we ought to swear by the living God; secondly, man should swear in truth; thirdly, man should swear with great discretion; and fourthly, swear in justice and righteousness, so that oaths do not tend against the love of God and our neighbour. (Bullinger 2004:II, 3, 249–250)

Later in his *Decades*, Bullinger addressed covenants (Bullinger 2004:III, 6, 169). God's making of covenants with human beings follows the pattern of covenants established by human beings among themselves:

Men do by leagues, as by most sure and steadfast bonds, bind themselves to the society and fellowship of one body or people; in which society, to the end they may be safer, and live more quietly from wrongs and injuries of all other nations, they do mutually hazard both lives and livings, one in defence of the other's liberty. In these leagues they do precisely express what they be that make the confederacy. (Bullinger 2004:III, 6, 169)

God's covenant with man has two conditions: the first declares what God promises and will do for his confederates; the second comprehends the duty of man, 'which he doth owe to God, his confederate and sovereign prince (Bullinger 2004:III, 6, 170)'. In Genesis (17:1), God demands of man to do his will and to be upright. That 'uprightness is gotten by

faith, hope, and charity; in which three are contained all the offices of saints, which are the friends and confederates of the Lord' (Bullinger 2004:III, 6, 171).

Vermigli's development of the idea of the political covenant

In August 1542, the Italian Reformer Peter Martyr Vermigli fled to Basel, via Zurich, where he met Bullinger. Bullinger's theologico-political views had a lasting effect on Vermigli's political perspectives in two respects: firstly, the centrality of the oath to the political order; and secondly, the importance of the Old Testament books of Judges, Samuel and Kings for political covenanting in the Christian commonwealth. On 05 October 1542, he left for Strasbourg at Martin Bucer's invitation, where he lectured on the Old Testament during his five-year stay there. In the spring of 1548, Vermigli took up residence in Christ Church, Oxford, as regius professor. There he delivered lectures on Romans. He returned to Strasbourg late in 1553, where he lectured on Judges. He again left for Zürich in 1556 (James 2007:167). While in Zurich, he lectured on Samuel, the notes for which Théodore Bèze and Heinrich Bullinger consulted in manuscript, as well as those for Kings. While in Zurich, he dedicated his lectures on Romans⁸ to Queen Elizabeth (Anderson 1996:229–231).

Vermigli played a major role in popularising Bullinger's political federalism and spreading Bullinger's views to the English-speaking world (Raath & De Freitas 2007:857). During his second sojourn at Strasbourg from 1553 to 1556, Martyr absorbed, integrated and applied Bullinger's perspectives on the books Kings and Judges to civil magistracy and his comments on oaths, vows and covenants and their application to practical political issues had been substantially refined. The integration of oath-making with the office of magistracy in Martyr's commentaries reflects the centrality of the idea of the Biblical covenant in his political theory (Raath & De Freitas 2007:853).

With his arrival at Strasbourg, Vermigli began lecturing on the book Judges. According to Mariano de Gangi, the contemporary relevance of the book Judges appealed to Vermigli. Beyond the plunder, rape, devastation, and deportation described in Judges, Vermigli saw what happens when the cult of Canaanite fertility gods is substituted for the worship of the true and living God:

He also perceives that the alternatives to lawful government must be crushing tyranny or destructive anarchy. Vermigli finds in Judges some basic principles bearing not only on the reality of restoration through repentance, but on the relationship between Church and State. (De Gangi 1993:132)

The theme of the covenant entered into his interpretation of Judges (Chapter 2): God by covenant had prescribed two things in particular: firstly, that the Israelites should make no league with the Canaanites (Vermigli 1564a:fol. 59[b]); secondly, that they should destroy their altars and temples (Vermigli 1564a:fol. 60). The Israelites, not meeting the

⁸It was published in Basel (1558) (see Donnelly & Kingdon 1990:18).

conditions of God's covenant, transgressed the law. Although they had not yet fallen into idolatry, they were reproved for violating the covenant by saving the altars of the Canaanites. God therefore refrains from meeting his covenantal promises: 'I will not expell the Chananites out of this region as I had promised' (Vermigli 1564a:fol. 60).

