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The Journal of Christian Reconstruction

Symposium on Puritanism and Law

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Gary North, Editor

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The Journal of Christian Reconstruction

This journal is dedicated to the fulfillment of the cultural mandate of Genesis 1:28 and 9:1—to subdue the earth to the glory of God. It is published by the Chalcedon Foundation, an independent Christian educational organization (see inside back cover). The perspective of the journal is that of orthodox Christianity. It affirms the verbal, plenary inspiration of the original manuscripts (autographs) of the Bible and the full divinity and full humanity of Jesus Christ—two natures in union (but without intermixture) in one person.

The editors are convinced that the Christian world is in need of a serious publication that bridges the gap between the newsletter-magazine and the scholarly academic journal. The editors are committed to Christian scholarship, but the journal is aimed at intelligent laymen, working pastors, and others who are interested in the reconstruction of all spheres of human existence in terms of the standards of the Old and New Testaments. It is not intended to be another outlet for professors to professors, but rather a forum for serious discussion within Christian circles.

The Marxists have been absolutely correct in their claim that theory must be united with practice, and for this reason they have been successful in their attempt to erode the foundations of the noncommunist world. The editors agree with the Marxists on this point, but instead of seeing in revolution the means of fusing theory and practice, we see the fusion in personal regeneration through God's grace in Jesus Christ and in the extension of God's kingdom. Good principles should be followed by good practice; eliminate either, and the movement falters. In the long run, it is the kingdom of God, not Marx's "kingdom of freedom," which shall reign triumphant. Christianity will emerge victorious, for only in Christ and His revelation can men find both the principles of conduct and the means of subduing the earth—the principles of Biblical law.

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Editor's Introduction

Gary North

Since 1930, a true renaissance in Puritan studies has taken place. Scholars in numerous academic disciplines have published a massive body of materials. The late nineteenth century saw the publication in the United States of painstakingly detailed reprints of the early colonial law codes by men like Charles Hoadly, but for the most part, these dutiful editors were not university professors, but self-educated antiquarians. The pre–1930 attitude of American historians toward the Puritans can probably best be seen in the writings of Vernon Parrington, who was hostile toward the Puritan tradition in America. In the late 1920s, when Perry Miller was trying to decide on a dissertation topic for his Ph.D., he was warned by one professor not to touch the New England Puritans, since Parrington had already dealt with them sufficiently, and there was not much use in going over the subject again. Miller's dissertation became *Orthodoxy in Massachusetts* (1933), a true classic, one which was probably more responsible for reviving scholarly interest in New England Puritanism than any other book, with the possible exception of Miller's *The New England Mind: The Seventeenth Century* (1939). (It is also a curious fact that Miller was not employed by Harvard's history department, but by the English department, yet few twentieth-century scholars have had the singular influence on American historians that Miller exercised.)

Another professor of English, William Haller, produced *The Rise of Puritanism* in 1938, and it was followed by M. M. Knappen's *Tudor Puritanism* in 1939. After World War II, the interest of English scholars in English Puritanism grew quite rapidly, led by the Marxist historian, Christopher Hill, who produces massively documented books faster than some of his colleagues can read them. The English scholarly journal, *Past and Present* (which was originally Marxist in perspective), has devoted much of its space to the question of Puritanism. The Marxists

see the rise of Puritanism as the first major break with medievalism in Britain. They also see Cromwell's revolution as the first successful modern revolution, and for obvious reasons, Marxist scholars are interested in revolutions. A representative book is the one edited by Trevor Aston, *Crisis in Europe, 1560–1660* (1965), a collection of essays taken from *Past and Present.* Also important is the extraordinary book, *Religion and the Decline of Magic* (1971), by Keith Thomas, which Hill has accurately described as {2} "majestic." These scholars are interested mainly in England's social, political, economic, literary, and intellectual traditions that had their origins in the Puritan movements.

Far more narrow in scope, but very important, are the reprints of Puritan classics by the Banner of Truth Trust in Edinburgh. These books focus on Puritan piety and theology, rather than the social concerns of the Puritan divines. The scholars associated with Banner of Truth have devoted their studies to the questions of evangelism, piety, and worship that were dealt with by the Puritans. By making available inexpensive reprints of Puritan classics, Banner of Truth in the British Isles, and several Reformed Baptist publishers in the United States (Jay Green, Lloyd Sprinkle), have performed a much-needed service in bringing a forgotten Christian tradition to the attention of twentieth-century Christians.

Our problem, however, stems from the wide gap between the scholars and the churchmen. The secular historians are interested in the wider impact of Puritanism in Anglo-American history: Puritanism as ideology, Puritanism as community, Puritanism as innovation, etc. They are interested in Puritan theology only insofar as this theology explains the origins of Puritanism's wider impact. Furthermore, they tend to misunderstand Puritan theology, or garble their explanations, because of their lack of familiarity with the Bible and Protestant theology in general. They have a masterful grasp of the primary sources, of both sermons and the economic and political documents, but they cannot seem to get the theological categories straight. In contrast, the churchmen and modern orthodox theologians who have taken interest in Puritanism understand the subtle nuances of Puritan theology, but they have limited knowledge of and limited interest in the broader questions of Puritanism in social history.

There is little likelihood that secular scholars who resist the truth of Puritan preaching in their own lives will soon attain a mastery of the meaning of Puritan theology. We need not be quite so pessimistic concerning the possibility of neo-Puritans in the churches beginning to concern themselves with the question of Puritanism's impact on Anglo-American society in general. Rushdoony's comment that the secularists are interested in history but not in God, and the modern Christians are interested in God but not in history, seems accurate when applied to the two-edged revival of interest in Puritanism. What is needed is a fusion of the two concerns: an interest in God and therefore an interest in the working out of the plan of God in history.

The *Journal of Christian Reconstruction* is devoting two issues to a consideration of Puritanism in history. This first issue concerns itself with the question of Puritanism and law—specifically, biblical law. Biblical law is the basis of a systematically *Christian* reconstruction of every area of life. It is a tool of dominion. Therefore, it is important for modern {3} neo-Puritans to understand the nature of their heritage of law. The New England Puritans set forth Old Testament law as the ideal for the civil government, the family, and the church. They wrote the very first written constitutions in Connecticut (1639) and Massachusetts (1641). They provided later generations with a respect for the categories of biblical law, if not the actual content. Their vision became secularized over time, but they did at least provide the legal foundation which was to be secularized. Our next issue will deal with Puritanism and society, to demonstrate the enormous impact of the Puritan tradition on science, economics, and social life in the West.

The heart of the Puritan view of God's law is found in a passage written by Thomas Hooker, the minister who founded the colony of Connecticut. It is cited in the essay by **Terrill Elniff**, and it provides the title of Elniff's forthcoming book, *The Guise of Every Graceless Heart: Human Autonomy in Puritan Thought and Experience* (Vallecito, CA: Ross House Books):

> Now by sin we justle the law out of its place, and the Lord out of his glorious sovereignty, pluck the crown from his head, and the scepter out of his hand, and we say and profess by our practice, there is not authority and power there to govern, nor wisdom to guide, nor good to content me, but I will be swayed by mine own will and led by mine

> own deluded reason and satisfied by my own lusts. This is the guise of every graceless heart in the commission of sin....

The assertion of human autonomy is necessarily an assertion of the validity of some other law-order than that set forth by God in the Bible. Therefore, the early New England Puritans were careful to establish biblical law as the foundation of their legal codes, most notably the Massachusetts Body of Liberties (1641). Of this code of law, the historian Edmund S. Morgan has written:

> But the code was not merely a bill of rights to protect the inhabitants of Massachusetts from arbitrary government. It was a blueprint of the whole Puritan experiment, an attempt to spell out the dimensions of the New England way. Trial by jury was part of the way (although the General Court, exercising supreme jurisdiction, operated without a jury) and so was freehold tenure of lands, but only because these practices seemed in accord with the laws of God; for the New England way must be the way God wanted His kingdom on earth to be run, and every law must be measured by His holy word. "No custom or prescription," said the Body of Liberties, "shall ever prevaile amongst us in any morall cause, our meaning is [that no custom or prescription shall] maintaine anythinge that can be proved to bee morallie sinfull by the word of God." And it enumerated all those crimes which the laws of God branded as deserving of death: idolatry, witchcraft, blasphemy, murder, beastiality, sodomy, adultery, man-stealing, false witness, and treason. The list included several crimes which were more lightly punished in England, but the very brevity showed that God demanded lesser punishments for most offenses than the King of England {4} did. In England the number of capital crimes amounted to about fifty during the seventeenth century and rose to well over a hundred in the eighteenth.[1]

We have reproduced the list of crimes that appeared in the Body of Liberties in this issue of the *Journal.*

There are those who regard themselves as neo-Puritans who will resent the very idea that many (though hardly all) of those who called themselves Puritans in the seventeenth century believed that God's Old Testament law-order should be imposed in New Testament times. They may resent the idea, but they cannot legitimately deny the evidence, especially the evidence from Puritan New England. Here was the great

1. Edmund S. Morgan, *The Puritan Dilemma: The Story of John Winthrop* (Boston: Little, Brown, 1958), 170–71.

experiment in setting forth the Puritan vision of God's Holy Commonwealth ideal. Undoubtedly, this vision was intermixed with foreign elements, most notably medieval notions of natural law and medieval notions of the "just economy." The effects of Protestant scholasticism, which undermined the Reformation almost before it got started, could not be completely avoided in New England; nor could the effects of the Newtonian intellectual revolution at the end of the century, which combined with the medieval concept of natural law to produce the vision of a neutral, autonomous, and universal law-order—a vision which led to Deism and Unitarianism in the eighteenth century in England and on the Continent, and to a *far* lesser extent, in the American colonies. But in its origins, the Puritan experiment was officially theonomic in outlook. It is not possible to understand New England Puritanism apart from the first generation's commitment to biblical law.

There are also those who reject the heritage of Puritanism because of their faulty understanding of the Cromwellian revolution in England and the Puritan experiment in New England. They may choose to think that their neo-Continental Calvinism tradition was as antinomian in outlook as they themselves are today. We have reproduced a section of **Bucer's** *De Regno Christi* to demonstrate that there is no easy escape from God's law-order even in the tradition of European Calvinism. In fact, it takes a very one-sided view of Protestant history, not to mention a one-sided view of biblical theology, to suppress the theonomic heritage of Western civilization. It is sad to report how widespread this active intellectual suppression has become in the twentieth century.

We need a book comparable to *The Forgotten Spurgeon*, which was written, in part, to remind twentieth-century Baptists of the Reformed perspective of the great Baptist preacher of the late nineteenth century, whose theology is indeed forgotten today. We might call the book, {5} *The Forgotten Puritans*, and there is no doubt that some who regard themselves as neo-Puritans are those with the shortest memories. This is not to say that every Puritan preacher was a fully developed theonomist; after all, they lived three centuries ago. It takes time to develop basic strands in any theology. There are multiple heritages in the pages of Puritan history. But there is great danger that Christians who have

been introduced to the Puritans through the recently published literature dealing with Puritan piety will fail to realize that Puritan piety was only one concern of the Puritans themselves. Marxist historians understand this; Christians ought to be at least as alert to the historical relevance of Puritanism as the Marxists.

After presenting Bucer's essay on biblical law, we present **James Jordan's** treatment of the background to the Westminster Confession's section 19:4, "Of the Law of God." Specifically, he deals with the meaning of the phrase, "general equity." What he concludes is that "general equity" was understood to mean that law-order which is in conformity to the requirements of Old Testament law. The Puritans assumed that the natural law-order visible to all rightly reasoning men reveals God's law-order. They assumed that the civil laws of Europe were in some way natural and universal, and since these contained so many elements of the Old Testament law structure, they concluded that "equity" could be attained by enforcing the natural laws seen by all right reasoning men. William Perkins, writing in "EPIEKEIA, or a Treatise of Christian Equity and Moderation," argued that civil lawyers must take the advice of ministers, "touching *Equity which is the intent of the law.* Moreover, their law is but the ministery of *equity*; but our law *the word of God* is the fountaine of Equity: therefore the principall rules of Equitie, must they fetch from our law: considering that law without *equitie*, is plaine tyrannie."[2] Therefore, concludes Jordan, modern anti-theonomists cannot legitimately appeal to the "general equity" clause of the Confession to refute the case for theonomic law.

To buttress the case against the misuse of the "general equity" clause by contemporary theologians and scholars, **Richard Flinn** presents a study of Samuel Rutherford, one of the Westminster divines. While Flinn does not argue that Rutherford was a strict defender of every aspect of Old Testament law, he does demonstrate how important Old Testament law was in Rutherford's discussion of civil law. As Flinn states, "while we do not find in *Lex Rex* the doctrine of the continuity of the case law, or of its application to the magistrate, stated in an explicit and fully developed form, the roots and fundamental princi-

2. William Perkins, *Workes*, vol. 2, 441; reprinted in Edmund S. Morgan, ed., *Puritan Political Ideas* (Indianapolis: Bobbs-Merrill, 1965), 73.

ples upon which this doctrine is built are {6} plainly present." Time and again, Rutherford appealed to Deuteronomy, especially Deuteronomy 17, the great chapter on the rule of God's law over rulers and ruled.

Coming across the Atlantic, **Greg Bahnsen** introduces the reader to **John Cotton's** *Abstract of the Laws of New England* (1641). This was first printed in volume 2, number 2 of the *Journal*, and we think it needs reprinting in this context. Cotton, New England's most prestigious minister in the first generation, was a thoroughgoing theonomist. While the civil magistrates of Massachusetts chose Nathaniel Ward to compile the *Body of Liberties* in 1641, they consulted Cotton as well. The list of capital crimes in the Body of Liberties is reproduced following Cotton's *Abstract.* The use of Old Testament citations by Ward should be noted. These historical documents should not be dropped down some pietistic neo-Puritan version of George Orwell's "memory hole."

Terrill Elniff provides us with a comprehensive introduction to the outlook and failures of New England Puritanism. This essay is a summary of his forthcoming book, *The Guise of Every Graceless Heart: Human Autonomy in Puritan Thought and Experience.* New England Puritans believed that purity of the church was important, not simply for its own sake (as too many neo-Puritans seem to believe), but because "on it depends the well-ordered liberty of the people, and on both of these rests the well-balanced authority of the magistrate." To put it bluntly: "They are all of a piece; they stand or fall together." The heart of Puritanism was its commitment to the authority of the Bible in every sphere of human existence. It was their failure to follow through on this presupposition that led to the various internal crises of the holy commonwealth.

Kirk House offers us an example of just such a violation of Puritan principle at the end of the century: the Salem witchcraft trials. Contrary to popular belief, there is evidence that some of the accused were indeed occultists, and that they demonstrated occult power. Cotton Mather and seven other men saw one woman's body levitate up to the ceiling, and all of them pulling down on her body could not immediately pull her down. Furthermore, the local ministers who presided at the trials did not abide by biblical rules of evidence, nor did they abide by common law. They were not supported by other ministers in the

colony; in fact, they were opposed. The central government was in disarray because of the abrogation of the original Massachusetts charter, and the new governor, Phips, was initally absent, commanding an unsuccessful invasion of Canada. Thus, it was not New England Puritanism that produced the trials, but the disintegration of New England's theocratic rule.

My own essay on Puritan economic thought is an attempt to show the extent of the medievalism of the first generation of New England settlers. Their attempt to impose "just" prices, "just" wages, profit controls, import {7} restrictions, quality standards, and similar pieces of medieval legislation failed to accomplish their stated goals. Step by step, the early Puritans learned the lessons of government interference with the operations of the market. However, their theology of human responsibility before God, when combined with their optimistic eschatology, gave impetus to the creation of a modern economy. These strands of Puritan thought were ultimately to become the lasting economic heritage of Puritanism, overcoming the latent medievalism of that first generation. The Puritans' experiment with medieval guild socialism was a failure, and being a practical people, they learned from their failure. (Those neo-Dooyeweerdians who are unfamiliar with the history of this failure seem prepared to repeat it in the name of the principles of cosmonomic law.)

1.
SYMPOSIUM ON PURITANISM AND LAW

Introduction to Martin Bucer's *De Regno Christi*, Chapter 60

Jack Sawyer

As the debate over the extent of the applicability of the law of God rages on in our day, the charge is often pressed, against the Chalcedon Foundation in general, and Greg Bahnsen's *Theonomy in Christian Ethics* in particular, that the position of theonomic social ethics is completely outside the consensus of Reformed tradition. This charge is impossible to substantiate. When pressed, these objectors grudgingly admit that the one exception to their thesis perhaps may be the "minor exception" of the New England Puritans! In fact, others besides the New England Puritans held to these views.

James B. Jordan has readily shown in his article (also appearing in this issue) that the position of Bahnsen and Rushdoony, et al., is well within the bounds of orthodox Reformed tradition. Along those same lines, it is my purpose here to introduce the penultimate chapter of *De Regno Christi*, a work of Martin Bucer, the first-generation Reformer from the city of Strassbourg. Bucer was the leader of the reform in that city and, indeed, throughout southern Germany. Next to Luther, Melanchthon, Zwingli, and Calvin, he was the most prominent of all the early Protestant leaders.[3] From the beginning of the Reformation, Bucer was a firm supporter of Luther, but

> he went far beyond Luther in his insistence that not only the church as an institution but the whole of human life, individual and social, must be ordered according to the will of God as revealed in the Bible. He

3. Martin Bucer, *De Regno Christi*, trans. Wilhelm Pauck and Paul Larkin, ed. Wilhelm Pauck, in *The Library of Christian Classics*, vol. 19 *Melanchthon and Bucer* (Philadelphia: Westminster Press, 1969), 155. I readily acknowledge my debt to Pauck's introductory essay to Bucer's work.

> regarded the Reformation as a movement through which the Christianization of all of human life was to take place. The Bible was for him the source and pattern of all legislation required to this end. This view was far different from Luther, because it did not agree with the latter's disjunction between law and gospel.[4]

Bucer's influence upon Calvin himself cannot be adjudged as anything but profound. There was a deep mutual affection between the two. While in exile from Geneva, during his sojourn in Strassbourg, Calvin's mind was in fact shaped to a large degree by what he learned from his older contemporary.[5] Perhaps those who quote Calvin flippantly {9} (*Institutes*, book 4; chap. 20; sec. 14) to ridicule those who hold to the theonomic position, might do well to consider whether or not Calvin could possibly be including Bucer (a man he revered greatly) among those whose position he considers as "foolish, perilous, seditious, etc." Perhaps a more thorough exegesis of Calvin is in order before jumping to such extreme conclusions about his position.

At the request of Archbishop Cranmer, Bucer became a professor of divinity at Cambridge in 1549. Very popular among the English Reformers, Bucer's advice and counsel were repeatedly "sought out on doctrinal and liturgical matters."[6] Though he suffered frequently from ill health, his status and influence cannot be minimized. *De Regno Christi*, written in 1550 and addressed to the young Edward VI, "represents the first Protestant treatise on social ethics, and is the product of a mature man standing on the verge of old age. It reflects the experience of a lifetime in manifold labors for an actual reformation of the church as well as society."[7]

Clearly Bucer "regarded the Old Testament and the New Testament as a unity."[8] Thus, the case laws of the Mosaic law played an important role in his concept of the Christian commonwealth. His position regarding the general equity of the Mosaic judicials is certainly akin to, if not exactly, that put forward by Bahnsen in *Theonomy.* An honest

4. *Ibid.*, 156.
5. *Ibid.*, 157.
6. *Ibid.*, 160.
7. *Ibid.*, xix.
8. *Ibid.*, 165.

reading of Bucer will readily reveal that theonomy is not something new! This position was found, therefore, in the first generation of the Reformation; it was to be found at Westminster, in New England, the Netherlands, and today is beginning to flourish once again. So let us once and for all be done away with the notion that theonomic social ethics represents a novel position at odds with the historical Reformed consensus. Clearly such a charge is patently false.

In concluding this introduction, a few pertinent notes are in order. During the preparation of this essay, I took note of some charges made by Wilhelm Pauck against Bucer's position. First of all, he accuses Bucer's scheme of being utopian. Bucer, however, was aware of those, even in his day, who might raise the same charge. In reply, he denied that he was setting forth some ideal Platonic Republic. Because his commonwealth was based upon the eternal, immutable word of God, such a charge would in fact be one against God Himself![9] Is God's word less than practical or less than relevant? Surely God must have some notion as to how a civil government might be duly framed! {10}

Pauck also accuses Bucer of biblicism, or more precisely, "biblical legalism." Obviously, he does not approve such extensive use of the Bible. Bucer should have known that not only was it impractical of him to use the Bible thus, but it was also improper! The Bible is a history of redemption, the mighty acts of God, a laying out of our spiritual "roots." It (and most assuredly not the Old Testament) is not a "text-book" for political science. Interestingly enough, within some Reformed circles these same criticisms have been urged at *Theonomy* with a vengeance by those who are supposed to be of a more conservative bent! Perhaps Bucer and Bahnsen have more in common than we think. Let the reader take note and decide for himself.

9. *Ibid.*, 164–65.

The Fourteenth Law: The Modification of Penalties[10]

Martin Bucer

Lastly, the well-being of his people also demands of Your Majesty a serious and thorough modification of penalties, by which wrongdoing and crimes are kept in check in the commonwealth. But since no one can describe an approach more equitable and wholesome to the commonwealth than that which God describes in his law, it is certainly the duty of all kings and princes who recognize that God has put them over his people that they follow most studiously his own method of punishing evildoers. For inasmuch as we have been freed from the teaching of Moses through Christ the Lord, so that it is no longer necessary for us to observe the civil decrees of the law of Moses, namely, in terms of the way and the circumstances in which they are described, nevertheless, insofar as the substance and proper end of these commandments are concerned, and especially those which enjoin the discipline that is necessary for the whole commonwealth,[11] whoever does not reckon that such commandments are to be conscientiously observed is certainly not attributing to God either supreme wisdom or a righteous care for our salvation.

Accordingly, in every state sanctified to God capital punishment must be ordered for all who have dared to injure religion, either by introducing a false and impious doctrine about the worship of God or by calling people away from the true worship of God (Deut. 13:6–10 and 17:2–5); for all who blaspheme the name of God and his solemn services (Lev. 24:15–16); who violate the Sabbath (Ex. 31:14–15 and 35:2; Num. 15:32–36); who rebelliously despise the authority of parents and live their own life wickedly (Deut. 21:18–21); who are unwilling to submit to the sentence of a supreme tribunal (Deut. 17:8–12); who have committed bloodshed (Ex. 21:12; Lev. 24:17; Deut. 19:11–13),

10. This is the last of the various subheadings dealing with all aspects of life in a *respublica Christiana.*

11. See Westminster Confession 19.3, 4. This is for all intents and purposes the position put forward by Bahnsen in *Theonomy.*

adultery (Lev. 20:10), rape (Deut. 22:20–25), kidnapping (Deut. 24:7); who have given false testimony in a capital case (Deut. 19:16–21).

No one knows better or provides more diligently what is for man's salvation than God. In these sanctions of God, we see that he judges that the death penalty should eliminate from his people whoever has openly {12} defected from him or held him in contempt or persuades others to do the same, to the betrayal and vitiation of true religion; those who have done injury to his name and have obstinately detracted from the authority of God as it is administered through his ordinary agents, fathers of families or of country; or finally, those who have attempted to take the life of a neighbor or of his wife or children. For those who are involved in such enormous crimes cannot but inflict great ruin on mankind. By the responsible cooperation of all good men, these pests are therefore to be exterminated from human society no less than fierce wolves, lions, tigers, dragons, and crocodiles which occasionally attack men in order to tear them to pieces and devour them.

For in God alone "we live and move and have our being" (Acts 17:28), and by his unique kindness we receive all things we can desire; those, therefore, who reject God and make themselves enemies of God rob themselves and others of all good. This is manifestly true of those who do not acknowledge, hear, invoke, and worship God as their God, and who do not constantly seek to increase in themselves that worship which consists of trust in his words.

For these persons rob God of his divinity, as far as they can, and openly deny him to be God, so that they prefer themselves and other creatures before him. What evil, therefore, is not to be expected of those who go to such lengths of impiety that they obstinately refuse to hear the Word of God, and therefore God himself, and to acknowledge that he is their God, as is demanded of us by the First Commandment of the Decalogue: "I am the Lord your God," etc. (Ex. 20:2). What, then, if they also dare, as is the necessary consequence of that impiety, either to adore instead of the true God images made by themselves, or attempt to worship as the true God the imaginations of their hearts and the works of their hands? God has forbidden this in the Second Commandment of the Decalogue, by which he forbids the worship of strange gods and idols (Ex. 20:3–5). Or what if they ridicule and blas-

pheme the Divine Majesty in their rashness, using his holy name for matters and activities that are shallow, base, or superstitious? God calls them away from this in the Third Commandment of the Decalogue, in which through the term "perjury" he prohibits all unworthy invocation of his name (Ex. 20:7). Or they dare to despise and neglect the holy days decreed by God, and thus the whole administration of religion, i.e., of eternal life, in which all true knowledge and adoration of God are preserved and augmented (Ex. 20:8). They show themselves guilty of manifest defection from God and of a spirit that treats God, the creator of all things, as nothing and as an empty name, and finally, they condemn all his Scripture and religion as deceit and imposture. Those who have become guilty of such impiety cannot help intruding it on others also, both by word and deed. For everyone brings forth from the treasure of his {13} heart what has been stored there (cf. Matt. 12:35). And Satan, who keeps such persons as his captives according to his good pleasure, which is always intent on the ruin of mankind, uses them as weapons for inflicting all possible harm on men.

And so it is clear that there can be no dangerous beasts as harmful to the commonwealth as men who are plainly godless, empty of God, sons of the devil. And so all the sons of God must exert their utmost concern and all their strength to purify the commonwealth of such pests as soon as possible, according to the Word of the Lord. "You shall exterminate" (indeed, the Hebrew word is "burn out") "evil from your midst" (Deut. 13:5).

Thus whoever is of such wickedness and obstinacy of life, and so impatient with proper education and discipline both public and private that he rejects the authority and judgment of the fathers of his family and country, how can he do anything else but undermine all public and private decency, order, peace, and well-being? There should therefore be no toleration among Christians of those who are openly opposed to this Fifth Commandment of God, which enjoins that parents should be honored and obeyed (Ex. 20:12), and which, therefore, is especially applicable to rulers and magistrates of the commonwealth and all who discharge paternal duties of teaching, exhorting, correcting, feeding, and protecting.

Hence those people should not be tolerated among men from whom human life is not safe, nor the chastity of wife and daughters, and the

liberty of one's own people, which is no less dear to honest hearts than life itself. Therefore, in every commonwealth consecrated to Christ the Lord, there should be the penalty of capital punishment for everyone apprehended in violating the Sixth and Ninth Commandments (Ex. 20:13 and 16), by bloodshed, or false testimony, or calumnious accusation, either personally or through others; or the Seventh Commandment by the ravishing of anyone's wife, fiancée, or daughter (Ex. 20:14); or the Eighth by stealing from one of the brethren, namely, a free man (Ex. 20:15).

If men do not abhor such vicious crimes and misdeeds more than death itself, how can there be preserved among them honesty, true charity, humaneness, and a wholesome and necessary sharing of goods and life which is worthy of human beings? And so there is required a real desire both for showing forth the glory of God and obtaining the salvation of men, so that these evils also may be completely removed and burned away from the commonwealth, with no trace not even of their names remaining, according to that saying: "Let not fornication be named among you nor any uncleanness or greed"[12] "as befits the saints" (Eph. 5:3). {14}

For bringing this about, God has judged it necessary that those guilty of these crimes and misdeeds should pay the commonwealth the penalty of death in order to spread the fear of offending, since by their sins they have done damage by suggesting a license for delinquency. And so whoever decides that these misdeeds of impiety and wickedness are to be kept out or driven from the commonwealth of Christians by more mitigated punishment than death necessarily makes himself wiser and more loving than God as regards the salvation of men.

Many worldly-wise men who are defenders of crime and wickedness are wont to object against this severity commanded by God, which is at the same time so uniquely salutary and necessary for the commonwealth, by saying that those who have fallen into graver sins must be renewed by penance and that the punishments decreed by God must be relaxed. I have replied to their sophistry above,[13] when I answered them in accordance with the law of God which orders that the death

12. Here Bucer uses the word *pleonexia* and he adds in brackets this definition: "a cupidity which seeks for itself more than is equitable."

penalty be inflicted on adulterers. May the Lord grant the shepherds of his people the gift of not wanting to seem wiser than God, or more clement and humane, so that they may at length see what a pleasing sacrifice it is to God and how necessary and how effective a remedy against the deadly diseases of mankind it is to impose just punishments on godless, criminal, and wicked men. Let them consider and promptly imitate the example of the prince and king who was a man after God's heart (1 Sam. 13:14). He sings thus in Ps. 101:8: "Early in the morning I shall strike all the wicked on the earth, and I shall cut off from the city of God all doers of iniquity."

For thieves and robbers (except in case one is caught breaking into a home, in which case God has given the one catching him the power of killing him [Ex. 22:21]), God has decreed only the penalty of restitution, either five times, four times, double, or simple repayment. Nor do the Roman laws avenge simple theft with capital punishment, but most of the Gentiles, since they were not able adequately to repress rash thievery by lesser penalties, sentenced thieves to death and strenuously observed this severity.

But what shall we say is the reason that theft is dealt with so fiercely, whereas all too many wink at rape and adultery, at offenses against divine worship, at the distortion of the heavenly doctrine in which both the present and eternal salvation of men is contained, and at blasphemy of the Divine Majesty? Why, unless it is because money and external wealth are so much more dear to men than God himself, their eternal salvation, and decency and honesty? {15}

And when the worldly-wise are today so severe against so-called common thieves, how is it that they not only cooperate but even give great honors to much more harmful thieves, namely, those who exact most wicked and pernicious usury, monopolies, and a thousand other frauds by which they mislead and rob their brethren? Certainly one can imagine no other cause for this than the fact that in these great thefts which are so harmful to the commonwealth rather rich and powerful men are involved, who either themselves preside over the administration of government and justice or have those who regulate such

13. Bk. 2, chap. 33. [Unfortunately, this chapter has not been translated into English either by Milton or by Pauck.—J.W.S.]

things obligated to them; but those more common thefts are committed by unimportant men who rely neither on wealth of their own nor on powerful patrons. As the common German proverb goes which circulates among us: "Big thieves, who have accumulated immense lucre by stealing and defrauding, are hung with golden necklaces; little thieves, with hemp nooses."

For if it seemed good to drive injustice, fraud, and injury of one's neighbors from the commonwealth, as it is fitting and as God requires and urges in his law and prophets, clearly those thefts, robberies, and plunderings should first be punished, and as severely as possible, which damage and harm men most; for example, cruel usuries, monopolies, portentous frauds in merchandise, counterfeiting and fraudulent exchange of money, wicked pricing of goods, embezzlements and devaluations, wickedly increased prices for produce and all the goods that the present life cannot do without.

Your Majesty should decree such penalties for these frauds and wrongs as will drive away and stamp out from his people every attempt to harm one's neighbor either publicly or privately, and bring it about that everyone truly favors and seeks the advantage of others, so as to buy and sell, lend and repay, and conduct all business of this present life in such a way as to make it manifest that he desires and seeks with his whole heart not only the public but also the private advantage of every neighbor and puts it ahead of his own interests. Moreover, in view of the fact that luxury, feasting, and pomp generate such ruinously harmful avarice, and arouse and encourage boldness for robbing both the commonwealth and private persons, these pests of human life will also have to be excluded and driven from the common life by means of very grave penalties.

In this institution, modification, and enforcement of penalties Your Majesty will prove his trust and zeal for governing the commonwealth in a holy way for Christ the Lord, our heavenly King, if for every single crime, misdeed, or offense he establishes and imposes those penalties which the Lord himself has sanctioned. By means of these, in addition to changing and arousing to true repentance those who have sinned, he will strike the others with fear and dread of sinning; thus he will seek to burn away, i.e., deeply excise and exterminate, not only all licentiousness and boldness in {16} wrongdoing, but also all yearning and desire

for it. This is the purpose of penalties and punishments which God proposes in his law.

For the nature of all men is so corrupt from birth and has such a propensity for crimes and wickedness that it has to be called away and deterred from vices, and invited and forced to virtues, not only by teaching and exhortation, admonition and reprimand, which are accomplished by words, but also by the learning and correction that accompany force and authority and the imposition of punishments. Remedies of this kind are so efficacious and salutary for mankind against its inborn ills that Plato rightly judged it the proper role of the art of true rhetoric to require the accusation before a magistrate even of oneself if one had committed some offense, and also of close friends and relatives if they had been in any way delinquent, and to seek punishments prescribed by law as a necessary medicine of primary importance.

Calvinism and "The Judicial Law of Moses": An Historical Survey

James B. Jordan

The problem of relating the Christian faith to vital social and political issues is very much before the evangelical and Reformed communities today. The Christian capital laid up by former generations has just about been used up as the 1980s draw near. The left wing, with its optimistic view of human nature, offers little to the Christian thinker, while the negativism and rootlessness of the American right wing prevent it from articulating a clear-cut alternative.

Into this milieu has come the suggestion that the Christian finds a political philosophy laid out in the specific social laws of Scripture. These laws, it is contended, exemplify Christian principles in socio-political affairs, for they express God's unchanging standard of justice. Thus, they should be studied as guidelines for Christian thought today. To the extent that these laws, given comprehensively through Moses, address abiding social problems, such as adultery or theft, their dictates are binding. The remaining laws should still be consulted, and the wisdom gained from meditating upon them should be applied to latter-day affairs.

Recent writers defending this basic view include most prominently R. J. Rushdoony and Greg L. Bahnsen.[14] Others have proven sympathetic to this thesis, and the reasons are not far to seek. As John Frame has noted in his review of Bahnsen's book, "It might turn out that our search will lead us after all to a closer imitation of the old covenant order, not out of Biblico-theological necessity, but out of a general Christian political wisdom; for 'what nation is there so great, that hath

14. Rousas J. Rushdoony, *Institutes of Biblical Law* (Nutley, NJ: Craig Press, 1974); Greg L. Bahnsen, *Theonomy in Christian Ethics* (Nutley, NJ: Craig Press, 1977).

statutes and judgments so righteous as all this law, which I set before you [Israel] this day?' (Deut. 4:8)"[15]

The thesis that the whole law of God—including details addressing social and political morality—is valid today must, of course, be attacked or defended on the basis of Scripture alone. As of the date of this essay, no Scriptural argument against the whole-law position has been issued, either {18} into print or into the many discussions the present writer has engaged in. A variety of questionable arguments have been presented at various times to the present writer, and since these arguments apparently do circulate in conversations regarding the whole-law position, it may be well to deal with them at this point as a debris-clearing operation before moving to the matter at hand.

Criticisms of Theonomic Ethics

1. It has been contended that the laws of the Bible are *harsh and unreasonable.* Indeed, some have engaged in ridicule of them.[16] What are we to make of this argument? Marcion, the early church heretic, argued the same way, maintaining that the God of the Older Testament was harsh and cruel, but that the God of the New Testament is kind and loving. This is an ancient heresy. Christianity has always maintained that when men accuse God of being "harsh," it is only because they want an excuse for sin. Is God's law really harsh, however? The law states, for instance, that homosexual acts should be punished by death, on the testimony of two or three eyewitnesses. What is the effect of this law? It can be seen right away that few if any homosexuals would ever be executed under this law, since it would be very difficult to procure two eyewitnesses to such an act. The effect of this law would be to drive homosexuality far, far underground. It would help to protect young persons from homosexual solicitation. It would be an incentive to those of homosexual tendencies to prevent them from turning to a life of depravity. It would help to protect society at large from the judgment God visited on Sodom and Gomorrah. It would help to protect society

15. In the *Presbyterian Journal*, August 31, 1977, 18.

16. A treatment that borders on ridicule is G. Aiken Taylor, "Theonomy and Christian behavior," in the *Presbyterian Journal*, September. 13, 1978, 9ff.

from the rampant moral decay seen in the history of the Roman Empire. Is this "harsh"?

2. It has been contended that we today are not living in a "theocracy," but are living under *"pluralism."* What does this mean? Surely every Christian desires Christ to be King in some sense, and thus in some sense desires a "theocracy." Moreover, even if we are not living today in a theocracy, is this not just the issue at stake? To argue that our present government is pagan is simply to admit the need for a Christian theocracy. *Theocracy*, after all, means "the rule of God" or "the authority of God." Common use of the term has equated it with "the rule of churchmen," but *ecclesiocracy* has always been denied by Reformed Protestants, especially those in the Puritan tradition.

The modern concept of "pluralism" is to the political order what polytheism is to the religious order. Surely "pluralism" is the devil's own lie, that society can be neutral, neither for nor against God. In reality, no zone of life is neutral, and "pluralism" is heresy. That some modern {19} Calvinists believe that total religious pluralism is the proper goal of Christian politics simply illustrates the poverty into which such "Calvinism" has sunk.

3. It has been contended that *the Older Testament does not actually set forth a series of judicial or civil laws.* With this criticism we may agree. A simple reading of Exodus or Deuteronomy will show that there is no place where a set of laws constituting a legal civil code is to be found. Rather, social, personal, civil, familial, and "ceremonial" laws are found all mixed up together. This shows that the law of God all stands or falls together. It would be improper to maintain, as some of the Fifth Monarchy Men did, that we find in the Bible a full-blown legal system. Rather, what we find is the *basis* for a Christian legal system. The laws of the Bible are *case laws*, and it is the duty of the Christian ruler to extend the *equity* of these cases to cover the details he finds in his own society.

To return to the case we discussed above, the Bible prescribes death for a man who lies with another man in the way a man lies with a woman (i.e., for homosexual acts). This case does not explicitly condemn lesbian acts, and we do not find a parallel case law forbidding a woman to lie with a woman. If the Bible intended to set forth a comprehensive legal code, we should expect to find such an anti-lesbian

law. It is rather the case that the Bible expects us to *extend the equity* of the anti-homosexual law so as to cover lesbian activities, pornography, solicitation, and so forth. We are not free, however, to *change* the case law so as, for instance, to punish homosexuality with prison rather than with death.[17]

This criticism does, however, raise a difficult point. In the literature of Protestantism, it is *assumed* that the law of God comes in three categories: moral, judicial, and ceremonial. The criticism rightly shows that *this category scheme is erroneous.* What has been termed "judicial law" is not in fact a legal code, but rather is a *set of explanations of the moral law.* These explanations have judicial aspects and judicial implications, but are not a judicial code.

What this means is that it cannot be argued that "the judicial law of Moses" has been dropped out in the New Testament era, because *there is no such thing in Scripture as "the judicial law of Moses."* What the opponent of theocracy must argue is this: that the *judicial implications* of the moral law have dropped out in the New Covenant era. This argument, however, proves too much, for virtually nobody wants to maintain that our legal code should be *totally* divorced from moral considerations.

It would seem that there is greater wisdom in humbly and gratefully receiving from the hand of God whatever explanations of the moral law He sees fit to reveal, whether such explanations be personal, familial, or civil. {20}

4. It has been contended that this position does not do justice to "*common* grace"—whatever that extraordinarily ambiguous term means. However the term is used, it is not apparent how "common grace" removes the revealed laws of God from operation. Did not "common grace" operate in ancient Israel? Did God not give sunshine and rain to the reprobate in Israel? Did God not restrain the sin of reprobates in the Older Testament era? If it is contended that "common grace" has been increased in the New Covenant, so that the Older Testament laws have dropped away, where is the textual, Scriptural evidence for this? Moreover, such a contention assumes a "law versus grace antagonism," which is anathema to the Reformed faith.[18]

17. Cf. note 14 above.

5. It has been contended that this position does not do justice to the "*flow of redemptive history*." This contention, however, is not an argument, but only the *form* of an argument. It is necessary for the opponent to come forth with texts which *demonstrate* that the "flow of redemptive history" has removed from operation God's own explanations of His moral law. Bahnsen's book has shown at great length that, despite very real and great changes in economy from the Older to the New Covenant, the laws of God are not among the changes.[19]

6. A similar contention has been that the theonomic-theocratic position is against the "*tenor*" of the New Testament.[20] Like the preceding argument, this is only the form of an argument, not the substance of one. If there be such a thing as a "tenor" of a book,[21] such a "tenor" or "feel" would have to be built up from the *text* of the book.

7. It has been contended that *whatever is not repeated in the New Testament has been dropped from the Older*. No argument is offered in defense of this slogan, except the *assertion* that the Older and New Covenants are wholly disparate. Against this dispensationalistic argument is (a) the fact that Matthew 5:17–19 asserts that nothing of the Older Testament has been dropped, and (b) the fact that the weekly Sabbath is usually admitted to be nowhere explicitly repeated in the New Testament, yet Calvinists continue to observe it.

8. It has been contended that the theocratic position fails to *interpret the Older Testament in the light of the New*, but reverses the order. Those arguing in this fashion reveal that they have read neither Rushdoony nor Bahnsen, both of whom rigorously argue from the New to the Older.

The fact that such arbitrary, sloganizing, and prejudicial arguments are {21} seriously advanced calls into question the theological competency of those advancing them. These "arguments" have weight only

18. These notions are set forth in germinal form in Meredith Kline, *The Structure of Biblical Authority* (Grand Rapids, MI: Eerdmans Publishing Co., 1972). Kline's theology is a neo-dispensationalism as rigorous as anything generated from the Scofieldian camp.

19. Cf. note 14 above.

20. No one has yet argued that it is against the "soprano" of the New Testament.

21. Caruso's biography would be an exception, of course.

for those who already agree with them. They are embarrassingly lightweight arguments.

9. An emotionally more cogent and persuasive argument has been that *the Reformed tradition has always maintained that "the judicial laws of Moses" no longer bind the New Covenant community*, and that the Westminster Confession of Faith, at section 19:4, stands against theonomy. If this were truly the case, it would not settle the matter once and for all, since creeds and councils can err. Moreover, the Protestant principle is not to test new ideas by tradition, but by Scripture.

Traditionalism, however, does hold sway unofficially in modern Reformed circles. Thus, it is the purpose of this essay to take up this argument from history. Our purpose is *not* to try to prove that historic Calvinism has always held to the whole-law position, or even that a majority of Calvinists have held to it. Rather, our purpose is to demonstrate that *many* within the Reformed fold, especially during the first one hundred years of its existence, highly favored "the judicial laws of Moses" as a model for the civil magistrate, and thus that there is no valid *historical* argument against the position advanced by Rushdoony and Bahnsen.

At the outset, however, it should be noted that the phrase "the judicial law of Moses" is problematic. We saw above, under argument 3, that the Mosaic law does not set forth a civil code, and thus that the phrase "judicial law of Moses" is theologically *erroneous.* Moreover, the phrase is *ambiguous*, in that the social or case laws in the Older Testament address much more than only judicial or civil penalties. There are laws for the family, for the individual, for ecology, and for many other areas of life. The only "civil laws," properly speaking, are those which have *civil penalties* attached to them. Thus, even if we were to try to break down the law of God into categories—and it would be a reductionistic error to attempt it—we would find far more than the three categories of moral, civil, and ceremonial. We would also find ecological, familial, marital, and other kinds of laws as well. Because of this, we can expect to find much confusion and ambiguity in any discussion of "the judicial laws of Moses." And this is what we do in fact find. Many writers state that "the judicial laws of Moses" no longer bind Christians, and then turn around and cite the Mosaic prescriptions as if they were binding. Martin Bucer is a perfect example of this.[22] One is left

wondering precisely what the author had in mind when he used the term "judicial law," and it is usually impossible to find out, since few writers actually discussed the matter at any length.

John Calvin and Martin Bucer

In researching historical documents, the student can easily be fooled if {22} he fails to take into account historical context. John Calvin can serve as a case in point. At *first* glance, Calvin's hostility to the modern use of the Mosaic judicials could hardly be more marked:

> For there are some who deny that a commonwealth is duly framed which neglects the political system of Moses, and is ruled by the common law of nations. Let other men consider how perilous and seditious this notion is; it will be enough for me to have proved it false and foolish.[23]

What could be clearer? Yet in fact what Calvin calls the "common law of nations" included much that was derived from Moses, via Justinian and other sources. This "common law of nations" is no longer available, in our era of relativism on the one hand and Communist totalitarianism on the other, for twentieth-century Calvinists to appeal to. What would Calvin have written had he faced today's naked choices?

Although the quotation cited above seems completely clear in indicating a radical hostility toward the Mosaic judicials on Calvin's part, there are several reasons against taking it as such. Firstly, Calvin uses the Mosaic judicials in arguing for the death penalty for adultery. Commenting on Deuteronomy 22:22, he writes:

> Nay, by the universal law of the Gentiles, the punishment of death is always awarded to adultery; wherefore it is all the baser and more shameful in Christians not to imitate at least the heathen. Adultery is punished no less severely by the Julian law than by that of God; whilst those who boast themselves of the Christian name are so tender and remiss, that they visit this execrable offence with a very light reproof.[24]

22. Cf. Bucer, *De Regno Christi*, bk. 2, chap. 60, reprinted elsewhere in this issue.

23. John Calvin, *Institutes of the Christian Religion*, trans. Ford L. Battles (Philadelphia: Westminster Press, 1975), 4:20:14:.

24. John Calvin, *Commentaries*, trans. C. W. Bingham (Grand Rapids, MI: Eerdmans Publishing Co., 1950), Deut. 22:22.

Note that the punishment is said to be that of the law "of God," not more restrictedly the law of Moses. It is clear that Calvin is commending the Mosaic penalty here, yet an element of confusion still remains in the text. Whatever this "universal law of the Gentiles" may have been, it operates no longer in the twentieth century.

Secondly, Calvin writes in his defense of the execution of Servetus:

> Whoever shall now contend that it is unjust to put heretics and blasphemers to death will knowingly and willingly incur their very guilt. *This is not laid down on human authority; it is God who speaks and prescribes a perpetual rule for his Church.* It is not in vain that he banishes all those human affectations which soften our hearts; that he commands paternal love and all the benevolent feelings between brothers, relations, and friends to cease; in a word, that he almost deprives men of their nature in order that nothing may hinder their holy zeal. Why is so implacable a severity exacted but that we may know {23} that God is defrauded of his honor, unless the piety that is due to him be preferred to all human duties, and that when his glory is to be asserted, humanity must be almost obliterated from our memories.[25]

Philip Schaff's comment is important:

> Calvin's plea for the right and duty of the Christian magistrate to punish heresy by death, stands or falls with his theocratic theory and the binding authority of the Mosaic code. His arguments are chiefly drawn from the Jewish laws against idolatry and blasphemy, and from the examples of the pious kings of Israel.[26]

Thus, Schaff considers that Calvin held a high respect for the Mosaic judicials.

Thirdly, Calvin was a close friend and, in his earlier years, a disciple of the first-generation Reformer Martin Bucer. Bucer plainly held that the penal sanctions of the Older Testament were the best ever devised, being authored by God Himself, and thus should be enacted in all

25. Cited in Philip Schaff, *History of the Christian Church* (Grand Rapids, MI: Eerdmans Publishing Co. 1950), 8:791–92, emphasis added. Calvin is referring throughout to Deuteronomy 13:6–10.

26. *Ibid.*, 792.

Christian states.[27] Calvin's high regard for Bucer may be seen in the following statement by Calvin:

> Martin Bucer, a most faithful doctor of the Church of Christ, besides his rare learning and copious knowledge of many things, besides his clearness of wit, much reading and other many and various virtues (wherein he is almost by none now living excelled, has few equals, and excels most), has this praise peculiar to himself, that *none in this age has used exacter diligence in the exposition of Scripture.*[28]

This statement is important in two respects. First, it shows the very great respect Calvin had for Bucer. Second, it shows in particular that Calvin regarded Bucer as a master exegete. It must be remembered that even today Calvin himself is regarded as the greatest expositor of Scripture of the Reformation era, and his works are still cited in Bible commentaries written today. Thus, if Calvin held Bucer's use and exegesis of Scripture in high regard, this is no faint praise.

Also, Bucer's personal friendship and influence on Calvin must be considered. Pauck notes:

> There was a deep affinity between Bucer and Calvin, not only because their outlook, especially on the needs of the Church, was similar ... , {24} but chiefly because *Calvin's mind was profoundly shaped by what he learned and took over from Bucer*, particularly during the years (1538–1541) when they were associated in common work in Strassburg.[29]

When Bucer died, Calvin told a friend he felt as lonesome as an orphan, so close and personal was the relationship between the two men.[30]

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27. Cf. Bucer, *De Regno Christi*, bk. 2, chap. 60, reprinted elsewhere in this issue, as well as J. W. Sawyer's introduction thereto.

28. From Bucer, *Scripta Anglicana*, ed. Conrad Hubertus (Basle, 1577); trans. John Milton in *The Judgment of Martin Bucer Concerning Divorce* (1644). Cf. *Complete Prose Works of John Milton*, vol. 2 (New Haven, CT: Yale, 1959), 422. Spelling and punctuation modernized and emphasis added. Further praise of Bucer by Calvin can be found in Calvin's prefaces to his own commentaries on Romans, Psalms, and the Gospels.

29. Wilhelm Pauck, "Editor's Introduction to Bucer's *De Regno Christi*," in *Melanchthon and Bucer*, Library of Christian Classics, vol. 19 (Philadelphia: Westminster, 1959), 157.

30. Wilhelm Pauck, "Butzer and Calvin," in *The Heritage of the Reformation*, 1st ed. (Glencoe, IL: Free Press, 1950), 88.

Bucer placed a tremendous emphasis on the love of the brethren and the communion of the saints. Thus, he ever worked for the uniting of the Lutheran, Reformed, and Roman churches. When Bullinger attacked Bucer for compromising too much in this direction, Calvin, though sometimes having sentiments similar to Bullinger's, nevertheless defended Bucer. Because of his emphasis on love and community, Bucer stressed church discipline and the rule of discipline, the law of God.[31] As a result, Bucer readily turned to the social legislation recorded in the books of Moses, and held that modern Christian states should conform to them.

Bucer distinguished between the state "sanctified to God"[32] and the non-Christian civil order. With respect to the latter, he was antirevolutionary.

> It is agreed by all who determine the Kingdom, and offices of Christ by the Holy Scriptures, as all godly men ought to do, that our Saviour upon the earth took not on him either to give new laws in civil affairs, or to change the old, but [commanded] his own, in respect to civil life, to be subject themselves to the laws of the commonwealth in which they might live.[33]

The Christian civil order was different. While Christians are not bound to the Mosaic legislation in terms of circumstances peculiar to the Older Testament era, yet,

> whoever does not reckon that such commandments are to be conscientiously observed is certainly not attributing to God either supreme wisdom or a righteous care for our salvation.[34]

Bucer's position thus is this: in a Christian state, the Mosaic legislation has a binding force; but Christians in a pagan state should submit to the powers that be, until a time of reformation.

Now, the issue at hand is whether or not it is reasonable to think that Calvin's attack on those advocating the Mosaic judicials has application to his close friend Martin Bucer. Is it likely that Calvin would term

31. *Ibid.*

32. Bucer, *De Regno Christi*, bk. 2, chap. 60, second paragraph.

33. *Ibid.*, bk. 2, chap. 28; trans. Milton. Cf. note 28. In *Milton's Prose Works*, vol. 2, 456.

34. *Ibid.*, bk. 2, chap. 60, first paragraph, trans. Pauck. Cf. note 29.

Bucer's {25} position "perilous, seditious, false, and foolish"? Moreover, is it in fact the case that Bucer's position is seditious? The answer to these questions is clearly "no." Bucer is not advocating sedition.

Is there, then, some other person or group to whom Calvin might be referring? There is indeed: the Anabaptists. Calvin's hostility to the Anabaptists is well known. That he regarded them as seditious is clear from many parts of the *Institutes*. Some of the Anabaptists did advocate the Mosaic judicials, and did so in a revolutionary manner.