God requires of his people to walk in his commandments. God furthermore affirmed to Abraham that he himself would be his reward, showing that in that covenant, not only carnal and earthly good things were promised:

Undoubtedly it were a great shame even for Kings and Princes, which being compared with God are but fleshe and bloud, if they should bee counted to governe the publique wealths, onely as touching the bodies of the subiectes: for as muche as they professe that therefore hey provide for their Citizens outwarde commoditeyes, quietnesse and peace namely that they might liue happily and vertuously. Wherefore if Princes seeke for goodes of the minde for their Citizens, is it not meete that God hymselfe pouided farre more noble thinges for the publique wealthe of the Israelites whiche he faythfully gouerned. (Vermigli 1564a:fol. 75)

In his commentary on Samuel, Vermigli dealt with a number of political implications of his covenantal approach: firstly, his preference for the republican form of government, secondly his treatment of tyranny and thirdly, the civil magistrate's duty to govern in the interest of the people, to protect them and to maintain civil peace. Vermigli's preference for the republican form of government permeates his commentary on Samuel. God gave his people the republican form of government in which elements of monarchical, aristocratic and democratic government are fused into a mixed form of governance (Vermigli 1564b: fol. 45v.). At the heart of the republican form of government is the covenant between the king and the people. Kingship in Israel was the outflow of the *lex regia* instituted by God in Deuteronomy 17, and according to which the king was under a duty to obey (Vermigli 1564b:47r.). The king is instituted by the *consensus populi* (Vermigli 1564b:156v.), because the king is instituted for the people; not the people for the king (Vermigli 1564b:296v.).

In his commentaries on Kings, Vermigli reflected a double covenant scheme. In addition to the covenant between the king and the people, there is the covenant concluded between the king and the people with God, and the observance of this covenant ensures peace and prosperity for the commonwealth (Vermigli 1566:78r.). The covenant with God constitutes the basis of the political and civil order. Vermigli's *Commonplaces* (1583)⁹ played a major role in introducing Bullinger's perspectives on political oaths and covenants into the Reformed English-speaking world. Under the rubric *De Magistratu*¹⁰ in his *Loci Communes*, Vermigli considered aspects of the relationship between spiritual and worldly power, and the civil authority's duty to protect the true

⁹This was originally published as: *Loci Communes. Ex variis ipsius Auctoris libris in unum volume collecti ...*, John Kyngston, 1576.

¹⁰References to the *Commonplaces*, cite the part, the chapter and the pages (1583, part IV, ch. 13, 473–481).

service of God. Civil rulers may depose spiritual authorities if they do not execute their duties correctly (Vermigli 1583:IV, 13, 475–476). Magistrates have the duty to maintain the laws touching outward discipline, to execute punishment 'and to defend and make much of the good' (Vermigli 1583:IV, 13, 226[1]).

Vermigli distinguished magistracy from the ministry of the church. Church authorities are the keepers of the word of God and of God's law. Different from civil authorities, church authorities also exercise inward discipline by preaching the Word. Although both offices nourish the godly, the magistrate bestows honours, riches and dignities, whereas the church ministry comforts with the promises of God and with the sacraments. The civil magistrates are appointed to the end that the laws should be diligently kept, the guilty punished and the good fostered because the civil ruler is a 'living and speaking law, and is also the minister of God (as Paul says) to their praise which do well: and on the other side he bears the sword against the wicked as a judge and revenger of God, neither tend these things to any other end than the safety of men' (Vermigli 1583:IV, 13, 226[2]). Church authorities, as citizens, are subject together with their lands, riches and possessions, to the civil magistrate. But church authorities are also subject to the magistrate concerning the performance of their functions. If they do not teach correctly and administer the sacraments in an orderly manner, it is the duty of the civil magistrate to compel them to perform their duties according to the commands of the Lord (Vermigli 1583:IV, 13, 232[1]).

Rutherford and the idea of the double covenant

In Rutherford's theologico-political theory, the double covenant scheme serves as the keystone of the political structure of the *Respublica Christiana* postulated in *Lex, Rex*. It implies, firstly, that there is a reciprocal oath between the ruler and the people. This mutual obligation is reflected throughout the Old Testament: all the elders of Israel came to the ruler to Hebron, where King David made a covenant with them before the Lord and they anointed him ruler over Israel (2 Samuel 5:3; 1 Chronicles 11:3).