> In 1534 the Anabaptists of Münster drew up a legal code which restored the capital offences of the Bible, such as blasphemy, adultery and disobedience to parents, as well as imposing death for theft, begging, and even greed. The radical German reformers Müntzer and Carlstadt were in favor of restoring the judicial laws.[35]

The Anabaptists did indeed recommend the Mosaic judicials, but they also recommended civil disobedience and revolution. Calvin is attacking a position that is "perilous and seditious." There can be no question but that he has in mind not Bucer but the Anabaptists.

The final question, then, is this: does the modern theonomic-theocratic position advocated by Rushdoony, Bahnsen, et. al., stand in line with Bucer or with the Anabaptists? Rushdoony's and Bahnsen's writings make it more than plain that they are not sympathetic to the use of violence as a means to institute the Mosaic judicials. Thus, *the modern theonomic position is a descendent of Bucer, and is not condemned by Calvin.*

While Calvin did not himself advocate the Mosaic judicials, he regarded some of them at least as permanently binding, and did not condemn those such as Bucer (and Rushdoony, and Bahnsen) who sought their implementation in a peaceful manner.

The Sixteenth Century

The Belgic Confession of 1561 actually makes no remarks on our subject one way or another. Of interest, however, is the fact that one entire chapter (Article 25) is given over to "Of the Abolishing of the Ceremonial Law," while there is no equivalent statement regarding the

35. B. S. Capp, *The Fifth Monarchy Men* (Totowa, NJ: Rowman and Littlefield, 1972), 169–70.

judicial laws. Also, Article 36 states that it is the duty of the civil magistrate to "remove and prevent all idolatry and false worship," indicating a rather more favorable view of the Older Testament "legislation" than we meet with in some today.[36]

The Second Helvetic Confession, of 1566, was almost entirely the work of Heinrich Bullinger of Zurich, one of the great second-generation Reformers, who lived from 1504 to 1575. In an earlier work, {26} *Antiquissima Fides et vera Religio*, translated by Miles Coverdale (1488–1568) as *The Old Faith*, Bullinger had written regarding the judicial law:

> Whereas, besides the ceremonies, there is much written also in the law concerning civil polity, ordinance, judgment, to live peaceable and well in city and land; of buying and selling, of war and peace, of inheritance and properties, of laws matrimonial, of the punishment of the wicked, of the judgment and council, of lending and borrowing, etc.; it is no news at all, and serveth altogether for the declaration of the six commandments of the second table....
>
> Such laws and rules to live in peace, in a civil order and virtue, have also the holy fathers had from the beginning of the world written in their hearts by God himself. Now hath God also caused all to be comprehended in writing by Moses, to the intent that the world might have all more clearly and perfectly, and that no man might excuse himself of ignorance.[37]

Bullinger's Second Helvetic Confession does not, any more than the Belgic Confession, state that the judicial law of Moses has expired. Chapter 27 clearly states that the ceremonial was abolished. In chapter 12, "Of the Law of God," we read:

> For plainness' sake we divide it into the moral law, which is contained in the commandments, or the two tables expounded in the books of Moses; into the ceremonial, which does appoint ceremonies and the worship of God; and into the judicial, which is occupied about political and domestic affairs.
>
> We believe that the whole will of God, and all necessary precepts, for every part of this life, are fully delivered in this law. For otherwise the

36. Philip Schaff, *The Creeds of Christendom*, vol. 3 (Grand Rapids, MI: Baker Book House, 1966), III, 412–13, 432.

37. Miles Coverdale, *The Old Faith*, Parker Society ed. (Cambridge: Cambridge University Press, [1541] 1844), 47–48.

> Lord would not have forbidden that "anything should be either added or taken away from this law" (Deut. 4:2, 12:32); neither would he have commanded us to go straight forward in this, and "not to decline out of the way, either to the right hand or to the left" (Josh. 1:7).[38]

The second paragraph cited above certainly reads as if Bullinger intended us to keep all of the Mosaic law. The same is the case in chapter 30, "Of the Magistracy":

> In like manner, let him govern the people, committed to him of God, with good laws, made according to the Word of God in his hands, and look that nothing be taught contrary thereto….
>
> Therefore let him draw forth this sword of God against all malefactors, seditious persons, thieves, murderers, oppressors, blasphemers, perjured persons, and all those whom God has commanded him to punish or even to execute. Let him suppress stubborn heretics (who are {27} heretics indeed), who cease not to blaspheme the majesty of God, and to trouble the Church, yea, and finally to destroy it.[39]

Noteworthy is the statement that the laws of nations are framed according to the word of God, and that additionally the state is to ensure that nothing be taught contrary to the Bible. Of further note is the phrase "and all those whom God has commanded him to punish or even to execute." Apparently God has *commanded* the magistrate to execute some criminals. These commands are found nowhere but in Scripture, so that penal sanctions of Scripture must of necessity be what is referred to here. This statement, as it stands in and of itself, can only mean that those things which were civil offenses in the Older Testament economy continue to be civil offenses in the New Testament era (these offenses are listed), and also that the specific punishment ordered by God for some crimes (execution) is still mandated.

In the *Decades*, however, Bullinger firmly insists upon the abrogation of the Mosaic judicials.[40] No nation is bound to receive them as its laws. Nonetheless, "the substance of God's judicial laws is not taken away or abolished, but ... the ordering and limitation of them is placed in the arbitrement of good Christian princes...."[41] Bullinger also argues

38. Schaff, vol. 3, 855.

39. *Ibid.*, 907–8.

40. Parker Society ed. (Cambridge: Cambridge University Press, 1850), Decade 3, 280.

that the good laws of the ancient world (Calvin's "common law of nations") trace back to Moses,[42] so that one reason Moses's specifics are no longer binding is that the laws of the nations so closely approximate them.[43] Thus, in a concrete sense, Bullinger's rejection of the *letter* of the Mosaic judicials is related to the fact that he saw their continuation in *spirit* in his own culture.

Bucer and Bullinger have a number of things in common. It would be well to summarize these, for we shall find them commonly occurring in Calvinistic writings of this century and the next.

1. Both state categorically that the Mosaic judicial laws were designed for ancient Israel and no longer bind modern Christian nations.
2. Both turn around and invoke the penal sanctions of the Mosaic laws as if they were fully binding on modern magistrates.
3. Both hold that even though the Mosaic judicials are not binding, yet they are also not abolished or removed.
4. Both hold that the Mosaic judicials must inform the thinking of good Christian princes, who nonetheless have the right to alter them somewhat.
5. Both seem to believe that the Mosaic judicials cannot be improved upon. {28}

How are we to understand this? We should like to suggest that the following is what is meant by these men. The civil aspects of the unchanging moral law of God were phrased in case law, dealing with cases common and sometimes peculiar to the ancient, agrarian Israelite economy. Some, perhaps many, of these cases no longer exist in the modern world. Nonetheless, the basic principles contained in the case laws can be and must be applied to the modern civil order. Some cases, such as murder, adultery, blasphemy, and Sabbath breaking, remain the same; and thus the civil laws regarding these also remain the same from age to age. As will appear later on, the English Puritans used the

41. *Ibid.*, 282.
42. *Ibid.*, 218.
43. *Ibid.*, 280–81.

term "equity" to denote this phenomenon of basic principles and common cases still being binding in the New Testament era.

Turning, then, to the English Reformers, we must examine the views of Hooper, Latimer, and Becon. Bishop John Hooper died a martyr of the Reform in 1555. His work is useful in showing that the biblical death penalty was *commonly* received in his day.

> It sufficeth us loyallement and with good faith to hear this commandment, 'Commit no adultery'; which forbiddeth not only to abstain from another man's wife, the which both God's laws and man's laws, Christians' and gentiles', punisheth with death, Deut. 22, Lev. 24....[44]

Hugh Latimer (1485–1555) was also a bishop and martyr. The following quotation demonstrates a high regard for the civil use of the law of Moses.

> There is no king, emperor, magistrate, and ruler, of what state soever they be, but are bound to obey this God, and to give credence unto his holy word, in directing their steps ordinately according to the same word. Yea, truly, they are not only bound to obey God's book, but also the minister of the same, "for the word's sake," so far as he speaketh "sitting in Moses' chair"; that is, if his [the preacher's—J.B.J.] doctrine be taken out of Moses' law. For in this world God hath two swords, the one is a temporal sword, the other a spiritual. The temporal sword resteth in the hands of kings, magistrates, and rulers, under him; whereunto all subjects, as well the clergy as the laity, be subject, and punishable for any offence contrary to the same book.[45]

In short, the preacher explains the law of Moses to the civil magistrate, who then enforces the relevant sections of it with the sword. Latimer also declared, "I would wish that Moses's law were restored for punishment of lechery."[46] {29}

Thomas Becon (1512–1567) studied under Latimer. He was a chaplain to Archbishop Cranmer, and his *Catechism* was written during the

44. John Hooper, "A Declaration of the Ten Commandments," in *Early Writings of Bishop John Hooper*, Parker Society ed. (Cambridge: Cambridge University Press, 1843), 376.

45. Hugh Latimer, *Sermons*, Parker Society ed. (Cambridge: Cambridge University Press, 1844), 85. The quotation is taken from a sermon preached before Edward VI on March 8, 1549.

46. J. W. Blench, *Preaching in England in the Late Fifteenth and Sixteenth Centuries* (Oxford, 1964), 274.

reign of Edward the Sixth, during the period of Bucer's influence in England. Becon cites the penal laws of Moses as examples to civil magistrates of every age.[47] He emphasizes that if wrongs against man are to be punished—the second table of the law—how much more should wrongs against God be punished.[48] He adds: "But we have ... an expressed commandment to kill and put out of the way all idolaters and false prophets...."[49]

This evidence from the mid-sixteenth century, while not always evidence of a rigorously consistent approach to the matter, surely does serve to indicate a deep respect for the civil implications of the law of Moses.

The Rise of Puritanism

The term "Puritan" is very difficult to define closely, and we need not enter the controversy over exactly what it denotes. For our purposes, Puritanism reflected an attitude regarding God and man which stressed the sinfulness and the duty of man, and the sovereignty and law of God. As to doctrine, the Puritans were strongly predestinarian. As to law, they believed that the Bible sets forth the specific pattern for church government, though they were not all in agreement regarding exactly what that pattern is. With regard to society, they were not retreatist, but maintained the old Christian and medieval notion of a Christian social order, of "Christendom." In terms of this, they had a high regard for the judicial laws of Moses.[50]

There was a long legal tradition favoring the Mosaic judicials, which fed into Puritanism. B. S. Capp has noted that the Lollards were strongly influenced in their social programs by the laws of Moses.

> Wyclif attacked the profiteering lawyers and argued that men were not bound to obey laws not based on scripture. He condemned the view that "sinful men's laws, full of error, be more needful than the gospel."

47. Thomas Becon, *Catechism*, Parker Society ed. (Cambridge: Cambridge University Press, 1844), 310.

48. *Ibid.*, 311.

49. *Ibid.*, 312.

50. For a summary of Puritan attitudes toward the law of God, cf. Bahnsen, *Theonomy*, appendix 3.

> William Swynderby condemned the imprisonment of debtors. Walter Brute, preaching in 1392, declared it was "to be wondered at, why thieves are, among Christians, for theft put to death, when after the law of Moses they were not put to death. Christians suffer adulterers to live, Sodomites, and they who curse father and mother, and many other horrible sinners; ... So we neither keep the law of righteousness given by God, nor the law of mercy taught by Christ." This sermon was printed by Foxe, and was thus readily available in the seventeenth century. The chronicler, Henry of Knighton, claimed that the cry {30} "Legem dei, Goddis lawe," was the watchword of the Lollard movement.[51]

Another source of Puritanism was John Knox. Thomas M'Crie comments on Knox's view in a passing remark while discussing Knox's debate with Maitland: "... both parties held that idolatry might justly be punished by death. Into this sentiment they were led in consequence of their having adopted the untenable opinion, that the judicial laws given to the Jewish nation were binding upon Christian nations, as to all offenses against the moral law."[52]

Thomas Cartwright was among the most highly respected Puritan leaders of English Presbyterianism. He lived from 1535 to 1603. In a lengthy interchange with Archbishop Whitgift, his *Second Reply* included the following remarkable statement:

> And, as for the judicial law, forasmuch as there are some of them made in regard of the region where they were given, and of the people to whom they were given, the prince and magistrate, keeping the substance and *equity* of them (as it were the *marrow*), may change the circumstance of them, as the times and places and manners of the people shall require. But to say that any magistrate can save the life of blasphemers, contemptuous and stubborn idolaters, murderers, adulterers, incestuous persons, and such like, which God by his judicial law hath commanded to be put to death, I do utterly deny, *and am ready to prove*, if that pertained to this question.[53]

51. Capp, *Fifth Monarchy Men*, 168–69.

52. Thomas M'Crie, *Life of John Knox* (Glasgow: Free Presbyterian Pub., [1811] 1976), 216.

53. Thomas Cartwright, *Second Reply* [1575], cited in *Works of John Whitgift*, vol. 1, Parker Society ed. (Cambridge: Cambridge University Press, 1851), 270, emphasis added.

Archbishop Whitgift complained in 1574 that "it is now disputed at every table, whether the magistrate be of necessity bound to the judicials of Moses, so that he may not punish otherwise than is there prescribed ...; which is most absurd, ...and ...seditious."[54] Whitgift, ever a determined foe of Puritanism, was happy to be able to apply Calvin's adjective "seditious" to them, for it was the Puritans who advocated the Mosaic judicials.

William Perkins (1558–1602) argued in the same vein. Perkins was one of the formative thinkers of the Puritan movement. Perkins's discussion of witchcraft brings out his view of the Mosaic judicials. Thomas Pickering, a contemporary of Perkins, summarized his view thusly: "That the witch truly convicted is to be punished with death, the highest degree of punishment, and that by the law of Moses, the *equity* whereof is perpetual."[55] {31} Perkins specifically noted that not only evil witches but also good witches were to be executed under Moses's law, because the essence of the anti-sorcery law was not directed against those who harm others but against those in pact with Satan.[56]

It should not escape notice that Cartwright and Perkins were two of the greatest and most influential of the early Puritans. Note that both use the term *equity*, which is used in the Westminster Confession of Faith, chapter 19:4. This will be explained further below. Note also that Cartwright is "ready to prove" the continuing validity of the Mosaic judicials. This is no mild view, but a very confident and assured one. Note finally that, according to Whitgift, the subject was under constant discussion at the end of the sixteenth century. It was a live issue in British Calvinism.

On the separatist side of Puritanism, Henry Barrow (d. 1593) was one of the principal leaders. His *Discovery of the False Church* (1590) included the following:

54. Cited in Capp, 169.

55. Rossell H. Robbins, *Encyclopedia of Witchcraft and Demonology* (New York: Crown, 1959), 382, emphasis added.

56. William Perkins, *A Discourse on the Damned Art of Witchcraft*, in John Chandos, ed., *In God's Name* (New York: Bobbs-Merrill, 1971), 135.

> But the statutes and judgments of God which are delivered and expounded unto us by his holy prophets, endure for ever; the pure wisdom, the upright justice, the true exposition and faithful execution of his moral law, which laws were not made for the Jews' state only (as Mr. Calvin hath taught) but for all mankind, especially for all the Israel of God, from which laws it is not lawful in judgment to vary or decline either to the one hand or to the other.[57]

Barrow is quite straightforward: the judicial law ("statutes and judgments") is "the true exposition and faithful execution of God's moral law."

Philip Stubbs (ca. 1555–1610?), a Puritan pamphleteer, composed *An Anatomie of Abuses* in 1583. Very popular, it ran through three editions in two years, and was reprinted a fourth time in 1595.[58] His view was as follows:

> S. What kind of punishment would you have appointed for these notorious bloody swearers? P. I would wish (if it pleased God) that it were made death. For we read in the law of God, that whosoever blasphemeth the Lord, was presently stoned to death without all remorce. Which law *judicial* standeth in force to the world's end.[59]

We have seen that the early leaders of Puritanism in England frequently espoused the normativity of the judicial law of Moses, insofar as that law addressed abiding circumstances. This is important as background to the Westminster Assembly, especially the use of the term *equity*. The question {32} may well be asked, however: did the Puritan movement retain this emphasis in its full bloom? The answer has to be an unequivocal "yes," for precisely when the Puritans had opportunity to begin *de novo* with a new society, in New England, they turned to Moses's law as their own social code.

The Era of the Westminster Assembly

Chapter 19:4 of the Westminster Confession of Faith reads as follows:

57. Cf. Thomas Rogers, *Exposition of the Thirty-nine Articles*, Parker Society ed. (Cambridge: Cambridge University Press, 1854), 90.

58. *Dictionary of National Biography*, vol. 19 (Oxford, 1968), 120.

59. Cf. Rogers, *Exposition*, 91.

> To them [Israel] also, as a body politic, He gave sundry judicial laws, which expired together with the State of that people; not obliging any other now, further than the general equity thereof may require.

What precisely does this mean? How are we to understand the phrase "general equity"? This will be the substance of our discussion in this section. In order to discover what this statement intends to set forth, we shall examine opinions from several contemporary quarters: the Continent, the Scottish Presbyterians, the English Congregationalists, and the New World colonists. Representatives from each of these groups will prove to have taken a very high view of the Mosaic judicials, and this will demonstrate that the Westminster Confession does not militate against such a view, but may well assume it.

A. The Continent

Johannes Wollebius (1586–1629), a theologian at Basel, published in 1626 a *Compendium Theologia Christianae*. According to Beardslee, Wollebius provides us here with "the best brief summary of Reformed dogmatics available from the period"—the period being the first third of the seventeenth century.[60] Beardslee further informs us that Wollebius's work was very popular on the Continent, and circulated widely. In chapter 14, "The Ceremonial and Political Law," section 6 reads as follows:

> So much for the ceremonial law. The political law dealt with the civil constitution of the Jews.
>
> Propositions
>
> 1. As the ceremonial law was concerned with God, the political was concerned with the neighbor.
>
> 2. In these matters on which it is in harmony with the moral law and with ordinary justice, it is binding on us.
>
> 3. In those matters which were peculiar to that law and were prescribed for the promised land or the situation of the Jewish state, it has no more force for us than the laws of foreign commonwealths.[61] {33}

60. *Reformed Dogmatics*, trans. and ed. John W. Beardslee III (New York: Oxford, 1965), 10.

61. *Ibid.*, 84.

Notice that according to Wollebius *all* of the judicial law is permanently binding except what is unique to the geography of Palestine or deals with the formal construction of the state. As will be seen in the sequel, these same provisions were made by the New England Puritans.

B. Scotland

Turning to Scotland, we have an interesting and detailed series of remarks on this subject by George Gillespie, one of the Scottish commissioners to the Westminster Assembly. Gillespie's full remarks on the relation between church and state consume a very large volume and cannot be treated of here. He does, however, identify his sympathies immediately in *Aaron's Rod Blossoming* (1646), where in 1:1 he writes:

> I know some divines hold that the judicial law of Moses, so far as concerneth the punishments of sins against the moral law, idolatry, blasphemy, Sabbath-breaking, adultery, theft, etc., ought to be a rule to the Christian magistrate; and, for my part, I wish more respect were had to it, and that it were more consulted with.

Gillespie goes on to distinguish between the roles of state and church in civil matters. A clearer statement is found in his *CXI Propositions Concerning the Ministry and Government of the Church* (1644), where he states:

> 47. ... It is one thing to govern the commonwealth, and to make political and civil laws; another thing to interpret the word of God, and out of it to show the magistrate his duty, to wit, how he ought to govern the commonwealth, and in what manner he ought to use the sword. The former is proper and peculiar to the magistrate (neither doth the ministry intermeddle or entangle itself into such businesses), but the latter is contained within the office of the ministers.
>
> 48. For to that end also is the holy Scripture profitable, to show which is the best manner of governing a commonwealth, and that the magistrate, as being God's minister, may by this guiding star be so directed, as that he may execute the parts of his office according to the will of God, and may perfectly be instructed in every good work....

Note that Gillespie states that the Bible instructs the magistrate on how to use the sword, i.e., on penal sanctions. Gillespie saw the magistrate bound to rule according to the Scriptures, and especially according to the judicial laws of Moses. Gillespie's testimony is highly significant,

since it addresses the issue directly, and in that Gillespie was very influential at the Westminster Assembly.[62] {34}

C. England

John Owen (1616–1683) wanted Oliver Cromwell to rule by the Mosaic judicials. In a sermon, "Christ's Kingdom and the Magistrate's Power," preached before Parliament on October 13, 1652, the great congregationalist leader said:

> Although the institutions and examples of the Old Testament, of the duty of magistrates in the things and about the worship of God, are not, in their whole latitude and extent, to be drawn into rules that should be obligatory to all magistrates now, under the administration of the gospel,—and that because the magistrate was "custos, vindex, et administrator legis judicialis, et politiae Mosaicae," from which, as most think, we are freed;—yet, doubtless, there is something moral in those institutions, which, being unclothed of their Judaical form, is still *binding to all* in the like kind, as to some analogy and proportion. Subduct from those administrations what was proper to, and lies upon the account of, the church and nation of the Jews, and *what remains upon the general notion of a church and nation must be everlastingly binding.*[63]

We must not miss the force of the last sentence. What Owen is saying is that whatever *can* be applied *must* be applied. Notice the parallel with the Westminster Confession statement: some laws applied to the Jews as a national entity, and had to do with their structures and institutions. These have passed away. Other laws, however, are *equally* applicable to all nations, and these are *binding*. In the language of Westminster, "further than the general *equity* thereof may *require*."

Thomas Gilbert was chaplain of Magdalen College, Oxford, from 1656 to 1660. In the Whitehall debates of December 1648, he argued that insofar as the judicial law "was a fence and outwork to the Moral

62. For a discussion of the views of Samuel Rutherford, the reader is directed to the essay by Richard Flinn, elsewhere in this issue.

63. John Owen, *Works*, vol. 8 (London: Banner of Truth, 1967), 394, emphasis added. The Latin phrase means, "guardian, vindicator, and manager of the judicial law, and of the constitution of Moses."

law, it stands with the Moral law, and that still binds upon men.... So ... the Judicial law ... is still the duty of Magistrates."[64]

D. New England

The Puritan experiments in the New World clearly reveal what their conceptions were. Whatever ambiguity may have afflicted them in England, given the opportunity to start from scratch they turned unanimously to the judicials of Moses for their civil order. We shall look briefly at three of their leaders, and then examine the laws of three colonies, in order to confirm this point.

John Cotton (1584–1652) was one of the most prominent of the Puritan pastors in Massachusetts Bay. He was an unabashed theocrat. {35} Like all Puritan thinkers, he did not interpret theocracy to entail the unification of church and state, but rather saw both institutions as under the one rule of Christ. Greg L. Bahnsen has reprinted Cotton's most succinct theocratic work, *An Abstract of the Laws of New England, as They are Now Established* (1641), which is (apparently) the same work as Cotton's *Moses His Judicials* (1636).[65] This work consists largely of verbatim quotations from the law of Moses. Although it was not adopted by Massachusetts, it greatly influenced the Bible-based code which was adopted, Nathaniel Ward's *Body of Liberties* (1641). The *Body of Liberties* influenced the *Massachusetts Code* (1648), and this in turn influenced the constitutions of all the colonial states.

Cotton distinguished between the permanent judicials, which were appendages to the moral law, and temporary judicials, which were appendages to the ceremonial law. Some examples of temporary laws, peculiar to the Israelite state, were:

1. the Levirate,
2. some aspects of the Jubilee,
3. Spirit-inspired Judges and the hereditary monarchy,

64. Cited in Capp, 171.

65. Cf. Bahnsen, *Theonomy*, appendix 3, consisting of an introduction by Bahnsen to Cotton's work, and of the text of Cotton's *Abstract.* These have also been reprinted elsewhere in this issue. For a corroboration of Bahnsen's opinion that the *Abstract* is really a later edition of *Moses His Judicials*, cf. Worthington C. Ford's discussion in the *Transactions of the Massachusetts Historical Society* 16, 2nd ser. (October 1902):274–80.

4. putting away heathen wives,
5. the inalienability of family property,
6. prohibition on mixed cloth,
7. prohibition on yoking ox and ass,
8. prohibition on rounding beard,
9. the Levitical requirement to drain blood from meat (though the prohibition on drinking fresh blood is permanent).[66]

Another prominent pastor was Thomas Shepard (1605–1649), who ministered at Newtown, Massachusetts, from 1636 until 1649. Shepard provides us with an extended comment on the permanent aspects of the Mosaic judicials:

> Thesis 42: The judicial laws, some of them being hedges and fences to safeguard both moral and ceremonial precepts, their binding power was therefore mixed and various, for those which did safeguard any moral law, (which is perpetual,) whether by just punishments or otherwise, do still morally bind all nations; ... and hence God would have all nations preserve their fences forever, as he would have that law preserved forever which these safeguard.... As, on the contrary, {36} the morals abiding, why should not their judicials and fences remain? The learned generally doubt not to affirm that Moses' judicials bind all nations, so far forth as they contain any moral equity in them, which moral equity doth appear not only in respect of the end of the law, when it is ordered for common and universal good, but chiefly in respect of the law which they safeguard and fence, which if it be moral, it is most just and equal, that either the same or like judicial fence (according to some fit proportion) should preserve it still, because it is but just and equal that a moral and universal law should be universally preserved.... [67]

Several aspects of this quotation are noteworthy. First is Shepard's assertion that the "just punishments" or something proportionately like them are included in the permanently binding aspects of the Mosaic judicials. Second is his statement that the educated thinkers of

66. "How far Moses Judicials bind Mass[achusetts]," *Transactions of the Massachusetts Historical Society* 16, 2nd ser. (October 1902):280–84.

67. Thomas Shepard, *The Morality of the Sabbath*, in *Works*, vol. 3 (Boston: Doctrinal Tract and Book Society, 1853), 53–54.

his day were in agreement that insofar as the Mosaic judicials contained *equity*, they were *binding* on all nations.

Third, Shepard contends that the equity is not contained in the *purpose* of the moral law, but in the moral law *itself*. According to the *Oxford English Dictionary*, "equity" is here used in the sense of a recourse to a general principle of justice. To be precise, "Equity of a statute according to its reason and spirit so as to make it apply to cases for which it does not expressly provide."[68] Thus, what Shepard is saying is that the case laws of the Mosaic system reflect perfectly, in their particular applications, the universal justice of the moral law. Though some of these cases do not apply directly today, they do show concretely how the general principles are to be worked out in particular situations.

Some cases apply directly to all times, such as death for adultery, since adultery is the same in all times and places. Other cases, such as the requirement that a fence be put on the roofs of newly constructed houses, have little relevance to us today as they stand, since our roofs are not flat and we do not use them for social gatherings. There are, however, similar situations and equivalent circumstances in the modern world (such as high porches), and by studying the Mosaic legislation, we can discern how properly to apply the moral law equitably to our modern situation.

It is very important that this concept of equity be understood, for it is this very concept which is employed by the Westminster Confession of Faith in section 19:4. The equity of the Mosaic judicials is permanently binding, even though some of the cases or particular illustrations in the Mosaic law do not appear today.

Shepard also is helpful in delimiting the use of the law of the Older Testament in another way. In *A Wholesome Caveat* (1648), he notes that {37} there were various forms of government authorized by God in the Older Testament.[69] Thus, as regards the precise *form* of government, as distinct from its legal *matter*, none is legislated by Scripture. The other work cited above was published in 1649. These works, written and issued in the same decade as the Westminster Assembly, give

68. *Compact Edition of the Oxford English Dictionary*, vol. 1 (Oxford, 1971), 888.

69. Shepard, vol. 3, 289, 340.

us a good idea of what the consensus must have been among the stricter Calvinists at that august assemblage.

More rigorous in his views was John Eliot, the apostle to the Indians. Eliot was one of the most remarkable missionaries of all time, in that he not only brought the good news of personal salvation to his Indian hearers, but also sought to reorganize completely their societies in order to make them prosperous, productive, and happy. His labors, which were ceaseless, ran until his death in 1690 at the age of 86. In a remarkable book, *The Christian Commonwealth* (1659), he argued from Exodus chapter 18 that society should be organized by households, with elders over groups of ten, of fifty, of one hundred, and so forth. He noted that Jesus operated on this principle in the New Testament (Mark 6:40). Eliot worked out this surprising scheme in great detail, going into relatively fine points regarding at which level in the pyramid capital crimes should be tried, and so forth.[70] If this seems innocuous to us today, it was regarded as "full of seditious principles and notions" by the Governor and Council of Massachusetts when they took it up on March 18, 1660. This extreme denunciation reflects the fact that Charles II had ascended the throne in Britain, and all Puritan thought was suspect.[71] Eliot was required to renounce it, and with wise discretion (Matt. 5:41) he did so.[72] Still in all, his little work shows us to what lengths the careful Puritans were ready to go in order to follow the dictates of Cod. We must note, then, that if Eliot was to the right of the consensus of his times, that consensus must have been well to the right of what is popular in Reformed circles today.

We turn now to consider the legislation of three of the New England settlements. Revisions were made in English law under the Cromwellian administration, as might be expected. Capp notes that "the Rump [Parliament] actually passed measures establishing the death penalty for adultery, incest, and blasphemy, and severe penalties for swearing and for profanation of the Sabbath."[73] Despite this, the Cal-

70. John Eliot, *The Christian Commonwealth* (New York: Arno Press, 1972).

71. Convers Francis, *Life of John Eliot* (Boston: Hillard, Gray, and Co., 1836), 210.

72. The office of *tithingman*, established in 1675, divided Massachusetts into groups of ten families for certain governmental purposes. Cf. Edmund S. Morgan, *The Puritan Family* (New York: Harper, 1966), 148–49.

vinistic experiment did not have full opportunity to do things its own way except in the New {38} World, where there were no traditions to overcome, no unbelieving power bloc to contend with, and little social inertia from within the ranks, the New England breed being by and large the stricter sort. In America they had a chance to start from scratch, and it is surely significant that they turned directly to the Mosaic judicials in doing so. We have noted already John Cotton's input in this, but let us now briefly examine the legal records themselves.

The *Records* of the New Haven Colony include the following entry, which speaks for itself.

> March 2, 1641/2: And according to the fundamental agreement, made, and published by full and general consent, when the plantation began and government was settled, that the judicial law of God given by Moses and expounded in other parts of scripture, so far as it is a hedge and a fence to the moral law, and neither ceremonial nor typical nor had any reference to Canaan, hath an everlasting equity in it, and should be the rule of their proceedings.[74]

Note that the judicial law is that of God, not that of Moses. Note also the recurrence of "equity," which is here said to be "everlasting."

Thomas Hutchinson summarizes the laws of Massachusetts Bay Colony. As regards the 1648 Code, referred to above in our discussion of John Cotton, Hutchinson notes that, in common with English law, it penalized with death: murder, sodomy, witchcraft, arson, and the rape of a child under ten years of age. Added to these were: idolatry, blasphemy, kidnapping, adultery (several were executed under this law), willful perjury designed to do another to death, unprovoked cursing or striking of parents by children over 16 years of age. Additionally, many lesser crimes were capital if repeated twice or thrice. Since high treason against the king and rape of an unengaged girl were not capital crimes in the Biblical system, neither were they capital in Massachusetts.[75] Hutchinson also gives an interesting case of the application of Biblical

73. Capp, 167–68.

74. Charles Hoadly, ed., *Records of the Colony and Plantation of New Haven from 1638 to 1649* (Hartford: for the Editor, 1857), 69.

75. Thomas Hutchinson, *The History of the Colony and Province of Massachusetts Bay*, vol. 1, ed. Lawrence S. Mayo (New York: Kraus reprint, 1970 [1836–1864]), 371ff.

restitution laws: "Josias Plaistowe, for stealing four baskets of corn from the Indians, was ordered to return them eight baskets...."[76] Wertenbaker adds that, according to an order of the General Court on November 4, 1646, incorrigibly delinquent teenagers were to be put to death. This also was according to the Biblical judicials. No Massachusetts teenager was ever actually executed under this law—it seems to have had its intended sobering influence.[77] {39}

At Plymouth Colony the same situation prevailed. Hutchinson remarks, "Cartwright, who had a chief hand in reducing Puritanism to a system, held, that the magistrate was bound to adhere to the judicial law of Moses, and might not punish or pardon otherwise than they prescribed, and him the Massachusetts people followed."[78] Hutchinson here is speaking specifically of the Plymouth settlement, which was of a slightly different theological stripe than the Massachusetts Bay settlement, but was Puritan all the same.

E. The Westminster Standards

We have now spiraled in upon the actual Westminster Assembly and Standards themselves: in that influential Continental, Scottish, Congregational, Puritan, and colonial divines of the period highly favored the civil use of the Mosaic judicials, and many maintained that their use was not optional for a Christian state, *we may be certain that the Westminster Standards were not intended to exclude their views.* Summarizing our case to this point, we have found in the background and milieu of the Westminster Assembly the following factors:

1. The Wycliffite background of the English Reformation favored the continued use of the Mosaic judicials.
2. The influential Bucer insisted that the Mosaic judicials could not be improved upon.
3. The influential Bullinger was more ambiguous, but generally favored the Mosaic judicials.

76. *Ibid.*, 367.

77. Thomas Jefferson Wertenbaker, *The Puritan Oligarchy* (New York: Scribners, 1947), 166.

78. Hutchinson, vol. 2, 354.

4. The English Reformers, Hooper, Latimer, and Becon, were favorable to the Mosaic judicials.
5. John Knox held to the binding nature of the Mosaic judicials.
6. Thomas Cartwright, the father of Puritanism, held rigorously to the Mosaic judicials, and was ready to debate the point.
7. Archbishop Whitgift, the opponent of Puritanism, complained that the Mosaic judicials were being advocated and debated everywhere.
8. Wollebius held that the Mosaic judicials were still binding.
9. Gillespie noted that many were advocating the Mosaic judicials at the time of the Westminster Assembly, and expressed his partiality to their view.
10. John Owen advocated the Mosaic judicials.
11. The New England colonies implemented the Mosaic judicials. It is important to note that many books written in New England were printed and distributed in England, at precisely the time during which the Westminster Assembly was meeting. It is also important to remember that the most brilliant and influential theologians {40} of Puritanism were among those who migrated to New England. Their opinions were highly respected by their contemporaries. (For instance, John Owen was converted to Congregationalism by John Cotton.)

If the Westminster Standards do not contradict the whole-law position, how favorable are they to it? Or are the Standards ambiguous? An examination of the evidence will show that *the Standards are ambiguous regarding the Mosaic judicials, but mildly favorable to them*. Given the consensus of the time, this is what we should expect to find.

The ambiguity is clear in Confession section 19:4, which reads in such a way as almost to contradict itself.

> To them also, as a body politic, He gave sundry judicial laws, which expired together with the State of that people….

We have noted that the Confession is in error at this point in assuming that the Mosaic case laws were designed as a civil code for any nation. Rather were they *explanations* of the moral law, and thus form a foundation for civil codes. Howbeit, this statement of the Confession

seems clearly to state that the Mosaic case laws no longer bind the Christian community. The second half of the statement, however, gives back with the right hand what was removed with the left:

> ... not obliging any other now, further than the general *equity* may *require*. (emphasis added)

Modern readers will interpret this statement to mean that there is a "spirit of fairness" in the laws which ought to be emulated by modern states. This, however, is not the meaning of the term "equity" in its historical context. As noted above, the *Oxford English Dictionary* gives the meaning of "equity" as follows: "Equity of a statute according to its reason and spirit so as to make it apply to cases for which it does not expressly provide." In other words, the Confession is saying that though the precise cases addressed by the case law may no longer be found in modern society, there are *parallel cases* to which they *do* apply, and where these parallel cases are found, the case laws are *binding* ("require").

The proof texts of this paragraph reveal some of the same ambiguity. The pattern of the proofs in the Standards is that each phrase or term is footnoted with texts. Thus, we should expect that proof texts would be given at three points in this paragraph: after "sundry judicial laws," after "of that people," and after "equity thereof may require." This, however, is not the case. Rather, the whole paragraph is given one footnote. The texts given do point to the various phrases of the paragraph, however. Exodus 21 and 22 are cited as being the laws in question. Genesis 49:10, 1 Peter 2:13–14, and Matthew 5:17–39 are cited apparently to show changes or expirations in the law. Finally, 1 Corinthians 9:8ff. is cited to {41} show the permanent equity of the law. What are we to make of this? It is clear that the framers of the Standards felt that there was both *continuity and discontinuity in the law of God*. God had given to ancient Israel a civil code, which was designed for that people at that time. This code, in the strict sense, was not designed for other nations particularly, and thus expired: Jesus was free to make some changes in this law. At the same time, this civil code was based on eternal moral principles, and these moral principles could clearly be seen in the laws themselves, so that these laws should form the basis of all Christian civil codes, according as the "general equity thereof may require." Thus,

these laws could not be ignored or overlooked. Christians are not free to take them or leave them. They *must* be consulted for their "equity."

What the Standards do *not* do is spell out to what extent and how these laws are binding and to what extent and how they have been loosed. This is doubtless because this was an open question, much debated at the time. Some held, as we have seen, that whatever could be applied from these laws had to be applied, without any alteration. Others held more lax views regarding their binding nature. The Standards do not settle this issue in full. If, however, we make a careful examination of the Standards, we will be able to see at some points how the framers regarded the binding nature of the judicial aspects of the law of God, and to this we now turn.

In Confession 1:2, the Confession affirms that *all* of the books of Scripture, not just the New Testament, are given by God "to be the rule of faith *and life*." In 1:6 we are told that everything man needs for his life is "either expressly set down in Scripture, or by good and necessary consequence may be derived from Scripture." Since civil life is not optional but needful for man, the Confession implies that to some degree, at least, the ordering of civil life is found in Scripture. This is an implicitly *anti-pluralistic* declaration.

In 20:1, discussing liberty of conscience, the Confession states:

> But, under the new testament, the liberty of Christians is further enlarged, in their freedom from the yoke of the *ceremonial law*, to which the Jewish Church was subjected, and in greater boldness of access to the throne of grace, and in fuller communications of the free Spirit of God, than believers under the law did ordinarily partake of. (emphasis added)

Mark that in noting the New Testament's improvements over the Older Covenant, nothing whatever is mentioned by the Confession regarding the abrogation of the judicial laws. This is, granted, an argument from silence, but it is a significant silence in context. Most modern writers would surely have added the judicial laws' abrogation as an enlargement of Christian liberty. That the Standards do not do so indicates that at the very least the framers as a group had no settled opinions on the matter. {42}

In 20:4, the Confession affirms that *the magistrate must punish those who teach against Christianity or against the church.* The proof texts

begin with Deuteronomy 13:6–12, which requires death for those who advocate false religions. Also cited are Nehemiah 13:15–25 on the enforcement of the Sabbath, 2 Kings 23:5–21 and several other passages in Kings and Chronicles wherein a godly ruler executed the priests of false religions, and Zechariah 13:2–3, which makes the same point as Deuteronomy 13.

In 22:3, the case law of Numbers 5:19ff. is cited as still binding with respect to *oaths and vows*, as is Exodus 22:7–11. In 22:7, the case law provisions of Numbers 30:5–13 are invoked as still regulative with respect to oaths and vows.

In 23:3, the civil ruler is directed to suppress all "blasphemies and heresies." The proof texts include Leviticus 24:16 and Deuteronomy 13:5, which order *death for blasphemers and heretics* respectively.

In 24:4, the Older Testament laws regarding *degrees of consanguinity and affinity* in marriage are cited as binding (Lev. 18; 20). In 24:6, the case law of Deuteronomy 24:1–4 is cited as procedurally binding in cases of *divorce.*

Larger Catechism question 28 tells us that the *blessings and curses* of the Covenant operate under the New Covenant in the same way as under the Older Covenant, citing Deuteronomy 28:15ff.

In Q. 99:7 the Catechism directs "that what is forbidden or commanded to ourselves, we are bound, according to our places, to endeavor that it may be avoided or performed by others, according to the duty of their places." This statement is wholly anti-pluralistic, in that it requires those in positions of authority to *enforce the law of God on unbelievers.* Cited is Exodus 20:10, the *law of the Sabbath.*

In Q. 108 we are directed to *remove false religions*, according to our position in life (Deut. 7:5), and in Q. 109 we are told that "tolerating a false religion" is a sin (Deut. 13:6–12; Zech. 13:1–3). According to the Catechism, thus, pluralism is wicked and evil.

In Q. 128, Exodus 21:15 and Deuteronomy 21:18ff. are cited, which require the *death penalty for striking parents and for rebellion.*

In Q. 136, Numbers 35:31 is cited in defense of *capital punishment*, and Numbers 35:16–21 and Exodus 21:18ff. are cited "concerning the laws for smiters, for an hurt by chance, for an ox that goreth, and for him that is an occasion of harm." Apparently the permanent equity of these laws was regarded as binding by the Assembly. These laws, it

would seem, are not among those that "expired together with the State of that people."

In Q. 139 the Catechism cites Leviticus 20:15–16, which requires *death for bestiality.*

In Q. 141 *restitution* is required for theft. Leviticus 6:2–5 is cited, and the command to add a fifth part in making voluntary restitution is italicized, {43} showing that the concept of 120 percent restitution was embraced by the Assembly. Also cited are the case laws concerning *helpfulness*: Leviticus 25:35, Deuteronomy 21:1–4, and Exodus 23:4–5.

In Q. 142 the sins forbidden include the *removing of landmarks*, citing Deuteronomy 19:4.

In Q. 145 the sins include *concealing the truth* (Lev. 5:1; Deut. 13:8), *failure to reprove sin* (Lev. 19:17), *lying* (Lev: 19:11), *talebearing* (Lev. 19:16), and *raising false rumors* (Ex. 23:1).

Finally, in Q. 151:3, Deuteronomy 22:22, 28–29 are cited as binding exemplars of *differing degrees of sin.*

Much of the preceding argument has been taken from the proof texts appended to the Confession and Catechisms, and of course these original proof texts are not considered as having creedal status. Modern Presbyterian denominations have often replaced these proof texts with new sets of texts. Our concern, however, is to locate the thinking of the framers of the Standards, and for this purpose a consultation of their original proof texts is helpful.

It is also often noted that the Assembly did not originally attach proof texts, and was reluctant to do so when so ordered by Parliament. This reluctance is probably overdrawn by modern observers, in that the delegates to the Assembly had been removed from their families for several years already by this time. Even if they did have principled objections to proof-texting, and were reluctant for this reason, the fact remains that *their thinking had been so shaped by Older Testament laws that they instinctively wrote the content of these into the Standards*, and thus had to cite the Mosaic judicials when they added in the proof texts. Thus, the proof texts are indeed of value in indicating the thinking of the delegates to the Westminster Assembly.

In summary, then, these citations serve to highlight the ambiguity of the Standards' position, and demonstrate that modern opponents of the whole-law theonomic-theocratic position cannot appeal to the

Westminster Standards to back up their views. Particularly as regards the suppression of heresy and idolatry, the Standards are thoroughly theocratic and wholly anti-pluralistic.

The Later Colonial Period in America

Samuel Willard (1640–1707) was for many years the pastor at Boston's Old South Church. His *Compleat Body of Divinity*, when published after his death in 1726, was at that time the largest volume ever issued from the presses in America: it was close to 1,000 folio pages. Because several printing presses were used, some page numbers were repeated. The second time page 622 is encountered, we read: {44}

> With respect to the *Judicial Laws*, we must observe, that these were Appendices, partly of the Moral, partly of the Ceremonial Law: Now such as, or so far as they are related to the *Ceremonial,* they are doubtless Abolished with it. As, and as far as they bear respect to the *Moral* Law, they do, *eo Nomine*, require Obedience perpetual, and are therefore reducible to Moral Precepts….[79]

Willard goes on to distinguish, within the penal laws, those which are permanent and those which are not:

> Some indeed were Moral, as the Death of a Murderer, and without any Ransom; and some also suppose that the making Adultery a Capital Crime belongs hither. But others were proper only to the Time and State of that People, as the Law about Profaning the Sabbath, Numb. 15:33, etc.[80]

Unfortunately, that is as far as Willard takes us. We do not discover precisely where he draws the line because his principle of differentiating the moral judicials from the ceremonial judicials is not made explicit. His view does, however, place him squarely in the Puritan tradition.

Samuel Sewell in his famous diary gives the best picture of New England life at the time of Willard's pastorate. The two men were close friends. In his entry for April 2, 1674, Sewell records that "Benjamin Gourd of Roxbury (being about 17 years of age) was executed for committing Bestiality with a Mare.…"[81] The recent editor of Sewell's diary,

79. (New York: Johnson reprint, 1969).

80. *Ibid.*

M. Halsey Thomas, notes that by the Province Laws of 1697, twenty-three years after this incident, the death penalty was still on the books for rape and bestiality, and atheism and blasphemy were also legislated against.[82] The Puritan legal system was being modified, but was still highly influential.

In closing, let us look at the thought of John Witherspoon (1723–1794), president of Princeton University. Witherspoon would have liked for the *lex talionis* to be incorporated into American legislation:

> I make one particular remark, that though many things are copied from the law of Moses into the laws of modern nations, yet so far as I know none of them have introduced the lex talionis in the case of injuries, an eye for an eye, and a tooth for a tooth, etc. and yet perhaps there are many instances in which it would be very proper.[83]

This again demonstrates a rather high view of the Mosaic judicials, and that by a man very influential in the thought of the Founding Fathers of the United States of America, a man who signed the Declaration of Independence. {45}

Later English Writers

Two authors come before our view in this section: Thomas Ridgeley and Thomas Scott. Both continued the earlier tradition of taking a high view of the judicial law. Ridgeley provides a list of seven kinds of judicial laws that expired with the coming of the New Testament era:[84]

1. The levitate and the inalienability of property.
2. The jubilee.
3. The six-year limit on slavery.
4. The sabbatical year.
5. The usury prohibitions.
6. The annual festivals.
7. The cities of refuge and the avenger of blood.

81. Samuel Sewell, *Diary*, ed. M. Halsey Thomas (New York: Farrar, Straus, and Giroux, 1973), 4.

82. *Ibid.*, 380.

83. John Witherspoon, *Works*, vol. 3 (Philadelphia: Woodward, 1800), 356–57.

84. Thomas Ridgeley, *A Body of Divinity*, vol. 2 (New York: Robert Carter and Brothers, 1855), 307–8.

By inference, all other laws were binding. (It should be noted that Rushdoony and Bahnsen maintain the permanence of the six-year limitation on slavery and of the usury legislation, as well as at least some aspects of the jubilee and sabbatical year.) Ridgeley (ca. 1667–1734) was an English Independent. His *Body of Divinity*, one of the few commentaries on the Westminster Larger Catechism, was published between 1731 and 1733. Later editions (the work was highly regarded and reissued several times) included notes from the hand of John Wilson, who comments in connection with Ridgeley's views:

> Dr. Ridgeley is of the class who appeal to the enactments of the judicial law; and he even seems to maintain that these enactments, just in the state in which they were made for the Israelites, are still in force. He does not anywhere say, in as many words, that the judicial law is permanently and universally binding; but, in several instances, when expounding the decalogue, and especially when teaching the results of transgression in the present life, he quotes its provisions in the same manner, and with the same drift, as if they were precepts of the moral law.[85]

Thomas Scott (1747–1821) was an Anglican minister who had been converted under John Newton. His extremely popular *Holy Bible with Notes* was issued in sections between 1788 and 1792. The following two statements were read in many households across Britain and America during the ensuing years.

> Making some allowance for the circumstances varying in different ages and nations, there is a spirit of *equity* in these laws, which is well worthy of being transfused into those of any state.[86] {46}

> ... a full investigation of the subject would evince, that the laws enacted by him [Moses] were uniformly more wise, equitable, humane, mild, and salutary in their tendency, than the complex body of laws, even of the most civilized nations, nay of those where Christianity has most flourished. For the former bear *the evident stamp of a divine original*; the latter are tarnished by the infirmities and passions of our fallen nature.[87]

85. *Ibid.*, 386ff.

86. Thomas Scott, *Holy Bible with Notes* (Philadelphia: Woodward, 1807), at "Notes on Ex. 21:1." Emphasis added.

87. *Ibid.*, at "Practical Observations on Ex. 22:1–15." Emphasis added.

It is inconceivable that a man would have this view of the worth of the judicial law of God, and not want it to be enacted in his own homeland.

Southern Presbyterian Writers

We turn in conclusion to the thought of the two most excellent theologians of Southern Presbyterianism: James H. Thornwell and Robert L. Dabney. When the Confederate States of America were formed, in response to a perceived economic and atheistic threat from the Northern States, it was widely hoped that the new nation would be explicitly Christian. A petition was sent to the Congress of the CSA from the General Assembly of the Presbyterian Church in the CSA, authored by Thornwell, to that end. The proposed amendment to the CSA Constitution, to be added to the section providing for liberty of conscience, read:

> Nevertheless we, the people of these Confederate States, directly acknowledge our responsibility to God, and the supremacy of His Son, Jesus Christ, as King of kings and Lord of lords; and hereby ordain that no law shall be passed by the Congress of these Confederate States inconsistent with the will of God, as revealed in the Holy Scriptures. [88]

Thornwell argued that though "the will of God, as revealed in the Scriptures, is not a positive Constitution for the State,"[89] yet the State must believe the Scriptures "to be true, and regulate its own conduct and legislation in conformity with their teachings."[90] (Note that this is the position of Bahnsen and Rushdoony.) Beyond these general statements Thornwell does not go, yet his emphasis that modern civil law should be tied to and regulated by Scripture makes it hard to believe he could have held the kind of negative opinion regarding the Mosaic judicials that is sometimes encountered today. He was surely no "pluralist."[91]

Robert L. Dabney, like Ridgeley, nowhere in his works explicitly states that the judicial law of God is binding, yet seems to assume it as a principle {47} in his writings. In his *Lectures in Systematic Theology* he

88. James H. Thornwell, "Relation of the State to Christ," in *Collected Writings*, vol. 4 (Edinburgh: Banner of Truth, 1974), 549ff.

89. *Ibid.*, 553.

90. *Ibid.*, 552.

cites the Older Testament capital punishments for murder, striking parents, adultery, and religious imposture, without any hint that he thought these had ceased to bind nations.[92] With respect to adultery, his statement is explicit:

> The law of Moses, therefore, very properly made adultery a capital crime; nor does our Saviour, in the incident of the woman taken in adultery, repeal that statute, or disallow its justice. The legislation of modern, nominally Christian nations, is drawn rather from the grossness of Pagan sources than from Bible principles.[93]

This statement, especially its reference to "nominally Christian nations," makes it evident that, in Dabney's view, a genuinely Christian nation would draw its legislation from the law of God, including the penal particulars, rather than from pagan sources. *Dabney here explicitly disagrees with Calvin's notion of a "common law of nations."* Pagan sources are *contrasted* with Biblical law.

Dabney's view is further elaborated and brought into sharper focus in his discussion of the *lex talionis*.

> The application of the *lex talionis* made by Moses against false witnesses was the most appropriate and equitable ever invented. Whatever pain or penalty the false swearing would have brought on the innocent man maligned had the law followed the false witness unprotected, that penalty must be visited on the perjurer maligning him.
>
> Let the student compare the admirable symmetry of Moses' provision with the bungling operation of our statute against perjury. He discriminates the different grades of guilt with exact justice. We punish the perjurer who swears away his neighbor's cow with imprisonment, and the perjurer who swears away his neighbor's honor and life, still with imprisonment.[94]

91. On the supposedly Thornwellian concept of the "Spirituality of the Church," as well as on Southern Presbyterian theocratic views in general, cf. Jack P. Maddex, "From Theocracy to Spirituality: The Southern Presbyterian Reversal on Church and State," *Journal of Presbyterian History* 54 (1976):438–57.

92. Robert L. Dabney, *Lectures in Systematic Theology* (Grand Rapids, MI: Zondervan, [1898] 1972), 402–3.

93. *Ibid.*, 407–8. See also his *The Practical Philosophy* (Mexico, MO: Crescent Book House, 1896), 362–63.

94. *The Practical Philosophy*, 513–14.

Conclusion

Three matters of interest to modern Calvinists have emerged from this study. The first is that the apparent condemnation of the whole-law position by Calvin in his *Institutes* almost certainly does not apply to modern theonomists, who stand with Bucer, not with the Anabaptists. The second is that the Westminster Confession of Faith and the Catechisms do not condemn the whole-law position, but to a considerable degree presuppose it. The third is that during the period of Calvinism's greatest strength there were many, and often the most notable theologians were among them, who advocated the same position taken by Rushdoony and Bahnsen today. {48}

This demonstrates that the theonomic-theocratic position is *not* "outside the Reformed tradition," as some have charged.

Earlier editions of this study have circulated here and there, and one verbal response has been made to it which requires attention at this point. It has been contended that, whereas these earlier Calvinists stressed that the "Mosaic judicials" could not be improved upon and thus should be followed, Bahnsen and Rushdoony argue from Matthew 5:17–19 that every jot and tittle of the Older Testament law is binding on Christians, save for the "ceremonial" laws, which the New Covenant altered. Bucer's argument, it is contended, is based on reason, while Bahnsen's is based on exegesis.

In reply we simply note that there is no conflict between these two routes, both of which lead to an identical conclusion. Both Bucer and Bahnsen (to continue to use these men as examples) hold that the judicial aspect of God's law is a revelation of His eternal standards. Both hold that these laws are binding on modern magistrates. The fact that Bahnsen's arguments are primarily exegetical while Bucer's are primarily rational only demonstrates what Christians have always maintained, that there is no conflict between Scripture and reason. One can divide Bucer from Bahnsen only by pitting reason against revelation.

Additionally, it should be noted that the whole-law position asserts that the judicial aspects of the law of God are part of the moral law, and thus are written on the hearts of all men (Rom. 1:32). Upon conversion, men stop suppressing the law written on their hearts, and the more men grow in grace, under the Spirit's influence, the more responsive to that law they become. The Reformation was a great movement of the

Spirit. The fact that during the period after the Reformation, when Christianity was at a height, the judicial aspects of the law of God were widely regarded as binding is thus very significant. It indicates that there *is* moral equity in these laws, and serves as a general and indirect substantiation of the theonomic or whole-law position.

The fact that discussions of this subject in the past have not been as clear as today's discussion is becoming, only demonstrates the validity of the remark by William Cunningham, the eminent church historian, regarding the nature of theological controversy.

> It holds almost universally in the history of the church, that until a doctrine has been fully discussed in a controversial way by men of talent and learning taking opposite sides, men's opinions regarding it are generally obscure and indefinite, and their language vague and confused, if not contradictory.[95]

95. William Cunningham, *Historical Theology*, vol. 1 (London: Banner of Truth Trust, 1969), 179.

Samuel Rutherford and Puritan Political Theory

Richard Flinn

In the course of his lifetime, Samuel Rutherford, like many Puritan divines, was a prolific writer. The volume entitled *Lex Rex*, *or The Law and the Prince* is one of his more substantial volumes, and certainly one of the most comprehensive expressions of Calvinistic political theory. It is also one of the keystones in the development of modern political theory. Understandably, it has been studiously avoided by secular political philosophers, for it is unabashedly Christian and Calvinistic. Less understandably, however, it has also been avoided or overlooked by many in the neo-Puritan movement of our own day. The intention of this article is to represent Rutherford's *Lex Rex* to those interested in Calvinistic reformation, in the hope that we can profit from the wisdom of our forefathers in the area of political theology.

We are all captives, to a greater or lesser extent, of the age in which we live. This is just as true of Rutherford as it is of us. But Rutherford's age was a Christian age; ours is not. He wrote in an age when Calvinistic political theory was reaching its zenith; from the time of Rutherford onwards, a secularizing trend set in which effectively emasculated the political theology of the Reformation. We now live in an age where the humanistic political consensus of our day has come to full flower and has imprisoned the minds of even God's children. Most Calvinists in our day tend to be conservative in their political and economic outlook. But they have no *theology* to underpin their conservatism. They have either a world and life view which is nebulously connected to the Scriptures, or one which is encrusted with meaningless slogans. The result is that the doctrines of either the Left or the humanistic Right (depending on one's personal proclivities) are poured into Calvinistic political theology. Fortunately, there seems to be a growing number of Calvinists, at least in the United States, who would prefer, if they have

to deal with humanism, to have it "straight" rather than served up in a pseudo-Christian garb.

Then there are those Calvinists who spurn political and economic theology, preferring to hold that the Scriptures do not speak clearly or authoritatively in these areas, and that one should look to "common grace" in developing these fields. Such men argue that it is the better part of wisdom to keep quiet on such matters, at least in public. Both popular "Calvinistic"{50} alternatives—the "common grace" approach and the "gut reaction" approach—have resulted in a thorough Babylonian captivity of the church organic in the absolutely vital areas of politics and economics. Fortunately, our Puritan forefathers were more jealous for the honor of God, and they were determined to be more faithful to the Scriptures. This article, then, attempts to present Puritan political theory through the mouthpiece of one of its leading exponents—Samuel Rutherford.

Rutherford: A Short Biography

Samuel Rutherford was born in 1600. Early in his life, his intellectual acumen helped his parents determine that he was properly called into the ministry. At the age of 25 he began his theological studies in earnest. Two years later he was licensed as a preacher of the gospel and was appointed to the parish of Anwoth at Kirkcudbright. Rutherford was an effective minister of the gospel. Like many other divines of his day, he would rise about three in the morning and would labor earnestly over his flock. In 1630 his wife died after only five years of marriage, causing great personal sorrow. Then, four years later, his patron and personal friend, Lord Kenmure, died, which again seemed to cause Rutherford great sorrow. It is to Lady Kenmure that many of his famous letters are addressed. Rutherford is rightly esteemed in the neo-Puritan movement, firstly as a model Puritan pastor, having great zeal for the spiritual welfare of his flock. Secondly, he is famous for his letters, for the deep piety and love of Christ which they express. But other aspects of his life, just as important, and probably more influential in the church, have been long overlooked.

By the mid–1630s, Arminianism was on the rise in Scotland, through the influence of Archbishop Laud. Rutherford loved his Lord too much to stand idly by while the Scottish church was sunk by the

doctrines of human sovereignty. He contended against these heresies so earnestly, effectively, and obnoxiously (as far as his enemies were concerned) that he was tried at Edinburgh before the High Commission, where he was defrocked and refused permission to preach. In 1636 he was incarcerated in Aberdeen, an Arminian stronghold. Rutherford, ever a contender for the faith, soon entered into debate and dispute with the learned doctors of the town, apparently proving too much for them to handle.

With the Bishops War of 1637, Rutherford was released from prison and appointed to the chair of theology at the University of St. Andrews. In 1644 he was appointed one of the eight Scottish commissioners to the Westminster Assembly. One year later, while the Assembly was in progress, he wrote and published *Lex Rex*. The work was a polemical piece, styled as a point by point refutation of the doctrine of the divine right of kings, as presented in the work of a "popish prelate," John Maxwell (who had been excommunicated from the Church of Scotland), entitled "The Sacred and {51} Royal Prerogative of Christian Kings," or *Sacro-Sancta Regnum Majestus*. Rutherford's work caused a great sensation upon publication, particularly in the Assembly. That it was an accurate reflection of the political philosophy of the Assembly is evidenced by Bishop Guthrie, who writes that every member of the Assembly

> had in his hand that book lately published by Mr Samuel Rutherford, which was so idolized, that whereas Buchanan's treatise (*de Jure Regni Apud Scotus*) was looked upon as an oracle, this coming forth, it was slighted as not anti-monarchial enough, and Rutherford's *Lex Rex* only thought authentic.[96]

This attestation of the popularity of *Lex Rex* is significant, for it indicates that *Rutherford's political philosophy was in the mainstream of Puritan political thought*. There was nothing unusual, peculiar, extremist or reactionary in *Lex Rex*, as far as the Westminster Divines were concerned.

In 1647, Rutherford returned to Scotland, and in 1651 he was elected rector of the university. He had now risen to one of the highest posi-

96. Samuel Rutherford, *Lex Rex, or the Law and the Prince* (Edinburgh: Robert Ogle and Oliver & Boyd, 1843), xix.

tions of eminence to which a clergyman in the Church of Scotland could be raised. With the restoration of Charles II to the throne in 1660, the Scottish church again suffered a period of persecution. *Lex Rex* was banned in Scotland and England and publicly burned. Rutherford was placed under house arrest. He was summoned to appear before the Parliament at Edinburgh, where almost certain execution awaited him. He died, however, on the 20th of March, 1661, before he could be made to comply with the order.

The Calvinistic Roots of Rutherford's Political Theory

With the coming of the Reformation, there developed a strong interest amongst the forces of the Reform in the role and place of the state. Hitherto dominated by Rome and the Church, the minorities produced by the Reformation sought to free themselves from Caesaro-papist control and to enunciate a theory of the state which protected their own interests, on the one hand, and allowed the state to stand free from the control of Rome or the Holy Roman Empire, on the other. The gamut of political theories were advanced, from passive obedience to active resistance. No attempt was made to separate religion from the state; that was to emerge much later, primarily through the influence of John Locke, and reaching its logical extrapolation in Rousseau, for whom the state (the corporate individual) was divine.

Calvin introduced what was to become the hallmark of Calvinistic political theology. Calvin held to an *aristocratic* view of society, and believed in the dominion of Christ over all the world. That meant that the {52} magistrates and political figures were under the authority of God—they were His ministers. When the will of the magistrate clearly conflicts with the will of God, private persons ought to obey God and suffer the consequences at the hand of the ungodly magistrate. When a tyrant reigns, there is room for the possibility of active resistance, but it must be initiated and led by the *lesser magistrates*, who have an equal authority and responsibility to obey God's will and God's law.

The nation on the Continent which spawned the most fruitful Calvinistic interchange in this field was that of France, and that through the writings of the Huguenots. By and large, the Huguenots were loyal royalists who believed that toleration had not been granted them by the throne because the royal ear had fallen prey to the wrong advisers. The

St. Bartholemew's Day massacre of 1572, however, dispelled that notion. Harold Laski sums up the reason why this event was a watershed in Calvinistic political theology:

> The court had made the holocaust; Charles IX himself had gloried in its success. It was no longer possible to make any distinction between the King and his advisers. It was the person and position of the Crown that was now in question. If Kingship existed for the protection of subjects, what were their rights when the very basis of its meaning was taken away?[97]

Now the powers, prerogatives, responsibilities, and duties of the king and the highest magistrates of the land had to be considered.

Of great significance in this regard was a work written by Theodore Beza entitled *The Rights of Magistrates Over Their Subjects.* Laski summarizes this work, suggesting that it sets forth the basic lines of Calvinistic politics. The central premise: to God alone belongs absolute power. Magistrates cannot be held accountable to the people, but when they command something contrary to true religion they are to be resisted. Ultimately this may mean rebellion. Officers of the state must secure the authority of laws, and in every state there was a body of citizens whose duty it was to ensure that the sovereign did his duty.[98] Thereafter followed a spate of pamphlets and treatises expressing a similar doctrine of the state. One of the most famous and influential of these was the work entitled *Vindiciae Contra Tyrannos* (1579), written under the pseudonym Junius Brutus, but almost certainly written by Duplessis-Mornay, a Huguenot statesman.[99] This work deals with four central questions: Firstly, should subjects obey princes when they command that which is *contrary to God's law*? Secondly, should such a {53} prince be resisted, and by whom? Thirdly, if a prince seeks *to ruin the state*, should he be resisted, and by whom? Finally, are princes bound to oppose tyranny in other states? "Junius Brutus" argues that whenever a prince commands that which is contrary to the law of God, or when he follows a policy which is destructive of the church or the state, he

97. Harold Laski, "Historical Introduction" (1924), in "Junius Brutus," *A Defence of Liberty Against Tyrants* (Gloucester, MA: Peter Smith, [1579] 1963), 22.

98. *Ibid.*, 25.

99. This work is published in English under the title, *A Defence of Liberty Against Tyrants*; see note 97.

should be resisted. Princes are to be resisted by the people, but by the term "people" was understood those who hold their responsibility from the people and represent them. This included the lesser magistrates, the town officials and magistrates, the nobility or the prominent family heads in the society, and the ecclesiastical leadership.[100] These three groups—the burgesses (magistrates), the nobles, and the ecclesiastical leaders—formed the *three estates* who represented the people and who appointed and controlled kings.[101] Whereas the king was over each individual member of these estates, collectively, because *they represented the community*, they held *higher authority* than the king. We must bear in mind that when Rutherford and the Puritans spake of "the people" in this context, they have in mind the *representative body* of the people—namely, the three estates.

It is upon the political tradition and outlook detailed above that Rutherford builds in *Lex Rex.* To anyone familiar with political writings by Calvinists of the sixteenth century, there is very little that is novel or radical in *Lex Rex.* Its particular contribution lies in its polemical nature. Rutherford took up the opponents of his own day and employed the arguments and theology of his forefathers to counter them. When this article, then, speaks of Rutherford's doctrine or political philosophy, we must understand that what is found therein is not the product of one man's pen, nor the reflection of one man's mind, but a proper representation of one hundred and fifty years of virile Christian thought on the problems of government and the state.

The Foundation and Basis of Government

The question of the proper ethical foundation of government has been a central and perplexing question in the history of political philosophy. The proper answer to this question will establish the basis of obligation or the moral right of the state to command the obedience of its citizens. There are a variety of approaches which have been tendered. In the first place, there is the *power theory*—that is, that "might makes right."[102] Then there is the answer of *traditionalism* which suggests that because the state is there, independent of our will, we are

100. *Defence*, 97.

101. *Ibid.*, 133.

morally obligated to submit to it, in the same way that a child should submit to its parents. Thirdly, there is {54} the *true-self theory* which holds that the individual has objective individuality and true personhood only as part of the collective universal Man—that is, the state. The state is to be obeyed because it is necessary for my fulfilled existence. Fourthly, there is the *natural law theory*, which suggests that human beings are naturally social and political animals; this being so, some form of regulation of that society is rational and necessary. Then there are the views which posit that *choice* and *consent* of the governed are the factors which determine moral obligation. These usually have to do with the notion of a *social contract* whereby the citizens commit to a government certain responsibilities and obligate themselves to obey. The contractual promise of obedience provides the basis of the moral obligation to obey.

As with most unbelieving systems, each approach contains elements of truth. But these elements of truth have been absolutized, and idolatry is the result. These elements of truth can be properly balanced and apprehended only within the Christian perspective. What, then, is the biblical perspective? What does Rutherford suggest is the basis of the obligation to obey government? He employs basically two arguments: First, civil government is warranted by divine law. It is God who has established and appointed government.[103] The second argument is drawn from the natural or creation order. Looking first at the argument from divine law, Rutherford suggests that Romans 13 indicates that all power is from God. In verse 5, God commands obedience and, therefore, subjection of conscience, to government. Now, declares Rutherford, "God only by a divine law can lay a band of subjection on the conscience, tying men to guilt and punishment if they transgress."[104] Government, therefore, is ordained and instituted by the law of God. The principle enunciated here—namely, that *only God can bind men to guilt and punishment*—is one with radical implications. It forms *the keystone of Calvinistic political theory.* Rutherford develops some of the

102. I have taken this summary from Fred J. Abbate, *A Preface to the Philosophy of the State* (Belmont, CA: Wadsworth Publishing Co., 1977), 29ff.

103. *Lex Rex*, 1.

104. *Ibid.*

implications. For example, because God alone, as the Creator, can determine right and wrong, guilt and punishment, it follows inexorably that, because the *civil magistrate* has the sword of punishment, he is *absolutely bound to the direction of the Creator in the way he wields that sword.* The moral system that defines guilt and transgression is God's law. There is a further implication which follows, not fully developed by the author, namely, that *God alone can determine just and equitable punishment.* Let us look more closely at these two implications which flow from the conclusion that because government has to do with ethics, crime, punishment, and morality, it must be instituted and governed by God. {55}

Some might prefer to argue that although the *institution* of government is established by God and ordered by Him in the Scriptures, it does not necessarily follow that the standards of justice and equity employed by a particular government must also come from the Scriptures. In other words, some might suggest that God has established the institution of government, but common grace or providence determines which standards of justice should be employed by any particular government. Rutherford faced a similar argument in his day from the Papists. His opponents had sought to argue for a similar bifurcation. They declared that the king as a *man* was subject to God, but as a *king*, that is, in the practice of his office and government, he was not subject to God's law. Rutherford quickly presents the alternatives. He suggests that his opponents

> will have the king, as king, under no law of God; so he must either be above God, as king, or co-equal with God; which are manifest blasphemies.[105]

A Christian either must hold that civil government must be under God's law, or he is expressing "manifest blasphemies." This is one of the keynotes of Calvinist and biblical political theory. Unless we are willing to grant this doctrine and build upon it, there can be no *Christian* politics; there can only be humanistic politics, which, when practiced by Christians, is idolatry.

Turning now to the second implication, we note that Rutherford does not develop a doctrine of crime and punishment and its relation

105. *Ibid.*, 57.

to the case law of Scripture. But the germs of such a doctrine are surely there.[106] He has {56} hinted at it when he argues that God alone can bind the conscience and can punish or direct punishment for right and wrong. He also gives an insight into his position when he discusses the question of whether the king has the right to pardon criminals who have committed crimes which *God's law* says should be punished by death.[107] According to Rutherford, the king does not have this right of pardon, but must faithfully carry out the sentence ordered by God. Whereas a *private* man may forgive sin, one who holds the office of magistrate may not do so. Using the example of murder, he reasons that not to punish according to God's law, when God's law gives punishment, is to be guilty of the crime that is pardoned. Pardons may be acts of grace to one man, but they are acts of blood to the community.[108] I quote Rutherford at length here, because his argument is revealing:

106. There is a perplexing problem of historical interpretation here, which in our day is causing some worthy men to engage in some rather vain polemics. In the face of the political, economic, and social theory enunciated from the Scriptures by the Chalcedon Foundation, some in the neo-Puritan movement have argued that the *doctrine of the continuity of the case law* and its relevance for the church, state, family, and society was *never* part of Calvinistic and Puritan tradition. The dispute arises partly because of the *ambiguity* of the Puritans on this matter. There was some discussion amongst them on exactly how far the judicial law of Moses was to be carried over. The doctrine of the continuity of the case law was not articulated, to my knowledge, in a fully self-consistent, self-conscious form. But the case law did form the bedrock of the Puritans' outlook on society, as we will demonstrate below from Rutherford. To declare that the doctrine of the continuing relevance of the case law was never part of Puritan theology is errant nonsense, but I readily grant that it had not been developed as consistently by them as it has been in our day by men like Rushdoony, Bahnsen, and others of the Chalcedon Foundation. What we find in the Puritans and in Rutherford are the *principles*—biblical, theological, and hermeneutical—upon which the case for theonomy is built. The medieval social consensus was a Christian consensus. There was much biblical truth that the Puritans could assume to be the "law of nations" and the "rule of nature," because from their perspective it seemed as though it was. But three hundred years of humanistic autonomy give us a profounder insight, and enable us to be more consistent and epistemologically self-conscious. We *must* ground our outlook on the Scripture, if for no other reason than that there is no longer any social consensus that is Christian.

107. *Lex Rex*, 107.

108. *Ibid.*

> Because the prince is the minister of God for the good of the subject; and therefore the law saith, "He cannot pardon and free the guilty from punishment due to him"; ... and the reason is clear. He is but the minister of God, a revenger to execute wrath upon him that doth evil. And if the judgment be the Lord's, not man's, not the king's, as it is indeed (Deut. 1:17; 2 Chron. 19:6) he cannot draw the sword against the innocent, nor absolve the guilty, except he would take on himself to carve and dispose of that which is *proper to his master.*[109]

The magistrate, then, is bound to the Scripture in his doctrine of crime and punishment, because judgment belongs to the Lord. Either the magistrate must judge according to God's law, or he blasphemously assumes the prerogatives of deity.

We will look more closely at this line of thought below. To summarize, however, we have seen that a keynote of Calvinistic political theory is that *government is ordained by God*, by divine law, and *this obliges the citizens of the state to obey.* Turning briefly to Rutherford's argument from natural law, he says that God created man a gregarious and social creature. When men became numerous, it was natural that they combine in a civil society. We must be aware that there is a profound difference between Rutherford's doctrine of natural law with respect to civil government and, say, that of Aquinas. For the latter, "natural" is that state of affairs which usually happens or is expected to happen.[110] What is expected to happen can be discovered by the exercise of reason. Because men naturally congregate together and do so more effectively when they are governed, it follows that they ought to do so. But, actually, this does not follow at all. Aquinas and other natural law theorists err by committing the naturalistic fallacy: just because something is a certain way, does not establish that it *should* {57} *be* that way. You cannot reason from the *is* to the *ought* on rationalistic or autonomous grounds. Rutherford effectively avoids this fallacy by beginning with positive, divine law as revealed in the Scripture. But, further, he does not draw the conclusions from the natural creation order which are normally drawn by natural law theorists. He argues that civil society is natural only insofar as *God* has created man a social creature. Civil society, therefore, is natural *in its root*, but as to its mode or manner it is

109. *Ibid.* (emphasis mine).

110. Abbate, *Preface*, 52.

entirely voluntary. When men choose to defend themselves by handing power and authority to another, that is not natural, for men are not born in subjection to each other. Rather, when men devolve power on to a particular official, it is a *positively moral* action, not a natural one.

Natural law theorists and traditionalists often draw the parallel between natural submission to parents and submission to rulers. Fatherly power, or the authority of parents over their children is of different proportion, however, from political power.[111] The first is warranted by nature's law even in specie or kind. But the second—political power—is warranted only in *general* by the creation order. The *specific form or kind of government* which may be found at any one time is warranted only by *specific positive law.* It follows, therefore, that God has appointed the power and authority of government *immediately*; but as to the specific form of government and who should govern, God has appointed this *mediately* through the choice of the community, which is to be governed.[112] In biblical times the positive, moral institution came both by revelation and by community sanction; now that revelation has ceased, it comes by the sanction of the community only. It follows that there is no one form or institutional manifestation of government which is particularly sanctified by Scripture. This, of

111. *Ibid.*, *3.*

112. *Ibid.* We must be aware that the Puritans generally believed in natural law and revelation, but in a way that was very different from the medieval scholastics or contemporary Roman Catholicism. Jack Rogers, *Scripture and the Westminster Confession: A Problem of Historical Interpretation for American Presbyterianism* (Grand Rapids, MI: Wm. B. Eerdmans, 1967), points this out in his discussion of the Puritan conception of "right reason." The Puritans have been charged with fideism because they, like Augustine, refused to give reason an independent sphere of operation prior to faith (Rogers, 85). But, rather than being fideists, the Puritans acknowledged the *noetic effects of sin.* Because God was the Creator, the universe could be inductively investigated through the employment of reason: God had revealed Himself in some degree in the world of nature. But, as a presuppositional commitment, it was impossible that there could be any real conflict between "such disclosure and that other revelation which God makes of himself in the written word" (cited in Rogers, 97). We see a good example of this in the case of Rutherford, I believe. He refuses to allow the law of nature to inform us of the form of government, because Scripture does not give us any particular form, but clearly leaves it to the choice of the people. Natural law must not be set up against the written revelation of God, but must always be in subjection to it.

course, makes null and void the arguments of those in our day who suggest that because the *form* of the Mosaic theocracy passed away, {58} and the *form* of the Davidic kingship has ceased with the New Age, therefore the case law has ceased to bind God's people. Rutherford would instruct us more correctly. The institution of civil government and of magistrates to administer God's justice is perpetually binding. It is *immediately* given by God. Because God is just, and the magistrate is an avenger of God's wrath, the binding validity of the law does not change. But the *particular form* or structure by which His justice is administered is *mediate* and can change without the former being negated in any way. There is a *general equity* in the divine institution of civil government and in God's justice that is *timeless*.

In summary, we find that natural law theorists argue that both the *institution of civil government* and its *form or structure* are grounded upon natural law and the exercise of human reason. The upshot is that civil government in both its form and ethical roots becomes arbitrary and autonomous. Eventually either tyranny or anarchy will result. The pseudo-Christian position, popular in many Calvinistic circles, is that both the institution of government and its form have *changed* with time. A variety of reasons are offered, ranging from the unfolding of redemption, the administration of a new divine economy, or a confusing of God's perceptive will with His providential government. (After all, now that we are blessed with a pluralistic society, how could Rutherford ever be right?) The upshot is the same, however, as the secular natural law position: civil government becomes arbitrary and autonomous. It will end either in tyranny or anarchy.

The biblical perspective, which avoids these errors, calls for a careful *distinction* between the *institution* of civil government and its *form* or expression at any particular time. Government has been directly instituted by God, and in its exercise of justice, it must be governed by God immediately. On the other hand, the particular method or form which that civil government may take can vary, for here God works through secondary means—that is, through the people who are governed. Forms may change, but the root and basis of government does not.[113] People, then, are obliged to obey governments, because they are ordained by God's law. This is the foundation of civil government, according to Rutherford. But, as to whether citizens should submit to a

particular civil government, or whether they should have this man or that to govern them, is another issue. It is here that the conditional consent and choice of the people become important. {59}

The Doctrine of Covenant or Contract in Calvinistic Political Theory

In its secular form, the notion of the civil contract has been problematic, to say the least. Its popularity in the Enlightenment stems from the fact that it gave cognizance to popular sovereignty, and provided, at least on the surface, a tool for limiting and controlling government. But as a notion of obligation, it is tenuous. The *contract theorists* suggest that the state should be obeyed because the citizens have entered into a contract with it, and by the word of their promise, therefore, they are obligated to submit to it. The state has been freely given certain power and the responsibility to maintain life, liberty, and property. There seems to be little doubt that these secular forms of contract theory are perversions of the political theology of Calvinists on the Continent and in Great Britain. But, because they are a secularized form, they manifest the internal contradictions that are part of all unbelieving systems. Let us pursue these, and contrast them with the Puritan notion of contract.

Thomas Hobbes suggested that the "state of nature" was one of continual war or threat; in order to survive, men had to (were obligated to) band together. All power was to be given to the state, for then the state could be much more effective. Even when the state was tyrannical, order and government were preferable to the anarchy of the state of nature. Hobbes's position collapses into totalitarianism and presupposes the neutrality of the state.

John Locke's position is that power is not given to a sovereign initially, but each citizen yields the power of personal defense to all other citizens. This is how a community is formed. Then the community vests power in a civil government to do the will of the community.

113. This may help explain why, traditionally, Calvinistic political philosophers have paid very little attention to institutional forms of government, or to methodology or policy manifestos. They have been more concerned to establish the proper root and basis of government in their writings.

Problematic here is whether one can ever conceive of a community without civil government of some form. If civil government collapses, or has to be changed, can the community survive as a community?

Rousseau turned the notion of contract a full circle and used it to deify the collective community. Each individual is to give all his rights over to the community (that way it is fair and just to all), so that no one is self-seeking any more. He writes:

> The alienation [of self, in preference to the community] is made without reservations, so that ... no more perfect union is possible, and no associate has any subsequent demand to make upon the others.... Each gives himself to everybody, so that ... he gives himself to nobody.[114]

Each citizen commits himself to be governed by the general will, which is the consensus that emerges when each citizen votes in a manner to promote the general good. Once that general will has been discovered, all must be {60} forced into compliance, because that is what everybody really wants anyway. "The political society is allowed to do this because such pressure on the renegade is 'forcing him to be free.' "[115] The horrors of such a system are so obvious that we need not spend further time here.

There are a series of problems that inhere in all secular contract theories. (a) We can never be sure whether a citizen or a ruler is acting selflessly or is promoting his own ends and means. Even in my own case, how can I be sure that I am not simply rationalizing my own wants?[116] (b) Even if all did act selflessly and genuinely sought the good of the community, it is still not established that what the community decides would be right. One has to depend upon *a moral system which lies outside the community*, outside the contract, with which to judge the morality of the government's actions. (c) Because it is natural to enter into a governed community (Locke) or because it is necessary for survival (Rousseau and Hobbes), it follows that resistance to the will of the sovereign is either irrational or suicidal. Contract theories, spawned to ensure that government served the needs of the people, are inherently absolutistic. (d) If government is to be based upon the *con-*

114. Rousseau, cited in Abbate, 68.

115. Abbate, 68.

116. *Ibid.*, 72.

sent of the governed, we must ask in what sense people in a state have consented to obey the law. To suggest that people can and do consent implies that they have a real choice as to whether they will obey or not. But, de facto, that is a choice most people do not have and never make. The vast majority of citizens have grown up in states where they have not freely decided to obey the law. They have grown up obeying. The notion of consent is little more than a figure of speech. (e) Even if it could be established that citizens do give their free consent to be governed, how long does that consent last? As William Godwin has asked:

> Allowing that I am called upon, at the period of my coming of age for example, to declare my assent to dissent to any of the systems of opinions or any code of practical institutes; for how long a period does this declaration bind me? Am I precluded from better information for the whole course of my life? And, if not the whole of my life, why for a year, a week, or even an hour?[117]

These are some of the inherent tensions and prevailing problems which can be found in any secular notion of contract or consent being the basis of government. I have chosen to dwell at some length here because modern democratic theory rests on notions such as these. The Puritans, along with other Calvinistic political philosophers, also had a notion of contract or consent. Its similarity with the secular aberrations of it, however, is formal only. Let us see how Rutherford's presentation avoids the dilemmas introduced above. {61}

We have seen that Rutherford draws a distinction between the *institution of civil government*, which is given immediately by God, and the *form*, which is given mediately. Rutherford goes to great lengths to establish that God has given to the governed the responsibility to choose and establish their own rulers. By this mediate means, God establishes forms of government and appoints men to govern. The *office*, then, of king or magistrate or ruler is from God alone, but as to *which particular man* or person should rule, God establishes His purposes and makes known His will through the second cause of the people's consent. What is the office or ruler which has been given by God? Rutherford explicitly draws from Scripture as he delineates the *functions of the civil magistrate*: they are *God's lieutenants* and deputies on

117. Cited in Abbate, 77.

the earth (Ps. 82:1, 6–7; Ex. 22:8); they are *feeders of the Lord's people* (Ps. 78:70–72); they are *shields of the earth* (Ps. 47:9); they are *nursing fathers of the church* (Ps. 49:23); they are *captains of the Lord's people* (1 Sam. 9:19); and their throne is the *throne of God* (1 Chron. 22:10). [118]

With this doctrine of the office of the ruler, some of the problems of the secular consent theories are immediately removed. One does not call upon either citizens or rulers to act selflessly for an amorphous "good of the community": one calls upon rulers to be God's deputies on the earth. Secondly, it has already been established what is right and just and good. When rulers fulfill the obligations of office listed above, then their actions are morally right and correct, *irrespective of the "general will of the community."* It also follows that the consent given by the people to rulers is legitimate consent only if it is a warrant and consent to be governed by the office of magistrate that has been instituted of God.

Rutherford uses three arguments from Scripture which prove that the people have power to appoint rulers. *First*, if it can be demonstrated that in the Bible the people made one man king and not another, we can infer that they have the power to make kings. The people made Omri king, and not Zimri (1 Kings 16),[119] and they made Solomon king and not Adonijah (1 Kings 1). Some might object that the people were simply publicly ratifying God's choice. But this is not the case, for we see, for example, in the case of David that he was anointed and chosen king by God many years before he assumed the office, but he was not a king before the people chose him as such. The fact that God sovereignly chooses or appoints kings does not at all negate the consent of the people, for {62} God's sovereignty does not exclude, but establishes the reality of second causes.[120]

118. *Lex Rex*, 4. Notice how Rutherford draws freely from the Old Testament text—the law, the writings, and history—to establish his doctrine of the magistrate for our day. That is why I suggest that the seeds of theonomy are present in Rutherford. He has no hesitation in taking the institution (not the form) of government from the Old Testament and applying it to the present.

119. *Ibid.*, 6.

120. *Ibid.*, 33.

It follows, of course, that there is no such thing as a natural ruling class or people who are created as rulers and others created to be subservient. Follow Rutherford's argument from the case of David:

> ... nor is David by the act of creation by which he is made a man, created also king over Israel; for then David should from the womb and by nature be a king, and not by God's free gift. Here both the free gift of God, and the free consent of the people intervene. Indeed God made the *office* and *royalty* of a king above the dignity of the people, but he, *by the intervening consent of the people*, maketh David a king, not Eliab; and the people maketh a covenant at David's inauguration, that David shall have so much power, to wit, power to be a father, not power to be a tyrant—power to fight for the people, not power to waste and destroy them.[121]

Numerous other Old Testament examples are cited to show that it was the people who appointed and made kings.[122]

The *second* argument employed to show that rulers are appointed by the consent of the people is that God regulates and instructs His people in whom they shall make a king, and whom they shall exclude from the office. Since God so regulates the people, it follows that they have the lawful power to do what the law commands. The case is built upon Deuteronomy 17:14–15. God here instructs the people in whom they shall set as king over them. The *prophets*, by contrast, were not appointed by the people; they were *immediately called of God* and were prophets whether the people consented or not. Kings were not immediately appointed in this way, but through the choice of the people.[123] The people themselves had to approve of, and appoint a king over them.

Finally, the consent of the people is evidenced because the Scripture explicitly says that the people made the kings under God. See, for example, the account of Saul's investiture (1 Sam. 11:15) and that of David (1 Chron. 12:38: "All those came with a perfect heart to make David king in Hebron").[124] Rutherford concludes: "There is no title on earth now to tie crowns to families, to persons, but only the suffrages of

121. *Ibid.*, 38 (emphasis mine).

122. *Ibid.*, 7.

123. *Ibid.*

124. *Ibid.*

the people ....[125] And further, arguing again from the case of Saul and David, we read:

> ... Saul, after Samuel from the Lord anointed him, remained a private man, and no king, till the people made him king, and elected him; {63} and David, anointed by that same divine authority, remained formally a subject, and not a king, till all Israel made him king at Hebron.…[126]

Turning to the specific nature of the covenant, we see that it was "an oath betwixt the king and his people, laying on, by reciprocation of bands, mutual civil obligation upon the king to the people, and the people to the king."[127] For example, the elders made a covenant with David before the Lord prior to their appointing him king (2 Sam. 5:3; see also 2 Chron. 23:2–3 and Eccles. 8:2, both of which indicate the existence of an oath which binds both king and people). With our better understanding of covenants and treaties in the Near Eastern world, we see immediately that what we have here is not a vassal treaty, but a treaty between equals.

This civil covenant made between the king and the represented people is not the same as the covenant made between the king and the Lord (2 Kings 11:17). The former was made and ratified publicly and was solemnly made in the house of the Lord. When any party thus enters into such a covenant, he, by definition, becomes bound by the law. If the obligations of a covenant are broken, then those who break it can be disciplined according to the oath made to God.[128] The covenant, then,

> giveth the ground of a civil action and claim to a people and the free estates against a king, seduced by wicked counsel to make war against the land, whereas he did swear by the most high God, that he should be a father and protector of the church of God.[129]

But what are the terms of the contract? Rutherford has already hinted at this. Both people and king bind themselves to God. The king

125. *Ibid.*, 8.
126. *Ibid.*, 9.
127. *Ibid.*, 54.
128. *Ibid.*
129. *Ibid.*

promises to govern according to the law of God and in such a manner as to defend the true religion. The people promise obedience to God and to the king. Hence:

> He who is a minister of God, not simply, but for the good of the subject, and so he take heed of God's law as a king, and govern according to God's will, he is in so far only made king by God as he fulfilleth the condition; and in so far as he is a minister for evil to the subject, and ruleth not according to that which the book of the law commandeth him as king, in so far he is not by God appointed king and ruler.…[130]

The nature of the contract, then, is that both rulers and ruled mutually obligate themselves to the law of God. It is important to realize that the citizens have a police power inherent in themselves, for they have an equal responsibility to see that the king, as king, keeps the law of God. For example, when idolatry became rife in the land, God rebuked the {64} *people* as well as their rulers (2 Kings 17:11); when there remains impurity in the land, the people are held responsible (2 Chron. 20:33). Further, all the elders, princes, and magistrates of the land are commanded to judge in such a fashion that they maintain pure religion (Deut. 1:16), but when the judges decline from this standard and corrupt God's law, we find that the *people* are judged and rebuked for it (Jer. 15:4).[131]

Some may argue that there are no rulers with whom this formal covenant has been made today, and so the obligations of such a covenant cannot be pressed upon them, particularly now that we live in a pluralistic society. Rutherford agrees that where no formal written covenant can be produced between any particular people and their rulers, then there is a problem when you are dealing with positive laws or mediate conditions. But the natural or immediate covenant among God, the king, and the people is automatically *presupposed* in any expression of civil government, even when there is no vocal or written covenant. Thus, the obligation to rule according to God's law is not part of the mediate, accidental, particular choice of the people. Theonomic rule is obligatory for all societies at all times. The aspect of consent or choice has to do with the particular individual or system of government that is

130. *Ibid.*, 57.

131. *Ibid.*, 55.

to be instituted: for example, whether the government be a monarchy, a democracy, or an aristocracy. Rutherford writes that if there are no conditions which have been established between the king and the people,

> then those things which are just and right according to the law of God, and the rule of God in moulding the first king, are understood to rule both king and people, as if they had been written; and here we produce our written covenant, Deut. 17:15; Josh. 1:8–9; 2 Chron. 31:32.[132]

The paradigm of all civil power is given in Deuteronomy 17. Even when there is no formal contract which has been made, that immediate divine stipulation that the king is bound to obey God's law is to govern all civil power.

We are now in a position to appreciate how *the Christian notion of consent and contract* differs from, and avoids the problems of, the secular aberrations. *First*, the notion of contract or consent does not have to do with *whether* a community will enter into civil obligations. That is *already commanded* by God, and the mutual obligations of that civil bond are already presupposed by His law. The Christian notion of consent does not have to do with what is justice, or what is crime and what its proper punishment is. These definitions are *already given* by the absolute Lawgiver. Nor is it a contract whereby the people give government authority and responsibility to protect life, health, and property; these are accidental {65} to the notion of Christian government and flow from the ruler's obligation to the law of God. Further, the problem of Rousseau's doctrine—that of the inability to determine whether the general will of the community is morally right—is avoided because, in the Christian perspective, the general will of the community is irrelevant to what is morally right. Rather, the general will of the community must at all times be bound by God's law. *God's law, then, is the constitutional or fundamental law of all civil society.* The consent of the governed and the rule of the governor must abide within that framework.

In the *second* place, biblical contract theory does not lead to totalitarianism, because rulers are bound to God's law, and the subjects have an obligation to see that they are governed by God's law. When a

132. *Ibid.*, 59.

ruler transgresses the boundaries of God's law he must be *resisted by the people*. If the latter do not do so, they are held accountable before God.

Third, the people do not give consent to be governed by God's law; they are bound by it whether they give consent or not. Rather, *they give consent to a particular king or ruler* to govern and they to obey, but always this is a *mutually conditional consent.* The people have a moral obligation, not a freedom right, to resist the ruler when he governs contrary to God's law. Their resistance may develop to the point where they give their consent to another ruler. In secular theories, the notion of consent is little more than a figure of speech, because the warrant of consent has to do with the law itself by which people will be governed, not simply the particular person of the ruler. In the Christian position, the notion of consent is a reality, because all political figures, all rulers, and all magistrates hold their power *conditionally*, even when no formal contract has been entered into. It follows that the people may choose to replace one ruler with another, if he breaks the contract.

Finally, the issue of how long the consent of the governed is given to rulers is irrelevant in the Calvinist schema. Consent is *always* conditional, but not conditional upon the whim of the governed or the governor, but upon mutual obedience to God's law.

In conclusion, it can be seen that the watershed which divides Christian from humanistic theories of government is that the former insists both upon the *transcendence of the Creator* and, therefore, upon the *immanent relevance of His absolute law-word to every area of life*, including the state.

The Doctrine of Civil Disobedience in Calvinistic Political Theory

The issue of civil disobedience has also been a problematic one in the history of political philosophy. It is ironic that the Calvinistic Reformation, which more than any other theological movement in the sixteenth and seventeenth centuries, spawned violent resistance in France, Holland, Scotland, and England, should be inherited today by churches that are profoundly {66} embarrassed by the notion that the civil state may be lawfully resisted. The Christian consensus of our day, one to which many Calvinists automatically subscribe, is that the civil govern-

ment belongs in the realm of God's providential rule and that, while we may enjoy the right of representation and remonstration, it remains that when the highest authority in the land has spoken (be it the Supreme Court or some other body), Christians are obliged to obey. Here again the Puritans and Samuel Rutherford have much to teach us. My intention is simply to give an outline of Rutherford's doctrine of resistance. This will not solve all the problems, by any means. In all cases of resistance against constituted authorities, there is a situational element. This means that in each situation where active resistance might be obligatory, there must be a careful evaluation of the facts by the norms. Without those situational facts, it is impossible to establish ethically whether it is right to resist in any specific instance. The emphasis in this section will be upon the *norms* which must be brought to bear upon the facts.

The first principle we must comprehend from the implications for civil government is the *distinction* between *God's perceptive* will and His *providential ordering of the world.* The fact that a government may be allowed to engage in tyrannical acts under God's sovereign pleasure indicates, in no sense, His moral approval of that government. For example, although Herod massacred children in Judea, and although Christ was executed on the cross by the will of God, this does not make either action morally right.[133] It follows that a particular government does not have God's moral approval, nor is necessarily a minister of God, simply because it exists.

Further, a tyrannical government is always immoral. Rutherford defines tyranny in the following manner: the king is appointed by God to save, defend, feed, and protect the people; he is a minister of God for their good.[134] Tyranny exists when the king or political authority exerts its power for ends other than those given in the nature of the office. Scripture has given us a proper guide to evaluate whether a king is fulfilling his office: *the law of God.* Rutherford asserts that the power of the king is the

133. *Ibid.*, 47.

134. *Ibid.*, 78.

> power to rule according to God's law, as he is commanded (Deut. 17), and this is the very office or official power which the King of Kings hath given to all kings under him....[135]

Tyranny, then, exists when the king exerts an arbitrary authority over his subjects; that is, when he replaces God's law with his own. But, argues Rutherford, when a state of tyranny exists, we have an act and work of Satan. He writes: {67}

> I lay down this maxim of divinity: Tyranny being a work of Satan, is not from God, because sin, either habitual or actual, is not from God: the power that is, must be from God; the magistrate, as magistrate, is good in nature of office, and the intrinsic end of his office (Ro. 13:4), for he is a minister of God for thy good; and, therefore, a power ethical, politic, or moral, to oppress, is not from God, and is not a power, but a licentious deviation of a power; and is no more from God, but from sinful nature and the old serpent, than a license to sin.[136]

When a tyrannical government is in power, then, we are not to imagine that the power is from God, but rather we are to understand that it is Satanic. It is no more from God than a license to sin is from God. That particular government is not from God, because the obligation to sin is not from God.

Some may argue here that tyranny would be legitimate if a people contracted or agreed to be governed by a tyrant. Not so, argues Rutherford, for the people can never enter into a contractual obligation with a ruler in which the terms of the contract are outside the law of God. God has given people the duty and obligation not to kill, from which we infer the duty not to kill oneself. From this, we further infer that self-defense is obligatory. No people, either individually or corporately, have the power to dismiss the obligation to self-defense A tyrannical government takes away the people's right to defend themselves. It is, therefore, illegitimate for a people to enter into a contractual obligation with a tyrannical government.[137] The implications of this are staggering, for *it makes the vast majority of governments in the world today illegitimate and Satanic* and contrary to Romans 13 to some degree, even if they were elected by popular suffrage. This does not necessarily

135. *Ibid.*, 72.

136. *Ibid.*, 34.

137. *Ibid.*, 34, 46.

mean that such governments should be dismissed or overthrown, for there are various levels and expressions of resistance, as we shall see below.

On the basis of the foregoing, Rutherford presents three basic arguments to establish the right and duty of resistance to unlawful government. In the first place, since tyranny is Satanic, not to resist it is to resist God, or expressing this in positive terms, to resist tyranny is to honor God. Secondly, since the obligation of self-defense is given by God, to give up that right is sin. Thirdly, since the king is granted power conditionally, it follows that the people have the power to withdraw their sanction if the conditions are not fulfilled. The king or political authority or civil magistrate is a fiduciary figure—that is, he holds his authority in trust.[138]

What is especially interesting to note, and which follows consistently from the arguments above, is that citizens have a *moral* obligation to resist unjust and tyrannical government. Unfortunately, this has long been overlooked in the churches of our day. While we must always be subject {68} to the *office* of the magistrate, we are not to be subject to the *man* in that office who commands that which is contrary to God's law. Whoever shall resist the *office* of the magistrate shall receive damnation; but whoever, for conscience sake, refuses to obey a man who is king, but seeks "to obey God rather than man, as all the martyrs did, shall receive to themselves salvation."[139] *To resist unjust government*, then, is an element of *Christian sanctification.* To do so for conscientious, God-honoring reasons is to procure salvation.

We come now to the question of the levels of resistance which may be expressed. Rutherford offers some distinctions which may be helpful here. In the *first* place, we should not imagine that a ruler should be deposed because of a singular breach of the covenant between ruler and people. Suppose a ruler or government makes a law which some feel is contrary to the constitution or terms of investiture. In such a situation, the contractual conditions or covenant between king and people must be exposited by the law of God (Deut. 17).[140] If the terms of a

138. *Ibid.*, 35, 38, 69.

139. *Ibid.*, 145.

140. *Ibid.*, 58.

covenant between king and people are altered, it is important to ascertain whether such a breach constitutes a breaking of God's law. Further, while any breaking of God's law is contrary to the covenant, we must realize that one or two singular acts of transgression, while they assail the covenant, do not result in the dissolution of the covenantal bond between king and people. There is room for correction and for discipline. But when a king acts in such a way that the commonwealth is being destroyed—that is, when he is attacking the fundamental constitution of the society—then he is to be denuded of his royal power and authority.[141] Thus, in dealing with the sinful acts of government, we must firstly determine whether the act in question is a singular, uncharacteristic act, or an act that is deliberately calculated to erode and destroy the ethical commitment to the law of God. The latter act justifies a far greater level of resistance than the former.

Secondly, there is a distinction to be made between an act of tyranny against a private individual and one that is against a corporate body or a commonwealth. This, in turn, leads to a distinction to be made between the types of resistance that are offered by the respective parties. If a government commits an act of unlawful violence against an individual, the latter has the right of self-defense, and that defense may be by force. Rutherford suggests that there are *levels of resistance* in which a *private* person may engage. Firstly, he must defend himself by supplications and apologies; secondly, he must seek to flee if at all possible; and, thirdly, he may use violence to defend himself. One should not employ violence if he may save himself by flight; so one should not employ flight if he can save {69} and defend himself by supplications and the employment of constitutional means of redress.[142] Rutherford illustrates this pattern of resistance from the life of David. He concludes:

> ... so the private man, in his natural self-defence, is not to use reaction, or violent re-offending, in his self-defence against any man, far less against the servants of a king, but in the exigence of the last and most inexorable necessity.[143]

141. *Ibid.*

142. *Ibid.*, 160.

143. *Ibid.*

According to Rutherford, that is why David merely cut the garment of Saul while the latter was sleeping, for there was no actual invasion of the life of David at that moment by Saul and his men, and flight for David was still a viable means of defense.

On the other hand, when the offense is against a *corporate group* such as a duly constituted state or town or local body, or such as a church, then flight is often an impractical and unrealistic means of resistance. It cannot be a natural means of self-preservation when it is physically impossible. He writes:

> So, to a church and a community of protestants, men, women, aged, sucking children, sick, and diseased, who are pressed either to be killed or forsake religion and Jesus Christ, flight is not the second mean, nor a mean at all, because not possible, and therefore not a natural mean of preservation....[144]

So with respect to a corporate group or community, there are two levels of resistance: *remonstration*, and then, if necessary, *violent self-defense.*

Finally, Rutherford would have us realize that there is a distinction between a lawless uprising and lawful resistance. When tyranny is enjoined upon a community, resistance must be under the aegis of the *duly constituted authorities*: in particular it must be under the rule of the *lesser magistrates.* All inferior magistrates are just as much immediate vicars of God as the king. They all represent God and they are all bound to carry out His law. All magistrates are ordained by God, all are to be a terror to evildoers, and all are to be ministers of God for our good.[145] It follows that if a higher power wishes to pardon someone justly condemned by an inferior magistrate, or condemn one justly acquitted (we are not speaking of legitimate judicial review, but of the attempt of higher powers to subvert God's justice which has been done by lesser officials), then the lesser magistrate must resist the higher power and fulfill the obligations of his office.[146] Further, when a king commits acts of tyranny against a community, the lesser magistrates have an obligation to resist that tyranny by {70} organizing armed resistance if necessary. A similar obligation rests upon the *estates of the*

144. *Ibid.*

145. *Ibid.*, 91.

146. *Ibid.*, 88.

commonwealth—magistrates, nobles, and ecclesiastical leaders—who, instituted with responsibility of representing the commonwealth, are to resist tyranny. Rutherford writes:

> When the supreme magistrate will not execute the judgment of the Lord, those who made him supreme magistrate, under God, who have, under God, sovereign liberty to dispose of crowns and kingdoms, are to execute the judgment of the Lord, when wicked men make the law of God of none effect.[147]

These men have an obligation to execute the judgment of God upon those who would set God's law aside, even though the latter be the highest officials in the land.

In summary, Rutherford's doctrine of resistance is built upon Romans 13, being a description of an office, which places an obligation upon officials. When there is a *man* holding the office who usurps the obligations and responsibilities of the office, replacing God's law with his own, then the *office* gives legitimate sanction to the citizens to resist the *man*.

The Use of the Case Law in Lex Rex

We return now to the issue of the case law and Rutherford's attitude toward it. The question is whether Rutherford thought that the validity of the case law had passed away, or whether he thought that it was still binding upon civil governments in the Gospel Age. It has already been stated that while we do not find in *Lex Rex* the doctrine of the continuity of the case law, or of its application to the magistrate, stated in an explicit and fully developed form, the roots and fundamental principles upon which this doctrine is built are plainly present. We have seen, *first* of all, that the *Old Testament model for the civil magistrate* is directly and unashamedly assumed to be *binding upon the civil governments of our day.* The conditions, the stipulations, the *law* which governed the kings and lesser magistrates in the Old Testament are clearly seen as being held by Rutherford as equally binding upon magistrates today. Even if Rutherford had nothing else to say on the matter of the case law, this general principle on the continuing validity of Old Testament stipulations would nevertheless establish the continuing validity

147. *Ibid.*, *96.*

of the case law. If civil magistrates in the Old Testament had to apply the case law in their judgment and deliberation at the gate, then contemporary magistrates, being bound under the same covenantal obligations as their Old Testament counterparts, are equally bound to apply the case law. No one would deny, however, that the Old Testament magistrates had an obligation to apply the case law in judgment. It cannot be legitimately denied, therefore, that Rutherford believed that the case law is relevant to crime and punishment. {71}

But there are other indications that we are properly interpreting Rutherford at this point. We have seen, *second*, that Rutherford holds that *God's law alone can define crime.* We have seen that the magistrate cannot arbitrarily suspend punishment from or pardon those crimes which God's law stipulates as capital crimes, and requiring the death penalty. To do so is to deify the state. While Rutherford is unclear as to whether the penal sanctions should be carried over in all cases (for example, he is prepared to suspend the death penalty for Sabbath breaking, while maintaining it as a civil crime),[148] he is explicit on the fact that all crime and punishment must be tied to God's law. For example, he writes that

> As the king is under God's law both in commanding and in exacting active obedience, so he is under the same regulating law of God, in punishing or demanding of us passive subjection, and as he may not command what he will, but what the King of kings warranteth him to command, *so he may not punish as he will*, but by warrant of the Supreme Judge of all the earth.…[149]

The *general principle* upon which this doctrine of crime and punishment is based is, of course, that *the magistrate is God's minister and His deputy.* One of the strongest statements in *Lex Rex* on this reality reads as follows:

> Now certain it is, God only, univocally and essentially as God, is the judge (Ps. 75:7), and God only and essentially king (Ps. 97:1 and Ps. 99:1), and all men in relation to him are mere ministers, servants, legates, deputies; and in relation to him, equivocally and improperly, judges or kings, and mere created and breathing shadows of the power of the King of kings. And look, as the scribe following his own device,

148. *Ibid.*, 232.