Secondly, the king and the people are obligated before God to keep the conditions of the covenant: Jehoiada made a covenant between the Lord, the king and the people, that they should be the Lord's people (2 Kings 11:17). Thirdly, as the kings of Israel were obligated before God to maintain true religion, the people and the lesser magistrates are no less obligated to maintain the true religion. In the Old Testament, the people were rebuked because they burned incense in the high places (2 Kings 17:11; 2 Chronicles 23:17; Hosea 4:13). Magistrates and judges, in addition to the king, were commanded to maintain and protect the true religion, but when the judges refuse to follow God, and corrupt the law, we find the people punished and rebuked for it (Deuteronomy 1:16, 16:9; 2 Chronicles 1:2; Ecclesiastes 5:8; Habakkuk 1:4; Micah 3:9; Zechariah 7:9; Hosea 5:10–11). The king was obliged to the public defence of the true religion. He was made king by God and the people and, for the sake of God's

people, needed to defend true religion on the behalf and for the salvation of all. In Question 4 of *Lex, Rex*, Rutherford addressed the question of whether rulers are directly from God, or also from the people. Quoting Vermigli,¹¹ Rutherford stated that the power of making a man into a king or a ruler is from the people (Rutherford 1644:Q 4, 8[1]). No man can be officially a legal ruler without the choice of the people. This does not deny that the will of God causes the hearts of the people to be inclined to choose one man over another. It is in this sense that it can be said that a person is made king by God and the people.

Fourthly, the covenant in ancient Israel was between God on the one hand, and the king, people, and priests on the other. The contract of the ruler and the people with God entails that they are both indebted to God for complete obedience. Both the ruler and the people are obligated to do their part in rendering obedience to the King of kings. Fifthly, a ruler is a minister of God for the good of the subjects. He must take heed of the law of God, and govern according to God's will. As long as he fulfils this condition, he is to that extent made ruler. As far as he is a minister of evil to the subject, and does not rule according to God's commandments, he is not appointed by God as ruler and king. Therefore, a ruler is made by God and the people conditionally (Romans 13:4; 2 Chronicles 6:16; Psalm 89:30–31; 2 Samuel 7:12; 1 Chronicles 28:7). The people make a ruler conditionally, for their safety and not their destruction, and God, by way of the people's free election, makes an individual ruler by covenant and conditionally. In *Lex, Rex*, Rutherford considered whether 1 Samuel 8:11 proves that kings have absolute power, and that the text denies resistance to tyrannical rulers. Rutherford relied upon Vermigli's comment on 1 Samuel 8 to the effect that people are not denied resistance to tyrannical kings (Rutherford 1982:Q 18, 73[2]).

Citing Vermigli, Rutherford maintained that the people have the power to make war for their own safety. War against tyrannous kings is justified when the people face destruction (Rutherford 1982:Q 32, 171[2]). Rutherford subsequently dealt with the reasons for Libnah's revolt from under Jehoram. Referring to Vermigli's comments on 2 Kings 8, Rutherford explains that the revolt ensued because Jehoram had forsaken the Lord God of his fathers and had driven them to idolatry (Rutherford 1982:Q 32, 171[1]–[2]).

Sixthly, the people, as God's instrument, give power to the ruler conditionally, since, to be a ruler is to be an adopted father, tutor, servant, and watchman of the state, and honour and maintenance are his due as a reward for his labour. The ruler is appointed conditionally, in Scriptural terms, because he is expected to rule according to law. He is not made an absolute sovereign to rule according to his will and lust, for this is contrary to the clear mandates of Scripture (Deuteronomy 17:15–16). Seventhly, being a ruler does not put him above all civil obligation to his subjects, because he shall be under them because the oath was before God. If the

11. All references to *Lex, Rex*, cite the question considered, the page and the column on the page (1982:Q 4, 8[1]).

oath before God made to the people does not bind him to the people to govern according to law, and not according to his will and desires, it would be unlawful for any to swear such an oath. The covenant is, and must be, a rule to all. If a just man, such as David, had his power limited by a covenant, then all others must necessarily be limited as well. In *Lex, Rex*, Rutherford considered whether the people and their representatives have power over the king. Referring to Vermigli's commentary on *Judges*, Rutherford answered that because the king's power is fiduciary and put in his hand upon trust, it is ministerial power, and derived from parliament (Rutherford 1982:Q 21, 98[2]).