149. *Ibid.* (emphasis mine).

> and writing what sentence he pleaseth, as not an officer of the court at that point, nor the pen and servant of the judge, so are all kings and all judges but forged intruders and bastard kings and judges, in so far as they give out the sentences of men, and are not the very mouths of the King of kings to pronounce such a sentence as the Almighty himself would do, if he were sitting on the throne or bench.[150]

Again it follows inescapably that insofar as the *case law defines the righteousness of God* which is absolutely unchangeable and *binds all periods of redemption* and all human cultures, the case law, or the equity of the case law, therefore binds all cultures. The fact that judicial sentence must be given by the civil magistrate as though God were sitting on the throne or bench demands that His standards of righteousness and the definition of His righteousness given in the case law be brought to bear upon the particular problems at hand.

The *third* principle of Rutherford's doctrine of the civil magistrate which bears upon the question of the case law is that Rutherford holds that {72} *it is the duty of the civil magistrate to preserve the two tables of the law.*[151] It is impossible to preserve the two tables of the law without reference to the case law. For example, the sixth commandment is a tautology (insofar as the commandment is understood to teach "thou shalt not murder," and murder is unlawful killing, then without further definition the commandment becomes "thou shalt not kill unlawfully") without the further specification of the case law. *It is the case law which defines what murder is* and its *distinction from manslaughter.* Rutherford turns to the case law in establishing the distinction between murder and manslaughter, thereby demonstrating that he is perfectly prepared to use the case law in penology. He cites in defense of this distinction Deuteronomy 4:42; 19:6; and Joshua 20:5.[152] Further, it is impossible for the magistrate to ascertain *how* he should ensure that people in society preserve the first three commandments without the case law. Rutherford turns to the case law to establish how magistrates should act towards blasphemers and cites Deuteronomy 13:6. He repeatedly uses this particular case law also to establish the limits of submission to lawful authority under the fifth commandment.[153]

150. *Ibid.*, 107-8.

151. *Ibid.*, 142.

152. *Ibid.*, 166.

Again we see that the case law is used to interpret and explicate the Decalogue with respect to civil government, crime, and punishment. The point, then, is that *if the magistrate is to preserve the two tables of the law, then the case law is indispensable in judgment and in crime and punishment.* Rutherford does not at all hesitate in thus employing it.

The most conclusive evidence for Rutherford's position on the case law being one of continuing validity for jurisprudence, government, and theology is the way in which the author uses the case law in his arguments. A cursory reading of *Lex Rex*, for example, will demonstrate that Rutherford's whole case is predicated upon Deuteronomy 17. This part of the case law is what he uses to provide the foundation for his doctrine of the civil magistrate and civil government. What is of particular interest in the use of this case law is that *it specifically calls for the application of that same case law to civil government, crime, lawmaking, and punishment.* If it could be demonstrated that this passage of Scripture has no continuing validity in our day, as some self-proclaimed Calvinists and "neo-Puritans" loudly claim, then Rutherford would have no thesis. But, what is of further interest in this regard, is that whereas Deuteronomy 17 is the most frequently quoted passage of Scripture in *Lex Rex*, it is followed in only slightly less frequency by references to Romans 13:1–6. This is highly significant, for it proves beyond doubt that *Rutherford believed that there is continuity throughout history of the divine prescriptions for civil government and the civil magistrate.* The doctrine of Romans 13 does not abrogate {73} the Old Testament stipulations for government, but ratifies them and builds upon them.

Further, scattered throughout the text there are arguments about civil government that are based on Old. Testament case laws.[154] (a) The law of rape, where a girl is commanded to cry out (Deut. 22:23–27) and, by implication, others are obliged physically to defend her, is used by Rutherford to prove that God's law commands self-defense. He employs the same argument from the case of the neighbor's ox which

153. *Ibid.*, 180.

154. As we briefly consider some of these, it will give us some insight into the notion of "general equity" which is employed in the Westminster Confession of Faith with respect to the case law.

has fallen in a pit, and of the obligation of the observer to rescue the animal, whereby the obligation to defend my neighbor is established. The author uses this to demonstrate that we have an obligation to defend ourselves and others from tyrannical government.[155] (b) The case law about defending one's house (Ex. 22:2) is cited as proof of the right of violent self-defense against tyrants and unjust governments.[156] (c) The case law is used to prove that the lesser magistrates are ministers of God and are responsible to Him. He cites the following texts: Numbers 11:16–17; Deuteronomy 1:16; 5:18–21; 17:5; 19:12–13; and 21:19, 21.[157] All of these case laws give the civil authority of the sword to the lesser officials. Notice also how the case law is employed to bind the institution of government in our day. No embarrassed equivocation *here* about theocracies which pass away! (d) Although the Decalogue commands obedience to mother and father, and hence to kings, judges, and civil magistrates, Rutherford uses the case law to demonstrate that such submission has its limits. Rulers can be resisted because, although we are commanded to submit to parents, the law also directs that if family members blaspheme, they are to be put to death. He cites Deuteronomy 13:6–9 and Leviticus 24:26.[158] The principle of general equity commands that when rulers command that which is contrary to Gods law, they are to be resisted. Again, Rutherford's use of Scripture is significant. He cites Ephesians 5:25 to demonstrate that we are commanded to love members of our family, and juxtaposes this text with Deuteronomy 13:8–9, which shows the limits of family loyalty. Both texts are assumed to be equally binding upon believers and society. (e) Although there were no examples in Israel of executions for blasphemy (Deut. 13:6) or sodomy (Ex: 22:19), the author confirms that the moral duty of the law still holds.[159] (f) Rutherford argues from the case law that governments should aid the church and others who are suffering under {74} tyranny in foreign countries. The reason he gives is that the

155. *Ibid.*, 163.

156. *Ibid.*

157. *Ibid.*, 173, 184.

158. *Ibid.*, 176, 180.

159. *Ibid.*, 180.

law says we are to rebuke our brethren lest we hate them (Lev. 19:17).[160]

These six examples of the author's use of the case law are not exhaustive by any means, but they establish beyond doubt that Rutherford believed in, and used, the case law, even to the extent that he freely applied it to civil society, government, crime, punishment, international relations, and domestic relations in his own day. There is no *theological* argument in *Lex Rex* to justify his using the case law in this way. It seems fair to conclude that he did not feel the need to justify or explain or warrant his use of the case law. This, in turn, can be explained only if he was genuinely and accurately reflecting the *theological consensus of his day.*

Conclusion

In the course of this article we have looked at one Puritan writer who faithfully represents the tradition of Puritan political philosophy and political theology. I have sought to relate his philosophy to some of the more perplexing problems which have emerged in the history of political philosophy down through the centuries. It is my conviction that the approach to government presented by Rutherford and the tradition of which he was a part do not suffer from the rational-irrational dichotomies which are so much part of the unbelieving systems. Because his approach to politics was firmly based on the infallible Word of God, it provides the only satisfying answers to the issues and questions raised with respect to the state and civil government. It is my hope that the Calvinists of our day will become increasingly faithful to the tradition which he and his peers have bequeathed to us.

160. *Ibid.*, 187.

Introduction to John Cotton's *Abstract of the Laws of New England*

Greg L. Bahnsen

It is well known that the rise of Puritanism in Britain led to the founding of America's New England some three and a half centuries ago.[161] "Under the leadership of William Laud ... friends of the king deprived Puritan ministers of their pulpits and moved the church of England even closer to Rome in its ceremonies, vestments, and doctrines.... In despair and hope [the Puritans] too turned their thoughts to America, where they might escape God's wrath, worship in purity, and gather strength for future victory."[162] In 1630 a thousand people sailed with John Winthrop to Massachusetts; soon they were joined by twenty thousand others.

The attitude of the Puritans in founding this new land was governed by the model set by Calvin in Geneva. They were convinced of the dire need for godly politics and determined to let God's infallible word guide their endeavors. The renewed emphasis we see today on the application of Christianity to every area of life and human activity is the heritage of Reformed theology; much can be learned from the New England Puritans in this regard. Their goal was to see the kingdom of Jesus Christ come to expression in society as well as the private, inner heart of man. Due to their zeal for a righteous political structure, they "preferred a wilderness governed by Puritans to a civilized land governed by Charles I.... Here, in truth, was a self-governing commonwealth, a Puritan Republic…. The New England Puritans agreed on a

161. Cf. William Haller, *The Rise of Puritanism* (New York: Harper Torchbooks, [1938] 1957), 5.

162. J. M. Blum, et al., *The National Experience* (New York: Harcourt, Brace & World, 1963), 21–22.

great deal.... They wanted a government that would take seriously its obligation to enforce God's commandments."[163]

The Puritans were first and foremost men of the word of God written. They acknowledged the authority of Scripture for all things, and this naturally led to their affirmation of the full validity of God's law. A dispensational antagonism between law and grace was abhorrent to them. Hence Samuel Bolton wrote in the Epistle Dedicatory for his 1645 masterpiece, {76} *The True Bounds of Christian Freedom*, that his purpose was "to hold up the Law, as not to intrench upon the liberties of Grace, and so to establish Grace, as not to make void the Law, nor to discharge believers of any duty they owe to God or man." The law was integral to every area of theology. Sin is the transgression of God's law, for the law itself reveals the holiness of God. Christ's death was the satisfaction of the law; justification is the *verdict* of the law, and sanctification is the believer's *obedience* to the law.

Since God's law reflects His immutable character, it is impossible that the law should be abrogated; to speak of the law's abrogation, said the Puritans, is to dishonor God Himself. Thus, in *Regula Vitae, The Rule of the Law under the Gospel* (1631), Thomas Taylor said, "A man may breake the Princes Law, and not violate his Person; but not Gods: for God and his image in the Law, are so straitly united, as one cannot wrong the one, and not the other." The moral law was viewed as "consonant to that eternall justice and goodness in [God] himself" so that God could turn it back only if He would "deny his own justice and goodnesse" (Anthony Burgess, *Vindiciae Legis*, 1646). Ralph Venning expressed the view succinctly, declaring, "To find fault with the Law, were to find fault with God" (*Sin, the Plague of Plagues*, 1669).

Therefore, in Puritan theology the law of God, like its Author, is eternal (cf., e.g., William Ames, *The Marrow of Sacred Divinity*, 1641, or Edward Elton, *Gods Holy Minde Touching Matters Morall*, 1625). Every jot and tittle of it was taken as having permanent validity. John Crandon stated in 1654, "Christ hath expunged no part of it" (*Mr. Baxters Aphorisms exorcized and Authorized*). Christ's confirmation of the law of Moses was likened to a goldsmith newly minting a valuable coin (Vavasor Powell, *Christ and Moses Excellency*, 1650) or a painter who

163. *Ibid.*, 22–23.

works over and recovers the glory of an older picture (Anthony Burgess, *Vindiciae Legis*). "Every beleever ... is answerable to the obedience of the whole Law," said Thomas Taylor (*Regula Vitae*). Unlike modern theologians, the Puritans did not seek clever schemes for shaving the law of God down to the preconceived notions of man or society. The validity of the law meant the validity of *all* the law.

Without doubt, this had tremendous implications for their approach to civil government. One of the key functions of the law is that of *restraining sin* (cf. the works by Burgess and Powell mentioned above). The law does this by means of its sanctions. Thomas Manton noted that "a law implies a sanction," and Burgess commented that such sanction is imposed "that the Law may be the better obeyed." Consequently, the *penal commandments* of the law of God need to be enforced by godly magistrates, for to fail in this matter is to violate God's righteous demand. The positive attitude of the Puritans toward every stroke of God's law led them to oppose {77} antinomianism in *both* theology and politics. Indeed, as Henry Burton recognized in 1631, theological antinomianism leads to political antinomianism (*Law and Gospel Reconciled*). Therefore, a proper political order had to conform to the dictates of God's law. As Ernest F. Kevan says in his brilliant study, *The Grace of Law, A Study in Puritan Theology*, "This acknowledgment of the authority of the Law of God affected the attitude of the Puritans to the civil law."[164]

Because the Puritans were students of God's word and held to its unity and abiding authority, their thinking and living aimed to be governed by the principle that only God can diminish the requirements of His law (Deut. 4:2). Not one jot or tittle of it was abrogated by the Messiah (Matt. 5: 17–19), and hence no man dare tamper with its full requirements. The law is to be used as a *social restraint on crime* (1 Tim. 1:8) as well as *guidance in holy living for individuals.* The state, no less than any other area of life, was taken to be subject to God's authority via His written revelation. The magistrate cannot escape his obligation

164. (Grand Rapids, MI: Baker Book House, 1965), 21. This was Kevan's doctoral dissertation at the University of London and is well worth the reader's full examination. The preceding quotations from the Puritan writers have been derived from Kevan's study.

to be "a minister of God" appointed as an *avenger* of God's *wrath* against *evildoers*—that is, against transgressors of God's law (Rom. 13:1–7; cf. vv. 8–10). The civil leader is called to be a blessing to his public, which can mean nothing other than following God's prescribed moral pattern. The magistrate is required to establish justice in the gate (Amos 5:15), and justice is preeminently defined by the law of Moses given to Israel (Deut. 4:8). Thus, when the statesman forgets the law of God, he inevitably perverts justice (Prov. 31:5) and thereby betrays his vocation. The Puritans took seriously the magistrate's responsibility not to swerve to the right or left of God's revealed law (Deut. 17:18–20). This law was not a standard of righteousness merely in Israel; it is universal in its application and demand, for God does not have a double standard (cf. Deut. 25:13–16). The justice of God's law has been established as a light to the peoples (Isa. 51:4; Matt: 5:14, 17); it should guide their steps just as it was intended to guide the steps of Israel in ethics. God's law binds all nations and their leaders, for sin is a disgrace to *any* people (Prov. 14:34). This truth led David to promote God's law before kings (Ps. 119:46) and to declare that all rulers must fear the Lord in their government and become thereby a blessing to the people (2 Sam: 23:3–4). The kings and judges of *all the earth*, then, are called upon to serve the Lord with fear (Ps. 2:10–12). Having learned these truths well, the Puritans had to conclude that it is an abomination for kings to violate the law of God, for in so doing justice is perverted and the people are brought under oppression (Prov. 16:12; 28:28). Therefore, {78} the New England Puritans sought a government which would enforce God's commandments, knowing that the sure word of the sovereign Lord required, endorsed, and undergirded this project.

Among the Puritans who came to America, John Cotton (1584–1652) stands out as one of most prominent and influential pacesetters and theologians of the Massachusetts Bay Colony. A convert under the ministry of Richard Sibbes, Cotton created enough of a reputation and stir in England that he was summoned before the High Court to answer to William Laud in 1632. However, the well-organized *Puritan underground* concealed him and enabled him to take flight to New England, where his presence was eagerly anticipated. In Boston, Cotton was a leader in Christian doctrine and ecclesiastical polity. His political influence is here to be noted. In his work, *A Discourse about Civil Gov-*

ernment in a New Plantation whose Design is Religion (published in Cambridge, 1663), Cotton (perhaps in association with John Davenport) wrote that a theocracy is the proper and best form of government to endorse, and he defined a theocracy as where the Lord God is our Governor and *where the laws by which men rule are the laws of God* (14–15, original edition). A theocracy does *not* mean the erasing of the distinction between church and state:

> The best form was theocracy, which for Cotton meant separate but parallel civil and ecclesiastical organizations framed on the evidence of scriptures. Church and state, he believed, were of the same genus, "order," with the same author, "God," and the same end, "God's glory." On the level of species, however, the two diverged. Here the end of the church was salvation of souls while that of the state was the preservation of society in justice.[165]

The law of God is binding on the civil magistrate, then, and the government of the state ought to be molded in conformity to God's revealed direction. "The laws the godly would rule by were the laws of God, and in all hard cases, the clergy could be consulted without danger of a confusion of church and state."[166] Cotton's attitude was that "the more any law smells of man the more unprofitable." Cotton and his Puritan contemporaries applied the revealed law of God to the state's constitution and stipulations. If any provision of the civil code was not explicitly warranted by God's word, then it was looked upon with great suspicion and accepted only with great caution. It should be remarked here that, just as Cotton's theocratic ideal did not confuse church and state, neither did it blur the difference in Scripture between cultic or *restorative* laws which anticipated the redemptive economy of Christ and *moral* laws with eternal rectitude or holiness as their essence. "Moses' laws, Cotton affirmed, were ceremonial as well {79} as moral, and the former were to be considered dead while the latter were still binding in a civil state."[167]

In May of 1636, Cotton was given his greatest opportunity to exert his theological influence on the framing of the commonwealth when

165. Larzer Ziff, *The Career of John Cotton: Puritanism and the American Experience* (Princeton, NJ: Princeton University Press, 1962), 97–98.

166. *Ibid.*

167. *Ibid.*

he was appointed to the constitutional committee charged with drafting laws agreeable to God's word for the new plantation. Cotton's contribution to the effort was his work, *Moses His Judicials*; the chapters on crime and inheritance were drawn directly from the Scriptures.[168] The other chapters followed the existing civil code, with Cotton providing the biblical support for its various articles. Cotton's excellent work in this regard had effect beyond Boston, being influential in the settlements at New Haven and Southampton, Long Island. Later, on December 10, 1641, the Massachusetts Bay Colony adopted a biblically based civil code authored by Nathaniel Ward (another Christian pastor) and given scriptural annotations by John Cotton.[169] It was called the *Body of Liberties*, and it explicitly provided that no law was to be prescribed contrary to the word of God.[170] The 1648 *Massachusetts Code* was based upon the *Body of Liberties*, and in turn it became the *prototype* for the legislation of *every other state constitution* in the early days of America.

A further manuscript written by John Cotton, but difficult for most readers to obtain, is his *An Abstract of the Laws of New England, As They are Now Established*, which was originally published in London in 1641. William Aspinwall republished it in 1655, unequivocally attributing it to John Cotton in the printer's foreword to the reader. A copy of the manuscript by this title was found in Cotton's study after his death; it was handwritten and agrees by and large with the Aspinwall publication. In the early archives of the Massachusetts Historical Society, the work was bound along with *Mr. Cotton's Discourse on Civil Government in a New Plantation whose Design is Religion.* Thus, there is every reason to assign its authorship to Cotton, even though the original publication was anonymous. It is quite likely that Cotton was assisted in this work by Sir Henry Vane, the Massachusetts governor in 1636, whom Milton highly commended for properly seeing the bounds of civil and

168. Cf. Isabel M. Calder's study in *Publications of the Colonial Society of Massachusetts* 28 (Boston, 1935): 86–94.

169. George L. Haskins, *Law and Authority in Early Massachusetts* (New York: Macmillan Co., 1960), 130, 199.

170. Cf. *Puritan Political Ideas*, ed. Edmund S. Morgan (Indianapolis: Bobbs-Merrill, 1965).

religious power. Vane was a great friend of Cotton's and shared the same political and religious principles with him.

The character of this important historical piece is evident from its lengthy subtitle: "wherein, as in a mirror, may be seen the wisdom and {80} perfection of Christ's kingdom, accommodable to any state or form of government in the world, that is not antichristian and tyrannical." Cotton was convinced that believers ought to promote the pattern of justice embodied in God's revealed law as the guideline for any civil community. Indeed, God's law is the only alternative to despotism as he saw it. A godly state will bring its laws into conformity with God's, thereby serving His just ends in society.

A copy of this document is reprinted below, serving as an illustration of a civil code which attempted to be founded upon the word of God. It is taken from the *Collection of the Massachusetts Historical Society For the Year 1798*, volume 5 (Boston: Samuel Hall, 1798, reprinted 1835), pages 173–187. It deserves the serious attention of all those concerned with the Christian reconstruction of society along godly and God-pleasing lines. Today we are seeing a renewed interest in the Christian's obligation to be the light of the world and salt of the earth—in seeing the influence of Christian faith permeate every aspect of life and effect a widespread cultural renovation. As usual, history has instructive lessons for us here. The seventeenth-century Puritans laid a groundwork and forged a path to which today's Christian should pay attention.

This is not to say that everything we find written in Cotton's work should meet with our approval. Indeed, a disclaimer is necessary. There are matters which today's Bible student may wish to dispute in Cotton's analysis (e.g., in chapter 7, article 24, Cotton appears to make all perjury punishable by death, whereas the law of God more strictly says that the false witness is to receive *whatever* punishment would have been due to the accused—and that was not always death). There is surely room to challenge some of his conclusions or applications (e.g., price and wage controls in chapter 5). Thus the reader should not understand that the reprinting of Cotton's work constitutes a blanket endorsement of each of his various positions. Nevertheless, the document is of significant weight in the history of Christian thought, and it should not be lost from sight. Its noble attempt to bring God's law to

bear on the civil magistrate in a real historical situation should serve as an encouragement, a rebuke, and an ideal for us today.

Given this document's publication in London in 1641, it also provides valuable background to Reformed thought at the time of the Westminster Assembly, which convened just two years later. Reflecting popular Reformed sentiment with respect to civil government at that time, this work can be of hermeneutical benefit when it comes to present-day understanding of the Westminster Confession's declarations about God's law and the civil magistrate.

A further observation should be made for the reader prior to reproducing Cotton's *Abstract* here. Although it is quite evident at many specific points that the author was grounding his legislation in the law of God, since {81} he gave concrete scriptural citations along with his articles, the reader must not overlook the fact that in many other places Cotton simply quoted the Mosaic law and, expecting his reader's acquaintance with God's word, did not attach a scriptural citation. For instance, chapter 6 in the Abstract ("Of Trespasses") has no biblical citations listed, and yet it comes right out of Exodus 22. The effort to build on God's law is evidenced, then, throughout the work.

Finally, we can introduce John Cotton's *Abstract of the Laws of New England* by quoting from Aspinwall's "Address to the Reader" in the 1655 reprinting of it:

> [This model] far surpasseth all the municipal laws and statutes of any of the Gentile nations and corporations under the cope of Heaven. Wherefore I thought it not unmeet to publish it to the view of all, for the common good.... Judge equally and impartially, whether there be any laws in any state in the world, so just and equal as these be. Which, were they duly attended unto, would undoubtedly preserve inviolable the liberty of the subject against all tyrannical and usurping powers.... This Abstract may serve for this use principally (which I conceive was the main scope of that good man, who was the author of it) to show the complete sufficiency of the word of God alone, to direct his people in judgment of all causes, both civil and criminal.... But the truth is, both they and we, and other the Gentile nations, are loth to be persuaded to ... lay aside our old earthly forms of governments, to submit to the government of Christ. Nor shall we Gentiles be willing I fear, to take up his yoke which is easy, and burthen light, until he hath broken us under the hard and heavy yokes of men, and thereby weaned us from all our old forms and customs.... So that there will be a necessity,

that the little stone, cut out of the mountain without hands should crush and break these obstacles ere the way can be prepared for erecting his kingdom, wherein dwells righteousness.—And verily great will be the benefit of this kingdom of Christ, when it shall be submitted unto by the nations ... [Ps. 95:10; Isa. 66:12]. All burdens and tyrannical exactions will be removed; *God will make their officers peace, and their exactors righteousness*, Isa. 60:17.

An Abstract of the Laws of New England, as They Are Now Established.

Printed in London in 1641.
From: *Collections of the Massachusetts Historical Society* (1798); reprinted 1835.

John Cotton

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CHAPTER I.
Of Magistrates.

1. ALL magistrates are to be chosen. *Deut. 1:13, 17, 15.*
First, By the free burgesses.
Secondly, Out of the free burgesses.

Thirdly, Out of the ablest men and most approved amongst them. *Ex. 18, 21.*

Fourthly, Out of the rank of noblemen or gentlemen among them, the best *that God shall send into the country*, if they be qualified with gifts fit for government, either eminent above others, or not inferior to others. *Eccle. 10:17, Jer. 30:21.*

2. The governor hath power, with the assistants, to govern the whole country, according to the laws established, hereafter mentioned: he hath power of himself, and in his absence the deputy-governor, to moderate all public actions of the Commonwealth, as {83}

First, To send out warrants for calling of the general court. *Josh. 24:1.*

Secondly, To order and ransack all actions in the court where he sitteth: as, to gather suffrages and voices, and to pronounce sentences according to the greater part of them.

3. The power of the governor, with the rest of the counsellors, is First, To consult and provide for the maintenance of the state and people. *Num. 11:14–16.*

Secondly, To direct in all matters, wherein appeal is made to them from inferior courts. *Deut. 17:8–9.*

Thirdly, To preserve religion. *Ex. 32:25, 27.*

Fourthly, To oversee the forts and munition of the country, and to take order for the protection of the country from foreign invasion, or intestine sedition, as need shall require, with consent of the people to enterprise wars. *Prov. 24:5.*

And because these great affairs of the state cannot be attended, nor administered, if they be after changed; therefore the counselors are to be chosen for life, *unless they give cause of removal*, which if they do, then they are to be removed by *the general court. [1] Kings 2:6.*

4. The power of the governor, sitting with the counsellors and assistants, is to hear and determine all causes whether civil or criminal, which are brought before him through the whole Commonwealth: *yet reserving liberty of appeal from him to the general court. Ex. 18:22. Deut. 1:16, 18.*

5. Every town is to have judges within themselves, whose power shall be once in the month, or in three months at the farthest, to hear and determine both civil causes and pleas of less value, and crimes also,

which are not capital: yet reserving liberty of appeal to the court of governor and assistants. *[Deut. 1:16, 18].*

6. For the better expedition and execution of justice, and of all affairs incident unto every court; every court shall have certain officers, as a secretary to enrol all the acts of the court; and besides ministers of justice, to attach and fetch, and set persons before the magistrates; and also to execute the sentence of the court upon offenders: and for the same end it shall be lawful for the governor or any one or two of the counsellors, or assistants, or judges, to give warrants to an officer, to fetch any delinquent before them, and to examine the cause, and if he be found culpable of that crime, to take order by surety or safe custody for his appearance at the court. *Deut. 16:18. [Deut. 1:16, 18]. Jer. 36:10, 12. 1 Sam. 20:24–25. Acts 5:26–27.*

And further for the same end, and to prevent the offenders lying long in prison, it shall be lawful for the governor, with one of the council, or any two of the assistants or judges, to see execution done upon any offenders *for any crime that is not capital*, according to the laws established: *yet* {84} *reserving a liberty of appeal from them to the court, and from an inferior court to a higher court.*

CHAPTER II.
Of the free Burgesses and free Inhabitants.

1. FIRST, all the free burgesses, excepting such as were admitted men before the establishment of churches in the country, shall be received and admitted out of the members of some or others of the churches in the country, such churches as are gathered or hereafter shall be gathered with the consent of other churches already established in the country, and such members as are admitted by their own church unto the Lord's table.

2. These free burgesses shall have power to choose in their own towns, *fit and able men out of themselves*, to be the ordinary judges of inferior causes, in their own town; and, against the approach of the general court, to choose two or three, as their deputies and committees, to join with the governor and assistants of the whole country, to make up and constitute the general court.

3. This general court shall have power,

First, By the warrant of the governor, or deputy-governor, to assemble once every quarter, or half a year, or oftener, as the affairs of the country shall require, and to sit together till their affairs be dispatched.

Secondly, To call the governor, and all the rest of the public magistrates and officers into place, *and to call them also to account for the breach of any laws established, or other misdemeanor, and to censure them as the quality of the fact may require.*

Thirdly, To make and repeal laws.

Fourthly, To dispose of all lands in the country, and to assign them to several towns or persons, as shall be thought requisite.

Fifthly, To impose of monies a levy, for the public service of the Commonwealth, as shall be thought requisite *for the provision and protection of the whole.*

Sixthly, To hear and determine all causes, wherein appeals shall be made unto them, or which they shall see cause to assume into their own cognizance or judicature.

Seventhly, To assist the governors and counsellors, in the maintenance of the purity and unity of religion; and accordingly to set forth and uphold all such good causes as shall be thought fit, for that end, by the advice and with consent of the churches, and to repress the contrary.

Eighthly, In this general court nothing shall be concluded but with the common consent of the greater part of the governors, or assistants, together with the greater part of the deputies of the towns; unless it be in election of {85} officers, *where the liberty of the people is to be preferred*, or in judging matters of offence against the law, wherein both parties are to stand to the direction of the law.

4. All the householders of every town shall be accounted as the free inhabitants of the country, and accordingly shall enjoy freedom of commerce, and inheritance of such lands as the general court or the several towns wherein they dwell, shall allot unto them, after they have taken an oath, or given other security to be true and faithful to the state, and subject to the good and wholesome laws established in the country by the general court.

CHAPTER III.
Of the Protection and Provision of the Country.

1. FIRST, a law to be made (if it be not made already) for the training of all men in the country, fit to bear arms, into the exercise of military discipline and withal another law to be made for the maintenance of military officers and forts.

2. Because fishing is the chief staple commodity of the country, therefore all due encouragement to be given unto such hands as shall set forwards the trade of fishing: and for that end a law to be made, that whosoever shall apply themselves to set forward the trade of fishing, as fishermen, mariners, and shipwrights, shall be allowed, man for man, or some or other of the labourers of the country, to plant and reap for them, in the season of the year, at the public charge of the commonwealth, for the space of seven years next ensuing; and such labourers to be appointed and paid by the treasurer of the commonwealth.

3. Because no commonwealth can maintain either their authority at home, or their honor and power abroad, without a sufficient treasury: a law therefore to be made for the electing and furnishing of the treasury of the commonwealth, which is to be supplied and furnished,

1st. By the yearly payment,

First, Of one penny, or half a penny an acre of land to be occupied throughout the country. Land in common by a town, to be paid for out of the stock or treasury of the same town.

Secondly, Of a penny for every beast, horse or cow.

Thirdly, Of some proportionable rate upon merchants.—This rate to be greater or less, as shall be thought fit.

2d. By the payment of a barrel of gunpowder, or such goods or other munitions, out of every ship that bringeth foreign commodities.

3d. By fines and mulets upon trespassers' beasts. {86}

4. A treasurer to be chosen by the free burgesses, out of the assistants, who shall receive and keep the treasury, and make disbursements out of it, according to the direction of the general court, or of the governor or counsellors, whereof they are to give an account to the general court. It shall pertain also to the office of the treasurer, to survey and oversee all the munitions of the country, as cannons, culverins, muskets, powder, match, bullets, &c. and to give account thereof to the governor and council.

5. A treasury also, or magazine, or storehouse, to be erected, and furnished in every town, [*as Deut. 14:28*] distinct from the treasury of the church, that provision of corn, and other necessaries, may be laid up at the best hand, for the relief of such poor as are not members of the church: and that out of it such officers may be maintained, as captains and such like, who do any public service for the town. But chiefly, this treasury will be requisite for the preserving of the livelihood of each town within itself. That in case the inheritance of the lands that belong to any town come to be alienated from the townsmen, which may unavoidably fall out; yet a supply may be had and made to the livelihood of the town, by a reasonable rent charge upon such alienations, laid by the common consent of the landowners and townsmen, and to be paid into the treasury of the town. This treasury to be supplied,

First, By the yearly payment of some small rate upon acres of land.

Secondly, By fines and amercements put upon trespassers' beasts.

A town treasurer to be appointed for the oversight and ordering of this, chosen out of the free burgesses of the same town, who is so to dispose of things under his charge, according to the direction of the judges of the town, and to give account, at the town's court, to the judges and free burgesses of the town, or to some selected by them.

CHAPTER IV.
Of the right of Inheritance.

1. FIRST, forasmuch as the right of disposals of the inheritance of all lands in the country lyeth in the general court, whatsoever lands are given and assigned by the general court, to any town or person, shall belong and remain as right of inheritance to such towns and their successors, and to such persons and to their heirs and assigns forever, as their propriety.

2. Whatsoever lands, belonging to any town, shall be given and assigned by the town, or by such officers therein as they shall appoint, unto any person, the same shall belong and remain unto such person and his heirs and assigns, as his proper right forever.

3. And in dividing of lands to several persons in each town, as regard is to be had, partly to the number of persons in a family—to the more, assigning {87} the greater allotment, to the fewer, less—and partly by the number of beasts by which a man is fit to occupy the land assigned

to him, and subdue it; eminent respect, in this case, may be given to men of eminent quality and descent, in assigning unto them more large and honorable accommodations, in regard of their great disbursements to public charges.

4. Forasmuch as all civil affairs are to be administered and ordered, so as may best conduce to the upholding and setting foward of the worship of God in church fellowship; it is therefore ordered, that whersoever the lands of any man's inheritance shall fall, yet no man shall set his dwelling-house above the distance of half a mile, or a mile at the farthest, from the meeting of the congregation, where the church doth usually assemble for the worship of God.

5. Inheritances are to descend naturally to the next of kin, according to the law of nature, delivered by God.

6. Observe, if a man have more sons than one, then *a double portion* to be assigned and bequeathed to the eldest son, according to the law of nature; unless his own demerit do deprive him of the dignity of his birthright.

7. The will of a testator is to be approved or disallowed by the court of governor and assistants, or by the court of judges in each town: yet not to be disallowed by the court of governors, unless it appears either to be counterfeit, or unequal, either against the law of God, or against the due right of the legators.

8. As God in old time, in the commonwealth of Israel, forbade the alienation of lands from one tribe to another; so to prevent the like inconvenience in the alienation of lands from one town to another, it were requisite to be ordered:

1st. That no free burgess, or free inhabitant of any town, shall sell the land allotted to him in the town, (unless the free burgesses of the town give consent unto such sale, or refuse to give due price, answerable to what others offer without fraud), but to some one or other of the free burgesses or free inhabitants of the same town.

2d. That if such lands be sold to any others, the sale shall be made with reservation of such a rent charge, to be paid to the town stock, or treasury of the town, as either the former occupiers of the land were wont to pay towards all the public charges thereof, whether in church or town; or at least after the rate of three shillings per acre, or some such like proportion, more or less, as shall be thought fit.

3d. That if any free burgesses, or free inhabitants, of any town, or the heir of any of their lands, shall remove their dwelling from one town to another, none of them shall carry away the whole benefit of the lands which they possessed, from the towns whence they remove: but if they still keep the right of inheritance in their own hands, and not sell it as before, {88} then they shall reserve a like proportion or rent charge out of their land, to be paid to the public treasury of the town, as hath been wont to be paid out of it to the public charges of the town and church, or at least after the rate of three or five shillings an acre, as before.

4th. That if the inheritance of a free burgess, or free inhabitant of any town, fall to his daughters, as it will do for defect of heirs male, that then if such daughters do not marry to some of the inhabitants of the same town where their inheritance lyeth, nor sell their inheritance to some of the same town as before, that then they reserve a like proportion of rent charge out of their lands, to be paid to the public treasury of the town, as hath been wont to be paid out of them, to the public charge, of the town and church; or at least after the rate of three or five shillings an acre; provided always that nothing be paid to the maintenance of the church out of the treasury of the church or town, but by the free consent and direction of the free burgesses of the town.

CHAPTER V.
Of Commerce.

1. FIRST, it shall be lawful for the governor, with one or more of the council, to appoint a reasonable rate of prices upon all such commodities as are, out of the ships, to be bought and sold in the country.

2. In trucking or trading with the Indians, no man shall give them, for any commodity of theirs, silver or gold, or any weapons of war, either guns or gunpowder, nor swords, nor any other munition, *which might come to be used against ourselves.*

3. To the intent that all oppression in buying and selling may be avoided, it shall be lawful for the judges in every town, with the consent of the free burgesses, to appoint certain selectmen, to set reasonable rates upon all commodities, and proportionably to limit the wages of workmen and labourers; and the rates agreed upon by them, and ratified by the judges, to bind all the inhabitants of the town. The like course to be taken by the governor and assistants for the rating of

prizes throughout the country, and all to be confirmed, if need be, by the general court.

4. Just weights and balances to be kept between buyers and sellers, and for default thereof, the profit so wickedly and corruptly gotten, with as much more added thereto, is to be forfeited to the public treasury of the commonwealth.

5. If any borrow ought of his neighbour upon a pledge, the lender shall not make choice of what pledge he will have, nor take such a pledge as is {89} of daily necessary use unto the debtor, or if he does take it, he shall restore it again the same day.

6. No increase to be taken of a poor brother or neighbour, for any thing lent unto him.

7. If borrowed goods be lost or hurt in the owner's absence, the borrower is to make them good; but in the owner's presence, wherein he seeth his goods no otherwise used than with his consent, the borrower shall not make them good; if they were hired, the hire to be paid and no more.

CHAPTER VI.
Of Trespasses.

1. IF a man's swine, or any other beast, or a fire kindled, break out into another man's field or corn, he shall make full restitution, both of the damage made by them, and of the loss of time which others have had in carrying such swine or beasts unto the owners, or unto the fold. But if a man puts his beasts or swine into another's field, restitution is to be made of the best of his own, though it were much better than that which were destroyed or hurt.

2. If a man kill another man's beast, or dig and open a pit, and leave it uncovered, and a beast fall into it; he that killed the beast and the owner of the pit, shall make restitution.

3. If one man's beast kills the beast of another, the owner of the beast shall make restitution.

4. If a man's ox, or other beast, gore or bite, and kill a man or woman, whether child or riper age, the beast shall be killed, and no benefit of the dead beast reserved to the owner. But if the ox, or beast, were wont to push or bite in time past, and the owner hath been told of it, and hath not kept him in, then both the ox, or beast, shall be forfeited and

killed, and the owner also put to death, or fined to pay what the judges and persons damnified shall lay upon him.

5. If a man deliver goods to his neighbour to keep, and they be said to be lost or stolen from him, the keeper of the goods shall be put to his oath touching his own innocency; which if he take, and no evidence appear to the contrary, he shall be quit: but if he be found false or unfaithful, he shall pay double unto his neighbour. But if a man take hire for goods committed to him, and they be stolen, the keeper shall make restitution. But if the beast so kept for hire, die or be hurt, or be driven away, no man seeing it, then oath shall be taken of the keeper, that it was without his default, and it shall be accepted. But if the beast be torn in pieces, and a piece be brought for a witness, it excuseth the keeper. {90}

CHAPTER VII.

Of Crimes. And first, of such as deserve capital punishment, or cutting off from a man's people, whether by death or banishment.

1. FIRST, blasphemy, which is a cursing of God by atheism, or the like, to be punished with death.

2. Idolatry to be punished with death.

3. Witchcraft, which is fellowship by covenant with a familiar spirit, to be punished with death.

4. Consulters with witches not to be tolerated, but either to be cut off by death or banishment.

5. Heresy, which is the maintenance of some wicked errors, overthrowing the foundation of the christian religion; which obstinacy, if it be joined with endeavour to seduce others thereunto, to be punished with death; because such an heretick, no less than an idolater, seeketh to thrust the souls of men from the Lord their God.

6. To worship God in a molten or graven image, to be punished with death.

7. Such members of the church, as do wilfully reject to walk, after due admonition and conviction, in *the churches' establishment*, and their christian admonition and censures, shall be cut off by banishment.

8. Whosoever shall revile the religion and worship of God, and the government of the church, as it is now established, to be cut off by banishment. *[1] Cor. 5:5.*

9. Wilful perjury, whether before the judgment seat or in private conference, to be punished with death.

10. Rash perjury, whether in public or in private, to be punished with banishment. Just is it, that such a man's name should be cut off from his people who profanes so grosly the name of God before his people.

11. Profaning of the Lord's day, in a careless and scornful neglect or contempt thereof, to be punished with death.

12. To put in practice *the betraying of the country*, or any principal fort therein, to the hand of any foreign state, Spanish, French, Dutch, or the like, contrary to the allegiance we owe and profess to our dread sovereign, lord king Charles, his heirs and successors, whilst he is pleased to protect us as his loyal subjects, to be punished with death. *Num. 12:14–15.*

13. Unreverend and dishonorable carriage to magistrates, to be punished with banishment for a time, till they acknowledge their fault and profess reformation.

14. Reviling of the magistrates in highest rank amongst us, to wit, of the governors and council, to be punished with death. *1 Kings 2:8–9, & 46.*

15. Rebellion, sedition, or insurrection, by taking up arms against the present government established in the country, to be punished with death. {91}

16. Rebellious children, whether they continue in riot or drunkenness, after due correction from their parents, or whether they curse or smite their parents, to be put to death. *Ex. 21:15, 17. Lev. 20:9.*

17. Murder, which is a wilful manslaughter, not in a man's just defence, nor casually committed, but out of hatred or cruelty, to be punished with death. *Ex. 21:12–13. Num. 35:16–18, to 33. Gen. 9:6.*

18. Adultery, which is the defiling of the marriage-bed, to be punished with death. Defiling of a woman espoused, is a kind of adultery, and punishable, by death, of both parties; but if a woman be forced, then by the death of the man only. *Lev. 20:10. Deut. 22:22 to 27.*

19. Incest, which is the defiling of any near of kin, within the degrees prohibited in *Leviticus*, to be punished with death.

20. Unnatural filthiness to be punished with death, whether sodomy, which is a carnal fellowship of man with man, or woman with woman, or buggery, which is a carnal fellowship of man or woman with beasts or fowls.

21. Pollution of a woman known to be in her flowers, to be put to death. *Lev. 20:18–19.*

22. Whoredom of a maiden in her father's house, kept secret till after her marriage with another, to be punished with death. *Deut. 22:20–21.*

23. Man-stealing to be punished with death. *Ex. 21:16.*

24. False-witness bearing to be punished with death.

CHAPTER VIII.
Of other Crimes less heinous, such as are to be punished with some corporal punishment or fine.

1. FIRST, rash and profane swearing and cursing to be punished,

1st. With loss of honour, or office, if he be a magistrate, or officer: meet it is, their name should be dishonoured who dishonoured God's name.

2d. With loss of freedom.

3d. With disability to give testimony.

4th. With corporal punishment, either by stripes or by branding him with a hot iron, or boring through the tongue, who have bored and pierced God's name.

2. Drunkenness, as transforming God's image into a beast, is to be punished with the punishment of beasts: a whip for the horse, and a rod for the fool's back.

3. Forcing of a maid, or a rape, is not to be punished with death by God's law, but,

1st. With fine or penalty to the father of the maid.

2d. With marriage of the maid defiled, if she and her father consent. {92}

3d. With corporal punishment of stripes for his wrong, as a real slander: and it is worse to make a whore, than to say one is a whore.

4. Fornication to be punished,

1st. With the marriage of the maid, or giving her a sufficient dowery.

2d. With stripes, though fewer, from the equity of the former cause.

5. Maiming or wounding of a freeman, whether free burgess, or free inhabitant, to be punished with a fine; to pay,

1st. For his cure.

2d. For his loss. *Ex. 21:18–19.* And with loss of member for member, or some valuable recompence: but if it be but the maiming or wounding of a servant, the servant is to go free from such a service. *Lev. 24:19–20. Ex. 21:26–27.*

6. If any man steal a beast, if it be found in his hand he shall make restitution two for one; if it be killed and sold, restitution is to be made of five oxen for one; if the thief be not able to make restitution, then he is to be sold by the magistrate for a slave, till by his labour he may make restitution. *Ex. 22:1, 4.*

7. If a thief be found breaking a house by night, if he be slain, his smiter is guiltless; but in the daytime, the thief is to make full restitution as before; or if he be not able, then to be sold as before. *Ex. 22:2.*

8. Slanders are to be punished,

First, with a public acknowledgement, as the slander was public.

Secondly, By mulets and fine of money, when the slander bringeth damage.

Thirdly, By stripes, if the slander be gross, or odious, *against such persons whom a man ought to honor and cherish*; whether they be his superiors, or in some degree of equality with himself and his wife.

CHAPTER IX.
Of the trial of causes, whether civil or criminal, and the execution of sentence.

1. IN the trial of all causes, no judgment shall pass but either upon confession of the party, or upon the testimony of two witnesses.

2. Trial by judges *shall not be denied*, where either the delinquent requireth it in causes criminal, or the plaintiff or defendant in civil causes, partly to prevent suspicion of partiality of any magistrates in the court.

3. The jurors are not to be chosen by any magistrates, or officers, but by the free burgesses of each town, as can give best light to the causes depending in court, and who are least obnoxious to suspicion of partiality; and the jurors then chosen, to be nominated to the court, and to attend the service of the court. {93}

4. The sentence of judgment given upon criminal causes and persons, shall be executed in the presence of the magistrates, or some of them at least.

5. No freeman, whether free burgess or free inhabitant, to be imprisoned, but either upon conviction, or at least probable suspicion, or some crime, formerly mentioned; and the cause of his imprisonment, be declared and tried at the next court following, at the furthest.

6. Stripes are not to be inflicted, but when the crimes of the offender are accompanied with childish or brutish folly, or with lewd filthiness, or with stubborn insolency, or with brutish cruelty, or with idle vagrancy; but when stripes are due, not above forty are to be inflicted.

CHAPTER X.
Of causes criminal, between our people and foreign nations.

1. IN case any of our people should do wrong to any other nation, upon complaint made to the governor, or some other of the council or assistants, the fact is diligently to be inquired into, and being found to be true, restitution is to be made of the goods of offenders, as the case shall require, according to the quality of the crime.

2. In case the people of another nation have done any important wrong to any of ours, right is first to be demanded of the governor of that people, and justice upon the malefactors, which if it be granted and performed, then no breach of peace to follow. *Deut. 20:10–11; 2 Sam. 20: 18–19.*

3. If right and justice be denied, and it will not stand with the honor of God and safety of our nation that the wrong be passed over, then war is to be undertaken and denounced.

4. Some minister is to be sent forth to go along with the army, for their instruction and encouragement. *Deut. 20:2–4.*

5. Men betrothed and not married, or newly married, or such as have newly built or planted, and not received the fruits of their labor, and such as are faint-hearted men, are not to be pressed or forced against their wills to go forth to wars. *Deut. 20:5–7, 8, & 24:5.*

6. Captains are to be chosen by the officers.

7. All wickedness is to be removed out of the camp by severe discipline. *Deut. 23:9, 14.*

8. And in war men of a corrupt and false religion are not to be accepted, much less sought for. *2 Chron. 25:7–8.*

9. Women, especially such as have not lain by man, little children, and cattle, are to be spared and reserved for spoil. *Deut. 20:14.* {94}

10. Fruit trees, whilst they may be of use for meat to our own soldiers, are not to be cut down and destroyed, and consequently no corn. *Deut. 20: 19–20.*

11. The spoils got by war are to be divided into two parts, between the soldier and the commonwealth that sent them forth. *Num. 31:27.*

12. A tribute from both is to be levied to the Lord, and given to the treasury of the church; a fiftieth part out of the commonwealth's part, and a five hundredth part out of the soldiers' part. *Num. 31:28–29, & 47.*

13. If all the soldiers return again in peace, not one lacking, it is acceptable to the Lord if they offer, over and above the former tribute, a voluntary oblation unto the treasury of the church for a memorial of the redemption of their lives by the special providence and salvation of the Lord of Hosts.

Isaiah 33:22

The Lord is our Judge,
The Lord is our Law-giver,
The Lord is our King: He will save us.

Capital Crimes in the Massachusetts Body of Liberties (1641)[171]

1. If any man after legal conviction shall have or worship any other god, but the Lord God, he shall be put to death. (Deut. 13:6, 10; Deut. 17:2, 6; Ex. 22:20)

171. Spelling modernized. Scripture references appear in the original charter. The complete document is reproduced in Edmund S. Morgan, ed., *Puritan Political Ideas* (Indianapolis: Bobbs-Merrill, 1965), 178–203. "Capital Laws" were listed in section 94 of the Body of Liberties. This document served as Massachusetts' first legal code. It was written by the Rev. Nathaniel Ward, pastor of Ipswich, who had received ten years of training and practice in the law in London. The Body of Liberties was thoroughly discussed in the towns and General Court (colony legislature) before it was ratified.

2. If any man or woman be a witch (that is, has or consults with a familiar spirit), they shall be put to death. (Ex. 22:18 ; Lev. 20:27 ; Deut. 18:10)

3. If any man shall blaspheme the name of God the Father, Son, or Holy Ghost, with direct, express, presumptuous, or high handed blasphemy, or shall curse God in the like manner, he shall be put to death. (Lev. 25:15–16)

4. If any person commits any willful murder, which is manslaughter, committed upon premeditated malice, hatred, or cruelty, not in a man's necessary and just defense, nor by mere casualty against his will, he shall be put to death. (Ex. 21:12; Num. 35:13–14, 30–31)

5. If any person slays another suddenly in his anger or cruelty of passion, he shall be put to death. (Num. 25 [35]:20–21; Lev. 24:17)

6. If any person shall slay another through guile, either by poisoning or other such devilish practice, he shall be put to death. (Ex. 21:14)

7. If any man or woman shall lie with any beast or brute creature by carnal copulation, they shall surely be put to death. And the beast shall be slain and buried, and not eaten. (Lev. 20:15–16)

8. If any man lies with mankind as he lies with a woman, both of them have committed abomination, they both shall surely be put to death. (Lev. 20:13)

9. If any person commits adultery with a married or espoused wife, the adulterer and adulteress shall surely be put to death. (Lev. 20:19, and 18, 20; Deut. 22:23–24.

10. If any person steals a man or mankind, he shall surely be put to death. (Ex. 21:16)

11. If any man rises up by false witness, wittingly and of purpose to take away any man's life, he shall be put to death. (Deut. 19:16, 18–19)

12. If any man shall conspire and attempt any invasion, insurrection, or public rebellion against our commonwealth, or shall endeavor to surprise any town or towns, fort or forts therein, or shall treacherously and perfidiously attempt the alteration and subversion of our frame of polity of government fundamentally, he shall be put to death.

Nonautonomy and Some Puritan Dilemmas

Terrill I. Elniff

Modern historians, in their study of the Puritan mind and worldview, have made much of what they call the "Puritan dilemma," the apparent paradox in so much of the Puritan life and thought between ideals and reality, the flesh and the spirit, nominalism and realism, monism and dualism, unity and diversity, abstinence and excess, between loving the world but with "weaned affection." Puritanism, writes Edmund Morgan in his work, *The Puritan Dilemma*, did great things for England and America, "but only by creating in the men and women it affected a tension which was at best painful and at worst unbearable."

> Puritanism required that a man devote his life to seeking salvation, but told him he was helpless to do anything but evil. Puritanism required that he rest his whole hope in Christ but taught him that Christ would utterly reject him unless before he was born God had foreordained his salvation. Puritanism required that man refrain from sin but told him he would sin anyhow. Puritanism required that he reform the world in the image of God's holy kingdom but taught him that the evil of the world was incurable and inevitable. Puritanism required that he work to the best of his ability at whatever task was set before him and partake of the good things that God had filled the world with, but told him he must enjoy his work and his pleasures only, as it were, absentmindedly, with his attention fixed on God.[172]

This is a theme that runs through much of the modern treatment of the Puritans. Perry Miller, in his *Orthodoxy in Massachusetts, 1630–1650*, and in *The New England Mind: The Seventeenth Century*, sees the history of Massachusetts Bay as a series of crises brought on by intellectual dilemmas, each of which was resolved by the deft application of Peter Ramus's logic and Ames's federal theology into a yet higher syn-

172. Edmund S. Morgan, *The Puritan Dilemma: The Story of John Winthrop* (Boston: Little, Brown, 1958), 7–8.

thesis. Edmund Morgan traces the life of John Winthrop in much the same terms.

Yet the existence of this fundamental paradox presents a problem to the student of Puritanism. Looking back at the Puritan, the modern historian can see the contradictions and dilemmas, but the Puritans who preached the doctrines and formulated the policies and practices seem blithely unaware {98} of them, or at least unconcerned about them. Not that the contradictions failed to cause them problems—they did, and the history of the first sixty years of the Massachusetts Bay Colony contains a variety of efforts and adjustments designed to deal with these problems. Yet the Puritan leaders never seemed to understand that the problems were caused by the inherent contradictions of the Puritan world and life view. At least in an age and climate that gave careful attention to every problem, however minute, we find little in the Puritan's writings to indicate that he was aware of the fundamental dilemma which Morgan describes. Why not? Did the Puritan have some other view of the problems that we have not yet understood, so that when they appeared, he was able to fit them into his mental framework rather than being disillusioned by them? What understanding of reality did the Puritan have that enabled him to cope realistically with the problems of life without either denying his theological perspective or separating from the world into isolation and asceticism? Further, why did these problems arise in the first place, and, finally, if he was able to cope with them realistically so well, why did the Holy Commonwealth fail ultimately?

It is my purpose in this essay to reexamine the Puritan's own understanding of reality and its implications for his social and institutional thought. It will be my contention that in the Puritan view of *sin* and of *authority* we may find a key to the Puritan understanding of the Puritan dilemma. We shall examine first the doctrines of authority and sin, then apply them in a survey of the Puritan institutions of church and state, and the concept of liberty, and conclude with a survey of the major Puritan dilemmas and their causes.

The Purity of the Church

John Cotton did not believe in the Puritan dilemma.

In 1636, as word filtered back to England about New England's new "way" of doing things in church and state, Lord Say and Seal, a Puritan nobleman who was considering emigration to New England, wrote to John Cotton, one of Massachusetts' leading apologists for the "way," of restricting the franchise to the limited church membership of "visible saints." "How can you justify such a policy?" Say apparently asked. Won't this make the church the main influence in human affairs, drawing all things "under the determination of the church" (as Cotton summarized it)? What happens when the magistrates and the church differ? Won't this ultimately throw the commonwealth into distractions and "popular confusions"?

Cotton's reply to Say's letter sets forth, in summary fashion, all the essentials of the Puritan view of political structure and philosophy: the division of power between church and state, the limitation of the franchise {99} to church members, the necessity of theocracy in both church and state, and his classical refutation of "democracy"— "If the people be governors, who shall be governed?"[173]

Having said all that, Cotton turns his attention to the charge that the New England Way will lead to distractions and popular confusion, answering that,

> These three things do not undermine, but do mutually and strongly maintain one another (even those three which we principally aim at) authority in magistrates, liberty in people, purity in the church. Purity, preserved in the church will preserve well-ordered liberty in the people, and both of them together establish well-balanced authority in the magistrates. God is the author of all these three, and neither is himself the God of confusion, nor are his ways the ways of confusion, but of peace.[174]

In this passage Cotton not only names the three principal aims of the Holy Commonwealth, but also argues their relative importance and interconnectedness. They are all of a piece; they stand or fall together. *Purity in the church is most important* because on it depends the well-ordered liberty of the people, and on both of these rests the well-balanced authority of the magistrate. There can be no well-ordered liberty

173. Perry Miller and Thomas H. Johnson, *The Puritans*, vol. 1, rev. ed. (New York: Harper and Row, 1963), 207–8.

174. *Ibid.*, 212.

in the people or well-balanced authority in the magistrate apart from the purity of the church. Let purity wane, and the effects will be felt in the realms of liberty and authority. If Cotton is correct, I think his concept would serve as a new key to the Puritan worldview, namely, the dependence in Puritan thought on what Herman Dooyeweerd has called the "religious root" of all human thought.[175] Cornelius Van Til, a contemporary orthodox theologian, has expressed the problem as one of an "ultimate personal point of reference":

> In the last analysis, every theology or philosophy is personalistic. Everything "impersonal" must be brought into relationship with an ultimate personal point of reference. Orthodoxy takes the self-contained ontological trinity to be this point of reference. The only alternative is to make man himself the final point of reference.[176]

Thus, the significance of what Cotton seems to be saying is that if well-ordered liberty and well-balanced authority depend on the nature of one's spiritual condition and theological viewpoint, then it becomes very important {100} to know what an individual believes and what his society as a whole accepts as "public belief" (the expression of truths publicly taken for granted). This means that whenever there is a change of content or appropriation in the *system of belief*, we ought to expect certain changes in such tangible areas as the spheres of liberty in the people and authority in the magistrate. Conversely, whenever we see a change taking place in these areas, we ought to be able to trace it back to a change in the belief-system. In other words, Cotton might have said, it *is* out of the abundance of the heart that the mouth speaks. Consequently, the key to social and political welfare in a society is the content of the heart, that is, the seat of faith and belief, which content is the meaning of "purity in the church."

But Cotton seems to be saying even more than that: "God," he says "is the author of all these three...." With this statement Cotton asserts the "nonautonomy" of human thought and temporal reality (though neither he nor any of the other Puritans ever called it that), the concept

175. Herman Dooyeweerd, *In the Twilight of Western Thought: Studies in the Pretended Autonomy of Philosophical Thought* (Nutley, NJ: Craig Press, [1960] 1968).

176. Quoted in Rousas John Rushdoony, *The One and the Many: Studies in the Philosophy of Order and Ultimacy* (Nutley, NJ: Craig Press, 1971), 354.

that no part of the creation, including man or any part of man, can claim autonomy or self-sufficiency in any way. That is, in Van Til's words, man's "ultimate personal point of reference" is not in human thought or any part of the temporal reality. Cotton, whom Van Til would accept as "orthodox," did just what Van Til says that orthodoxy does: he made the self-contained ontological trinity (God) to be the source and ultimate personal frame of reference.

And more: Cotton further asserts that God is not the author of confusion, and His ways are not the ways of confusion, but of peace. For this reason, I think Cotton would have been surprised to hear the modern historian discuss the "Puritan dilemma."

There seems to be a fundamental difference between Cotton's assertion that God's ways are the ways of peace and not of confusion and Morgan's assertion that Puritanism created a dilemma which was "at best painful and at worst unbearable."[177] In this light, it is not hard to see why the Puritan seemed to think that his problems were caused by his critics and opponents and departures, not by his own inherent inconsistencies. From the Puritan point of view, the appearance of a dilemma in Puritan life and thought occurs only because the critic is looking at the Puritan from an autonomous point of view, not accepting either the basic *need for spiritual and doctrinal purity* as a basis for sound thought in the tangible spheres of liberty and authority or the *presupposition of the nonautonomy of human thought and temporal reality.*

The Puritan idea of nonautonomy may be seen in every area of his life, but the idea was spelled out most clearly in his concepts of authority and of sin. In the first the Puritan bowed his will and conscience to an {101} ultimate source of authority outside himself; in the second he defined what it meant to turn away from the authority toward autonomy.

The Authority of the Bible

It was the *Puritan's view of authority* that did most to make him a "Puritan." It is common to associate Puritanism with certain social class movements and aspirations in the sixteenth century, but it is

177. Morgan, *Puritan Dilemma*, 7.

important to realize that the Puritans never started out to be dissenters or revolutionaries. Alan Simpson has observed in regard to the revolutionary social effect of Puritanism that

> First, Puritanism never offered itself as anything but a doctrine of salvation, and it addressed itself neither directly nor indirectly to social class but to man as man. Secondly its attractions as a commitment were such that it made converts in all classes—among aristocrats, country gentry, businessmen, intellectuals, freeholders, and small tradesmen.[178]

Puritanism was, instead, a *theological interpretation of life.*[179] It was not only a religious creed, writes Perry Miller, "it was a philosophy and a metaphysic; it was an organization of man's whole life, emotional and intellectual, to a degree which has not been sustained by any denomination stemming from it."[180]

What brought the Puritans into clash with the civil and ecclesiastical settlement was Puritanism's radical insistence on judging civil and ecclesiastical issues on the basis of the Bible, which they took to be the Word of God; that is, in other words, by making revelation their theological interpretation of life. Miller has also pointed out, however, that there was a "vast substratum" of agreement which actually existed between the Puritans and their Anglican opponents, and that much of what is today mistaken for Puritanism was actually the standard intellectual climate (the truths taken for granted) of that day:

> The vast substratum of agreement which actually underlay the disagreement between Puritans and Anglicans is explained by the fact that they were both the heirs of the Middle Ages. They still believed that all knowledge was one, that life was unified, that science, economics, political theory, aesthetic standards, rhetoric and art, all were organized in a hierarchical scale of values that tended upward to the end-all and be-all of creation, the glory of God.[181]

178. Alan Simpson, *Puritanism in Old and New England* (Chicago: University of Chicago Press, 1955), 11.

179. C. Gregg Singer, *A Theological Interpretation of American History* (Nutley, NJ: Presbyterian and Reformed, [1964] 1969), 9.

180. Miller and Johnson, *The Puritans*, vol. 1, 4.

181. *Ibid.*, 10.

The rest, Miller says, the "relatively small number" of disputed ideas, {102} "made all the difference between the Puritan and his fellow-Englishmen," so much difference that he was willing to leave England and migrate to the wilderness "rather than submit to apparent defeat."[182] This should indicate for us how seriously the Puritan took the matter of biblical truth and "discipline out of the word."

To understand how this came about, it is necessary to go back to the history of the Reformation in England. During the 1530s, King Henry VIII had repudiated the Roman Catholic Church for personal reasons and established the Church of England. When his 10-year-old son Edward inherited the throne in 1547, a group of English reformers gained an important influence in his court and were able to take some first steps toward reforming the English church in Protestant directions. But when Mary came to the throne in 1553, she returned the church to the Roman fold, and the English reformers were executed or exiled. Then, in 1558, Queen Elizabeth came to the throne. The exiles returned and began again to agitate for reform in the Church of England. In 1559, what was called the *Elizabethan Settlement* was enacted, containing two major acts, the *Act of Supremacy*, which made Elizabeth the supreme governor of the church, and the *Act of Uniformity*, which authorized a "slightly moderated version" of the prayer book which had been developed in Edward's day.[183] In 1563, the doctrinal standard of the Thirty-nine Articles and set forms of worship and common prayer were adopted.

It was during this period of time that what is called Puritanism began to develop. The term itself was originally used as a kind of slur, implying that those who believed, as the Puritans did, in purifying the church were Donatists, or perfectionists, an ancient heresy which Augustine had fought against in the fifth century. But, slur or not, the Reformers picked up the term and used it in their campaign to complete all of the implications of the Reformation and of Protestant doctrine in church and state. The American Puritans left England in the culmination of a long dispute between those who favored this Elizabe-

182. *Ibid.*, 7.

183. Sidney Ahlstrom, *A Religious History of the American People* (New Haven, CT: Yale University Press, 1972), 89.

than Settlement of 1559 and those who opposed it. Thus, the Puritan found himself confronted, writes Simpson, "by that Anglican piety which had developed side by side, and in conflict with his own, within the framework of the Establishment erected by Queen Elizabeth." The complexion of that settlement was "thoroughly frustrating" to the Puritan.[184] Simpson's summary of the Puritan's doctrinal problems with the settlement is instructive:

> He believed in the total depravity of nature; he was told that men were not so fallen as he thought they were. He believed that the natural {103} man had to be virtually reborn; he was told that he could grow in grace. He believed that the sermon was the only means of bringing saving knowledge and that the preacher should speak as a dying man to dying men. He was told that there were many means of salvation, that sermons by dying men to dying men were often prolix, irrational, socially disturbing, and that what they had to say that was worth saying had usually been better said in some set form that could be read aloud. He demanded freedom for the saints to exercise their gifts of prayer and prophecy, only to be told that the needs of the community were better met by the forms of common prayer. He felt instinctively that the church was where Christ dwelt in the hearts of the regenerate. He was warned that such feelings threatened the prudent distinction between the invisible church of the saved and the visible church of the realm. He insisted that the church of the realm should be judged by Scripture, confident that Scripture upheld him, and prepared to assert that nothing which was not expressly commanded in Scripture ought to be tolerated in the church. He was told that God had left much to the discretion of human reason; that this reason was exercised by public authority, which in England was the same for both church and state; and that whatever authority enjoined in its large area of discretion, ought to be loyally obeyed.[185]

The Thirty-nine Articles also caused another problem for the Puritan dissenter in England, in that in requiring submission to these Articles and the set forms of worship which embodied them, the Church of England was violating the Puritan's *liberty of conscience*, which conscience, the Puritan claimed, was to be subject only to the authority of God. Thus, the difference between the Anglican and the Puritan was

184. Simpson, *Puritanism*, 8–9.

185. *Ibid.*, 9.

not only or not so much a theological struggle as a difference in what Clifford Shipton called "the locus of authority."[186]

The Puritans' locus of authority was in the Bible, the Word of God. As Puritans in England began to seek for "discipline out of the Word," they began to work for a purification of the Church of England and for a completion of the Reformation in England. They organized, "using every available means for the infiltration of English life and conversion of authority to their point of view"[187]—in the universities, the inns of court, the commercial companies, municipalities, and Parliament.

They also began to search the Scriptures for the very forms and models they should use in reforming England, especially the church and its relation to the state, as well as the government of the church itself. Throughout the controversies between the leaders of the establishment, on the one hand, and separatists on the other, the Puritan non-conformist continued to insist {104} upon two things, each of which contained an apparent paradox: (1) church and state must be separated from each other in their functions, but the magistrate must continue to be the "ordinance of God," maintaining a civil orthodoxy in doctrine and behavior; and (2) the churches must be independent congregations of like-minded believers and yet in the aggregate were to constitute a national and uniform church. These principles they claimed to derive from their study of the Bible.

It was in the Word that they looked for the solution to these dilemmas, and it was to Massachusetts that they went to work them out in the visible world. They went with the goal of reconciling the "spiritual and political discord ... reform the magistrate, and the church, and enforce complete obedience to it."[188] The occasion of their departure was the dissolution of the Parliament in 1629. With it, their hopes for reforming the church in England were dashed. Bishop William Laud was given the responsibility of enforcing uniformity in the church, and

186. Clifford K. Shipton, "The Locus of Authority in Colonial Massachusetts," in George Athan Billias, ed., *Law and Authority in Colonial America: Selected Essays* (New York: Dover, [1965] 1970), 147.

187. Simpson, *Puritanism*, 10.

188. Perry Miller, *Orthodoxy in Massachusetts, 1630–1650* (Boston: Beacon Press, 1959), 100.

the Puritans were faced with the sad alternative of choosing between their religious beliefs and their political loyalty, between their belief in the king's supremacy or their obedience to God, between surrendering their heads to the block or obedience to their consciences under the discipline of the Word. Yet, writes Miller,

> Precisely at the moment when this dismal solution seemed to be the only one which would ever come out of England, a new enterprise was born, a way conceived of resolving the conflicting allegiances that had not yet been thought of.…[189]

And not only was a door of liberty thrown open to those who were able to walk through it, but "through a remarkable concatenation of events," the door had been opened "by the unwitting hand, ironically enough, of no less a person than King Charles himself."[190]

So it was that Governor John Winthrop could tell his Massachusetts-bound audience on the *Arabella* in 1630 that

> For the work we have in hand, it is by a mutual consent through a special overruling providence, and a more than an ordinary approbation of the churches of Christ to seek out a place of cohabitation and consortship under a due form of government both civil and ecclesiastical.[191]

It is clear that the Puritan believed that the Bible is the Word of God and that the Word of God is true, that is, true in the sense that its opposite was not true. Miller writes,

> That Protestantism appealed to the authority of the Bible against the {105} authority of the Pope is a platitude of history. That the Calvinists were vehement asserters of its finality is also common knowledge. What is frequently forgotten is that without a Bible, this piety would have confronted chaos. It could not have found guidance in reason, because divine reason is above and beyond the human; not in the church, because God is not committed to preserving the orthodoxy or purity of any institution; not in immediate inspiration, because inward promptings are as apt to come from the Devil as from God; not from experimental science, because providence is arbitrary and unpredictable; not from philosophy, because philosophy arises from the senses

189. *Ibid.*, 52.

190. *Ibid.*, 101.

191. Miller and Johnson, *The Puritans*, vol. 1, 197.

> which are deceptive, or from innate ideas, which are corrupted, or from definitions of the attributes, which are mental creations. Unless the formless transcendence [God?] consents, at some moment in time, to assume the form of man and to speak "after an humane manner," men will have nothing to go upon.[192]

Thus it was that in Jesus Christ, the transcendent God took on the "form of man," and in the Bible He spoke "after an humane manner." "Scripture," said Calvin, "obtains the same credit and authority with believers ... as if they heard the very words pronounced by God Himself."[193]

The authority of Scripture in the Puritan view was also transcendent and not merely immanent. It was given by the condescension of the "formless transcendence" and was not subject in any way to human modification. William Ames argued in his *Medulla* "that scripture was 'not a partial but a perfect rule of Faith and manners,' and that nothing in the Church depended in any way upon human tradition."[194] And William Bradshaw wrote that "it is not left in the power of men, officers, churches, or any state in the world, to add, diminish, or alter anything in the least measure therein."[195] And in the legal code of 1648, the Massachusetts Bay Colony provided that "no human power [is] Lord over the Faith and Conscience of men, and therefore may not constrain them to believe or profess against their consciences."[196] New Haven Colony passed a similar provision in 1656. The implication is that the *only* power which can bind men's consciences is the transcendent power of the Word of God. This meant in practice a certain human *freedom of conscience*, but necessarily premised on a *nonautonomous submission to transcendent authority.*

But even as he asserted that the Bible is true and its authority transcendent, the Puritan always made a distinction between the absolute truth of the Word of God (the truth as it really is) and his apprehension of that {106} truth (the truth as he saw it). The truth of the

192. Perry Miller, *The New England Mind: The Seventeenth Century* (Cambridge, MA: Harvard University Press, 1954), 19–20.

193. Quoted in Miller, *Orthodoxy*, 15.

194. *Ibid.*, 160.

195. *Ibid.*

196. Shipton, in Billias, *Law*, 142.

Word of God does not come from man, but has been revealed from God—through holy men who spoke as they were moved by the Holy Spirit. This had two consequent implications. *First*, whatever the Bible said is absolutely true and not conditioned by time and place, conditions, or circumstances. It might not tell him everything there is to know or everything he wanted to know, but whatever it did tell him is absolutely true. Miller has explained the Puritan view:

> He has not therein uttered the naked truth about Himself, He has not revealed His essence; His secret will remains secret still, as we witness daily in the capricious orderings of providence. The Bible contains His revealed will, tells men what is expected, but does not explain why, for even if it were explained men could never understand their relation to the whole drama of creation.[197]

Miller goes on to point out that this distinction between the revealed and the unrevealed was one of the "fissures" in the "impregnable wall of systematic theology" which left the Puritan open to intellectual development.[198] The Puritans would not have put it in those words, not recognizing the contradiction, but they would have recognized the privilege of work and study (within the bounds of nonautonomy) in areas which had not been revealed.

The *second* implication of the Puritan's distinction between absolute truth and finite apprehension was the distinction between the *fact of truth* and *appropriation of truth.* The Bible, therefore, is to be studied by men and progressively appropriated. But there is no apprehension of truth apart from the Bible. The Puritans, says Miller, "agreed on the essential Christian contention that though God may govern the world, He is not the world itself, and that though He instills His grace into men, He does not deify them or unite them to Himself in one personality. He converses with men only through His revealed Word, the Bible.... He delivers no new commands or special revelations to the inward consciousness of men." Shipton records that the Puritans "thought of themselves as in a current sweeping toward a better knowledge of God, a knowledge to be reached by learning and study, not by unpredictable personal revelations."[199] Consequently, one of the results

197. Miller, *New England Mind*, 20.

198. *Ibid.*, 21.

of sin is that man will never come to a full knowledge of reality, to things "as they be," because in sin man turns from God and His truth.[200] {107}

In these three ways, then, the Puritans took a *nonautonomous view of human authority*: the truth and authority of the Bible is transcendent, not immanent; true, but not exhaustive, and there, but only more or less appropriated. According to the Puritan, "we must not be wise 'above what is written'; if we inquire further into the mystery of the Godhead than what is revealed, we will attain not knowledge but blindness. The visible church is not founded upon the secret intention, 'but only on his revealed will signified in the Scriptures.' "[201]

This may have been the source of Puritanism's secret strength. Miller records that "Puritanism was regulated by the possibility of each man's achieving this insight [of reality] on whatever level of culture or education he dwelt, with the aid of divine grace; the assumption was that once this comprehension was gained, men would be able to live amid disappointments without being disappointed, amid deceptions without being deceived, amid temptations without yielding to them, amid cruelties without coming cruel."[202] And A. S. P. Woodhouse, noting the Puritans' sources of authority, observed that "the sense of special insight into, and cooperation with, the purposes of God, is a distinguishing work of the Puritan, and it sets him at a distance from other men. It is both a strength and a weakness. At its worst it issues in self-righteousness.... But it nerved the arm and brought an access of courage, which on any other premise would have been reckless."[203]

199. Shipton, in Billias, *Law*, 144.

200. Perry Miller, "Puritan Spirituality and Predestination," in David D. Hall, *Puritanism in Seventeenth-Century Massachusetts* (New York: Holt, Rinehart, and Winston, 1968), 12.

201. Miller, *New England Mind*, 21.

202. Miller, in Hall, *Puritanism*, 12.

203. A. S. P. Woodhouse, *Puritanism and Liberty: Being the Army Debates (1647–49)* (Chicago: University of Chicago Press, 1951), 42.

Sin and the Assertion of Autonomy

It follows, then, that if the source of authority is a transcendent truth in the Word of God, and the strength of the Puritan comes in his non-autonomous submission to it, the *nature of sin* must in some way be related to the issue of God's transcendence and man's nonautonomy; that is, the *turning away from God's transcendence to man's autonomy.*

The Puritan's concept of sin may be summarized briefly by recounting the main points from Thomas Hooker's sermon, "A True Sight of Sin," which Perry Miller describes as an "exhaustive analysis."[204] Hooker begins by pointing out that if we would gain a true sight of sin, we must see sin "1. clearly 2. convincingly what it is in itself and what it is to us, not in the appearance and point of it, but the power of it...."[205] We must do this, Hooker says, because "it is one thing to say sin is thus and thus, another thing to see it to be such; we must look wisely and steadily upon our distempers, look sin in the face, and discern it to the full; the want whereof {108} is the cause of mistaking our estates, and not redressing of our hearts and ways.…[206] *Sin*, in other words, is a *fact*, not a theory; *experience*, not an idea just to be discussed; and *real*, not imaginary. As there is a difference between the traveler who has actually visited the extremities of the earth and the one who has merely read about them, so there is a difference between him who has understood the true nature of sin in himself and him who has merely heard the doctrine preached:

> The one sees the History of sin, the other the nature of it; the one knows the relation of sin as it is mapped out, and recorded; the other the poison, as by experience he both found and proved it. It's one thing to see a disease in the book or in a man's body, another thing to find and feel it in a man's self. There is the report of it, here the malignity and venom of it.[207]

What, then, is the malignity and venom of sin? Hooker examines the nature of sin in its "naked hue" in two particulars: as it respects *God* and as it concerns *man*. The first has to do with what makes sin *sin*

204. Miller and Johnson, *The Puritans*, vol. 1, 283.

205. *Ibid.*, 293.

206. *Ibid.*

207. *Ibid.*, 293.

("the vileness of the nature of sin"), and the second with what the result of sin is.

Concerning the *first* particular, according to Hooker, the *vileness of the nature of sin* lies precisely in the issue of *nonautonomy.* Sin would dispossess God of His absolute supremacy: "Now herein lies the unconceivable heinousness of the hellish nature of sin, it would justle the Almighty out of the throne of His glorious sovereignty, and indeed be above Him." Man's will is the chiefest of all God's workmanship and is made to attend upon God—to choose Him. God did

> in an especial way intend to meet with man, and to communicate Himself to man in His righteous law, as the rule of His Holy and righteous will, by which the will of Adam should have been ruled and guided to Him, and made happy in Him; and all creatures should have served God in man, and been happy by or through him, serving of God being happy in Him; but when the will went from under the government of His rule, by sin, *it would be above God, and be happy without Him....*[208]

The nonautonomous Puritan, in other words, would be ruled by God's law in submission to God's Word and find his happiness on God's terms; the autonomous man would attempt to be above God and would try to find his happiness on his own terms. But how does autonomous man do this?

> Now by sin we justle the law out of its place, and the Lord out of His glorious sovereignty, pluck the crown from his head, and the scepter {109} out of his hand, and we say and profess by our practice, there is not authority and power there to govern, nor wisdom to guide, nor good to content me, but I will be swayed by mine own will and led by mine own deluded reason and satisfied by my own lusts. This is the guise of every graceless heart in the commission of sin.…[209]

Hooker concludes with a passage that describes the dilemma of those who choose the way of autonomy and reject the laws of God:

> It's a grievous thing to the loose person [that] he cannot have his pleasures but he must have his guilt and gall with them; It's grievous to the worldling that he cannot lay hold on the world by unjust means, but conscience lays hold upon him as breaking the law. Thou that knowest

208. *Ibid.*, 294.

209. *Ibid.*

> and keepest thy pride and stubbornness and thy distempers, know assuredly thou dost justle God out of the throne of his glorious sovereignty and thou dost profess, not God's will, but thine own (which is above his) shall rule thee, thy carnal reason and the folly of thy mind, is above the wisdom of the Lord and that shall guide thee; to please thine own stubborn crooked perverse spirit, is a greater good than to please God and enjoy happiness, for this more contents thee.[210]

It is a wonder, Hooker concludes, that "the great and terrible God doth not pash such a poor insolent worm to powder, and send thee packing to the pit every moment."[211]

The *essence of sin*, then, as it respects God, is that *man tries to replace God with himself*, or, better, *to be like God*, knowing good and evil and living by his own standards and law and not by God's. Hooker then turns his attention to the *second* particular, *sin as it concerns man.* Sin, he says, affects man in four ways:

1. It makes a separation between God and man and thereby deprives man of a "universal good" which does not include all the evil in the world. The only universal known to sinful man is a universal that contains all the good and all the evil and therefore cannot be truly good: "... sin takes away my God, and with him all good goes.... A natural man [i.e., man without God] hath no God in any thing, and therefore hath no good."[212]

2. It brings an incapability and an impossibility to receive grace from God when man remains impenitent. The man who continues obstinately in his sin is like one who spills the medicine that would cure him or the meat that would nourish him, and thus he must die. "It's thy life, thy labor, the desire of thy heart, and thy daily practice to depart away from the God of all grace and peace, and turn the tomb-stone of everlasting destruction upon thine own soul."[213] {110}

3. It is the cause which brings all evil of punishment into the world, for without sin the troubles of this world would not be evil: "The sting of a trouble, the poison and malignity of a punishment and affliction, the *evil of the evil* [emphasis supplied] of any judgment, it is sin that

210. *Ibid.*, 295.

211. *Ibid.*

212. *Ibid.*, 297.

213. *Ibid.*, 298.

brings it, or attends it.... So Paul ... plays with death itself, sports with the grave. 'Oh, Death, where is thy sting? Oh Grave, where is thy victory? the sting of death is sin.' "[214] Hooker concludes by reasoning that if sin brings all evils and makes them evil to us, then it is worse than all the evils themselves.

4. It makes all the good and glorious things of life evil to us. " 'To the pure all things are pure' he said, quoting the Bible, 'but to the unbelieving there is nothing pure, but their very consciences are defiled.' It is a desperate malignity in the temper of the stomach, that should turn our meat and diet into diseases, the best cordials and preservatives into poisons, so that what in reason is appointed to nourish a man should kill him."[215]

Such are the effects of sin on man. Hooker concludes his sermon by considering the holiness of God in contrast to the evil of sin: "But that which I will mainly press is, sin is only opposite to God, and cross as much as can be to that infinite goodness and holiness which is in His blessed majesty; it's not the miseries or distresses that men undergo, that the Lord distastes them for, or estrangeth Himself from them ... but He is not able to bear the presence of sin." Therefore, he says, "it's certain it's better to suffer all plagues without any one sin, than to commit the least sin, and to be freed from all plagues.... Thou dost not think so now, but thou will find it so one day."[216]

These doctrines of authority and sin, and the concept of *nonautonomy* which they embody, are *the key to the Puritan dilemma*, and we may study the effects of them in two ways: their application and their violation.

Nonautonomy: Applications

In terms of the *application* of the principle of nonautonomy, there were three aspects of the application that influenced the specific features of Puritan institutions in the Holy Commonwealth.

1. The nonautonomy of man meant the *absoluteness and sovereignty of God.* It followed that there is not only to be no sovereign power on

214. *Ibid.*

215. *Ibid.*, 299.

216. *Ibid.*, 299, 301.

earth, but that earthly power should be so divided and diffuse that no one man or group of men can gain absolute or sovereign power. This principle is the key to the Puritan's resistance to the Elizabethan Settlement and to the established Church of England. In the joining of church and state, men gained or tried to gain supreme power; in separating the church from the state, the Puritans intended that supreme power would be prevented {111} by the check and balance of the coordinate but unconfounded spheres of church and state. Thus, John Cotton wrote to Lord Say and Seal that

> It is very suitable to God's all-sufficient wisdom, and to the fulness and perfection of Holy Scriptures, not only to prescribe perfect rules for the right ordering of a private man's soul to everlasting blessedness with Himself, but also for the right ordering of a man's family, yea, of the commonwealth too, so far as both of them are subordinate to spiritual ends, and yet avoid both the church's usurpation upon civil jurisdictions, in order toward things spiritual, and the commonwealth's invasion upon ecclesiastical administrations, in order to civil peace, and conformity to the civil state. God's institution (such as the government of church and of commonwealth be) may be close and compact, and coordinate one to another, and yet not confounded.[217]

Cotton went on to say that the government of the church as set forth in Scripture is compatible with any form of civil government (because of the separation and non-confounding of the respective powers of the spheres), but that if a commonwealth should have the liberty to form its own frame of government, the Scriptures are also adequate for that as well: "I conceive that the scripture hath given full direction for the right ordering of the same, and that, in such sort as may best maintain the vigor of the church."[218]

Thus, the Puritan, coming to form a church government, developed *congregationalism*, a form which so divided authority and power in the church that there was no center of authority anywhere. It is my opinion that in this he went too far in the other direction, as I shall show later, but for now it is sufficient to note that in the congregational form of government there was no final authority externally or even internally except the sovereignty of God working by the Holy Spirit in the hearts

217. *Ibid.*, 209.

218. *Ibid.*

and minds and the individual consciences of the members. Therefore, consociations and synods could not impose their decisions on the churches or coerce them in any way. The *individual conscience* alone was regarded as inviolable, and things are accomplished only when there is sufficient consensus among those individual consciences to begin to move by a *vote* of one kind or another. The Puritans made no provision for resolving differences formally because they really didn't expect any major and irreconcilable differences. After all, did they not all take their orders from the same God by the Holy Spirit? The extent to which they had problems with the system in Massachusetts occurred only by one or the other of two factors: (1) they forgot or did not provide in their frame of church government for the effects of man's sinful nature, which even the regenerate man does not lose but which rather continues to plague him throughout his life; and (2) they {112} were faced with unexpected problems arising from the growing existence of a group of people who were in the church, but whose consciences were not apparently subjected or submissive to the authority of the Holy Spirit.

In dealing with these problems, the Puritans were led into their greatest violations of the principle of nonautonomy, and the effects are both disastrous and well known, as we shall see below.

2. The corollary to the idea of divided sovereignty (or non-sovereignty) is the idea of *limited human authority.* John Cotton was one of the most vocal of the Puritans in articulating the idea of limitation on power, "that all power that is on earth be limited."[219] He had led the argument for limiting the power of the magistrates, which led to the adoption of the Massachusetts Body of Liberties in 1641. Indeed, his own work, "Moses His Judicials," was an early attempt to codify the laws and practices of Massachusetts by an application of Old Testament law. Man, Cotton held, is a creature of God and a fallen one at that, and thus man is subject to limitations, including limited power and liberty. But sinful men would attempt to destroy the limits. In his series of sermons on the thirteenth chapter of Revelation, Cotton warned:

> Let all the world learn to give mortal men no greater power than they are content they shall use, for use it they will.... This is one of the

219. *Ibid.*, 213.

> strains of nature, it affects boundless liberty, and to run to the utmost extent: Whatever power he hath received, he hath a corrupt nature that will improve it in one thing or another.… It is therefore most wholesome for magistrates and officers in church and commonwealth, never to affect more liberty and authority than will do them good, and the people good; for whatever transcendent power is given, will certainly overrun those that give it, and those that receive it.[220]

The converse of man's exceeding the limits of his power is to be deprived of his *rightful power*, an error of equal import:

> It is, therefore fit for every man to be studious of the bounds which the Lord hath set: and for the people, in whom fundamentally all power lies, to give as much power as God in His word gives to men: And it is meet that magistrates in the Commonwealth, and so officers in the churches should desire to know the utmost bounds of their own power, and it's safe for both: All intrenchment upon the bounds which God hath not given, they are not enlargements, but burdens and snares; they will certainly lead the spirit of a man out of his way sooner or later.[221]

If the *boundaries* are properly drawn, Cotton continued, giving neither too much power nor too little, the boundaries need not be imposing: if they are but banks of sand, they will contain the sea as long as they be in the right place. On the other hand, "if you pinch the sea of its liberty, {113} though it be walls of stone or brass, it will beat them down...."[222] "So it is with Magistrates, stint them where God hath not stinted them, and if they were walls of brass, they would beate them down, and it is meet they should: but give them the liberty God allows, and if it be but a wall of sand it will keep them."[223]

Cotton applied this concept not only to the bounds of the church and the state, but also to marriage and family relations as well:

> So let there be due bounds set, and I may apply it to families; it is good for the wife to acknowledge all power and authority to the husband, and for the husband to acknowledge honour to the wife, but still give them which God hath given them, and no more nor less: Give them the full latitude that God hath given, else you will find you dig pits,

220. *Ibid.*, 212–13.

221. *Ibid.*

222. *Ibid.*

223. *Ibid.*

> and laye snares, and cumber their spirits, if you give them less: there is never peace where full liberty is not given, nor never stable peace where more than full liberty is granted....[224]

And the same principle applies to children and servants or "any others you are to deal with: Give them the liberty and authority you would have them use, and beyond that stretch not the tether, it will not tend to their good or yours."

Cotton concluded his sermon and told his hearers to go home with this meditation: "That certainly here is this distemper in our natures, that we cannot tell how to use liberty, but we shall very readily corrupt ourselves: Oh the bottomless depth of sandy earth! of a corrupt spirit, that breaks over all bounds, and loves inordinate vastness; that is it we ought to be care of." Loving "inordinate vastness" is a good description of what it means to reject nonautonomy.

This concept of *limited spheres of authority and power* and the need to find a *precise boundary of power for each sphere* provides an understanding of the Puritan's efforts to develop a due form of government in the Bay Colony. As the colony changed itself from a trading company into a society, and the leadership from a management team to an elected magistracy and a representative government, there were several *conflicts and disputes over rights, powers, interpretations of laws, and the application of justice.* Some of these disputes were over the "bounds" of the respective spheres of authority (both of the extent and the degree of power); others were caused by various violations of the boundaries that were set. A brief recounting of what is called the "Deputy dispute" should illustrate both points. The charter for the Massachusetts Bay Company, issued by the king in 1629, had granted to the company and its officials authority

> to make, ordain, and establish all manner of wholesome and reasonable {114} orders, laws, statutes, and ordinances, directions, and instructions, not contrary to the laws of this our realm of England, as well as for settling of the forms and ceremonies of government and magistracy fit and necessary for the said plantation and the inhabitants there, and for naming and styling [stiling] all sorts of officers, both superior and inferior, which they shall find needful for that gov-

224. *Ibid.*, 214.

> ernment and plantation, and the distinguishing and setting forth of the several duties, powers, and limits of every such office and place.[225]

The charter did not say where the company was to meet, nor did it place any particular restrictions on the company's officers, except that whatever laws they should make should not be contrary to those of England. The charter did set the form of government of the company, however. The body of shareholders in the company were called "freemen." These freemen were to meet four times a year to make laws for the company and the colony and to elect for one-year terms, the management officials—a governor, a deputy governor, and eighteen assistants—who were to run the company and the colony between meetings of the general court of freemen. The management officials (the executive council of governors and assistants) were to meet once a month to take care of necessary business. It is important to note that in the first years of the colony, the freeman and the assistants (as the executive council was called) were virtually identical, since freemen had to be shareholders and there had to be twenty men on the executive council. The rest of the shareholders were still in England. So the shareholders in America met, elected themselves assistants, and then ruled the colony. Edmund Morgan records that "all but one of the members who are known to have migrated the first year were assistants."[226] But it did not remain that way for long. After all, Winthrop and his company came with the intention of setting up a "due form of government both civil and ecclesiastical" to the end of improving their lives:

> ... to do more service to the Lord, the comfort and increase of the body of Christ whereof we are members that ourselves and posterity may be the better preserved from the common corruptions of this evil world to serve the Lord and work out our salvation under the power and purity of His holy ordinances.[227]

They also came to bring in "familiar and constant practice" that which "most in their churches maintain as a truth in profession only."[228]

225. Morgan, *Puritan Dilemma*, 84.

226. *Ibid.*, 86.

227. Miller and Johnson, *The Puritans*, vol. 1, 197.

228. *Ibid.*, 198.

The first step in setting up a due form of civil government was, therefore, to expand the base of the government. The first meeting of the assistants was held on August 23, 1630, and it transacted some rather routine business {115} involved in organizing the colony. The assistants also met on September 7 and 28, to transact routine business. Then on October 19, the General Court meeting was held. At that meeting it was decided to have the freemen choose the assistants, who in turn would elect the governor and deputy governor, and together they and the assistants would make and enforce all laws for the colony. The significance of this was the "expansion" of the "*freeman*" from a *shareholder in the company* to a *citizen of the commonwealth* and, accordingly, at the next meeting of the General Court, 116 men were admitted as freemen. Likewise *the assistants had become the legislative body*, a privilege taken away from the freemen when the position was opened to the general populace. The freemen had the privilege of electing the leaders, but not to make the law. It was also decided to restrict the privilege of freemanship in the future to those who were the members of some church within the colony—a move which at once (1) restricted political activity to those who were under the discipline of the church morally and spiritually and (2) invited all church members to participate in the political activity of the commonwealth.

The second step came in 1632 when the General Court ordered that two men be chosen from each town to sit as a body and confer with the governor and assistants on matters of taxation. It was also decided at that meeting to have the freemen rather than the assistants elect the governor and deputy governor. These moves were in response to criticisms of the people that they were not being adequately represented in the government, since the representation of the assistants elected by the freemen was neither direct nor locally oriented.

A third step came in 1634 when the representatives of the freemen (the two appointed from each town) demanded to see the charter and discovered that *the original charter had granted the freemen legislative power.* The cause of the dispute went back several years to a running debate between John Winthrop and Thomas Dudley over what we might call "substantive justice." Winthrop believed that in its early years a plantation should be ruled with leniency and liberality. Justice should be done, but governors should be more informal and discretionary,

concentrating on the substantial issues, than formal and inflexible, as Dudley insisted. Also, it was obvious that the form of government in the colony had changed over the years, so when Dudley asked for the source of Winthrop's authority, Winthrop faced a dilemma. If he answered that his authority (and the frame of government then erected) stemmed from the agreement of the people that had been made in 1630 (when the freemanship had been expanded but legislative power taken away), Massachusetts would be in trouble from England for violating the charter and setting up an independent state. On the other hand, if he claimed the charter, he would have to face up to the fact that freemanship included legislative power. It did {116} not matter that Massachusetts had reinterpreted freemanship. He could not sustain the argument as long as he ignored the 1630 agreement of the people. Winthrop chose to stand for the charter in his 1631 debate with Dudley, and now in 1634 the freemen's representatives wanted to see the charter to check his power and to check their own privileges. And they were inclined to claim their privileges because they feared Winthrop's concept of discretionary power, not because he misused it, but because it could be misused, as their experience in England had shown.

Winthrop explained the situation to the freemen's representatives and offered to make them into an advisory body to the assistants, to revise laws, but not to make new ones.[229] But the freemen wanted more: a full body of legislation drawn up by themselves as a protection against a discretionary government which might become arbitrary.[230] The result was a change in the frame of government in which the freemen would elect deputies to represent them in a legislative body to serve along with the governor and the assistants, who served as judges in the government. The next step was to give the magistrates a veto over the deputies as a check and balance to democratical tendencies. Thus it was that *the search for the proper bounds of authority developed*, and continued, for it was not yet finished. The Body of Liberties was not completed until 1641, and there were other conflicts and violations, as we shall see, but the proper bounds of power, neither more nor less, were being discovered, and the wall of sand between them, being laid

229. Morgan, *Puritan Dilemma*, 112.

230. *Ibid.*, 113.

down, giving to the people, in the words of Nathaniel Ward, who drew up the Body of Liberties, "their proper and lawful liberties."[231]

3. One of the major disputes over the problem of power and the limits of authority in the colony came in 1645 and brings us to the third aspect or implication of the application of the principle of nonautonomy: *non-neutrality* or *nonuniversality.* (Nonuniversality is not the best word to describe the concept and yet better than any of the others that come to mind.) *Nonuniversality* is the idea that nothing except God is to be interpreted in terms of itself. Everything on earth, in the view of nonautonomy, is always interpreted in terms of something else. *There is no neutral standard behind God, as it were, whereby we may judge both God and the creation.* Instead, we see the creation either in terms of God's standard or in terms of some other standard. Thus, in Puritan thought there was a great debate over the nature of good: *is a thing good because willed by God* or *does God will something because it is good*? Perry Miller records Samuel Willard's intimation that by the end of the century congregations were growing weary of the endless dispute. Willard, he says, "endeavored {117} to silence the debate by awarding judgment to both contentions at once. Since all the attributes are one, he said, 'then God both wills the things because they are good ... and also they are good because he wills them, his active will put the actual goodness into them.' "[232] Miller calls this a disposition to "compromise" indicating a retreat away from the position of the earlier Puritans, who "unhesitatingly founded the goodness upon the fact of their having been willed."[233] According to William Perkins, the central Puritan theologian, "A thing is not first of all reasonable and just, and then afterward willed by God: but it is first of all willed by God, and thereupon becomes reasonable and just."[234] John Preston relates the concept to the issue of man's nonautonomy (though he does not call it that, of course) and nonuniversality:

> In our judging of the ways of God, we should take heed of framing a model of our own, as to think because such a thing is just, therefore

231. *Ibid.*, 170.

232. Miller, *New England Mind*, 18.

233. *Ibid.*

234. Quoted in *Ibid.*

> the Lord wills it: the reason of this conceit is, because we think that God must go by our rule; we forget this, that everything is just because he wills it; it is not that God wills it, because it is good or just.... What God wills is just, because He is the rule itself.…[235]

To deny this is to make man and man's "rule" autonomous and universal rather than nonautonomous and nonuniversal. *There is no universal rule that man can place behind God; He is the rule and the universal*, ruling according to His character and perfection, and therefore all on earth must be judged on His terms and by His standard.

The significance of this doctrine as it relates to the Puritan view of nonautonomy may be seen in John Winthrop's "little speech" on liberty at the close of the Hingham affair in 1645. The trouble began when a disputed election in the town of Hingham came up before the magistrates for settlement. Winthrop, then deputy governor but acting as a magistrate (judge), ordered the faction led by the Rev. Peter Hobart to appear at court, and, when they refused, committed them for contempt. The Hobart faction then petitioned the deputies for a consideration of Winthrop's charges against them and of their charge that the magistrates had acted without authority in imprisoning them. The deputies, not knowing how to handle the case, asked advice of the magistrates, who agreed to hear the case if the petitioners would make a specific charge against a specific officer. The petitions named Winthrop and charged him "for illegal imprisoning of some of them and forcing the first with others to give bond with sureties to appear and answer at the next general court."[236]

The details of the case and the decision are not our concern here. {118} Winthrop was acquitted of the charges against him. After the case was settled and the sentences read, Winthrop asked permission to address the court. His "little speech," as he called it, is, according to Perry Miller, the "classic expression of Puritan political theory." It is also the clearest example of the Puritan rejection of human autonomy.

Winthrop begins by saying that he is satisfied with the decision of the court and glad that the case's "troublesome business" is done, but yet humbled before God because to be charged at court (even though

235. *Ibid.*

236. Miller, *Orthodoxy*, 289.

acquitted) is a matter of humiliation before God, "who hath seen so much amiss in my dispensations as calls me to be humble."[237]

He continues with a dissertation on the authority of the magistrates and the liberty of the people, the "great questions that have troubled the country." Of *authority*, he said, "It is yourselves who have called us to this office, and being called by you, we have our authority from God, in way of an ordinance, such as hath the image of God eminently stamped upon it, the contempt and violation whereof both have been vindicated with examples of divine vengeance." The authority of the magistrate is from God even though it is the people who decide who the authorities shall be. Therefore the contempt or violation of that authority is a very serious matter both for the rulers and for the ruled. The ruled are to remember always that the magistrates are "men subject to like passions as you are" and therefore, "when you see infirmities in us, you should reflect upon your own, and that would make you bear the more with us, and not be severe censurers of the failings of your magistrates, when you have continual experience of the like infirmities in yourselves and others." The ruler is responsible to be faithful and not to break his covenant with his people. As long as the magistrate is faithful and of good, not an evil, will, the people are to bear with him even in his error.

On the matter of *liberty*, Winthrop observed "a great mistake in the country" on the nature of liberty. There are, he said, two kinds of liberty, natural and civil or federal. *Natural liberty* is an autonomous kind of liberty: it is liberty in man's terms and on man's terms, liberty relative to man: "By this, man, *as he stands in relation to man simply*, hath liberty to do what he lists; it is a liberty to evil as well as to good." The other kind of liberty is civil, or federal, or *moral liberty*: liberty in and on God's terms, relative to God and to His appointed authorities, "a liberty to that only which is good, just, and honest." The first liberty is incompatible and inconsistent with authority: the second is the proper end and object of authority, and is "maintained and exercised in a way of subjection to authority."[238] {119}

237. John Winthrop, *Journal: History of New England, 1630–1649*, vol. 2, ed. James K. Hoomer (New York: Barnes and Noble, 1908), 237.

238. *Ibid.*, 239.

Winthrop makes it clear that men choose between these two views of liberty and authority. They will either see the issue in man's terms or in God's terms, and that will make all the difference in public life:

> Even so, brethren, it will be between you and your magistrates. If you stand for your natural corrupt liberties, and will do what is good in your own eyes, you will not endure the least weight of authority, but will murmur, and oppose, and be always striving to shake off that yoke; but if you will be satisfied to enjoy such civil and lawful liberties, such as Christ allows you, then you will quietly and cheerfully submit unto that authority which is set over you, in all the administrations of it, for your good.[239]

If the answer to the problem of authority in the colony was *not an autonomous and arbitrary power in the magistrate* (as the deputies argued against Winthrop), *neither* was the answer in an *autonomous view of liberty* (as Winthrop cautioned the deputies). Autonomy belongs only to the sovereign and transcendent God. The freedom of all on earth could be preserved by preserving the nonautonomous status of human institutions. Thus, the Puritans divided and limited the spheres of authority of earth and balanced them one against the other. The aspect of nonuniversality was necessary to keep men thinking in those terms. Let man gain a human or temporal or immanent universe, and the limited and divided spheres would soon be united under it, as autonomous liberty struggles to cast off "the least restraint of the most just authority."

Nonautonomy: Violations

It was these three aspects of the application of the principle of nonautonomy that played such a large part in the shaping of Puritan institutions. We have mentioned a few of them in passing and yet we have said nothing on the relations of church and state, which come into clear focus once the problem of nonautonomy is understood and its aspects defined. Such a study needs to be done.

There were, however, a few features of Puritan society that *denied* the principle of nonautonomy, and it is these areas of violation that have led the historians to remark the existence of a "Puritan dilemma." It

239. *Ibid.*

was at these points that the Puritans departed from their views of nonautonomy and therefore reaped the consequences. The toll taken by these compromises was great and in many cases vital in the long-run effort to establish a Holy Commonwealth.

Following Cotton's thought on the bounds of power, we can observe two kinds of violations: (1) those which tended toward an *autonomy in human thought and a temporal reality*, that is, violations in which there is an attempt to fix an immanent and final authority; and (2) those which {120} tended toward *disorder*, that is, in which there was a lack of due order or arrangement.

1. The first and most important violation was in the area of *intellectual activity.* Perry Miller has documented the toll taken in Puritan thought by the logic of Peter Ramus which gave much authority to man's unaided reason and which was based essentially on natural presuppositions rather than on revelation.[240] Miller concludes his study of Ramus's influence on the Puritans with this comment:

> They (the Puritans) often said, "Our Saviour Christ hath taught us how to argue"; the historian, accustomed to the more conventional attributions of the "source study" method, may at first be prompted to counter that all the evidence of Puritan writing, education, and intellectual history goes to show that Puritans were taught to argue not by Christ but by Ramus, Richardson, and Ames. Yet he pauses just long enough to remember that these men were spokesmen for Protestantism and for the Renaissance, and that by appealing to the Bible both reformers and humanists did indeed seem to discover new ways of arguing, and that out of the consequent debates came, at the end of the seventeenth century, a general movement toward rehabilitation of the natural reason.[241]

2. Another violation came in the area of *church membership.* Puritans of all kinds believed in a limited membership within the visible church, but up until the mid–1630s, both in England and in America, this was thought of as being a profession of faith in Jesus Christ and as a submission to the moral and spiritual discipline of the church. But in the mid–1630s, the congregational churches of Massachusetts went one

240. Rousas John Rushdoony, *This Independent Republic: Studies in the Nature and Meaning of American History* (Nutley, NJ: Craig Press, 1964), 4.

241. Miller, *New England Mind*, 206.

step further and began to demand, not profession of faith and submission to discipline, but a recounting of one's *experience of salvation* before the church, after which he could be questioned and then accepted or rejected by a vote of the congregation. The object was to try to make the visible church as nearly as possible identical to the invisible church (the elect known only to God).[242]

"Seen in full perspective," writes Ahlstrom, "this was a radical demand. For the first time in Christendom, a state church with vigorous conceptions of enforced uniformity in belief and practice was requiring an internal, experiential test of church membership. Many future problems of the New England churches stemmed from this decision."[243] The reach for autonomy has been pointed out by Alan Simpson: "This New England church is going to be built out of the conversion experience, and it is {121} assumed that a subjective experience can be detected by objective tests."[244]

The consequences came almost at once. At one extreme stood men like Roger Williams, who carried the test to the extreme by making experience the only requirement for membership. And at the other extreme stood Anne Hutchinson, who insisted that the Holy Spirit could reveal to men with absolute certainty whether a man was truly saved or not.[245] Rushdoony's comment on Anne Hutchinson's position is pertinent:

> Salvation is in the covenant of grace, but, if the church or men rather than God is the judge of that grace, then an omniscience is claimed, a knowledge of the heart impossible to men. The Puritan position (in opposition to Hutchison) was that a tree was to be judged by its fruits, and faith by its works.[246]

In between these extremes, of course, were two possibilities: (a) the *return to nonautonomy*, or (b) some kind of *adjustment to reality* to which the Puritans were eventually forced in one form or another. In

242. Edmund Sears Morgan, *Visible Saints: The History of a Puritan Idea* (New York: New York University Press, 1963), 89–90.