Conclusion

Vermigli was instrumental in expounding and disseminating the Zürich idea of the covenant. The idea of the covenant surfaced in Vermigli's political theory in the form of a double-covenant scheme: a human and a divine covenant. The covenant between the king and the people precedes the covenant between the king and the people with God. In the context of the development of Reformed republicanism, Vermigli's commentaries on *Judges*, *Samuel*, *Kings* and *Romans* served as a bridge between the Zürich covenantal theory and later generations of Reformed publicists addressing issues related to tyrannous rulers. Vermigli's political covenantalism directly assisted the French monarchomachs in developing a theory of the social contract and resistance to tyranny. Indirectly, Vermigli's commentaries on *Judges*, *Samuel*, *Kings* and *Romans*, as well as his *Commonplaces*, strongly impacted later generations of Reformed political theory. In the context of German Reformed political thought, Vermigli's ideas can be traced to Althusius via Ursinus, Pareus and Olevianus. In France, Vermigli's political commentaries were fruitfully applied by Beza, Hotman and the anonymous author of the *Vindiciae contra Tyrannos*. Vermigli's influence in England and Scotland runs via Ponet and Goodman to Rutherford and Milton. In the Dutch sphere of influence, Vermigli contributed to the political views of Daneau and Grotius. Through Samuel Rutherford's *Lex, Rex*, Vermigli's theologico-political thoughts were systematically presented as a coherent body of political theory and carried the theory of the political covenant into British and American social contract theories.

The Zürich idea of the *Respublica Christiana* and the structuring of the ecclesiastical and political offices in the Christian republic were of major importance for the Zürich Reformer Heinrich Bullinger. Peter Martyr Vermigli found the ideal of the Christian republic to be an appealing notion and postulated the double covenant scheme as the basis for structuring the ideal Christian state. Rutherford utilised the insights of both Bullinger and Vermigli in structuring the ideal form of government in the Christian state. Bullinger's views on the duty of the Christian magistrate to maintain and protect the true religion found application in Rutherford's theological works on church government and the relationship between church and state. Vermigli's theologico-political

theory of a double covenant, on which true Biblical government is founded, found useful applications in Rutherford's theologico-political work *Lex, Rex*. Although Bullinger's views on the Biblical covenant and its applications to church government may be regarded as pioneering work, Vermigli's development of the idea of the political covenant based on the divine covenant, not only carried the Reformed idea of covenant into the political arena, but proved to be of ongoing importance for structuring the ideal Christian state founded on Biblical principles. In this sense, Rutherford's *Lex, Rex*, (and his theological works on church government) was the culmination of Reformed ideas of enduring importance in post-Renaissance political theory.

Rutherford set forth the core ideas of the Zürich political federalists (Bullinger and Vermigli): the ideal of the covenanted nation under God; magistrates and their subjects have a covenanted calling to live according to God's law; the binding together (consolidation) of the covenanted Christian commonwealth by means of oath; the right of resistance if the conditions of the covenant are transgressed; the office of magistrates and pastors are mutually to assist one another in maintaining and furthering the conditions and requirements of the Biblical covenant in the consolidated Christian community.

Finally, with regards to John Coffey's interpretation of Rutherford's theologico-political views, two important observations need to be emphasised: Firstly, that reading Rutherford's *Lex, Rex* in conjunction with his other covenantal works provides very little evidence that Rutherford's double covenant perspectives were of Calvinist origin. Secondly, overwhelming support for interpreting Rutherford's covenantal theory from the Bullinger-Vermigli line of covenantal thought is to be gleaned from the broad spectrum of literature produced by Rutherford. Furthermore, future interpretations of Rutherford's theologico-political views need seriously to consider the Bullinger-Vermigli impact on Rutherford's perspectives.

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