243. Ahlstrom, 146.

244. Simpson, 25.

245. Morgan, *Visible Saints*, 109.

246. Rushdoony, *This Independent Republic*, 103.

one form it was a return to nonautonomy in the form of *a return to profession and discipline* as the *only* requirements for full church membership, as expressed by Thomas Shepard. Sadly, this possibility was generally ignored:

> The meaning is not as if we allowed none to be of the Church but *real saints,* and such as give demonstrative evidence of being members of the invisible church; for we profess ... that it is not *real,* but visible faith, not the inward being, but the outward profession of faith ... that constitutes a visible church.[247]

The other form was a *readjustment* that came in the development of the *halfway covenant*, wherein visible sainthood was not abandoned, but a distinction was drawn between the purity of full membership and halfway status of the unconverted (meaning non-experiential, non-member) second generation who had been baptized in the church and now wished to have their children (the third generation) baptized. It is common to blame the halfway covenant on the doctrine of infant baptism; it was rather a problem caused by the concept of visible sainthood, as has been pointed out by Morgan: "The halfway covenant, while wholly insufficient as a recognition of the church's relationship to the world, was probably the most satisfactory way of reconciling the Puritan's conflicting commitments to infant baptism and to a church composed exclusively of saints." *The concept of visible sainthood involved a rejection of nonautonomy*; the doctrine of infant baptism does not, but rather the opposite, symbolizing to the Puritan the child's and parent's dependence on God for grace and salvation.

3. There are two more departures from the principle of non-autonomy that we need to discuss in order to understand the Puritan dilemma, and {122} both involve the problem of church government and the relation of the church and the state, matters which were closely intertwined in the Puritan period. It is necessary, therefore, in order to separate some of the overlapping areas, to distinguish between (a) the matter of the *forms of church government* and (b) the matter of the *establishment of a state church.* By so separating them and distinguishing carefully, it is possible to see that what often appears to be *opposition* to a *form of government* is actually opposition to the *establishment*

247. Miller, *Orthodoxy*, 198.

of that form of government in a state church. This distinction is important if we are to think clearly about the next two departures from non-autonomy.

It will help also if we go back to the situation in England which gave rise to the Puritan emigration. In England in the hundred years between 1560 and 1660 there were four groups—the Anglicans, the Presbyterians, the Congregationalists (non-separating), and the Separatists. There were also four main issues that separated them, phrased here as questions to focus on the conflicts:

1. Supremacy—Who is the Head of the church?

2. Church Government—How should the church be ruled?

3. Uniformity—What kind of church should the state have?

4. Membership—Who should be a member of the church?

The various positions of the groups may be charted as follows:

	Supremacy	Church Government	Uniformity	Membership
Anglicans	King as Supreme	Bishops and Hierarchy	Establishment	Comprehensive
Presbyterians	King under Law	Synods and Councils	Established	Comprehensive by Profession
Congregationalists	Christ	Congregations and Consociations	National Church	Restricted by Profession, Discipline (Visibility)
Separatists	Christ	Congregations alone	Independent Church in a Secular State	Restricted by Profession and Discipline

On the issue of supremacy or the ultimate authority in the church, the Anglican position was that of the Elizabethan Settlement: the king is supreme in both church and state. The Puritan position (whether Presbyterian [right], Congregationalist [center], or Separatist [left]) was that the king's supremacy is not absolute (or autonomous). The Presbyterians saw the king under law, the non-separating and separating Congregationalists saw even less connection with the church than that. Christ alone is to rule in the congregational church and that directly by the Holy Spirit, as we {123} have seen. The difference between the Presbyterians and the Congregationalists on this point

came to the fore in the period of the English civil wars and Cromwell's Protectorate in the late 1640s and 1650s.

In the matter of *church government*, the *Anglicans* favored a *hierarchical* form of government ranging from the local parish to the king, all deriving their authority from the king in a bureaucratic chain of command in which the bishops would rule over local groups of local churches. The *Presbyterians* wanted a system of *representative councils* ranging from the local church to the general assembly of the entire national church, preserving both the independence of the local church and an involvement in a system of wider courts of appeal. The *Congregationalists* stood only for the existence and *autonomy of the local congregation*; their church would begin and end with the local congregations, as would the Separatists.' The difference between the Congregationalist and the Separatist on this came in the Congregationalists' willingness to engage in what they called "consociations" or "noncoercive synods." Recognizing the need occasionally for a wider court of appeal or fellowship, the Congregationalist churches would come together for that purpose, but it was always on a voluntary and noncoercive basis.

In the matter of *uniformity* or of the state church, both the Anglicans and the Presbyterians were agreed on an *established church*, that is, one supported by the state and ruled by the state. They simply differed on the organization of that church. The Congregationalists wanted a "*national*" church as opposed to an "established" church, that is, the Congregationalist church would be the only uniform tolerated church within the national boundaries and would be supported by the state, but it would not be ruled by the state. The difference between the Presbyterians and the Congregational groups on this issue determined the ultimate difference between those Puritans who ruled and fell with Cromwell in the 1650s (the Congregationalists) and those who joined the Anglicans in restoring Charles II in 1660, only to be expelled from the church in 1662. The Separatists wanted a complete separation of church and state—an independent church in a secular state.

The *fruit of the Reformation* was to see that the *church and state were to be separated.* The significance of the Puritan movement was that it came at the precise moment that this issue was being worked out. It was the particular fate of the non-separating Congregationalists, who

ruled in New England, that they stood for the separation of church and state *institutionally* while opposing the separation of church and state *spiritually.* It is not hard for us to see the consistency of the Anglican idea that the church and the state are joined under a supreme king. Nor is it difficult for us to see Roger Williams's idea that the state is a temporal kingdom and the church is a spiritual kingdom, and the two should be separated. But the Puritan {124} idea is opposed to both of these. It is that the church and the state are to be *separated institutionally* but to be *joined spiritually* under Jesus Christ, who is supreme Lord and King. Puritan thought often seems to be confusing the two spheres, but they were attempting to keep hold of the state as a spiritual entity, recognizing that the magistracy is a religious work even if the magistrate himself is not religious. In this view, *the movement toward a secular state* is thus a move with significant spiritual overtones. We will consider the differences between the Congregationalists and the Presbyterians below.

On the matter of *church membership*, the Anglican Church was to be comprehensive, embracing all the people of the nation. The *Presbyterian* idea, following the idea of the established church, was that the Presbyterian Church would be comprehensive, embracing all the nation, but communing membership in the church would require a specific profession of faith and submission to the discipline of the church. The *Congregational* and *Separatist* churches shared a view of a church membership as restricted only to those who professed faith in Jesus Christ and submitted to the discipline of the church. The *New England Congregationalists*, as we have seen, added a new wrinkle when they added the idea of visibility to the profession and discipline, requiring additionally an experiential testimony of conversion.

It is obvious that these positions and issues overlap in places, yet from them we may plot the problems that came when the Puritans sought *autonomy* in the area of church-state relations and in the area of church government.

In the area of church-state relations, the problem may be seen by concentrating on the significance of the Presbyterian and Congregational points of view. In New England, there was no established church until late in the seventeenth century. It is true that the franchise was limited to church members only, but that practice was as consistent

with the Congregational idea of a national church as with the Presbyterian idea of an established church. There was no established church because the state or magistrate did not rule the church. In Puritan theory, church and state were to be cooperating but unconfounded spheres within the society. The churches were responsible for man in his spiritual relationship to God, and the state was responsible for man in his social relationships with other men. For the Puritan there could be no segregation of spiritual life and social life. The two were all of a piece; life was inescapably religious.

When they came therefore to consider the relationship between Christianity and civil government and began to work out the separation of church and state, the Puritans considered that the state should not have governing power in the churches and that the church should not rule in civil matters as a church. One effort at definition was made by John {125} Davenport, who wrote that the two different orders

> be not set in opposition as contraries that one should destroy the other, but as coordinate states, in the same place, reaching forth help mutually to each other, for the welfare of both according to God, so that both officers and members of churches be subject in respect of the outward man, to the civil power, of those who bear rule in the civil state according to God and teach others to do so; and that the civil magistrates and officers in regard of the inward man subject themselves spiritually to the power of Christ in church ordinances and by their civil power preserve the same in outward peace and purity.[248]

Though church and state shared the same ends and served the same purpose, they did not have the same function. Functionally, the church and state were carefully distinguished and kept strictly separated. Thus the relationship between church and state became a question of the specific power of the state in matters of religion. In Massachusetts the magistrate was given both compulsive and restricted powers. Compulsive power was power to compel certain religious practices such as attendance at church or the payment of the tithe, which was collected like taxes for the support of the church. The restrictive power of the magistrate was that of preserving the state from erosion by outlawing certain beliefs, practices, or even people from the colony. In either its

248. John Davenport, *A Discourse About Civil Government* (Cambridge, 1663), 8–9, quoted in C. Gregg Singer, *A Theological Interpretation of American History*, 15–16.

compulsive or restrictive function, however, the state was still only concerned with external action. It could not compel belief or deal with opinion. It could act only to compel outward action or to curb the open expression of heretical ideas. It is important to note, however, that in exercising his compulsive or restrictive function, the magistrate was not autonomous and could not be arbitrary. It was the basic contention of all Puritanism that the Word of God was the fundamental law, binding both subject and magistrate.

Such was the orthodox Puritan theory of church and state. Put into practice, however, two difficulties soon became apparent: (1) not all people were regenerate and willing to view church and state from this biblical point of view, and (2) as religious fervor waned, it was more and more difficult to maintain the fiction of a holy commonwealth made up of and ruled by a covenant people who were committed to the law of God. Massachusetts tried to meet these difficulties by restriction of the franchise to those who were accounted "visible saints." Yet when membership in the church was limited to visible saints and that by means of an internal and experiential test, church and state, having been separated in Puritan theory, became confused again, the church controlling the state through its judgment of the conversion experiences and visibility of the saints who were also the electorate. Thus, again, the Puritans reaped the fruit of the {126} autonomous doctrine of the visible saint, this time in the realm of establishment.

Rushdoony, commenting that the Puritans in Massachusetts were in varying degrees of rebellion against establishment and civil supremacy, writes that

> the establishment, when it came to Massachusetts, was a product of a mutual compromise designed to perpetrate the holy commonwealth rather than return to the English pattern. The theological issues are not our ... concern except in that, as the requirements for the mature fulfillment of the personal covenant moved from the Reformed doctrine of piety to Arminian moralism and experientialism, the people found themselves less able to share in the more private demands and tests of faith. Antinomianism had been the first manifestation of this demand for a private as against public test.[249]

249. Rushdoony, *This Independent Republic*, 97.

The compromise, he says, appeared in two ways: "The church was established to create a *formally* Christian state and thereby retain the holy commonwealth goal. The church in turn established the world by means of the halfway covenant to ensure *formally* the co-existence of the church in the Christian commonwealth." By thus substituting a formal relationship for the internal and experiential test of visibility, the halfway covenant restored the proper separation between church and state. By means of the halfway covenant, Massachusetts could retain what was good about visible sainthood (the church in the control of the visible, or mature, saints) and yet have a national and comprehensive church which would include under its "watch, discipline, and government" everyone in the colony who desired association with the church, regardless of whether they met the test of visible sainthood.

In England, establishment caused an even greater conflict. There the Presbyterians stood for an established church, while the Congregationalists opposed it. The idea of establishment is, of course, the demand for a supreme temporal ruler of the church. To the English Congregationalist, the establishment of the church conflicted with his view of church government and of restricted membership. If the church were established, his synods would become coercive and his church membership comprehensive. Then when the Congregationalists came into power with Oliver Cromwell, a new factor entered the picture. Cromwell, unable to decide between the conflicting theories of the various sects, and needing the political support of all, began to advocate *religious toleration.* As he let the "hundred flowers bloom" in England—as Mao was to do three centuries later in China, except that Mao did it to lure "traitors" into the open—the New England Congregationalists looked on in horror and joined the English Presbyterians in condemning Cromwell. In England, Presbyterians joined with Anglicans {127} to restore Charles II to the throne in 1660, shortly after which the Anglicans turned on the Presbyterians and expelled them from the Church of England. The Presbyterians had no ground to stand on other than an appeal to justice and charity. In the Westminster Confession of 1648, they had asserted that the civil magistrate had authority "to take order, that unity and peace be preserved in the church, and that the truth of God be kept pure and entire, that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and dis-

cipline prevented or reformed, and all the ordinances of God duly settled, administered, and observed. For the better effecting whereof, he hath power to call synods, to be present at them, and to provide that whatsoever is transacted in them be according to the mind of God."[250]

This section of the confession was in conflict with a later part (30:1) which asserted that "the Lord Jesus, as king and head of his church, hath therein appointed a government in the hand of church officers, distinct from the civil magistrate." A modern commentator on the confession has written of this conflict in the confession and of this period of history that

> it is not to be forgotten that subsequent to the Westminster Assembly, the Scottish Covenanters were called upon to suffer unto death from civil oppression. To these rugged Presbyterians, who more than others, resolutely adhered to the testimony of the Confession, we owe much, for it was to assert the absolute spiritual independence of the Church of Jesus Christ from civil authority that they gave their all. Those who loved the testimony of the Confession best, suffered most for the principle which was—after all—compromised in the original formulation of these sections.[251]

The compromise, of course, was to allow a temporal ruler over the church, and the result was autonomy, dilemma, and ultimately, death.

4. Finally, in the area of *church government*, the departure from non-autonomy, coupled with the effects of the establishment, created a dilemma of the second kind, one which tended toward *disorder* rather than toward temporal autonomy. We have seen already that the Congregationalists and the Separatists opposed any kind of synod or consociation with coercive power, and though the Congregationalists did see the need occasionally for a voluntary meeting of the churches as a court of wider appeal, the Presbyterian alternative of a system of courts of higher appeal in the church was not open to the Congregationalists, not because they did not see the value of it, but because the accompanying idea of a state-established and comprehensive church made the synods coercive. Coercive synods, declared John Davenport, had been "the cause of many mischiefs in the church, for {128} thereby the writ-

250. G. I. Williamson, *The Westminster Confession of Faith for Study Classes* (Philadelphia: Presbyterian and Reformed, 1964), 23:3.

251. *Ibid.*, 246.

ings and decrees of men are made infallible and equal with the word of God, which is intolerable."[252] "Congregationalists had glibly predicted that the instructions of the Bible were explicit enough to keep autonomous organizations facing in the same direction," says Miller, "but when they at last set up a number of such churches, they realized that interpretations might vary more than they had imagined. Little by little they came to rely upon periodic consociations of elders from the various churches to make sure that they were all continuing in substantial agreement."[253] There, says Miller,

> Congregationalists had confidently predicted that the loyalty of Christian congregations would keep them obedient to the law as expounded by the elders; confronted with the problem of ruling an actual and often cantankerous crowd of erstwhile dissenters, they realized this obedience had to be insured by more potent guarantees. If the clergy failed to control the internal affairs of their churches, then for all their attempts to maintain non-separation and unity, their parishes would inevitably drift apart, divergences and schisms appear, and popular frenzies break out.[254]

Thus, the Puritans developed two ways of taking up the slack caused by too much disorder in the churches. Within the church, the power of the *elders*, as opposed to the congregation, grew, and among the churches the *synod* became more significant as a checking device.

Within the church, once the members had covenanted together to form a church, they were expected to elect elders to rule the church. John Cotton, says Miller, "insisted that the elders were given to the church, 'not as mere adjuncts given to a subject, but as integral parts given to the whole body of the church, for completing the integrity and perfection of it.' "[255]

These elders enforced the discipline of the church and directed the church trials whenever discipline had to be exercised. They interpreted the laws of the church, preinterviewed candidates for membership, and advised the congregation whenever it was to take action. We "bring as few matters as possible, into the assembly," said Thomas Weld, "rather

252. Miller, *Orthodoxy*, 115.

253. Ibid., 187.

254. *Ibid*., 176.

255. *Ibid*., 177.

laboring to take all things up in private, and then make as short work in public (when they must needs come there) as may be."[256] Concludes Miller:

> Thus when the internal government of a Congregational church was perfected in New England, the ostensible result was a peculiar system of balanced, interlocking, and yet independent authorities.... The elders administered and the congregations rendered judgments, each according to a set of rules devised for those particular functions.... This theory of dual authorities cooperating voluntarily in the advancement {129} of Christ's kingdom was a triumph of ingenuity. It preserved the genuine Christian virtues that Puritanism opposed to the formalism of the Establishment, and projected a church system which followed the instructions of Christ, admitting members only upon profession of their faith and allowing them as Christians to exercise the privileges of the elect. At the same tine, the theory provided a check upon human tendencies to go astray, a sure-fire method for maintaining law and order.[257]

But, Miller continues, when the theory was put into practice, it turned out that *the elders still held the crucial power because they were the interpreters of the Word in a church that was disciplined out of the Word*. "Individual members were no match for those who devoted their days and nights to exegesis."[258] The answer, of course, is that not enough slack had been taken up to tighten the basic disorder of the congregational polity. A wall of brass or stone put in the wrong place, Cotton had said, is never as effective as a wall of sand in the proper one.

In the matter of *external government*, the need for *consociations of the ministers* began almost at once. In 1633, Roger Williams objected to the custom, fearing that it "might grow in time to a presbytery or superintendency."[259] Henceforth, writes Miller,

> There are numerous evidences of the associated ministers being called upon to deal with a lengthening list of matters, their survey soon including a goodly part of the internal workings of individual churches.... Within a decade it had become the established custom of

256. *Ibid*., 183.

257. *Ibid*., 180–81.

258. *Ibid*., 182.

259. *Ibid*., 188.

> the colony to require the presence of neighboring ministers at the covenanting of new organizations, at the election of all officers, or at the deposition of erring ones, and to refer to outsiders for arbitration of all parish quarrels.[260]

All of this was custom, but it was ratified in the *Cambridge Platform of 1648*, which provided for synods

> to determine controversies of faith, and cases of conscience; to clear from the word holy directions for the holy worship of God, and good government of the church; to bear witness against maladministration and corruption in doctrine or manners in any particular church, and to give directions for the reformation thereof.[261]

Miller asserts that this was "about as far in the direction of centralization as Congregationalism could go without abandoning its basic premises."[262] And that was as close to the Presbyterian system as they could get without embracing the coercion of Presbyterianism's established church. When Presbyterianism finally gave up the idea of establishing itself, the Congregational opposition to its polity declined, and in the case of Connecticut, {130} disappeared all together. When the Connecticut colony adopted its *Saybrook Platform of 1708*, it instituted a "semi-presbyterian structure which provided for county consociations to enforce discipline and doctrine in the churches, ministerial associations to regularize ordinations and other matters, and a General Association of Ministers to oversee the commonwealth's church affairs."[263] This stand, says Ahlstrom, led to "ever closer ties" between the Connecticut churches and the Presbyterian churches of the middle colonies. Thus, in the matter of synods and consociations, "the Puritan dilemma" caused by a lack of balanced authority was steadily resolved as the churches developed the proper bounds of their power.

Conclusion: On Mixed Presuppositions

> It hath ever been the lot of truth (like the Lord of it) to be crucified between right-hand and left-hand thieves. Truth's enemies, on all

260. *Ibid*., 189–90.

261. *Ibid*., 192.

262. *Ibid*., 194.

263. Ahlstrom, *Religious History*, 163.

> hands, are various .... There is as much beyond the truth as this side thereof; as much in outrunning the flock of Christ and the Lamb that leads them, as in struggling and loitering behind. Truth hath evermore observed the golden mean.—Christopher Ness (1621–1705), *An Antidote to Arminianism*

All men who live in the real world—even philosophers and historians and other professional analyzers—are men of mixed presuppositions. Theoretically, the analysis of thought forms and systems divides and classifies philosophies into "schools" or "systems," but rarely do the specific individuals being analyzed fit exactly into the analytical patterns as individuals. In the face of this fact, men have often turned in one of two directions in their analyses. One is toward classification and the other is away from it. The first tends to make rigid categories and force men into the one that is most similar. The other is to assume that classification is falsification and therefore impossible and to argue that each man stands equal and alone, immune from judgment because of the individual nature of his thought.

Both errors are to be shunned by the careful thinker. It must be seen instead, that though men have mixed presuppositions, they do *rank* those presuppositions in some kind of order. Thus, when a man's attention is called (either in argument or in experience) to a contradiction in his thinking, he will usually work out, or rationalize, that contradiction on the basis of his "*most favored*" *or basic presupposition*—the one that is closest to his essential being. In this way, most men evolve in their intellectual lives toward a kind of dialectical consistency between thought and thought and between thought and action. In Christian theology, this process is called "sanctification"—the Christian, as he matures, becomes more and more {131} consistently Christian in both thought and action. This must have been what the Puritans were looking for when they looked for "visibility" in the saints!

What is important to realize, however, is that this process of "sanctification" exists in all men, regardless of their presuppositions. Every man, be he Christian or atheist, Marxist or capitalist, radical or conservative, nihilist or stand-patter, will become outwardly more consistent to what he is on the inside as he matures in his thought.

Classification, then, becomes possible without destroying the integrity of the individual. While it is difficult or impossible to classify indi-

viduals, it is possible to classify *presuppositions*, and then to classify individuals on the basis, not of the mixed presuppositions that they hold, but on the basis of the *direction* that they are moving in their "sanctification." This involves not only classifying the basic presuppositions but also determining how one individual ranks his mixed presuppositions, that is, determining what an individual's basic presuppositions are.

This can be done in some very practical ways. Most men reveal their basic values when they are forced to make a decision, especially a decision of major significance to themselves. If we are asked to decide what a man believes or holds dearest at an existential point in his life, we may investigate either his words or his acts. We do well to believe his acts.

Similarly, Richard Weaver argues in his *The Ethics of Rhetoric* that a man's predominant mode of arguing will likely reveal his predominant worldview. The man who constantly argues from circumstance, says Weaver, has a different worldview from the man who constantly argues from definition: the first will argue "expediency"; the second will argue "right."[264]

What must be guarded against, however, is the tendency to judge too rigorously or mathematically. In other words, because men have mixed presuppositions, they will not act consistently on the basis of their most basic presuppositions either.

The point is this: it is possible to make analyses, judgments, and classifications of what men believed in history, and of how it affected their actions—without either destroying their integrity or imposing an order on them that was not there. It may be done, not by judging by one existential experience, but by a series of them, by observing the *direction of movement* and the *choices* that were made in the face of alternatives. By so doing, we can reckon what a man's basic values were and thus compare his values with those of other people, arranging them into groups and schools and movements.

But even as he does this, the historian must be aware of his own presuppositional {132} mix as well. If he is not, he will not only pass off his own limited viewpoint as objective scholarship, but will also tend to

264. Richard Weaver, *The Ethics of Rhetoric* (Chicago: Gateway, 1953), chaps. 3, 4.

read too much or too little into the events he is investigating—to see in the events only "what his eyes bring means of seeing."

Thus, coming to a study of the Puritan and his philosophy and its fruits, it is also important to realize that just as individuals have mixed presuppositions, so too do societies. The *Puritan view of authority and sin* embodied the principle of the *nonautonomy of human thought and temporal reality.* As such, it became a basic presupposition for him and infused all his thought in the creation and development of the Holy Commonwealth. And yet, as we have seen, there were some *basic departures from that principle* in several areas of Puritan life, and each of these departures caused one or more of the problems that have come to be called "the Puritan dilemma." In each case, if viewed in the light of the principle of the nonautonomy of human thought and temporal reality, it was not the implementation of Puritan orthodoxy that caused the dilemmas, but rather *the departure from it.* The Puritan dilemma was, in short, a result of the *mixed presuppositions held by the Puritans.* A study of how they worked out the contradictions in the first generation, as compared to the second and third generations, should help us understand more clearly the development of Puritan thought, the gradual changes in the "most favored" presuppositions of the Puritan society, and the directions they took as they moved away from the orthodox "golden mean."

The Salem Witch Trials

Kirk House

The unhappy outlines of the incidents in Salem are vaguely known to many Americans. In fact, to many Americans they are examples par excellence of Puritan government and society. As drama, as literature, Salem has fired the imaginations of Hawthorne, Whittier, Longfellow, and Miller. As history, Salem in detail is scarcely known.

The Salem outburst of accusation, trial, and execution lasted less than a year, and saw nineteen people hanged for acts of witchcraft (the "burning" of popular imagination is just that—imagination). In addition, one man was crushed to death for refusing to plead to charges, and two or three died in prison.

Why did this outburst take place at all? No other witchcraft incident in Puritan America reached such proportions. Salem is unique. In order to understand its uniqueness, we must first examine several more typical cases.

Witchcraft and witch trials, of course, were hardly unique to New England. For the world picture, see H. R. Trevor-Roper, *The European Witch Craze*, and George Lyman Kitteredge, *Witchcraft in Old and New England.*

The New England Background

Puritan New England saw a dozen or so witchcraft trials prior to 1692. In 1647 and 1648, a woman was hanged for witchcraft in Hartford and another in Charlestown. Ann Hibbins of Boston, who had been disciplined by her church for quarreling, was accused after she accurately reconstructed a conversation of two neighbors concerning her. Though she was convicted in 1655, the magistrates refused to sentence her, and the case was thrown into the General Court (Assembly), which found Mrs. Hibbins guilty. She was executed in 1656, despite the

efforts of her pastor, who grumbled that she had been hanged for having more wit than her neighbors.

In 1662, Anne Cole of Hartford went into fits, during which several voices came from her, naming several people as witches responsible for that condition. One of the accused, Rebecca Greensmith, sent for the two ministers who had taken down the strange accusation, heard the transcript, confessed her guilt, and accused the others, meanwhile claiming to have {134} had sexual relations with the Devil. Greensmith was hanged. Massachusetts trials in 1662, 1666, and 1673 resulted in acquittals.

The Knapp case of 1671–72 is very instructive. Elizabeth Knapp of Groton, Massachusetts, suffered great pains all over her body, followed by violent fits. She saw specters, spoke with other voices, made animal noises, and accused a neighbor woman of afflicting her. Knapp, whose eyes were closed at the confrontation, identified this woman by her touch. However, after this woman had prayed with Knapp for a while, the afflicted girl decided that she had been deceived by Satan. A later accusation was disregarded when two mistakes were found in the accusation itself. Samuel Willard, who as Groton's minister had supervised the situation, considered Elizabeth Knapp to be possessed, rather than bewitched.

Cases in 1675, 1681, and 1683 ended in acquittal. Mrs. Morse of Newbury was convicted in 1679, but Governor Bradstreet and the magistrates reprieved her. A specter appearing in the form of the accused was no proof of guilt in their opinion, and besides, the prosecution had not produced two witnesses to the same act.

In 1688, the four Goodwin children of Boston went into fits following a quarrel of one with a neighbor whose mother was reputed a witch. Doctoring did no good, but one child was delivered after a day of prayer. Goodwin finally swore out a complaint against Goodwife Glover, who at length confessed herself a witch and demonstrated her procedure with a number of images found in her dwelling. In her cell she was often heard arguing with a demon for his refusal to come to court with her. Suspecting insanity, the court appointed a panel of physicians to examine Glover. They ruled her sane, and she was executed. Cotton Mather visited her in jail, discoursing and praying with her without effect.

Glover named several accomplices, but Mather was skeptical of a witch's word, even when the children's fits continued. He took the eldest girl into his house, treating her with prayer and counseling and ignoring the names of the supposed accomplices. Eventually all the children were cured. Mather followed this procedure in a number of similar cases, and it never failed.

(Strangely enough, Mather has a reputation for being "the original old Puritanical American witch-hunter himself." The quote is from the Foreword to Bell Publishing's reprint of Mather's *Wonders of the Invisible World*. The foreword also implies that only the Mathers refused to see the light of the 1700s and reject the notion of witchcraft. The back of the jacket advertises another of Bell's books, which teaches how to become a witch.)

We may see, then, a general pattern in these witchcraft cases. Pastoral activity is generally prominent, and generally restraining. Wholesale accusations do not occur. Those accusations that are made are carefully {135} studied and often disregarded. When the matter comes to trial, about half the accused are acquitted. When convictions do take place, they are more acceptable to the representatives of the people—jury and General Court—than to those higher on the social, political, and educational scale—the ministers, magistrates, and governors.

The facts thus refute another popular superstition. Puritan America was not obsessed with the notion of witchcraft. Nor was the populace stirred up to a witch-hunting frenzy by the irresponsible preaching of superstitious pastors.

The Chronology of Salem Itself

The Salem troubles began with the occult experimentation in the house of Samuel Parris, minister of the church in Salem Village. Before his ordination, Parris had failed as a Barbadoes merchant, but still owned a pair of West Indian slaves, John Indian and Tituba. Tituba fascinated the children of the household (Abigail Williams and Betty Parris—both under twelve) with stories of the islands and such "white" magic as fortune-telling. Several other village girls, mostly in their teens, were admitted to these forbidden, though popular, activities.

This was the winter of 1691–92, and by January the girls began to go into their famous "fits." These might include convulsions, animal

noises, wild laughter, paralysis, screaming, running into the fireplace, or mischief and rage. The village physician, Dr. William Griggs, judged that Abigail and Betty were under an evil hand (a rather general diagnosis) and the village concluded that they were bewitched (a more specific one). Parris was advised by the neighboring elders and worthies to wait and pray, but some villagers had better ideas. On February 25, Mary Sibley, aunt of one of the "afflicted girls," had John and Tituba prepare a "witch cake" in order to discover the identity of the girls' tormentor(s). Names were at last forthcoming, and on February 29, Tituba, Sarah Good, and Sarah Osburne were arrested for harming people by witchcraft. At a public hearing on the next day, Tituba confessed.

Hers was the first of a number of confessions tallying closely with the accusations and adding a good deal of consistent corroborative detail. She described her demonic familiars, accused others, and told of a tall man from Boston who had urged her to sign a book wherein were already written nine names. Good and Osburne denied their complicity, but all three were sent to Boston jail on March 7.

These three accused had been pretty much outcaste in Salem life, but on March 11, at a day of fasting and prayer, Ann Putnam Jr. had fits. She accused Martha Corey, a respectable if sharp-tongued member of the Village church. Her hearing on March 21 produced the first case of sympathetic harm. As Martha bit her own lip, the afflicted cried that their {136} lips had been bitten. From then on, any unusual motion of a prisoner could be followed by an effect on the afflicted. At about this time, Parris finally learned of the witch cake made in his house a month before, and publicly rebuked Mary Sibley.

Between the 19th and 23rd, two more unusual accusations were made. One was of Dorcas Good, Sarah's four-year-old daughter, who produced a surprisingly detailed and consistent confession, accusing her own mother. The other was Rebecca Nurse, an elderly member of the Salem Town church renowned for her piety. Rebecca produced no confession, but claimed to be "as innocent as the child unborn," and wondered "what sin hath God found in me unrepented of" to give her such affliction in old age. At her hearing, she declared, "I never hurt no child, no never in my life." Pious reputation and unstudied eloquence aside, she too was jailed.

On April 3, Parris preached on John 6:70, with the title "Christ Knows How Many Devils There Are in His Church." On announcement of that text and title, Sara Cloyse, sister of Rebecca Nurse, left the meetinghouse and slammed its door. She was accused the next day. On April 11, Deputy Governor Thomas Danforth and three other judges arrived to join the board hearing the accusations. Several more people were accused and sent to Boston, but the height of sensation came on May 8. George Burroughs, second minister of the Salem Village church, was accused of committing murder and of ringleading the entire society of witches. He too was jailed (only two or three of those accused were cleared during the hearing stage).

As yet, however, there had been no trials, for the Massachusetts government was in a state of confusion. The Massachusetts Charter had been revoked during the Restoration, and Edmund Andros appointed Royal Governor. The New Englanders, on receiving word of the Glorious Revolution, overthrew Andros and thus bereft themselves of a functioning government. A self-proclaimed provisional government limped along, while Increase Mather, pastor of the Old North Church and president of Harvard, negotiated a new charter in London. He returned on May 14, after four years of absence, bringing the new charter and the new Governor, Sir William Phips.

Phips wasted little time. On May 27, he appointed a special commission of Oyer and Terminer, headed by Lieutenant Governor William Stoughton. Having placed matters in competent hands, the Governor then left for the Maine frontier in order to fight the French and Indians.

The new court likewise wasted little time. On June 2, Bridget Bishop was tried, convicted, and sentenced to death. She was hanged June 10. Rebecca Nurse and four others were condemned June 30, and on July 3 Rebecca was taken to Salem Town for her excommunication. Sarah Good stole the show at their execution, July 19. Called by the Rev. Nicholas {137} Noyes to repent, she replied, "I am no more a witch than you are a wizard, and if you take away my life, God will give you blood to drink."

The Rev. Burroughs and five others were condemned on August 5. At their execution on the 19th (minus the pregnant Elizabeth Procter), Burroughs nearly created a riot by flawlessly reciting the Our Father.

Witches were popularly supposed to be unable to do so, and the audience was prepared to free Burroughs by force. Cotton Mather, son of Increase and his father's assistant at Old North, denounced the superstition and enabled the execution to continue.

In the middle of September, despite increasing opposition from ministers and public officials, Martha Corey, Mary Easty, and thirteen others were condemned. One escaped, one was reprieved due to pregnancy, and at least one (probably five) was reprieved on confession. The remaining eight were hanged on September 22, following the death of Martha Corey's husband Giles on the nineteenth. He had refused to plead at his hearing in April, and so could not be legally tried. English law, in order to obtain a plea, permitted torture—increasing weight placed upon the prisoner's chest. Giles Corey, obstinate to the last, was crushed to death.

Phips soon returned from the frontier, extremely unhappy with the course of events. He had appointed the commission to determine whether witchcraft or possession was at work, and expected it to end public excitement and clear the jails. A summer of trials and executions had brought only more excitement, more accusations, and more prisoners. On October 12, he wrote the Privy Council that he had stopped the trials. Lt. Gov. Stoughton, who headed the investigating commission, was enraged, and he was not alone. A General Court act calling for a fast to find the right course in the matter passed by only four votes.

Trials resumed in January. All were cleared, except three who stuck to their confessions. They were reprieved by the Governor.

The Legal Aspects of the Situation

Trials and executions for witchcraft had been common for hundreds of years before 1692. George Lyman Kitteredge (*Witchcraft in Old and New England*) has demonstrated that English witch trials were unique in two ways.

First, the highly developed witch lore of the continent is missing. English witches tended to remain on the level of village "wise women," rather than being priests and priestesses of an elaborate antichurch. Some of this witch lore is found in the Salem confessions and accusations, but it is mild compared to that of Europe. Salem witches admit-

tedly signed books, flew through the air, and danced at night, but most of their meetings were taken up with sermons urging them to win new converts. {138}

Second, it was unusual for an English subject to be tried for being a witch. English witches were tried for committing *crimes* by means of witchcraft. Witchcraft was a weapon by which murder, or assault, or theft could be committed. Thus, it was insufficient to prove a person to be a witch, for that was not the crime under consideration. The warrants accused specific criminals of specific crimes on specific victims at specific places and times, and these acts had to be proven for conviction. This fact forces us to examine two legal aspects—the rules of evidence and the conduct of the trials and hearings.

1) *The Rules of Evidence*

Criminals in general, and criminals using witchcraft in particular, do not often commit crimes before witnesses. The first evidence against the accused was the testimony of the afflicted, who claimed to have been assaulted by a specter in the form of, say, Rebecca Nurse. Such evidence could be strengthened. Was the accused a person of scandalous life? Were any preternatural feats (e.g., unusual strength) ascribed to him? Had he any unusual bodily excresence, supposedly for suckling a familiar? Had mischief ever befallen his opponent following a quarrel? Did he give wrong answers to the Catechism, or fail to recite Scripture passages correctly? Did a confessed witch name him as a fellow? Could images or other witch implements be found on his person or property?

However, an affirmative answer to all of these questions would still be insufficient to prove the accused guilty as charged. The penultimate question was, "Could *spectral evidence* be admitted in a court of law? Could the afflicted's testimony of a sight or action sensible only to the afflicted be accepted?" The ultimate question was, "Will God allow an innocent person to be impersonated by a demon?"

It will be recalled that in 1679 Mrs. Morse was reprieved when the Governor and magistrates ruled specter evidence inadmissible. That, however, was their personal opinion, and the issue was still a live one in Salem's trial when Judge Hathorne, supported by Judge Corwin, denied the Devil's power to assume an innocent shape. Their decision was approved by three of the four pastors nearest the spot—Samuel Parris

of Salem Village, Nicholas Noyes of Salem Town, and John Hale of Beverly. The word of the afflicted was now virtually undeniable. Once admitted, how could it be refuted?

2) *The Conduct of the Trials*

Such an attitude on the part of the judges almost guaranteed chaos in the courtroom. Fits on the part of the afflicted were a necessary means of gathering evidence. There were no lawyers for defense or state, and the magistrates were themselves untrained in law. The uproar on the day of {139} Rebecca Nurse's hearing startled Deodat Lawson as he walked in the street near the meetinghouse. Mrs. Pope, one of the afflicted "girls," threw her muff at Martha Corey, missed, got off her shoe, and threw it into the old woman's head, all apparently without being hindered.

The judges' questioning also reveals their attitude. Prisoners were not asked whether they tormented the afflicted, but *why* and *how* they did so. Mrs. Nathaniel Cary was ordered to stand with her arms outstretched, to prevent her from inflicting sympathetic harm. When Cary asked permission to support his wife, he was told that if she had strength to torment the afflicted, she had strength to stand by herself.

Sadly, records of many trials themselves have been lost, but apparently their conduct was somewhat similar. The jury's acquittal of Rebecca Nurse was greeted with an outburst from the afflicted. Stoughton directed the jury to one of Rebecca's remarks during the trial, and asked the jury to reconsider. This was an accepted practice of English law, and William Penn was another of its victims. The jury finally returned a verdict of "guilty."

Thus we may see that, guilt or innocence notwithstanding, the accused were not granted fair hearings or trials. Indeed, a legally sworn complaint (not all the accused were actually charged) almost inevitably meant indictment, and, in time, imprisonment.

How Did These Troubles Begin?

What caused this outburst, unique in New England history? Wild mushrooms and mildewed wheat have been cited as hallucinogenic foods eaten by the victims. Marion Starkey (*The Devil in Massachusetts* and *The Visionary Girls*) has seen at least some of the visions as erotic dreams. She tends to view the girls' fits as results of Puritan repressive-

ness and immature misunderstanding of Calvinism. The popular view (cited above) that ministers whipped the people into a witch-hunting frenzy will not hold up in face of the facts, as will be seen below. Some have suggested that social upheaval, governmental confusion, and chronic war threats forced the people to find scapegoats among the outcaste and powerless.

This view has been ably refuted by Paul Boyer and Stephen Nissenbaum. Their books, *Salem Possessed: The Social Origins of Witchcraft* and *Salem-Village Witchcraft: A Documentary Record of Local Conflict in Colonial New England*, are among the best on the subject. They demonstrate that within the Village, accusers and accused represented two pretty much distinct groups, which could be found on opposite sides of almost every issue. Their data need to be subjected to independent verification, but for the moment they indicate that *accusers* generally belonged to the poorer, weaker, less prestigious group of farmers in the western end of the village, whereas the *accused* were generally associated with that group which was {140} wealthier, possessed of political power, socially prestigious, and sympathetic with the merchant class in Salem Town.

This is both interesting and important, but still fails to answer our question. If local conflict produced witch trials, New England would have been depopulated long ago (I speak from three hundred years of ancestry and a quarter-century of experience in New England, town and church).

Cotton Mather, in his book on Salem (*The Wonders of the Invisible World*), included a sermon on Revelation 12:12. The Devil, he was sure, had only a short time, for Mather had calculated that the destruction of Anti-Christ, identified as the Papacy, would occur about 1697. Clearly he was wrong on this point, but an atmosphere of apocalyptic speculation, traditionally a breeding-ground for excesses, may have provided a good matrix for occult activities.

According to Mather, the country was awash in such activity. Spells, conjurations, fortune-telling, and astrology were widely practiced. For all the preaching of the Puritans, magic was still very close to the lives of the people. The supposition that this interest in magic was created by Puritan emphasis on the supernatural will not bear examination. Kitteredge and Chadwick Hanson (*Witchcraft at Salem*) have demon-

strated that occult practices and witchcraft accusations were at least as common in other religious groups. George Lincoln Burr (*Narratives of the Witchcraft Cases, 1648–1706*) has published narratives involving Quakers and Anglicans, as well as Puritans.

According to Mather, the whole affair was God's punishment of New England for its sorceries, its discontent, its unbelief and slighting of the Savior, its neglect of the churches, and for the Europeans' barbaric treatment of the Indians.

Thus we may see that fairly widespread occult activity, set in a time of religious, political, and social confusion and a place of bitter rivalry, provided opportunity for the accusations and hearings. However, accusations and hearings had taken place before without reaching such proportions.

How Did These Troubles Continue?

Having begun as a fairly normal case, the Salem situation proceeded far beyond the norm. The reasons may be found by examining the fits, the confessions, circumstantial evidence, hard evidence, and church-state conditions.

1) *The Fits*

By far the most spectacular aspect of the situation was the fits of the "afflicted girls." These first caused discovery of occult activity in the Parris household, these were the source of accusations, and these disrupted {141} hearings, trials, and church services from February to October, incidentally drawing crowds to all three.

It is easy to dismiss these fits as deceptive stunts. In fact, there was some lying on the part of the afflicted. At Sarah Good's trial, one of the afflicted went into a fit. On recovery she claimed that Good's specter had tried to stab her and produced part of a knife. A young man came forward and testified that on the day before he had broken his knife in the presence of the witness, and had thrown away the broken piece. He produced the haft, which was found to match the witness's piece. She was admonished not to lie, but was still allowed to give evidence.

For the most part, however, these fits were not lies. They were real, and they had a force that was overwhelmingly convincing. The men of Andover, when their wives were accused, believed the accusations. Martha Corey claimed that the girls were distracted, but not that they

were lying. Captain John Alden, son of John and Priscilla of *Mayflower* fame, referred to his accusers' "jugling tricks," but felt that they were "distracted, or possessed." Of all the accused, only the Carys are known to have completely denied the validity of the fits.

Boyer and Nissenbaum imply that one segment of Salem Village was striking out against the other, pro-Town segment. (Salem Village was officially part of Salem Town. The western farmers generally favored independence, while the more prosperous east preferred to remain with the town. Salem Village is now the Town of Danvers.) However, in isolating their study to the Village itself, they have missed an important point. As they note, Salem Town magistrates and constables failed to compel collection of rates to support Parris and the Village church, a center of independence activity. They were active, however, in arresting and conducting hearings of the accused witches, although the accusers were their village enemies, and the accused their village allies. Obviously, sectional conflict has played a part in the accusations. Just as obviously, it has been over-ridden by something more powerful. Once we move outside the Village, this part of Boyer and Nissenbaum's thesis proves inadequate. Larzer Ziff's somewhat similar contention, in *Puritanism in America: New Culture in a New World*, also has serious flaws. True, the accusations were in part an uprising of the powerless women, children, and servants, but they were accepted by a relatively wealthy and powerful magistracy.

To look at a particularly striking case may help elucidate the point. Captain John Alden was accused after a couple of false starts on the part of the afflicted. They first pointed out the wrong man, and then had to adjourn to the better light of the street. He was then accused of inflicting sympathetic harm, and asked those who knew him if they had ever suspected his being a witch. In Alden's own words, "Mr. Gidney [one of the judges] said he had known Aldin [*sic*] many years, and had been at Sea with him {142} and always look'd upon him to be an honest man, but now he did see cause to alter his judgment." If we may give Gedney and his fellow-judges credit for being of average intelligence, reasonableness, and prudence, it is a fair assumption that such alterations in judgment, especially in capital cases, were not based upon fits of a "normal" nature. Something so unusual as to alter a lifetime of experience had been presented to them.

What was it? Medical science was lacking a good deal in those days, and Dr. Griggs, who in 1695 signed a legal document with a mark, may not have been an especially competent practitioner. However, even if unidentified, it was clearly out of the ordinary. The Rev. Hale specifically stated that the fits were "beyond the power of any Epileptic Fits, or natural Disease."

Was it hysteria? This diagnosis is advanced, to greater or lesser degrees, by Starkey, Hanson, and Boyer and Nissenbaum. It should be noted that they, especially Hanson, use the term in its clinical sense, rather than in the popular sense of general excitement. The fits in fact often tally quite closely with the progress of a "typical" hysterical fit. In many cases, hysteria could be the answer. But what do we really know about hysteria and its causes? Is a diagnosis of hysteria much of an advance, as far as information is concerned, over that of "an evil hand"?

There is, of course, a possibility which rationalistically inclined scholars overlook. Demonic activity, up to and including possession, may have been involved. Such a diagnosis fits the facts as well as one of hysteria, so long as it is not rejected on presuppositional grounds. Indeed, some aspects of the case are more easily explained by demon activity. Such a case is the *levitation of Margaret Rule.* Taking place in Boston in 1693, the Rule case is not directly a part of the Salem situation. Seven men, headed by Cotton Mather, Fellow of the Royal Society of London and former medical student, testified that they had seen Margaret Rule lifted from her bed to the ceiling, and that the combined strength of several men was insufficient to pull her down.

The fits, then, though at times a deception, seem to have been in the main real, and of such extraordinary force as to cause hundreds of people to change opinions of many years' standing. Their most likely origin would seem to lie in hysteria, or demon activity, or a combination of both.

2) *The Confessions*

A surprising number of the accused, around fifty by some counts, confessed their guilt. Some of these confessions were probably coerced. Mrs. Tyler, Mrs. Fry, and Mrs. Osgood of Andover were all badgered into confessions by husbands and relatives. John Procter wrote that three men had not confessed until they were tortured by being tied neck and heels. {143}

Others may have been motivated by self-interest, since confessors were neither tried nor executed. This fact, however, could not have become evident until the middle of the summer. It certainly was not evident to Tituba, whose detailed confession was noted above. Nor was it evident to Dorcas Good, who described her familiar and showed the place where she suckled it. The magistrates apparently tried to confuse her by asking about other places, but she stuck to her original location. She also insisted that it was her mother, not the Black Man (as the magistrates suggested), who had given her that familiar. Her mother had three familiars, which hurt the afflicted. Other confessions were similarly detailed, beyond the simple confession which would have sufficed to save life.

Three women even continued to confess in 1693, when the others had repudiated their confessions. Two were women with a reputation for being silly and ignorant, and one was the wife of a man who had been hanged after repudiating his confession. These facts may explain their tenacity.

In addition to the reasons advanced above, some of the confessors may have been hysterical or under demonic influence. Times of occult propaganda often result in a rash of apparently self-deluded victims (this was the case during the popularity of *The Exorcist*). Finally, it must be remembered that many people at the time were in fact guilty of magic and other occult practices, both "white" and malefic.

The confessions, though produced by different motivations, included enough that was sufficiently credible, given the excitement of the time, to constantly add fuel to the process of accusation and trial.

3) *Circumstantial Evidence*

This section might well be headed "Unusual Events." A number of seemingly inexplicable events which took place in 1692 served only to drive on the prosecutions. When Martha Corey was accused, Edward Putnam and Ezekiel Cheever decided to discuss the matter with her in accordance with their church covenant responsibilities. They first visited the accuser to ask about the clothes worn by the specter. Ann Putnam Jr. had not been able to see any clothes. When Putnam and Cheever arrived at the Corey house, Martha said she knew they had come to speak with her about being a witch, and asked whether Ann had told what clothes she had worn. This seemed almost like preternat-

ural knowledge, and that likeness increased at her hearing. She testified that she had learned of the question about the clothes from Cheever, who denied it. She then named her husband, who also denied it, and finally testified that no one had told her. Giles Corey broadcast his own feeling that she was indeed a witch. He changed his tune when he was himself accused, but further weakened his credibility by perjuring himself a number of times. {144}

There are other incidents. Bridget Bishop denied knowing John Louder, a deponent against her. In fact, their orchards were adjoining and they had had quarrels for years. Robert Downer claimed to have been spectrally assaulted by Susanna Martin, and several people testified that the Martins had told of the incident before Downer himself told anyone.

Along with much more of this sort, there are numerous cases of mischief following quarrels, and incidents such as the one involving Rebecca Nurse. In the hour that her irons were removed in prison, the afflicted claimed to be assaulted by her specter, which had not appeared since Rebecca's imprisonment. Rebecca, however, was in Boston. The afflicted were in Salem.

Some of the accused were people of eminent piety. The most notable examples are the Towne sisters—Mary Easty, Sarah Cloyse, and Rebecca Nurse. However, contrary to the imaginations of anti-Puritan writers, the accused were not universally *sans peur et sans reproche*. Some, like Bridget Bishop, were thoroughly disreputable. Others fell in between. For instance, Giles Corey and John Procter were frequently in court against their neighbors, and even against each other. The Rev. George Burroughs was well known for his harsh treatment of his wives, had had only his eldest child baptized, and in 1692 couldn't remember the last time he had taken communion. Some writers have pictured Burroughs as calmly and rationally denying the very existence of witchcraft. In fact, he claimed to believe in it. Later on he submitted as his own a paper denying some aspects of witchcraft. This was immediately detected as perjury, for it was copied from Thomas Ady. Burroughs perjured himself further trying to explain this plagiarism.

Thus we may see that some unusual and even inexplicable events helped to confirm the air of witchcraft. Also (writers such as Starkey aside), the accused were not a universe of honest truth-seekers and

harmless fun-lovers. They included a good number of the vicious, the cowardly, and the disturbers of public peace. The one who is apparently Starkey's favorite, "honest John Procter," even reached beyond the grave in causing difficulty. While in prison, he disinherited his wife. She sued for years in order to get a share of the estate.

4) *Hard Evidence*

It is popularly little known that there was legitimate evidence against a number of the accused. Some of them were, in fact, engaged in the practice of witchcraft. The activity of Tituba has been noted. Another slave, Candy, produced several images or poppets (similar to the notorious "voodoo dolls") with which she attempted to afflict others.

Even more striking was the case of Bridget Bishop, who was widely reputed to be a witch. She and her Quaker neighbor, Samuel Shattuck, {145} seem to have fought an occult duel over Shattuck's son. Poppets with pins stuck into them were found on her property. Witnesses testified that she had told them of visits to her by the devil in bodily form. Wilmot Redd also appears to have practiced malefic witchcraft, while a number of the accused practiced "white" magic. Abigail Hobbes had long bragged of personal association with "the Old Boy."

As usual, George Burroughs was a center of attention. He had often exhibited and bragged of unusual strength, such as lifting a musket with one finger stuck into the muzzle. He also had reconstructed conversations of his wives. On one celebrated occasion, he was picking strawberries with his wife and her brother, and he vanished for awhile. Burroughs reappeared while the brother and sister walked home and then reconstructed their conversation, claiming to know their thoughts. The reconstruction itself is hard to explain. Hanson (75–76) suggests that he followed them in the bushes, within hearing but out of sight. One problem with this possibility is that it is so obvious, it should have occurred to a couple of adults intimately familiar with Burroughs's character, even if they did live in an age unblessed by scientific rationalism. At any rate, Burroughs announced, "My God makes your thoughts known unto me." As Hanson shrewdly, and probably correctly, notes, neither Burroughs nor his relatives understood by this the Christian God, who "does not deal in the occult, particularly at the level of family gossip." He meant the god of the witches—the Devil. Burroughs may not have practiced witchcraft, but he seems not at all to

have minded a reputation as one well acquainted with the world of evil spirits.

At any rate, the powerful fits and unusually full confessions provided a strong impetus for the proceedings. A number of unusual events, difficult to explain without recourse to the spirit world, strengthened the confessions and accusations. Defendants produced an inexplicable rash of perjuries which would not bear a moment's scrutiny and would serve little purpose if they did. Finally, there was evidence that a number of defendants were in fact witches, or at least enjoyed the reputation of being witches.

5) *Church-State Relations*

Finally, and very importantly, there is the matter of church and state. In the past, witchcraft cases had remained manageable because a minister or public official had taken a firm hand. In this case, however, the minister on the spot, along with two of his three neighboring ministers, actually encouraged the trials. The other ministers were universally opposed, but, under the congregational system, had no real authority in Parris's church.

Governor Bradstreet was too elderly, and his government perhaps too tenuous, to take firm action in this matter. When Phips arrived and took {146} office in May, he was concerned with the military threat on the Maine frontier, and had little time for domestic problems. *Salem got out of hand because it occurred at the precise time and place in which the traditional restraints—ministers and governor—were ineffective.*

How Did These Troubles End?

It will be recalled that when the Parris children first began to exhibit unusual behavior, the neighboring elders advised Parris to wait and pray. Cotton Mather, in 1685, had resolved that at each instance of occult activity he would spend a day in fasting and prayer. Accordingly, he set April 29 as a day of humiliation concerning Salem. He considered spectral evidence to be feeble evidence, denounced it in public and private, and wrote the judges asking them not to admit any. He recommended that the problem be dealt with by prayer and fasting, recommended that the afflicted be separated from each other, and offered to support six of them himself.

From the very beginning, there was opposition to the actions of the magistrates. Deodat Lawson, a former minister in Salem Village, preached the lecture day sermon there on the day of Rebecca Nurse's examination. There he urged the magistrates to discover all, but reminded them that their concern was with civil matters, and told them to use only regular means. He reminded the Christians that Christ had conquered Satan, and that they needed to stand in Christ. Prayer was urged as the proper remedy, and, in the sermon title, Christ's fidelity was upheld as the only shield against Satan's malignity.

Despite Mather and Lawson, people turned increasingly to the courts. In the past, pastoral or governmental action had served as a check at this point. Here, however, was no Samuel Willard, carefully supervising and scrutinizing the situation. Samuel Parris believed the accusations, and he encouraged the hearings. Two of his neighboring pastors, who might have provided restraining influence, supported him. The third, John Higginson of Salem Town, was too elderly to take a very active role.

As far as government was concerned, it was headed by Simon Bradstreet, who had been so skeptical of spectral evidence in the Knapp case. Bradstreet, however, had become so decrepit as to be unable even to attend church, and his government was both self-proclaimed and provisional. No forthright action would come from that quarter. Opposition, then, was left to the ministers of the colony, who universally opposed Parris, Noyes, and Hale. They, of course, held no political power. Under the congregational system, they held no real ecclesiastical power outside of their own churches.

At the end of May, Cotton Mather attempted an intervention. Too ill to accept Judge John Richards's invitation to attend the trials, he wrote Richards a letter of advice urging him to refuse admission of spectral {147} evidence. Mather also denounced torture and semi-occult tests such as "swimming" and reciting the Our Father. A credible confession might be accepted, as well as images, witch marks, and evidence gathered by cross and swift questioning. Clemency was recommended for lesser criminals, and Richards was reminded that this was a spiritual matter. Only its *physical results* gave the *court* any jurisdiction.

Sometime in June, two papers were circulated by a Baptist preacher and others opposing the use of spectral testimony. The commission of

Oyer and Terminer convicted Bridget Bishop, against whom it had hard evidence, then adjourned in confusion. Judge Saltonstall resigned, apparently unhappy with court procedure. The commission asked the advice of the Boston clergy.

"The Return" was drawn up by Cotton Mather in the name of the Boston clergy. The clergy warned that evidence sufficient to require investigation was not necessarily sufficient for conviction. The popular semi-occult tests were rejected, as was evidence from the demons themselves. This could include spectral evidence, accusations by confessed witches, and the touch test. The "noise, company, and openness" of the earlier hearings were criticized. *The clergy, in short, set themselves squarely against the court's procedure.*

The court ignored them. On July 23, however, came a golden opportunity. John Procter wrote five ministers, including Increase Mather and Willard, asking their intervention in a petition for change of venue to Boston. On August 1, eight ministers met at Cambridge to consider this request—and promptly backed down. The devil, they ruled, might have permission to impersonate the innocent, but only rarely, especially when the case came to law. This is astonishing, since they had for months been loudly protesting that demons could impersonate innocent, and even virtuous, persons.

What caused this reversal? Sorting out the motives of others is always dangerous, but several observations may be made. First, the judges were friends, parishioners, and classmates of these men. A public break with them would doubtless have been very painful. Though the ministers rejected the judges' methods, their motives and characters were never condemned. In September and October, Cotton Mather went so far as to write *The Wonders of the Invisible World.* Part of it contains essays proving the existence of witchcraft. Part includes his sermons and essays condemning the procedures being followed. The last part is summaries of selected trials, designed to show what a good job the judges were doing. The trials described in the back of the book often run contrary to Mather's rules in the front. One can only conclude that Mather was excessively credulous, especially where his friends were concerned. {148}

The suggestion of Hanson (136–37) is also reasonable. These ministers may have feared to admit to the bankruptcy of the theocracy built

by their fathers and grandfathers. The new royal government, the rift between ministers and magistrates, and the fact that Satan could lie to a Massachusetts court, may have been too much for them to take. Whatever the reason, *they turned down an opportunity to intervene in an area legally without their province.* This is particularly odd in view of the fact that two of them, Willard and Moody, are now known to have urged accused people to flee, saying that the innocent were suffering.

The elder Mather did decide to inspect the trials on August 5, but he chose that of George Burroughs. Evidence existed in this case, and Burroughs persisted in his pathetic and pointless lies. Another trial might have given a different impression, but this one, with little reliance on spectral evidence, convinced Mather that all was well.

On August 9, Robert Pike, magistrate of Salisbury, wrote to Corwin condemning most of the evidence submitted thus far. He advanced a novel but well-reasoned view. Since the afflicted were under diabolic torment, evidence taken from them came in fact from Satan. Thus, those who took such evidence were, in fact, communing with Satan, and thereby liable to charges of witchcraft themselves.

The next salvo was Cotton Mather's letter of August 17 to John Foster. Foster, a member of the Governor's Council who had asked Mather's advice, was told that spectral evidence was insufficient for conviction and that devils could assume innocent forms. Reprieve should be granted whenever the judges were uncertain, and bail should be granted those jailed on spectral evidence only. As far as those actually convicted, Mather suggested exile rather than death as a punishment. In conclusion, he hinted that "a famous divine or two" might be seated on the court.

He was ignored, and on October 3, Increase Mather rolled out the big guns. He read to the Boston clergy the manuscript of his new book, *Cases of Conscience Concerning Evil Spirits Personating Men.* Here he went on record as opposing any evidence taken from devils or confessing witches. On October 8, Thomas Brattle wrote that all the elders except Hale, Parris, and Noyes were opposed to the proceedings. Also opposed were Bradstreet, former Deputy Governor Danforth, Major Saltonstall (who had resigned from the commission), a number of current and former magistrates, and most of the principal men in the Boston area. On October 12, Phips suspended the commission's

operations, an act narrowly approved by the General Court. Judge Sewall, on the fifteenth, wrote in his diary of the difficulty caused by the rift between the ministers and people. The pastors and their allies in this struggle were a definite minority.

They were supported by other ministers. On October 11, in response to the request of their Chief Justice, the New York Dutch and French (Huguenot {149}) Calvinist ministers rendered their opinion denouncing spectral evidence. In Connecticut, the Salem trials had provoked a number of witchcraft accusations. Responding to their General Court's request, the ministers on the seventeenth rejected virtually all the evidence that had been offered. Neither of these documents were available to Phips on the twelfth, but he considered them while composing new rules of procedure for the commission.

The Public Repentance

The people were unhappy and Stoughton enraged. The preaching of the ministers, however, began to have its effect. The narrowly passed bill calling for a fast and convocation to find the right way in the matter implied admission that the current way was wrong. Massachusetts was about to embark on an episode unique not only to itself, but to the world.

All the members of the commission went on to be elected to the Governor's Council. Even so, in 1693 *reaction* began to set in, and popular opinion, while still trusting the judges, turned at length against the trials. This confidence in the integrity and intelligence of the judges was nowhere more evident than in the families of the victims. Samuel Parris remained intransigent, and those families which had suffered wanted him removed from Salem Village. Appealing to a board of arbitrators, they summed up their opposition to Parris. He had trafficked with the Devil (through the afflicted), believed his accusations, departed from charity, and encouraged the accusations. Only one thing here is remarkable. Two of these arbitrators had sat on the commission of Oyer and Terminer, and had done the same things of which Parris was accused.

This was in 1697, an eventful year for those involved with the trials. In 1696, the General Court had called a fast, with particular reference to the Salem trials. Judge Sewall, one of the above-named arbitrators,

had drawn up the bill, toning down an even more pointed version by Cotton Mather. December 24 found Sewall deeply affected by Matthew 12:7. On January 15, the fast day, Sewall stood before his church as Pastor Willard read Sewall's confession and repentance. Twelve jurymen signed a similar paper, confessing and repenting of their sin, though done "ignorantly and unwittingly," in shedding innocent blood. John Hale in that year wrote *A Modest Enquiry into the Nature of Witchcraft*, in which he described and refuted his own earlier views on the subject. A large part of this book was inserted with approbation into Cotton Mather's *Magnalia Christi Americana.*

Martha Corey's excommunication was revoked in 1703, Giles Corey's and Rebecca Nurse's in 1712. Ann Putnam Jr. publicly repented when she joined the Salem Village church in 1706. {150}

There was also a sort of institutional repentance. Some attainders were reversed in 1703, and a good many more in 1711. In that year the General Court also approved money indemnities, to the total of £ 578 12 s, to be paid to the survivors.

All in all, those who have suffered most from the historical point of view are probably the Mathers. Though their behavior was not perfect, they probably deserve less blame than any other. This is partly due, perhaps, to an anti-supernatural bias on the part of historians. It is also partly due to their uncritical acceptance of *More Wonders of the Invisible World*, by Robert Calef, a contemporary of the Mathers. Hanson has ferreted out a number of important lies on Calef's part.

In moving to the conclusions, it would be well to bear in mind the conclusion of Kitteredge's book.

"It is easy to be wise after the fact—especially when the fact is two hundred years old."

Conclusions and Applications

Familiarity with and practice of occult activities were fairly common in late-seventeenth-century Massachusetts. It would be specious to see this as a result of Puritan preaching, for non-Puritans in New England are also in view here. Additionally, familiarity and practice were as great or greater in non-Puritan areas of the world. The ministers as a whole, along with the highest civil officials, were the least credulous and superstitious of the population. The relative scarcity of New

England witchcraft trials, and their extremely restricted nature, can be traced directly to the actions of these two groups. The Salem situation was not very different in its origins from the earlier cases; it got out of hand because of ministerial encouragement (Parris, Hale, and Noyes) and gubernatorial ineffectiveness (Bradstreet's age and Phips's preoccupation with the frontier war). A strong governor or a more sensible minister might well have nipped things in the bud. This case also demonstrated what is perhaps the greatest weakness of congregationalism. A strong presbytery or episcopacy of course creates problems in other areas, but they probably would have taken this situation in hand fairly early.

Neither accusers, accused, judges, opponents, supporters, nor any other people were actors in a great historiographical drama. Rather, they were people, brazenly refusing to fit into any literary mold. Many of the accused were people of eminent piety, while others were scoundrels of the worst sort. Some were guilty of witchcraft and other occult practices, but probably not one received a fair trial. Nearly all the magistrates involved prejudged their guilt early in the hearing stage. Additionally, there was some perjury on the part of the accusers, and the commotion so often {151} found in the courtroom made a defense well nigh impossible. Of course, the spectral evidence was by nature irrefutable. The magistrates do not seem to have been particularly wicked men. They were affected by the powerful fits of the afflicted, which may have been hysterical or may have involved demon activity. The confessions helped confirm the opinion of the magistrates, aided by a fair amount of hard evidence and a number of ridiculous perjuries.

Opposition to the trials was led by the ministers, who questioned the efficacy of witch trials in general and rejected the conduct of these in particular. Without any real authority outside their own churches, they confined their opposition mostly to advising and preaching. When provided with a real opportunity to intervene, they backed down, probably unwilling to fight their friends and afraid to destroy the image of peace in Zion. They may also have been concerned to give fuel to a growing "rationalism," as an apparent denial of witchcraft could lead to a denial of the supernatural altogether. Such a concern is often shown in writings of this period.

Soon afterwards they reasserted themselves. Increase Mather's *Cases of Conscience* was an attack on the proceedings, and the point of view of the Boston clergy was basically shared by the Calvinist clergy in Connecticut and New York.

The matter did not run its course. Phips, advised by the ministers, brought matters to an early end, much to the discontent of the people, the magistrates, and almost half of the General Court. A good number of those involved later publicly repented of their deeds, and the General Court voted a money payment to those who had suffered. Both actions seem to be without precedence in witchcraft cases.

The fundamental error here seems to have been an insufficient appreciation of Christ and His word. Those who do not love Him fully will grasp at other means, including occult ones, to order their lives. The body of Christ must lead people on into the fulness of Christ. The negative approach, including warnings against occult activity, is also necessary. However, it is by itself ineffective and moreover at times self-defeating.

In 1692, people heeded popular superstition and theological reasoning rather than the Bible. Is there any biblical basis to the supposition that a demon could not assume an innocent form? Indeed, Satan may array himself as an angel of light. In matters such as these, matters not surely learned from Scripture cannot surely be known.

It must also be remembered that apologetic "proof" of the existence of a supernatural world is virtually irrelevant to Christianity. We do not wish to descend to the level of fideism, but it must be affirmed that the gospel is its own best defense, and possessed of great power. To be more {152} concerned with an apologetic principle than with human lives shows both sinful callousness and sinful lack of faith.

Finally, the error was deepest when it was decided to treat the problem with civil means, rather than evangelical means. When Cotton Mather had his way, he treated the afflicted with fasting, prayer, counseling, and evangelism, and he saw every case cured. It would not do to divide the world into mutually exclusive "secular" and "religious" realms. Neither would it do to place our hopes and our faith in a physical/political problem solver—even if it is a Christian-dominated theocracy.

Medieval Economics in Puritan New England, 1630–1660

Gary North

One of the central difficulties in the reconstruction of the past is the present-mindedness of the writer. The categories of thought in one era are superimposed upon the historical data. Great differences, especially in the realm of attitudes, can be covered up through an appeal to superficial similarities between past and present. This is certainly evident in modern accounts of the economic thought and policies of New England Puritans. We are asked to believe that Puritan economic thought was essentially one of the following: 1) more socialistic than individualistic;[265] 2) significantly individualistic;[266] 3) mercantilistic;[267] 4) a form of traditional medievalism.[268] Such conflicting interpretations indicate, on the one hand, the complexity of the historical records; a part of this complexity in turn is due to the variations, town to town and province to province, within any given time period, and to the changes that took place throughout the seventeenth century. On the other hand, historians with varying presuppositions have been able to select from this complex multitude of data certain historical records that would seem to verify, taken by themselves, the theses of the various investigators.

265. Clive Day, "Capitalistic and Socialistic Tendencies in the Puritan Colonies," *Annual Report of the American Historical Association for the year 1920* (1925), 235.

266. A. Whitney Griswold, "Three Puritans on Property," *New England Quarterly* 7 (1934): 276–77.

267. E. A. J. Johnson, "Some Evidence of Mercantilism in the Massachusetts Bay," *New England Quarterly* 1(1928): 371–95.

268. John Dickenson, "Economic Regulations and Restrictions on Personal Liberty in Early Massachusetts," Pocumtuck Valley Memorial Association, *Proceedings 7* (1929): 493–94. Cf. Carl Bridenbaugh, *Cities in the Wilderness* ([1938] 1955), 45; Bernard Bailyn, *The New England Merchants in the Seventeenth Century* (1964), 21ff.

"Contrary to popular usage," writes Marshall Harris in his study of the land tenure system in early America, "property is concerned with relations among men, not physical objects. Property is *rights*, not *things*."[269] Puritans {154} were never led to think otherwise. Their universe was an intensely personalistic one, controlled by a sovereign triune God down to the most insignificant (humanly speaking) details. Nothing could ever happen which was not foreordained in God's immutable plan for His creation. There could be no zone of contingency and no zone of impersonal mechanism anywhere in the universe. Events could, of course, appear to be random or impersonally controlled, but such an appearance was due to the limited insight of human observers. As a result, Puritan writers were careful to avoid the mistake of regarding property as anything but personal. The administration of property always involved personal responsibility before a personal God; physical objects were always subordinated to the inescapable issue of responsibility, both communal and private.

Ownership and Stewardship

The concept of ownership that was expressed by Puritans on both sides of the Atlantic would have been instantly recognizable by Salvian the Presbyter or Thomas Aquinas. The doctrine of godly stewardship was the foundation of the traditional Christian analysis of property rights. God, wrote Thomas Shepard, "is owner of all, and disposer of all to the least growth of thy stature...."[270] John Winthrop's defense of the Puritans' appropriation of American soil included this principle: "The

269. Marshall Harris, *Origin of the Land Tenure System in the United States* (1953), 2. Supreme Court Justice Potter Stewart, speaking for the majority in the case of *Lynch v. Household Finance*, wrote that "the dichotomy between personal liberties and property rights is a false one. Property does not have rights. People have rights. The right to enjoy property without unlawful deprivation, no less than the right to speak or the right to travel, is, in truth, a 'personal' right, whether the 'property' in question be a welfare check or a savings account. In fact, a fundamental interdependence exists between the personal right to liberty and the personal right in property. Neither could have meaning without the other." *The United States Law Week* 40 (March 21, 1972): 4339–40.

270. Thomas Shepard, "The Parable of the Ten Virgins," (16, 9), in John A. Albro, ed., *The Works of Thomas Shepard*, 3 vols ([1853] 1967), vol. 2, 544. These sermons were preached originally between 1636 and 1640.

whole earth is the Lord's garden and he hath given it to the sons of Adam to be tilled and improved by them...."[271] Man therefore has the duty to manage God's garden lawfully, judiciously, faithfully, for, Thomas Shepard wrote, "when Adam stood before God, the Lord fully convinced him; when death comes, then there is an end of man's stewardship (Luke 16:2), and when an end comes to that, what comes then? Come, give up thy account...."[272]

Man is completely accountable to a sovereign and jealous God for the proper use of all property that is given to man to administer. This stood as the theological foundation for the Puritan diary as well as the Puritan account book: man's gifts—property, family, and especially time—must be used productively throughout one's lifetime. The Boston merchant, Robert Keayne, represents the model of the record-keeping steward: {155}

> All these books and accounts and writings I mention in this my will the more particularly that my executor especially and my overseers may call for them, find them all out, take special care for the safe keeping of them, and peruse them diligently. For if any one of them should be lost or conveyed away you would be at a great loss and much to seek in my accounts; and it may prove a great loss to my estate. Of the like use are many other written papers and books in my closet ... by having recourse to these books and papers I can show them when and how and in what it was discharged and evened. Therefore, very few of those papers are to be neglected or cast by as if they were kept for no use at all.
>
> And when all these books and writings, not only of debts and accounts and worldly business but also of divinity, sermon books, and some of military discipline and exercise....—if all of these should be of no other use, yet they will testify to the world on my behalf that I would not have lived an idle, lazy, or dronish life, nor spent my time wantonly, fruitlessly or in company-keeping as some have been to ready to asperse me.…[273]

271. John Winthrop, "General Observations on the Plantation of New England" (1629), in *Winthrop Papers*, 5 vols. (1929), vol. 2, 118.

272. Shepard, "Ten Virgins," *Works*, vol. 2, 576.

The Right to Own Land

One of the important initial applications of this doctrine of ownership-stewardship dealt with the specific rights of the colonists to the land of New England, in comparison to the rights of the original inhabitants, the Indians. Winthrop based his justification of the Puritans' presence in the land on two ideas: the general requirement that God placed on Adam, that he subdue the earth (Gen. 1:28), and secondly on the concept of the "vacuum domicilium"—the supposedly unoccupied status of the land prior to the coming of the Puritans.[274]

> Obj. 5. But what warrant have we to take that land, which is and hath been of long time possessed of others [of] the sons of Adam?
>
> *Ans.* That which is common to all is proper to none. This savage people ruleth over many lands without title or property; for they inclose no ground, neither have they cattle to maintain it, but remove their dwellings as they have occasion, or as they can prevail against their neighbors. And why may not Christians have liberty to go and dwell amongst them in their waste lands and woods (leaving them such places as they have manured for their corn) as lawfully as Abraham did among the Sodomites? For God hath given to the sons of men a twofold right to the earth; there is a natural right and a civil right. The {156} first right was natural when men held the earth in common, every man sowing and feeding where he pleased: Then, as men and cattle increased, they appropriated some parcels of ground by enclosing and peculiar manurance, and this in time got them a civil right.[275]

It should be obvious what Winthrop had in mind. The essence of ownership is the systematic management of the land; in order to claim title—at least original title—men must enclose their ground, manure it, make it fruitful before the Lord. This is a recurring theme in Puritan

273. Robert Keayne, *The Apologia of Robert Keayne*, ed. Bernard Bailyn ([1653] 1964), 73. Weber emphasized the importance of rational bookkeeping in the Protestant contribution to the process of rationalization: *The Protestant Ethic and the Spirit of Capitalism*, 21–22, 170. Rather than subordinating himself under God's sovereignty, the capitalist subordinates himself to possessions as if he were "an acquisitive machine." The capitalist is therefore a secularized version of the systematic Puritan: *Protestant Ethic*, 170.

274. Winthrop, "General Observations," *Winthrop Papers*, vol. 2, 123; Winthrop to [John Wheelwright] (1639), *ibid.*, vol. 4, 101.

275. Winthrop, "General Observations," *ibid.*, vol. 2, 120.

and continental Calvinistic literature: the "cultural mandate" from God requires all men to fulfill the terms of Genesis 1:28. Locke adopted a secularized version of this theme in his defense of private property and its ultimate origin. *Ownership*, in the Puritan view, is a form of *stewardship*—simultaneously a social and a religious function.[276] It requires personal supervision and ultimate responsibility.

The idea that the land was open in America, and therefore a legitimate area for conquest, was incorporated into the original patent granted by James I to the New England Company. The king referred to the known depopulation of the region by plague shortly before the arrival of the *Mayflower*. The king offered "reverent thanks to his Divine Majesty, for laying open and revealing the same unto us, before any other Christian prince or state," and furthermore, thanks for the fact that "within these late years, there hath, by God's visitation, reigned a wonderful plague" on the Indians, "so as there is not left any other superior lord or sovereign, to make claim thereunto, whereby we, in our judgment, are persuaded and satisfied, that the appointed time is come.…[277] Unfortunately for the consistency of the two justifications, they remain mutually contradictory. If the right of private property is established by adding labor to the land, then the king had no right to grant the immense tracts of land to his subjects, since there was far more land involved in the patents than could possibly be subdued by immigrants for centuries. There is no indication in the records, however, that the contradiction ever troubled the founders of New England.

John Cotton held views quite similar to Winthrop's. God makes a way for His people in a new land in the following ways: 1) by drawing them out of their homeland through a specially commissioned commandment to {157} defeat the original inhabitants in battle; 2) by

276. Cf. Gary North, "Ownership: Free but not Cheap," *The Freeman* (July 1972). An expanded version of this essay appears in North, *An Introduction to Christian Economics* (1973). On Locke's secularization of the Puritan view of original ownership, see *Of Civil Government* ([1689] 1936), bk. 2, chap. 5. Locke argued that the addition of a man's labor to the soil gives him original title. Civil government was created to preserve and defend these original claims of ownership.

277. "The Great Patent of New England" (1620), in William Brigham, ed., *The Compact with the Charters and Laws of the Colony of New Plymouth* (1836), 3.

allowing them to purchase the land; and 3) by providing a void area of land for colonization.[278] His comment on Genesis 1:28 is certainly representative of the Puritan viewpoint: "... in a vacant soil, he that taketh possession of it, and bestoweth culture and husbandry upon it, his Right it is."[279] God is the sovereign owner of the land: "The placing of people in this or that country is from God's sovereignty over all the Earth, and the inhabitants thereof: as in *Psal.* 24.1: *The Earth is the Lord's and all the fullness thereof.*" Vacant land, coupled with God's cultural mandate, secured for a Christian commonwealth its landed property.[280]

The Concept of Time

The second important area of application for the Puritan stewardship principle was the realm of time. The Puritan concept of time was something radically new in European life during the seventeenth century, and its impact on New England should not be ignored. From Augustine to Luther, the Christian idea of time had been linear—from creation to judgment—but not progressive. Calvin's perspective was ambivalent: elements of progress and social pessimism were present in his outlook. The seventeenth century saw the advent of new views of time. The optimistic hints of earthly triumph in several of Calvin's treatises became a conscious theology of victory in the writings of many Puritan thinkers, and this postmillennial strain was basic to the outlook of the founders of New England. An earthly kingdom would be established by the preaching of the gospel, the establishment of godly institutions through the application of biblical law, and (in the opinion of some expositors) the national conversion of the Jews.[281] Then, and only then, would Christ return visibly to judge the world and turn His kingdom over to the Father for all eternity.[282]

278. Cotton, *God's Promise to His Plantations* ([1634] 1686), 4.

279. *Ibid.*, 5.

280. Charles S. Eisenger, "The Puritans' Justification for Taking the Land," *Essex Institute, Historical Collections* 84 (1948): 131–43, esp. 135–38.

281. Shepard, "The Sincere Convert" (1641), *Works*, vol. 1, 40. Cf. Cotton, "The Way of Congregational Churches Cleared" (1648), in Larzer Ziff, ed., *John Cotton on the Churches of New England* (1968), 274.

Edward Johnson's *Wonder-Working Providence of Sion's Saviour in New England* (1653) was a testament of this victorious theology; he hoped for a progressive regeneration of the world. He regarded New England as the beginning. "Further know these are but the beginnings of Christ's glorious Restoration of his Churches to a more glorious splendor than {158} ever."[283] His language borders on the apocalyptic: "I am now pressed for the service of our God Christ, to rebuild the most glorious Edifice of Mount Zion in a Wilderness.... Then my dear friend unfold thy hands, for thou and I have much work to do, aye, and all Christian Soldiers in the world throughout."[284] Aletha Gilsdorf's study of colonial Puritan eschatology emphasizes the nature of this radical break with the received exegesis of the Middle Ages:

> Johnson's insistence that the *raison d'etre* of New England was a special part in God's plan for bringing down Antichrist suggests that, within two decades of its founding, apocalyptic thinking had become, for a great many of the colonists, an essential part of the rationale for their new departure in Puritanism.... In the New England mind, the establishment of this particular kind of holy commonwealth had somehow become indissolubly associated with the realization of Christ's kingdom in history. Indeed, the very creation of a New England way was grounded on the assumption that not only was the Kingdom capable of being realized in history, but that it was the inescapable obligation of the saints as God's instruments to work actively towards its establishment.... Thus from the very beginning, the bent of the colonists in Massachusetts Bay—unlike their brethren at Plymouth—was not to withdraw from the world but to reform it, to work within the institutional communities of history rather than to deny them.[285]

282. On the varieties of Puritan eschatology in the seventeenth century, see Peter Toon, ed., *Puritans, the Millennium and the Future of Israel: Puritan Eschatology, 1600–1660* (1970); cf. my review of Toon in *The Banner of Truth* (January 1971). They were generally postmillennial optimists: Iain Murray, *The Puritan Hope* (1971), chaps. 3, 5.

283. J. Franklin Jameson, ed., *Johnson's Wonder-Working Providence, 1628–1651* ([1910] 1952), 49.

284. *Ibid.*, 52.

285. Aletha Joy Gilsdorf, "The Puritan Apocalypse: New England Eschatology in the Seventeenth Century" (Ph.D. dissertation, Yale, 1965), 119–20.

Given this viewpoint, the sin of *idleness*, which had been regarded as a terrible sin by Luther, Calvin, and English Puritans, became doubly cursed in New England. The necessity of personal labor went beyond individual self-discipline and natural necessity; it became the holy task of a Christian soldier, a soldier whose army's battle plan was guaranteed to succeed in the long run. Far from acting as a retarding and fatalistic factor on Christians' efforts, the New England clergy (like orthodox Marxists in the nineteenth century) used the doctrine of inevitable triumph as a rallying cry for even greater personal sacrifice. Idleness was therefore an intolerable deviation in the holy commonwealth. Prohibitions against it, as well as mechanisms of enforcement, were inserted into the public law codes.[286] Each town in New England throughout the century enacted and enforced laws against gaming, especially games of chance, whether in public inns or in private homes, because such activities contributed toward the idleness of those participating, especially youths and servants. The waste {159} of one's scarcest resource, time, was a violation of the laws of God, and strictly prohibited.

Puritan sermons brought home the people's responsibility to allocate their time judiciously. Unquestionably, Puritan divines relied heavily on their conception of time to justify their challenge concerning a man's vocation. Thomas Hooker's words are forceful in this regard:

> Lastly we should learn to cut off all unnecessary expense of time; if it be sinful to spend that time which should be for spiritual employment, in worldly business, which in themselves are lawful, if seasonably discharged, how much more sinful is it to spend it in sinful sports, and pleasures; we should therefore learn how to redeem the time out of the hands of our lusts and corruptions, which have too long employed many precious hours.…[287]

In short, we are required to "learn so to order and overlook [i.e., oversee] all of our businesses, that we may be able to allot to every employment a proportionable time...."[288] Thomas Shepard stressed the

286. Nathaniel B. Shurtleff, ed., *Records of the Governor and Company of the Massachusetts Bay in New England*, 5 vols. (1853–54), vol. 1 (1633), 109. [Cited hereinafter as *MGR.*] Cf. Joseph Dorfman, *The Economic Mind in American Civilization*, 5 vols. ([1949] 1966), vol. 1, 43.

287. Thomas Hooker, *The Saints Guide* (1645), conclusion.

evils of sloth in similar terms.[289] Time is too precious to waste. The things of the earth are in constant flux, John Cotton commented on the book of Ecclesiastes, and the earth constantly brings forth fruit. The lazy man stands or sits still; he is an anomaly. Thus, Cotton declared, "diligence in our own calling hindereth not the happiness or the resting of our hearts in God."[290] Emil Oberholzer concludes from the absence of church censures against sloth that the listeners must have taken these sermons seriously.[291]

The conditions of a frontier community, of course, were an external incentive to labor. But in and of itself, the mere threat of starvation or serious shortages is not enough to stimulate men to labor, as the plight of Jamestown in the early years indicates: they bowled in the streets in preference to ploughing in the fields, and in one year nine out of ten died during the food shortage which resulted.[292] The average Englishman of these pre-Industrial Revolution centuries required an *ideology of work* to act as an internal incentive, and in New England, the Puritan concept of stewardship provided just such an ideology.

The Puritan stewardship doctrine included several facets—personal responsibility for the utilization of scarce resources, including time, as well as the concept of a final accounting at the end of time—and these fused with the Puritan hope in the progressive restoration of the earth. {160} Weber may not have made a careful study of New England Puritanism, but it would not have been difficult for him to have used these materials in his explanation of the tendency in Calvinist thought toward the progressive rationalization of every sphere of life, especially business activity. The words of Hooker are striking in this regard: "... we should learn so to forecast the businesses of our outward calling, that we might lose no opportunities for our souls' advantage; ... we must not take up so much time in our own businesses, as to deprive ourselves of

288. *Ibid.*, 169.

289. Shepard, "Ten Virgins," *Works*, vol. 2, 254, 294–402.

290. Cotton, *A Brief Exposition with Practical Observations upon the Whole Book of Ecclesiastes* (1654), 18; cf. 80.

291. Emil Oberholzer, *Delinquent Saints* (1956), 228.

292. Edmund S. Morgan, "The Labor Problem at Jamestown, 1607–18," *American Historical Review* 76 (1971): 595–611.

time, and strength, for the duties of God's worship." [293] The goal, as stated, is spiritual: we are to rationalize our external callings in order to gain time for the spirit. But the effect of such advice is to create a necessary interest in rational activities like cost accounting and forecasting. Forecasting is crucial to the economic task of the capitalist entrepreneur. It is accurate forecasting, and planning in terms of accurate forecasting, that produce that economic residual known in modern economics as "pure profit" or "entrepreneurial profit."[294] Given Hooker's concern for the proper forecasting of one's external calling, the incipient capitalist would be likely to find that the recommended activity was producing economic returns. From this position to Franklin's "time is money" philosophy, only a modest shift of emphasis is required.

An eschatology of victory guaranteed the early Puritans' ultimate hope in establishing their city on a hill. The wilderness would be subdued through the application of diligent human labor, which in turn would be governed by a careful use of time. The focus of this concern was in the allocation and conservation of one's gifts of property. If the whole community could be convinced, or if necessary, coerced, to follow the rules of the calling, then civilization could be expected to flower.[295] The economy, like other godly Christian aspects of the kingdom, could legitimately be expected to expand, bringing outward blessings to God's people. Here, buried very deep in the prolix sermons of seventeenth-century New England Puritanism, was the foundation of a wholly new attitude toward the possibility of *linear economic growth*, an idea utterly foreign to both medieval Christianity and continental Protestantism in the sixteenth century.

293. Hooker, *Saints Guide*, 156.

294. Frank H. Knight, *Risk, Uncertainty and Profit* ([1921] 1965), chap. 9; Ludwig von Mises, *Human Action* (1949), 286ff.

295. Peter Carroll, *Puritanism and the Wilderness* (1969), 119–20. Sacvan Bercovich has argued that the early New England Puritans held to an optimism closer to Eusebius's position than to Augustine's eschatological pessimism: "Typology in Puritan New England: The Williams-Cotton Controversy Reassessed," *American Quarterly* 19 (1967): 165–91, esp. 176–83.

The Calling and the Paradox of Deuteronomy 8

Weber's focus on the doctrine of the calling brought to it a centrality in the role of social change which Puritans would have appreciated. Yet to {161} understand its function in a Puritan community, it is mandatory to examine it from the point of view of rural farmers as well as Boston merchants. Sermons were not aimed at any single group within the community; they were published in the hope that the entire population would read them and gain spiritual insight from them. Did the doctrine of the calling constitute the touchstone of that portion of Puritan theology generally referred to as "practical divinity"? Was the acceptance of this doctrine by the majority of New England's population a necessary and sufficient cause in promoting social change from the Holy Commonwealth to a new, secularized culture which rested upon the idea of men's autonomy in economic affairs? Were other Puritan doctrines at least equally crucial, such as the concept of responsible ownership, the concept of time, changing eschatological hopes, the idea of conscience or intent? Or was the advent of a relatively autonomous market economy merely the result of the failure of Puritan leaders to devise and enforce a structure of legal control that reflected the ethical considerations of a Puritan casuistry? In short, did Weber overemphasize the doctrine of the calling?

The doctrine of the calling was really two separate teachings: first, the *general* calling, which referred to a man's conversion, and second, the *particular* calling, which referred to his worldly employment. All men were expected to labor, and the sermons stressed the importance of all honest forms of labor.[296]

John Cotton's exposition of Ecclesiastes contains one of the most comprehensive examinations of the particular calling. He affirmed, as had the writer of Ecclesiastes, that all human labor, in and of itself, is vanity and "altogether unprofitable towards the attainment of true happiness...."[297] Nevertheless, God gives a particular calling to each man, including the gentleman. As Cotton wrote in his *Way of Life* (1641),

296. Robert S. Michaelson, "Changes in the Puritan Concept of Calling or Vocation," *New England Quarterly* 26 (1953): 319–21. Cf. Stephen Foster, *Their Solitary Way* (1971), chap. 4.

297. Cotton, *Ecclesiastes*, 10.

> if thou beest a man that lives without a calling, though thou hast two thousands to spend, yet if thou hast no calling, tending to public good, thou art an unclean beast.... and hast thou a calling, and art never so diligent in it, it is but *dead work,* if thou want faith.[298]

Wise men should indeed seek wealth, while wealthy men should seek wisdom: both together are a blessing.[299] The popish myth of the preferability of a voluntary state of poverty is utter foolishness.[300] There is nothing wrong with the economic blessings that result from honest labor, and we should not "defraud ourselves of such lawful delights, as the Lord alloweth {162} us, in the good things we enjoy: we shall do him and ourselves also injury in so doing."[301] In other words, we labor "for riches so as we may have them with God's blessing, which addeth no sorrow: *Prov.* 10:22"[302] The quest for wealth is legitimate, so long as one's heart is right with God. The key is *moderation.*[303]

Cotton, like his other clerical colleagues, had no faith at all in *external success* as a sign of inward holiness. He saw only *internal self-examination* as a foolproof means of ascertaining one's position in the sight of God. The inward testimony of God's Spirit to one's own spirit is alone a reliable test of salvation for any exercise of self-examination.[304] Do you feel guilty, he asked, because of the harm you have caused Christ? Then your guilt is a testimony of your salvation. Are you ashamed only for yourself? Then such shame affords you nothing.[305] While it is quite true that God promises prosperity to the faithful, external rewards prove nothing.[306] In an important passage, Cotton pointed out that the following can often be the external, visible possessions of both evil men and the righteous: success, a good name, wealth, pleasure, health and strength, beauty, long life, learning and wisdom.

298. Cotton, *The Way of Life, or, Gods Way* (1641), 449.
299. *Ecclesiastes*, 134.
300. *Ibid.*
301. *Ibid.*, 37.
302. *Ibid.*, 49.
303. *Ibid.*, 48; cf. *Way of Life*, 446, 456.
304. *Ibid.*, 198.
305. *Way of Life*, 40–41.
306. *Ibid.*, 452–53.

Similarly, poverty, sudden death, and violent death can come upon the good and the bad.[307] Ultimately, "outward prosperity is no certain sign of the Church," and Christians must be sure to warn wicked men not "to bless themselves in their prosperity, as if it were a sign of God's favor...."[308] Adversity in this life is equally no sign that God has prepared future blessings for a man; He may only be giving a man a preliminary taste of even more awful things to come. Thomas Hooker was as convinced of these points as Cotton was:

> ... thou take that for an argument of God's love and mercy which rather may be an argument of God's hatred and indignation: Psal. 92.12, *The wicked flourish*, saith the text, then a man may say ... they will all be saved if they prosper here; no, saith the text, they flourish that they may be destroyed, and perish forever: the oxe is fatted for the slaughter.[309]

There is an overwhelming danger to the soul in private property in abundance: "Property destroyeth the soul; it is like a poison, like ratsbane...."[310] {163} As for personal trials and defeats in this world, "all the grievances, trouble, sorrow, sickness, be they what they will be, unless thy heart be humbled by them, unless thou be brought unto the Lord Jesus Christ by them, they are so far from being an argument of grace and salvation unto thee, that they are harbingers of those everlasting torments you shall endure in hell...."[311] Like citizens of Sodom and Gomorrah, Hooker warned, it is possible to burn on earth and subsequently burn in hell. The only thing a man can rest his hope on is his trust in Christ's atoning work at Calvary. It is the only hope that survives all afflictions, overshadowing all other hopes.[312]

The task for the Christian, wrote Cotton, is to produce in one's life a mixture of virtues: "Diligence in worldly business, and yet deadness to

307. *Ecclesiastes*, 196.

308. *Ibid.*, 197. Shepard held the same view: "O, consider this, you that are prosperous; and because the Lord is good to you, therefore you think the Lord likes your ways. No greater plague than for the Lord to give a man peace in his sin...." "Subjection to Christ in all His Ordinances" (1652), *Works*, vol. 3, 299–300.

309. Hooker, *The Soules Vocation or Effectual Calling to Christ* (1638), 126.

310. *Ibid.*

311. *Ibid.*, 127.

312. *Ibid.*, 137ff.

the world...."[313] Cotton, in fact, went beyond Poor Richard's "early to bed, early to rise" motto. Franklin, in the name of reasonableness, toned down Cotton's full Puritan rigor; early to bed and early to rise are not sufficient, wrote Cotton:

> For a man to *rise early, and go to bed late, and eat the bread of carefulness*, not a sinful, but a provident care, and to avoid idleness, cannot endure to spend any idle time, takes all opportunities to be doing something, early and late, and loseth no opportunity, go any way and bestir himself for profit, this will he do most diligently in his calling: And yet be dead-hearted to the world: *the diligent hand maketh rich*, Prov. 10:4....[314]

Profit is legitimate, but only as a reward for full exertion in one's kingdom tasks. A Christian should "bestir himself for profit," but only because it is a *sign of diligence*.

But if diligence produces wealth, then an immediate problem appears. Wealth is dangerous—a poison, ratsbane—and a threat to a man's religious integrity. One is to pursue profits, and yet not too vigorously. Shepard also relied on the idea of moderation; it was not moderation in personal diligence, but *moderation* in the *goals* pursued: "Thus you are to moderate your desires after these things [lusts].... Because it is the sin of prosperity and peace which God hath given us, which will grow up and choke the word, that all ordinances and truths will in time be sapless, favorless things to us."[315] In contrast to the jeremiad of crisis which Perry Miller examines in such detail, this is a *jeremiad of abundance*. It follows the outline of Deuteronomy 8: *obedience-prosperity-forgetfulness-curse*. God's blessings to humanity, even to those in an external covenant with Him, {164} are not unmixed. "If thou hast them, and dost desire them, and God gives them, and thou lettest Christ go, thou hadst better a thousand times be without them. Ps. 78:31, 'The meat was in their mouths, and the wrath of God came upon them.' "[316] Shepard viewed the outward signs of prosperity in his era with the same foreboding that Puritans in later years would view disas-

313. Cotton, *Christ the Fountain of Life* (1641), 119.

314. *Ibid.*

315. Shepard, "Ten Virgins," *Works*, vol. 2, 166.

316. *Ibid.*, 167.

ters: "Did we ever live in a more impenitent, secure age? We shall seldom meet one broken with sin; but how few are broken from sin also?"[317] "O, the wrath of God upon this God-glutted, Christ-glutted, gospel-glutted age...."[318]

The jeremiad of abundance was not to be regarded by the audience as a prohibition on all worldly enjoyments, however. In an ordered, systematic world, Christians have the responsibility of putting all things in their lawful, respective places. This includes a judicious use of God's gifts, since these enable men to work more efficiently when they return to their labor. This was one of the primary arguments behind the *Sabbath legislation*. God's gift of rest must be taken; it is not optional at the discretion of the individual believer. While this is not an exclusively Puritan view, the all-encompassing nature of the Sabbath laws indicates the extent of the commitment to what was regarded as an inescapable orderliness in the affairs of a godly commonwealth. All things must be done in due season:

> ... worldly employments are our strangers, yet they must be spoken with. Religious thoughts and practices are our friends; these come unto us while God calls us to parley with the other; you cannot speak with both at one time, in one place, without much perplexity: take, therefore, this course; make much of the good thoughts, but parley not with them till your business is done with strangers; and toward the evening, which is your season, set some time apart for meditation, and make them most welcome.... So, when God calls you to worldly employments, do them with all your mind and might; and when the season of meditation comes, take it.…[319]

Not only did Puritan preaching point to the necessity of the calling in the life of the Christian, it also reminded men of the necessity of all lawful callings. In an organic commonwealth bound together by faith, no one was to regard his lawful calling as morally inferior to any other.

317. Shepard, "The Sound Believer" (1645), *Works*, vol. 1, 172.

318. *Ibid.*, 236. Cf. his introduction to "The Clear Sunshine Breaking Forth Upon the Indians in New England" (1648), *Works*, vol. 3, 452: "Generally we are sick of plenty; we surfeit of our abundance, the worst of surfeits...." He warns New Englanders that God could just as easily transfer His kingdom to the Indians, if the complacency of New England continues.

319. Shepard, "Certain Select Cases Resolved" (1648), *Works*, vol. 1, 307-8.

There would always be a hierarchy of status in any godly commonwealth, of course; yet at the same time, the "meaner sort" were not to regard their menial labor as inferior. In other words, the Puritans accepted the philosophical {165} foundation of the medieval social hierarchy: *functional subordination does not imply ethical inferiority.*[320] Thus, Shepard could write:

> Seeing yourself thus working in worldly employments for him you may easily apprehend that for that time God calls you to them, and you attend upon the work of Jesus Christ in them, and you honor God as much, nay, more, by the meanest servile worldly act, than if you should have spent all that time in meditation, prayer, or any other spiritual employment, to which you had no call at that time.[321]

This was Luther's view. It reflects the reaction against the orders in the Roman church like the friars or praying monks, all of whom were viewed by Protestants as drones of a distinctly unproductive kind. But apart from this emphasis, it is a medieval outlook. It accepts as valid all labor that is necessary to the community.

Edward Johnson, writing of the deaths of the founders of New England, drew his inspiration from the jeremiad of abundance. The crisis of God's judgment on the community was being delayed only because of the saving remnant.

> And now New England that had such heaps upon heaps of the riches of Christ's tender compassionate mercies, being turned off from his dandling [bouncing] knees, began to read their approaching rod in the bend of his brows and frowns of his former favorable countenance

320. President Nixon's comment in the spring of 1971 that those who carry bedpans should take as much pride in their work as executives take in theirs was in line with this ancient perspective. The ridicule aimed at the statement by editorial writers and political cartoonists reflects their commitment to a more recent form of egalitarianism which assumes that status groupings necessarily imply ethical judgments regarding people's innate superiority or inferiority.

321. Shepard, *Works*, vol. 1, 308. Cf. Winthrop's statement in "General Observations": "If any such as are known to be godly and live in wealth and prosperity here [i.e., England], shall forsake all this to join themselves with this church, and run in hazard with them of hard and mean condition, it will be an example of great use both for the removing of scandal and sinister and worldly respects, to give more life to the faith of God's people in their prayers for the plantation and also to encourage others to join the more willingly in it." *Winthrop Papers*, vol. 2, 118.

> toward them; their plenty of all things, which should have cheered their hearts, and quickened their spirits in elevating both soul and body to a thankful frame, through the work of his blessed Spirit; on the contrary, it brought a fulness on many, even to loath the very honeycomb, insomuch that good wholesome truths would not down, yet had the Lord those that were precious unto him....[322]

Cotton had affirmed this same principle: the prayers and healing acts of Christians within a corrupt society "will be accepted as if the whole Nation did universally turn to God."[323] But how long His wrath could be stayed was problematical. Only true reformation could guarantee the survival of the covenant community. {166}

The paradox of Deuteronomy 8 was not to be taken lightly. Cotton's commentary on the passage served to remind men of their propensity to accept the gifts but to forget the heavenly giver.

> Yes, fear your own false, proud, and luxurious hearts, lest you should then forget God, and was wanton against God, lest there be intemperancy, and excess, unthankfulness, and unfruitfulness; which shows you that a Christian man, though he trust upon God, yet he distrusts himself, and he prays if riches increase, that grace may increase, and so receives and enjoys all these blessings with a reverent fear.[324]

An enlarged estate, he said, should produce enlarged service to others. If it did not, then the increased estate is a curse to the owner.

The theological leaders in New England—Cotton, Shepard, and Hooker—made a serious attempt to convince their followers that no external signs of blessing could be taken as signs of a man's election unto salvation. Yet Christ's words concerning the testing of a man's faith through the fruits of his spirit must have stood out in the minds of at least some of the New England merchants. "Ye shall know them by their fruits" (Matt. 7:16) seemed clear enough to Robert Keayne:

> And though I believe that all my ways of holiness are of no use to me in point of justification, yet I believe they may not be neglected by me without great sin, but are ordained of God for me to walk in them carefully, in love to Him, in obedience to His commandments, as well

322. *Johnson's Wonder-Working Providence*, 252–53.

323. Cotton, *Way of Life*, 81.

324. *Ibid.*, 457.

> as for many other good ends. They are good fruits and evidences of justification.[325]

The early pages of his testament list some of these fruits: payment of debts, readiness to make restitution for any economic faults, his gift of £300 to Boston for the construction of a canal and a building in the market place, his gift to the free school, and his profitable management of the funds he had laid up for the poor. Furthermore, he took care of his family: "I have endeavored to honor God with my substance and with the first fruits of all my increase, and have endeavored to do good with what God hath bestowed upon me so far as I might likewise provide for the necessities of my own family, the care of carrying on my calling, and other dealings in the world justly."[326] Keayne took the externals of his life quite seriously, just as the church and the magistrates took seriously his economic dealings that they regarded as unjustified. The various institutions of social control looked carefully at a man's external affairs.

Any society officially founded on the basis of a received body of infallible teachings, whether explicitly revelational (the Bible, the Koran) or merely rational (orthodox Marxism, or a constitution), must see to it that unofficial {167} misapplications of certain features of the hypothetically consistent received opinion are not quoted out of context. It is very easy to select one aspect of the tradition for emphasis, such as Anne Hutchinson and her followers chose to emphasize in the doctrine of free grace. In such cases, the protests of the official interpreters of tradition may be unsuccessful in convincing the "deviants" of their error. (John Cotton, in the antinomian controversy, even seemed unable at first to decide exactly where Mrs. Hutchinson had gone wrong.[327]) If a particular interpretation of the received teachings is overly subtle, it is likely to be misunderstood, especially when the misunderstanding seems to be favorable to the interests of those involved. In the case of the question of external evidences of inward salvation,

325. Keayne, *Apologia*, 2.

326. *Ibid.*, 26.

327. Larzer Ziff, *The Career of John Cotton* (1962), 118ff.; Perry Miller, *The New England Mind: From Colony to Province* (1953), 59ff.; Miller, " 'Preparation for Salvation' in Seventeenth-Century New England" (1943), in *Nature's Nation* (1967), 60ff.

the theologians tried to be clear, but merchants and farmers alike no doubt were tempted to ignore their teaching and therefore conclude that God's external blessings to particular individuals signified an indication of His favor. But Emil Oberholzer oversimplifies the situation when he writes: "Since prosperity was a sign of election, he [the Puritan] was thrifty."[328] The Puritan who reached such a conclusion did so in the face of explicit sermons to the contrary. Grace is to be measured by inward searching and rigorous self-criticism: this was the message of Puritan sermons in New England. God has the option of using prosperity as a curse on the wicked and adversity as a gracious chastisement of those whom He loves, just as easily as the reverse. Externals as such prove nothing.

The Structure of Economic Control

The magnitude of the task of founding a new society is so great that it boggles the imagination of most citizens of a modern industrialized state. This kind of endeavor is simply foreign to the lives of most moderns. To attempt such a task as colonization in terms of the tools and expertise of the seventeenth century seems incredible in retrospect. A tiny band of self-defined religious outcasts, with little experience in the matters of operating a semi-autonomous community, but with a vision of creating something wholly new among men—a truly Holy Commonwealth—began a project which was to result ultimately in the creation of a new nation.

To accomplish their aims, the first generation brought with them certain guiding presuppositions about the nature of the good society. The familiar social landmarks of Elizabethan economic legislation were a part of this heritage. So was a highly developed Christian casuistry, one which in its major outlines went back four centuries. Assumptions about the whole {168} fabric of society undergirded this medieval inheritance, and the difficulty of applying these assumptions in practice in a seventeenth-century frontier community had not yet been experienced by the founders in 1630. They had not yet thought through any alternative to the form of economic relationships which had been received as officially Christian. Certain familiar strands of

328. Oberholzer, *Delinquent Saints*, 6; cf. 187.

economic legislation were thought to be inescapable in any community professing itself to be Christian. They were believed to be as basic to a Christian society as, say, the doctrine of the Trinity, or the necessity of heresy trials with punishment for theological deviation imposed by the civil government.

Some of the intellectual baggage imported by Puritan leaders included Aquinas's view of the just price, the labor legislation of Henry VIII and Elizabeth, a highly personalistic view of economic relationships, the concept of an organic, status-oriented society, and an overwhelming suspicion of the unrestrained, unregulated human heart. The leaders naturally supposed that the taming of a wilderness would require the concentrated efforts of the entire community. Yet as men building a civilization in unfamiliar surroundings, they were to find themselves confronted by a new environment and, historically, a unique geographical isolation which permitted considerable social experimentation. Experimentation for the sake of collective survival was to mark the first generation's encounter with the wilderness.

Terms like "modern," or "traditional," or "medieval" are exceedingly difficult to pin down, and in economic thought the task is no easier than in any other discipline. The essence of New England's medievalism is not simply a desire on the part of the magistrates to regulate the overall economy according to certain ethical goals. That kind of ethical motivation is found in all *substantively rational systems*, most notably in any modern socialist commonwealth. This desire to regulate supply and demand in order to meet the requirements of an ethical system is always in tension with the *formal rationalism* of the market, i.e., those external legal supports that provide a measure of predictability to participants in the market, guaranteeing them any and all economic returns that are generated by open competition. Formal "rules of the game" are therefore established to foster market efficiency; those who possess the greatest purchasing power are guaranteed the right to exercise that power according to their own tastes and preferences, irrespective of communal standards of legitimate, proper income. The economic standard of a formally rational market is simply *efficiency*. To the extent that socialist countries desire efficiency, some of the ethical goals of redistribution must be sacrificed. Similarly, to the extent that free markets require minimum standards of security for all participants

(irrespective of their productivity), formal goals of efficiency must be sacrificed. The two forms of rationalism are in continual tension in {169} any functioning economic system.[329] Both forms are common to modern economic thought. But in modern economics, the overall structure of political economy is presumed to be autonomous, self-generating, and self-sustaining. Standards of efficiency and ethical imperatives are considered to be rational, not revelational.

Frank H. Knight's statement of the way in which a free market functions provides an excellent example of a defense of the autonomous mechanism of a self-correcting system. Knight establishes the terms of the debate, and

> the contrast with the outlook of the medieval or Puritan worlds is striking. One of the most conspicuous features of organization through exchange and free enterprise, and one most often commented upon, is the absence of conscious design or control. It is a social order, and one of unfathomable complexity, yet constructed and operated without social planning or direction, through selfish individual thought and motivation alone. No one ever worked out a plan for such a system, or willed its existence; there is no plan of it anywhere, either on paper or in anybody's mind, and no one directs its operations.... To explain the mechanism of this cooperation, unconscious and unintended, between persons whose feelings are often actually hostile to each other, is the problem of economic science.[330]

How can such a mechanism operate? Knight's explanation is succinct: "The economic organization is built up and controlled, in a way familiar in its broad outlines to everyone, through the impersonal forces of *price*." It is this flexible price mechanism, utterly impersonal (except when influenced by monopolies or the political authority), which permits the creation of the typical modern business enterprise, "the corporation, an impersonal organization...."[331]

The bedrock assumption of all modern economic thought, whether Marxist, Fabian Socialist, Keynesian, or free-market oriented, is the

329. Max Weber, *The Theory of Social and Economic Organization*, 184ff., 211ff. [*Economy and Society*, vol. 1, 86ff., 107ff.] Cf. Weber, *On Law in Economy and Society*, chap. 8. [*Economy and Society*, vol. 2, 809–38.]

330. Knight, *The Economic Organization* ([1951] 1965), 31–32.

331. *Ibid.*, 33.

assertion of *cosmic impersonalism.* Mercantilistic thought served as the transitional philosophy, since it broke with Christian personalism, substituting instead the nation-state as the new organic force which had the responsibility for organizing market exchanges according to the needs of state. The state, however, was no longer thought to be an engine for the imposition of heavenly economic laws and restraints; its connection to God was only through the theoretical responsibility of the prince before God, a responsibility which was no longer to be determined in terms of biblical revelation or any church's interpretation thereof.

The heart of Puritan economic thought in the seventeenth century was its commitment to a philosophy of *cosmic personalism.* Herein lies its {170} medievalism. No one provided a finer statement of the implications of this economic philosophy than John Winthrop, whose explanation of the scarcity of corn in 1643 stands as the antithesis of modern economic thought:

> Corn was very scarce all over the country, so as by the end of the 2d month, many families in most towns had none to eat, but were forced to live off clams, muscles, cataos, dry fish, etc., and sure this came by the just hand of the Lord, to punish our ingratitude and covetousness. For corn being plenty divers years before, it was so undervalued, as it would not pass for any commodity: if one offered a shop keeper corn for anything, his answer would be, he knew not what to do with it. So for laborers and artificers; but now they would have done any work, or parted with any commodity, for corn.... The immediate causes of this scarcity were the cold and wet summer ... much corn spent in setting out ships, ketches, etc.; lastly, there were such abundance of mice in the barns, that devoured much there.... So many enemies doth the Lord arm against our daily bread, that we might know we are to eat it in the sweat of our brow."[332]

God might use cold and wet summers, mice, or any other means at His disposal to bring New England's inhabitants to prayer, but it was obvious to Winthrop that the glut of corn before was not the primary cause of the falling price of corn, and it was equally obvious that the scarcity of corn in 1643 was a personal judgment of God. Evil men had previously forced prices down; now men without "a public spirit" were forcing prices up. "And indeed it was a very sad thing to see how little of a public spirit appeared in the country, but of self-love too much."

There was no self-correcting mechanism to fuse all the competing self-loves together into one unified whole. What was needed was not a flexible price mechanism to clear the market during times of glut or to stimulate future production in times of dearth; what was needed was a greater number of "men of another spirit ... willing to abridge themselves, that others might be {171} supplied."[333] *Personal sacrifice*, not an *impersonal mechanism*, was Winthrop's answer to the economic crisis.

Thomas Hooker, in a letter to Thomas Shepard in 1640, penned a miniature jeremiad to account for the depression that had just begun. He made no reference to the outbreak of civil war in the home country, no analysis of the falling number of immigrants, which had cut off the inflow of English coin into the colony. The cause was in the hearts of the people:

> The churches of the commonwealth, by joint consent and serious consideration, must make a privy search what have been the courses and sinful carriages which have brought in and increased this epidemical evil; pride and idleness, excess in apparel, building, diet, unsuitable to our beginnings or abilities; what toleration and connivance at extortion and oppression; the tradesman willing the workman may take what he will for his work, that he may ask what he will for his commodities.[334]

332. James K. Hosmer, ed., *Winthrop's Journal: "History of New England," 1630–1649*, 2 vols. ([1908] 1966), vol. 2, 91–92. Weber made the impersonal-personal dichotomy a basic foundation of his social analysis: "The tension between brotherly religion and the world has been most obvious in the economic sphere.... A rational economy is a functional organization oriented to money-prices which originate in the interest-struggles of men in the *market.* Calculation is not possible without calculation in money prices and hence without market struggles. Money is the most abstract and 'impersonal' element that exists in human life. The more the world of the modern capitalist economy follows its own immanent laws, the less accessible it is to any imaginable relationship with a religious ethic of brotherliness. The more rational, and thus impersonal, capitalism becomes, the more this is the case. In the past it was possible to regulate ethically the personal relations between master and slave precisely because they were personal relations. But it is not possible to regulate—at least not in the same sense or with the same success—the relations between the shifting holders of mortgages: for in this case, no personal bonds exist." Weber, "Religious Rejections of the World and Their Directions" (1915), in Gerth and Mills, eds., *From Max Weber* (1946), 331.

333. Hosmer, *Winthrop's Journal,* vol. 2, 92.

Public reformation was recommended as the only means to escape the economic evils; normal times will return when men "have humbled themselves unfeignedly before the Lord...."

Puritan leaders therefore had no doubts that God required them to supervise the affairs of the marketplace very carefully. The market is not capable, as Bernard Mandeville argued in *The Fable of the Bees* at the beginning of the eighteenth century, of converting private vices into public benefits. Prices, the very heart of modern economic analysis, are to be fixed by the civil government in terms of justice. There is a *just price* for every commodity which can eliminate all oppression, by either the buyer or the seller. Men are to be allowed to act as stewards of their private possessions, but not in an unjust manner. They may exercise discretion only within the framework of a just price system. In the early years of the commonwealth, it was obvious to the magistrates who the violators were likely to be: *artisans* (who were in short supply and heavy demand at the enforced "just price" of labor) and the *merchants. It was these two groups that dealt in terms of permanent markets and cash payments*, unlike farmers who were not used to producing a cash crop for a market.

Almost from the beginning, the colony of Massachusetts placed controls on the wages of artisans. The law of 1630 provided wage ceilings for carpenters, joiners, bricklayers, sawyers, and thatchers.[335] Common laborers were limited to 12s/day, or 6s with meat and drink (with a 10s fine for artisan violators).[336] The effect of price ceilings must have made itself felt almost immediately: an excess of demand over supply of laborers at the fixed prices, as artisans refused to work for what they regarded as substandard {172} pay. Under such conditions, it becomes difficult to recruit labor. Within six months, these statutes were repealed, leaving wages "free and at liberty as men shall reasonably agree."[337] The implication was clear enough: if men should again grow unreasonable, the controls would reappear.

334. Hooker to Shepard, November 2, 1640, in Albro, "Introduction," Shepard, *Works*, vol. 1, cxliv.

335. *MCR*, vol. 1, 74.

336. *Ibid.*, 77.

337. *Ibid.*, 84.

The history of price controls in New England is a patchwork of "on again, off again." The year 1633 brought a new set of regulations, which in 1635 the magistrates saw fit to repeal.[338] The repeal was of a special nature, however. The government imposed a general profit margin of 4d/s over the London price of any good in question, i.e., a 33 percent profit ceiling. The magistrates then inserted a clause which was almost calculated to drive merchants and laborers to distraction. If formal, precise, predictable laws are, as Weber argues, the foundation for an orderly market system, then the magistrates' warning stands as the essence of anti-formal legislation:

> Whereas two former laws, the one concerning the wages of workmen, the other concerning the prices of commodities, were for diverse good considerations repealed, this present Court, now, for avoiding such mischiefs as may follow thereupon by such ill-disposed persons as may take liberty to oppress and wrong their neighbors, by taking excessive wages for work, or unreasonable prices for such necessary merchandise or other commodities as shall pass from man to man, it is therefore now ordered, that if any man shall offend in any of the said cases against the true intent of this law, he shall be punished by fine or imprisonment, according to the quality of the offence, as the Court upon lawful trial and conviction shall adjudge.[339]

The magistrates were confronted by the inevitable challenge to those who advocate pricing in terms of ethical imperatives: how to find concrete standards of calculating a just price in comparison to an unjust price. What are the limits of oppression? How is the individual bargainer to estimate whether or not he is making an infraction against the "true intent of this law"? Prediction becomes very difficult, for the trading parties cannot be certain of how the magistrates will estimate "the quality of the offence."

Piecemeal legislation and *judicial arbitrariness*, the magistrates believed, enabled the leadership of the commonwealth to remain *flexible* in the face of new, unknown conditions. They viewed this flexibility

338. *Ibid.*, 104, 159–60. On the attempt of the magistrates to reduce competitive bidding for goods at the dock by establishing a buying monopoly of nine men representing nine towns around the bay, see Bailyn, *Merchants*, 34. This 1635 law was repealed within four months.

339. *MCR*, vol. 1, 160. All of the preceding legislation came in 1635 or earlier.

as being necessary for creative experimentation. But the more democratic deputies pressed for more explicit laws as a means of reducing the zone of sovereignty of the magistrates. It was this pressure in the direction of *formal,* {173} *general law* which culminated in the Body of Liberties of 1641.[340] Such changes in the legal structure were crucial to the establishment of markets.

In October 1636, the General Court delegated the authority to regulate prices and wages to the various towns.[341] Nevertheless, the central government could not resist the cry of "oppression," and in March 1638, a committee was set up to investigate complaints against high wages and prices. Such ruthless pricing, the authorities stated, is "to the great dishonor of God, the scandal of the gospel, and the grief of diverse of God's people, both here in this land and in the land of our maturity.…"[342] The city on a hill, Massachusetts' Holy Commonwealth, was not setting the proper ethical example. The central government continued to maintain its right to step in and regulate prices when it seemed to be warranted by the situation, but in general the towns did most of the specific work in this area after 1636. Richard B. Morris summarizes the history of the legislation: "The codes of 1648 and 1660, and the supplement of 1672, continued substantially the basic law of 1636 against oppression in wages and prices, leaving to the freemen of each town the authority to settle the rates of pay."[343]

The General Court of *Connecticut* was no less enthusiastic about imposing price controls than the Massachusetts Court was. The Court stated that men had not been reliable when left as "a law unto themselves," and therefore it chose to pass a detailed wage code. The officials apparently had no idea of the kind of regulatory nightmare this kind of

340. Edmund S. Morgan, *The Puritan Dilemma* (1958), 166ff. Cf. George Lee Haskins, *Law and Authority in Early Massachusetts* (1960), 119ff. For the most thorough discussion of the principles separating the magistrates' concept of discretionary authority and the deputies' concept of specific delegated authority, see T. H. Breen, *The Character of the Good Ruler: A Study of Puritan Political Ideas in New England, 1630–1730* (1970), 59ff., 81ff. Winthrop stated his position clearly in his "Discourse on Arbitrary Government" (1644), *Winthrop Papers*, vol. 4, 468ff., a portion of which is reproduced in Edmund S. Morgan, ed., *Puritan Political Ideas* (1965), 149ff.

341. *MCR*, vol. 1, 183.

342. *Ibid.*, 223.

detailed legislation {174} imposed on them. Skilled craftsmen were not to accept more than 20d/day from March 10 through October 11, nor above 18d for work on any day throughout the rest of the year. Those under the controls were carpenters, joiners, masons, coopers, smiths, and wheelwrights. "It is ordered, also, that all other artificers, or handicraftsmen and chief laborers shall not take above 18d a day for the first half year as aforesaid, and not above 14d per day for the other part of the year…." Workers were obligated to work eleven hours a day in the summer, in addition to eating and sleeping, and nine hours in the winter. Controls were placed on sawyers: 4s 2d "for slit work or three inch plank, nor above 3s 6d for boards, by the hundred."[344] These laws were repealed within a decade.[345] The exception was the control left over the price of liquor, but this was a part of Connecticut's sumptuary legislation, rather than price control as such.

New Haven Colony imposed controls in 1640.[346] As in the comparable medieval laws, a group of disinterested men was to serve as a committee to judge individual situations in cases of disputed claims.[347]

343. Richard B. Morris, *Government and Labor in Early America* (1941), 62. Cf. Morris and Jonathan Grossman, "The Regulation of Wages in Early Massachusetts," *New England Quarterly* 11 (1938): 479. Winthrop's explanation of why the Court turned wage regulation over to the towns is worth considering: "The court having found by experience, that it would not avail by any law to redress the excessive rates of laborers' and workmen's wages, etc. (for being restrained, they would either remove to other places where they might have more, or else being able to live by planting and other employments of their own, they would not be hired at all), it was therefore referred to the several towns to set down rates among themselves. This took better effect, so that in a voluntary way, but the counsel and persuasion of the elders, and example of some who led the way, they were brought to more moderation than they would by compulsion. But it held not long." *Winthrop's Journal*, vol. 2, 24. The legislation provided for appeals from one town against a rival town which was permitting far higher wage rates and thus competing for the labor supply of its neighbors: *MCR*, vol., 183.

344. J. Hammond Trumball and Charles Hoadly, eds., *The Public Records of the Colony of Connecticut*, 15 vols. ([1850–90] 1968), vol. 1 (1641), 65. [Cited hereinafter as *CCR*.]

345. *CCR*, I (1650), 205.

346. Charles Hoadly, ed., *Records of the Colony and Plantation of New Haven, from 1636 to 1649* (1857), 35–36, 52, 55. [Cited hereinafter as *NHCP*.]

347. *Ibid.*, 55.

These controls do not appear in the 1656 law code of the colony, indicating that they abandoned price controls during the decade and a half following their imposition.

Plymouth Colony was the exception. Its economic legislation focused almost entirely on land tenure issues and foreign trade. Wage controls on laborers were imposed briefly in December 1638; they were repealed the following September.[348] There was a price ceiling on beer as late as 1685, but this probably should be classified under the category of sumptuary legislation.[349] Millers' fees were regulated, but this was (and is still) common for economic endeavors regarded as public utilities.[350]

As to the effects of these laws, historians cannot seem to agree. Richard Morris says that for several generations, "the Puritans were in dead earnest about their wage codes," and the courts enforced them.[351] Marion Gottfried, on the other hand, says that they had little effect on the aggregate during the time of economic crisis in which they were regarded by the magistrates {175} as being vital, i.e., in the depression of the early 1640s.[352] Between 1630 and 1644, the years of the most rigorous legislation in Massachusetts, less than twenty people were actually convicted for wage or price violations. Twice as many were convicted for speaking out against public authority.[353] The most famous case of all, the trial of Robert Keayne, was unique, so historians should be wary of viewing it as a representative situation.

348. Nathaniel B. Shurtleff and David Pulsifer, eds., *Records of the Colony of New Plymouth*, 12 vols. ([1855–61] 1968), vol. 11, 30. [Cited hereinafter as *PCR*.]

349. *The Book of the General Laws of the Inhabitants of the Jurisdiction of New-Plymouth* (1685), 33.

350. *PCR*, vol. 11 (1638), 30.

351. Morris, *Government and Labor*, 72.

352. Marion H. Gottfried, "The First Depression in Massachusetts," *New England Quarterly* 11 (1936): 640.

353. John Dickenson, "Economic Regulations," 524. He relies on the *Records of the Court of Assistants* (1904) for his data. Morris can cite only a handful of cases, and fewer convictions, after 1650: 75–76.

The Keayne Affair

Captain Robert Keayne of the Artillery Company, as he liked to think of himself, was a Puritan merchant of Boston, a public leader, and the subject of a trial in 1642 (involving a dispute over the ownership of a sow) and another in 1639. Convicted in the 1639 trial of oppression and usury, he was fined £200 (which was reduced to £80 by the magistrates, to the dismay of the deputies) and was forced to confess his sins before the First Church in Boston—the *only* case so recorded in the archives of the Massachusetts ecclesiastical records.[354] Thus, far from being typical, Keayne's case was more of a symbol, a means of the community to affirm its economic standards through a public display of civil and ecclesiastical power. If Keayne's trial is typical of anything, it is typical of what Kai Erikson has called the role of the deviant in society. "The deviant is a person whose activities have moved outside the margins of the group, and when the community calls him to account for that vagrancy it is making a statement about the nature and placement of its boundaries."[355]

Keayne's last will and testament records his disapproval of the whole affair. He desperately wanted to clear his name, even to the point of asking the estate's overseers to petition the General Court to repeal the sentence "and to return my fine again after all this time of enjoying it ... which I believe is properly due to my estate and will not be comfortable for the country to enjoy."[356] His economic practices had been fair, he claimed, and well within the standards of merchants' ethics. Those who had accused him on specific acts of oppression were all liars, and he spends several pages in their refutation, receipt by receipt. Furthermore, other men in the community have committed really serious crimes, yet they have barely been fined. Keayne's most incisive observation related to the changed status of some of his former detractors; it lends considerable insight into the fading {176} into oblivion of the extensive price controls that had once been imposed, but were not much enforced after 1650.

354. Oberholzer, *Delinquent Saints*, 189.

355. Kai T. Erikson, *Wayward Puritans* (1966), 11.

356. Keayne, *Apologia*, 51.

> [My own offence] was so greatly aggravated and with such indignation pursued by some, as if no censure could be too great or too severe, as if I had not been worthy to have lived upon the earth. [Such offences] are not only now common almost in every shop and warehouse but even then and ever since with a higher measure of excess, yea even by some of them that were most zealous and had their hands and tongues deepest in my censure. [At that time] they were buyers, [but since then] they are turned sellers and peddling merchants themselves, so that they are become no offences now nor worthy questioning nor taking notice of in others.[357]

As more and more people began to work on the other side of the sales counter, the former sins of the seller began to fade into obscurity. With the expansion of the size of the market, crimes once horrible were regarded with far less suspicion.

John Winthrop informs us of the outline of pricing principles submitted by John Cotton to the magistrates during the trial, and all of them can be found in the writings of Aquinas. A man may not buy as cheaply as he can, nor sell as dearly as the market might permit. He may not take advantage of the buyer's ignorance (in a special case—the seller's knowledge that fresh supplies are on the way to a besieged community—Aquinas had even allowed the seller to remain silent and take a higher price for his goods). He may not sell above the current price, even to make up losses on other items, a restriction which was basic to medieval casuistry.[358] Winthrop explained the magistrates' leniency in the case: 1) "there was no law in force to limit or direct men in point of profit in their trade"; 2) because in all countries men "make use of advantages for raising the prices of their commodities"; 3) "because (though he were chiefly aimed at, yet) he was not alone in this fault"; 4) because all men—cattle sellers, corn sellers, laborers—in the colony practiced such gouging. But the fifth and final point is the crucial one, for it had baffled commentators from the twelfth century onward: "Because a certain rule could not be found out for an equal rate between buyer and seller, though much labor had been bestowed in it, and diverse laws had been made, which, upon experience, were repealed, as being neither safe nor equal."[359] Aquinas had warned them

357. *Ibid.*, 48.

358. *Winthrop's Journal*, vol. 1, 317.

that "the just price of things is not fixed with mathematical precision, but depends on a kind of estimate, so that a slight addition or subtraction would not seem to destroy the equality of justice."[360] Finding that elusive "equal rate" {177} proved to be more of a task than successive pieces of legislation could achieve.

Was Keayne a covetous person? The authorities had to prove this if they were legitimately to impose serious sanctions. The standard to be used in discovering true covetousnes was *conscience.* Just as Calvin had opened the door to legitimate usury by his reliance on the role of conscience in determining the limits of fair dealing, so the Massachusetts magistrates also were forced to rely on this concept, given the overwhelming difficulty of fixing specific prices as "just" in a formal law code. John Cotton himself "showed that it is neither the habit of covetousness (which is in every man in some degree), nor simply the act, that declares a man to be such, but when it appears that a man sins against his conscience, or the very light of nature, and when it appears in a man's whole conversation." Keayne was not guilty of covetousness, Cotton affirmed, because he was liberal in hospitality and in other aspects of his life (church communion), and his crime was based on "an error in judgment."[361] The magistrates therefore decided to reduce the fine.

Erikson writes that the deviant is ushered into his role "by a decisive and often dramatic ceremony, yet is retired from it with scarcely a word of public notice."[362] This certainly was the case with Robert Keayne. He later was elected as a magistrate, and his occasional lapses into drunkenness are noted in the records only by the imposition of a fine. The humiliation of the trial disturbed him for the remainder of his life, but the community apparently was perfectly content to let bygones be bygones. It had asserted its standards, and it promptly went about undermining them, a fact which Keayne saw clearly but which seemed to bother few of his more energetic contemporaries. So long as a man's conscience was sound, he was free to go about his business. To prove a

359. *Ibid.*, 316.

360. Aquinas, *Summa Theologica*, 2:2, Q. 77.

361. *Winthrop's Journal*, vol. 1, 318.

362. Erikson, *Wayward Puritans*, 16.

man's conscience unsound would be no easy task, especially if the suspect happened to be a leader in Massachusetts or Connecticut politics, industry, or shipping. This difficulty would be far more obvious to magistrates in 1650, however, than it had been in 1639.

The last major attempt by the central government of Massachusetts to control wages in this period came in 1641. The scarcity of money had brought depression to all of New England. Merchants were closing their doors, manufacturers were refusing to hire laborers. The General Court declared that laborers must accept a mandatory reduction of wages proportional to the reduced price of the particular commodity they labored to make. Laborers "are to be content to partake now in the present scarcity, as well as they had their advantage in the plenty of former times...."[363] {178}

Crisis and Response

The depression of 1640–45 shocked the leadership of New England. It seemed to Winthrop and Hooker, as already noted, that God was visiting the community of saints with judgment. Leaders were under pressure to devise some means of remedying the depressed economic conditions, but it was not clear what ought to be done. As trial and error seemed the only way open to them, they were forced to experiment.

The authorities of the General Court passed a law in October 1641, that no wheat bread was to be baked or sold in the colony, nor was any malt to be brewed. They said that wheat, as a staple commodity in demand outside of New England, should be used only for export, in order to gain needed foreign commodities. By legally reducing demand in the colony, the leaders expected to be able to force this staple crop into export channels.[364] The magistrates had determined that the demonstrated preference of the citizenry for the consumption of wheat products was in error, and that much-needed foreign imports were clearly of greater importance to the colony than the citizens were willing by their voluntary economic actions to admit.

363. *MCR*, vol. 1, 326.

364. *Ibid.,* 337.

A series of laws placing a *moratorium on the collection of debts* owed in specie metals was passed in the first years of the crisis. Payment was now to be made in kind rather than in coins. The October 1640 law stated that rates on the value of goods would be set "from time to time" by the central authority, or else by the appraisal of "indifferent men" within the local community.[365] One man was to be chosen by the creditor, one by the debtor, and one by the marshal (in case of dispute). A man's house and land could be confiscated by the creditor only if the estimation of the value of the debtor's goods was less than the debt.[366] A similar law was passed by the General Court of Connecticut the following year.[367] Since men were no longer able to sell their products or their labor at specie rates prevailing before 1640, it was assumed that it would be unjust to hold them to payment of their debts in specie after the shortage of coin had appeared.

Trade controls after 1640 were quite common. Connecticut imposed a law as late as 1650 which prohibited all foreigners from retailing goods locally; local citizens were also prohibited from retailing the goods belonging to foreigners. A rigorous penalty amounting to 50 percent of the value of the goods so retailed was imposed.[368] This was passed in the midst of an apparent liberalization of restrictions, since price controls were being {179} abandoned at the same time.[369] The repeal was justified in terms of voluntary contractualization, "whereby all persons are left at liberty to make their bargains for corn...." Free trade internally, but with controls on external trade: these are the marks of a *mercantile system*. It is this kind of legislation that has led historians to regard the Puritan commonwealths as basically mercantilistic after 1650.

In 1643, John Winthrop had complained of the great scarcity of corn. The following year New England was experiencing a glut of all English grain, an effect quite in line with the high prices of the preceding year: the hope of profits had stimulated the production of the scarce item.

365. *Ibid.*, 304.

366. *Ibid.*, 307.

367. *CCR*, vol. 1, 69.

368. *Ibid.*, 207.

369. *Ibid.,* 205.

The glut grew so bad, as *Connecticut* officials viewed it, that a prohibition was placed on all export of grain from Connecticut. The reason was the hostility of Massachusetts and Plymouth against "our overfilling their markets.…"[370] The General Court awarded a monopoly of exporting to the Governor, Edward Hopkins, and his associates; they were to be responsible for the "transportation thereof into some parts beyond the seas...." Price supports were guaranteed to all growers, but only upon the safe return of the vessel. The magistrates hoped that through the establishment of an export monopoly the effects of the glut might somehow be alleviated. The impersonal free market and its system of flexible prices simply could not be trusted; it was producing temporarily undesirable effects. A monopoly was needed, they explained, since "the advantages that have been taken from the multitude of sellers and their pinching necessities" have produced conditions in which "the rate and prices of corn is so little ... that much discouragement falls upon the spirits of men in such employments...." A way out of this must be found, the magistrates announced. Unfortunately, export controls of this kind would only have reduced the market further. By limiting the number of outlets for the produce, the glut could be cleared on the home market only by a further reduction of prices. The promise of price supports was only a promise; to fulfill it, the ship had to get through safely, sell at the hoped-for high prices, and then return safely to Connecticut. With Plymouth and Massachusetts no doubt seeking external markets for their overflow, such a hope in a guaranteed export market was not likely to become a reality.

Plymouth Colony had always imposed export and trade controls. Winthrop wrote that in 1631 a ship from Massachusetts accidentally sailed into the harbor at Plymouth, "where the governor, etc., fell out with them, not only forbidding them to trade, but also telling them they would oppose them by force, even to the spending of their lives, etc., whereupon they returned...."[371] Prohibitions were placed on the

370. *Ibid.*, 116.

371. *Winthrop's Journal*, vol. 1, 67. Cf. export controls on timber: *PCR*, vol. 11 (1626), 3.

export of sheep in {180} 1633.[372] It seems safe to say that the doctrines of free trade had not yet occurred to the Plymouth magistrates.[373]

Massachusetts passed a series of trade control laws in the latter part of the 1640s. This seems odd in retrospect, since the revival of the economy after mid-decade was fostered by increasing trade abroad. Because of a temporary shortage of grain in the summer of 1648, the General Court placed a three months export embargo, since "it appears that there is not sufficient for the necessary sustentation of the inhabitants for two months.…"[374] A prohibition on the export of mares was imposed in 1649.[375] The year 1654 saw the import of foreign malt prohibited and the export of sheep prohibited.[376]

Trade controls on the whole were *sporadic responses to temporary crises*, or such was the case outside of Plymouth. In Plymouth we find fewer domestic controls over the economy and a greater proportion of export and import restrictions. But in the other colonies, foreign trade was acceptable in most goods most of the time. When a crisis seemed to threaten the community's supplies of goods, or else added to the supply of a particular good far beyond expectations, the magistrates moved to counter the new conditions through legislation. As long as prices and supplies stayed within familiar boundaries, the central governments were content to allow the market its free course, provided only that the citizens remember that the general limitations on oppression were officially in force and available for implementation if necessary.

372. *PCR*, vol. 1, 13.

373. In March 1645, the authorities in Plymouth rejected a proposal to establish a "general trade" with the other colonies because "we conceive such a disproportion in our estates to theirs, and so many thousands required therein, the which we are not able to reach unto, and withall are very doubtful whether it may conduce to such a general good and answer the ends which are expected ...." *(PCR*, vol. 2, 82).

374. *MCR*, vol. 2, 240; cf. *CCR*, vol. 1 (1653), 236–37; (1654), 258.

375. *MCR*, vol. 2, 280.

376. *MCR*, vol. 4, pt. 1, 198–99.

Quality Controls and the Guilds

The caricature of Max Weber as a monocausational theorist is an unfortunate side effect of his investigations into the religious roots of social change. Yet in his discussion of the advent of capitalism, he discussed the transition from medieval production to capitalism in very different terms, focusing his attention on the effects of pricing rather than the effects of religion:

> The decisive impetus toward capitalism could come only from one source, namely a mass market demand, which could arise only in a small proportion of the luxury industries through the democratization of demand, especially along the line of production of substitutes for luxury goods of the upper classes. This phenomenon is characterized {181} by price competition, while the luxury industries working for the court follow the handicraft principle of competition in quality.... The tendency toward rationalizing technology and economic relations with a view to reduce prices in relation to costs, generated in the 17th century a feverish pursuit of invention. All the inventors of the period are dominated by the object of cheapening production.…[377]

Given this perspective, the establishment of quality controls within a framework of price controls and self-policing by a guild structure would indicate a resistance against capitalistic methods of production. The first generation in New England attempted to create just such a system in a number of industries. Quality controls were passed by central authorities and, less frequently, by the towns. In many cases, these standards were evaluated and enforced through a guild mechanism, access to which was limited by lengthy apprenticeship requirements that were enforced by civil law.

Outright monopolies were often granted to "public utilities" like millers and ferry operators.[378] These were special cases, and cannot really be described as guilds. The guild monopolies were common in fields

377. Weber, *General Economic History* ([1920] 1961), 230–31. Cf. Christopher Hill, *Reformation to Industrial Revolution* (1969), 74.

378. *MCR*, vol. 1 (1631), 82; *NHCP* (1645), 165; Samuel A. Bates, ed., *Records of the Town of Braintree, 1640–1793* (1886), (1641), 1. The town reaffirmed the monopoly with new owners, after the original owners had sold the mill: 1662 and 1674; *ibid.*, 15–17.

that did not require such a heavy outlay in capital as would have been normal with a mill or a ferry. The general features of the guild system were the right of a group of men within a trade to enter into covenant with each other, elect officers, control all further entry into the group, and police the quality of the goods produced. In the case of the Massachusetts tanners, they and they alone were permitted to tan leather, and they were not permitted to work at any other trade.[379] Public officers were appointed to inspect the products of the various guilds.[380] Guilds were not to use their position to charge prices as high as they would otherwise have been able to obtain on the legally restricted markets. The trades involved were tanners, coopers, shoemakers, butchers, bakers, porters, and brewers.[381] A classic guild charter is the Massachusetts grant to shoemakers in 1648; the public received, in return for the monopolistic grant, the following guarantees: "... that no unlawful combination be made at any time, by the said company of shoemakers, for enhancing the prices of shoes, boots, or wages, whereby either their own people or strangers may suffer ... no shoemaker {182} shall refuse to make shoes for any inhabitant, at reasonable rates, of their own leather, for the use themselves and families only, if they be required thereunto."[382] In cases of disputes over fair pricing, "the said officers and associates do not proceed to determine the cause, but with the advice of the judges of the country...."

Monopolies in the seventeenth century were under attack by Parliament in England. They were used as fiscal devices by the king. They permitted a thriving hierarchy of informers, and their real purpose was to create saleable revenue items for the king. The Puritan Revolution put a stop to all this. "The Middle Ages in industry and internal trade," writes Christopher Hill, "also ended in 1641, when the central government lost its power to grant monopolies and control the administration of poor relief.... Guild regulations and the privileges of town oligar-

379. *MCR*, vol. 2 (1642), 18–20.

380. *Ibid.*, 29.

381. *Ibid.,* (1646), 168: *CCR*, vol. 1 (1656), 285–87; (1657), 298; Hoadly, ed., *Records of the Colony or Jurisdiction of New Haven, from May 1653 to the Union* (1858), (1653), 24; (1654), 96–97. [Cited hereinafter as *NHCJ.*]

382. *MCR*, vol. 2 (1648), 250.

chies, long opposed by the common lawyers, became far more difficult to enforce."[383] Across the Atlantic, Puritans were erecting monopolies at the same time. The guilds were not fiscal devices in New England, however; they were generally regarded as a means of protecting consumers. Furthermore, as Richard Morris has pointed out, these guilds "did not last long enough in Massachusetts for the rank and file membership to resent the power of the governing body."[384] The one industry which was regulated throughout the century was the bakers guild; similarly, the assize on bread was the only price control to remain in effect (apart from liquor, which was under the sumptuary statutes).[385] Antimonopoly laws that were directed against unauthorized forestalling—cornering the market—remained in effect into the late eighteenth century, indicating that early New England Puritans created their monopolies only to retain a measure of control over production in those areas of the economy.[386] With the expansion of the market, these controls began to disappear.

Covenant and Status

Darrett Rutman, in his study of early New England, lays considerable stress on the utopian passages of John Winthrop's speech on board the *Arabella* (1630) in order to demonstrate the rapid breakdown of Winthrop's communal ethic. While it is unlikely that Winthrop seriously entertained the idea that men would cooperate without the inducement of civil law, but simply through their obedience to God (as Rutman argues[387]), it {183} is true that much of the social disruption of the first two decades had not been expected by the leaders. The erratic response of the magistrates to economic fluctuations, as they passed, rescinded, and passed again certain economic controls, indicates their own uncertainty and confusion. Rutman asserts that by 1650 the following developments were visible: individualism was springing forth from the communal origins of Boston; the broader vision of the Holy

383. Hill, *Reformation*, 169.

384. Morris, *Government and Labor*, 141. On the merchants' advocacy of freer trade, see Bailyn, *Merchants*, 92.

385. Morris, *ibid.*, 60, 161.

386. On the antimonopoly laws, see *ibid.*, 21.

Commonwealth had begun to fail in the eyes of "the Atlantic-oriented merchants"; the process of class division had begun; the legal sphere of the civil government was being secularized, as the disunity of the churches compromised the older ideal of a theocratic society.[388] In short, "Fragmentation disturbed the roots of society."[389] Rutman contrasts this supposed fragmentation with the supposed utopianism of Winthrop's 1630 utopian ideal; the overall effect is startling, if not convincing.

Much of this characterization is no doubt valid. A tiny, isolated colony had become a thriving community, one which had demonstrated considerable strength by weathering a severe economic depression in the early 1640s. It had also survived such external political events as a regicide in England, and it had even had to face the threat of a totally new, and from the Puritan's perspective, a horrifying social ideal, toleration of the more radical Protestant sects, imposed by law in England. Had every rule established for the smooth operation of the tiny towns of 1630 survived intact and untouched by subsequent modification, it would have been evidence of the prophetic illumination of the founders—a distinctly unpuritan view of revelation. A two-decade period of Indian wars, unparalleled economic change, internal religious conflict, and, in the 1650s, the threat of war with the Dutch—all this obviously induced the residents of New England's little colonies to adjust many of their imported attitudes concerning economics, law, and political authority. The founders had not been prophets; they were the inexperienced sons of England's lesser gentry, at best, and simple farmers generally. It is therefore surprising how long some of their

387. Darret Rutman, *Winthrop's Boston* (1965), 7ff. "The elaboration of the law, its intrusion into every cranny of private life, the very pervasiveness of government—none of these was part of Winthrop's ideal.... A perfect society in which men would do their duty to each other out of their godliness would have no need for law ..." (239). One might imagine that Winthrop, at least "idealistically" (as distinguished from Winthrop the former law student and future magistrate), was a forerunner of Lysander Spooner, the nonrevolutionary anarchist of late nineteenth-century America. One wonders where Winthrop received his training in Christian perfectionism; this doctrine certainly was regarded as heretical by English Puritan theologians.

388. *Ibid.*, chap. 9.

389. *Ibid.*, 256.

original economic legislation survived—in some cases, well into the eighth decade of the century. Their commitment to a medieval conception of economic legislation was strengthened by their attachment to medieval ideas of political localism.

The intense *localism* of the New England town led, in the first fifty years of New England's history, to the creation of a whole series of small, organic {184} communities. This was the heritage of English village life.[390] Each town was founded on a civil covenant which was careful to exclude those not sharing similar views. Towns enacted legislation against the unauthorized sale or lease of land and homes to strangers. In some cases even hired servants had to be approved by the town authorities beforehand. Ownership was therefore limited, since without the power to *disown* a piece of property at will, one can hardly be said to exercise complete ownership of it.[391]

The civil covenant affirmed by the residents of Dedham in 1636 stands as the archetype of the era. First, they pledged themselves to order their lives in terms of God's "one truth." The second proposition stated the restrictions involved in such a covenant:

> That we shall by all means labor to keep off from us all such as are contrary minded, and receive only such unto us as may be probably of one heart with us, [and such] as that we either know or may well and truly be informed to walk in a peaceful conversation with all meekness of spirit, [this] for the edification of each other in the knowledge and faith of the Lord Jesus, and the mutual encouragement unto all temporal comforts in all things, seeking the good of each other, out of which may be derived true peace.[392]

390. Haskins, *Law and Authority*, 60, 72. Cf. Sumner Chilton Powell, *Puritan Village* (1965).

391. F. A. Harper, *Liberty: A Path to Its Recovery* (1949), 106.

392. Don Gleason Hill and Jules H. Tuttle, eds., *The Early Records of the Town of Dedham, Massachusetts, 1636–1659*, 6 vols. (1886–1936), vol. 3, 2. I am using the modernized version of the town's covenant provided by Kenneth A. Lockridge, *A New England Town, The First Hundred Years* (1970), 5. New Haven's 1643 covenant, Articles of Confederation among Plantations, similarly establishes the community's working presuppositions: "Whereas we all came unto these parts of America with one and the same end and aim, namely to advance the kingdom of our Lord Jesus Christ, and to enjoy the liberties of the Gospel in purity and peace ..." (*NHCP*), 98.

The remaining three sections established the right of the civil government to act as a settler of disputes. "The founders were striving for social perfection," Kenneth Lockridge writes, "but they were realistic about the means leading to its achievement." Men, even in the best of communities, quarrel with each other. "So the founders wrote into the Covenant a secular policy designed to achieve from without what Christian love would in most cases guarantee from within."[393]

The possession of land within a town gave the owner access to the common fields and to the town meeting. The town therefore guarded the *right of purchase* with considerable care. Servants under anyone's jurisdiction were not permitted to own land in Dedham until after their release, and only with good references provided to the town's officials.[394] Outsiders {185} had to be approved, and this provision was reenacted in 1649.[395] Where the sale or lease of land was involved, community rights prevailed over individual contract. Watertown had a similar provision in 1638,[396] as did Boston in 1635: "It is agreed that no further allotments shall be granted unto any newcomers, but such as may be likely to be received members of the Congregation."[397] Selectmen had to approve all leasing arrangements to outsiders as late as 1647.[398]

These statutes were not confined to the towns of Massachusetts. The colony of Connecticut passed the following ordinance in 1660: "This Court orders that none shall be received as inhabitant into any town in the colony but such as are known to be of an honest conversation and accepted by a major part of the town."[399] Plymouth announced the error of the town of Sandwich, in 1639, of distributing almost all of the land of the community to those who were sometimes unchurched, "so

393. Lockridge, *Town*, 7. This is the hard realism of the Puritan "utopia," rather than the abstracted version derived by Rutman from Winthrop's *Model of Christian Charity.*

394. *Dedham*, vol. 3, 20.

395. *Ibid.*, 24, 162.

396. *Watertown Records*, 4 vols. (1894), vol. 1, 4.

397. *Second Report of the Record Commissioners of the City of Boston; Containing the Boston Records, 1634–1660*, 3rd ed. (1902), 5.

398. *Ibid.*, 90.

399. *CCR*, vol. 1, 351.

that without speedy remedy our chiefest end will be utterly frustrated.…"[400]

The Massachusetts town of Braintree, which lagged half a century behind the other towns in disposing of its common fields, was equally slow in abolishing the control on land sales. As late as 1700 a statute was passed against selling land to outsiders.[401] There is strong reason to suspect that the retention of such control was related to the presence of an undistributed commons, since the purchase of town land provided access to commons privileges and a right to any possible future land distributions. Cambridge required a man to offer his home for sale first to a member of the local congregation at his minimum rate; only after a month had passed without a buyer could a man offer it to outsiders, and then only to those approved by the townsmen.[402]

Originally, these prohibitions on sales to outsiders were paralleled by restraints on the *entertaining of visitors.* Such restraints were imposed for two reasons: to preserve the town from subversive influences and to make certain that the town's welfare rolls were not overburdened by an influx of the handicapped. *Charity* was on the old English parish system, supported by a mandatory tithe; it was not, however, a 10 percent payment, just as it had not been in England. Examples of *immigration restrictions* were numerous in the seventeenth century, especially with regard to those who were, as a Plymouth {186} law of 1642 put it, "apparently likely to be chargeable to the township (against whom just exception is made at the time of his coming or within a month after)…."[403] Boston's limit for entertaining strangers was two weeks.[404] Braintree, the most conservative of all, set a three-day visiting limit, and imposed a fine of 19s for each three-day extension thereafter.[405] By the end of the century, however, the prohibition no longer seems to

400. *PCR*, vol. 1, 131.

401. *Braintree*, 44.

402. *The Records of the Town of Cambridge*, *Massachusetts*, *1630–1703* (1901), (1636), 24. Cf. Dickenson, "Economic Regulations," 488ff.; *New-Haven's Settling in New-England*, *And some Lawes for Government* (1656), in *NHCJ*, 610–11.

403. *PCR*, vol. 11, 40.

404. *Boston* (1636), 10.

405. *Braintree* (1654), 6.

have been imposed because of religious interests, but simply to keep out possible welfare recipients. Restrictions on the sale of land began to disappear as the common lands were divided, but not the restrictions on the entry of potential paupers.

If the early New England communities were organic, tightly knit structures, their commitment to the idea of the *hierarchy of status* further demonstrates the medieval nature of village life. Sir Henry Maine's paradigm of "status to contract" is an important one for the understanding of seventeenth-century New England.[406] The essence of the Puritan concept of status is found in the Larger Catechism of the Westminster Confession of Faith: the exposition relating to the fifth commandment, "Honor thy father and thy mother," sets forth the doctrine of status.

> By *father* and *mother,* in the fifth commandment, are meant not only natural parents, but all superiors in age and gifts; and especially such as, by God's ordinance, are over us in place of authority, whether in family, church, or commonwealth.... The general scope of the fifth commandment is, the performance of those duties which we mutually owe in our several relations, as inferiors, superiors, or equals.[407]

Both superiors and inferiors have specific duties, and therefore each group has its own respective sins.

> The honour which inferiors owe to their superiors is, all due reverence in heart, word, and behavior; prayer and thanksgiving for them; imitation of their virtues and graces; willing obedience to their lawful commands and counsels; due submission to their corrections; fidelity to, defence, and maintenance of their persons and authority, according to their several ranks, and the nature of their places; bearing with their infirmities, and covering them in love, so that they may be an honour to them and to their government.[408] {187}
>
> The sins of superiors are, besides the neglect of the duties required of them, an inordinate seeking of themselves, their own glory, ease,

406. Sir Henry Maine, *Ancient Law* (1861); cf. George Feaver's biography of Maine, *From Status to Contract* (1969), chap. 5, for a survey of the literature on Maine's hypothesis. Feaver cites Sir Frederick Pollock's statement that whatever the thesis' limitations historically, it still holds true for the history of property; 279, note no. 40.

407. *Larger Catechism* (1647), answers 124, 126. I am using the standard edition published by the Free Presbyterian Church of Scotland (1967).

408. *Ibid.*, ans. 127.

> profit, or pleasure; commanding things unlawful, or not in the power of inferiors to perform; counselling, encouraging, or favouring them in that which is evil; dissuading, discouraging, or discountenancing them in that which is good; correcting them unduly; careless exposing, or leaving them to wrong, temptation, or danger; provoking them to wrath; or any way dishonouring themselves, or lessening their authority, by an unjust, indiscreet, rigorous, or remiss behaviour.[409]

The intense *personalism* of the duties to superiors and the responsibilities of inferiors should indicate the medieval outlook of the framers of the Westminster Confession. This same outlook was shared by the religious and civil leaders of New England until the late 1670s, and it seems that the social inferiors, at least in the first generation, were content to accept this view of a proper society. Even in a society in which the "middling sort" made up the bulk of the population—sons of the lesser gentry and those members of the lower classes who had sufficient capital to make the journey—the hierarchical structure was imposed by the leadership. Those subordinate in the hierarchy were to acknowledge their superiors "according to their several ranks, and the nature of their places." To facilitate such recognition, the magistrates passed a series of *sumptuary laws* that fixed certain aspects of dress and manners as being appropriate strictly to the upper classes. The imitation of the upper stratum by the lower was to be in the realm of their "virtues and graces," but not their fashions. There is no statute in American history, one suspects, that can rival the 1651 Massachusetts sumptuary law for its sheer medievalism—comprehensive, authoritarian, and thoroughly hierarchical:

> Although several declarations and orders have been made by this Court against excess in apparel, both of men and of women, which have not yet taken that effect which were to be desired, but on the contrary we cannot but to our grief take notice that intollerable excess and bravery have crept in upon us, and especially amongst people of mean condition, to the dishonor of God, the scandal of our profession, the consumption of estates, and altogether we acknowledge it to be a matter of great difficulty, in regard to the blindness of men's minds and the stubbornness of their wills, to set down exact rules to confine all sorts of persons, yet we cannot but account it our duty to commend unto all sorts of persons a sober and moderate use of those blessings

409. *Ibid.*, ans. 130.

> which, beyond our expectation, the Lord hath been pleased to afford unto us in this wilderness, and also declare our utter detestation and dislike that men or women of mean condition, educations, and callings should take upon them the garb of gentlemen, by the wearing of gold or silver lace, or buttons, or points at their knees, to walk in great boots; or women of the same rank to wear tiffany hoods or scarves, which though allowable to persons of greater estates, or more liberal {188} education, yet we cannot but judge it intollerable in persons of such like condition....[410]

Unless the individual were of a good education, a military officer, or a civil officer, he could not wear such items unless his estate could be valued at £200 or more, according to a "true and indifferent value." A l0s fine was imposed, "and every such delinquent to be presented by the grand jury."

A similar, though shorter, statute was passed by the magistrates of Connecticut in 1641.[411] *Lace* was the focus of several Massachusetts statutes: it was to be used as a small edging (presumably only by the upper classes), but lace in general was prohibited from being worn extensively on any garment.[412] Import taxes were placed on *luxury items*, "for preventing the immoderate expense of provisions brought from beyond the seas." Such goods as sugar, spice, wine, and tobacco were included. The tariff was sixteen percent for direct buyers, and thirty-three percent of import price for retailers (making it more difficult for retailers to compete in sales with London sellers).[413]

Tobacco consumption, which was regarded by Puritan leaders as another unnecessary excess, had been under fire from some of the directors of the Massachusetts Bay Company right from the beginning of the colony.[414] All four of the Puritan colonies—Massachusetts, Connecticut, New Haven, and Plymouth—passed numerous provisions

410. *MCR*, vol. 3 (1651), 243. This is the law as passed by the deputies. The version of the full General Court is almost identical: *MCR*, vol. 4, pt. 1, 61–62. For a summary of this status-oriented legislation, see William B. Weeden, *Economic and Social History of New England, 1620–1789*, 2 vols. ([1890] 1963), vol. 1, 226ff. Weeden notes that Rhode Island passed no such sumptuary legislation: vol. 1, 290.

411. *CCR*, vol. 1, 64.

412. *MCR*, vol. 1 (1635), 183; (1639), 274–75.

413. *Ibid.,* (1636), 186.

414. *Ibid.*, 387–89, 403.

placing restrictions on the sale and consumption of the "noxious weed." Generally, taking it in a public place was forbidden, or near a flammable building.[415] At one stage, Massachusetts prohibited the buying and selling of it altogether, although it was legal to import it for reexport later.[416] Plymouth banned its importation for a period, and then repealed the law six months later.[417] The Connecticut legislation was tied to the health issue, but in exactly the reverse sense from today's viewpoint: no one under the age of twenty who had not already addicted himself to tobacco was allowed to buy it, unless {189} he had a doctor's certificate "that it is useful for him," and even then he had to present the certificate to the Court in order to obtain a license.[418]

Taverns, brewers, and liquor retailers were under restrictions throughout the century. Men were not to waste their time in taverns, the magistrates believed, so they went to considerable lengths to protect men from their own weaknesses. The price of liquor and the price of bread were the two controls to survive intact in the late seventeenth century. Licensing was the primary means of control, as it is today, and it was also a source of tax revenue, as it is today. The annual licensing of taverns, said the Massachusetts magistrates, is inescapable, "seeing it is difficult to order and keep the houses of public entertainment in such conformity to the wholesome laws established by this Court as is necessary for the prevention of drunkenness, excessive drinking, vain expense of money, time, and the abuse of the creatures of God.…"[419] Liquor legislation fills many pages in the records of all the colonies.[420]

Games of chance, shuffleboard, and other means of wasting time in useless competition were under suspicion, especially in taverns and when practiced by servants or youths. Such games were a sign of idling, and magistrates were willing to go to real extremes in order to stamp

415. *MCR*, vol. 1 (1632), 101; (1640), 241; vol. 2 (1646), 151; *NHCJ* (1655), 148; *PCR*, vol. 11 (1638), 27. Carl Bridenbaugh points out that this aspect of the tobacco legislation was part of a larger body of laws in every colony enforcing fire standards: *Cities in the Wilderness*, 55ff.

416. *MCR*, vol. 1 (1635), 136; (1635), 180.

417. *PCR*, vol. 11 (1641), 38.

418. *CCR*, vol. 1 (1647), 153.

419. *MCR*, vol. 4, pt. 1 (1654), 287.

them out.[421] In some cases, such activities were not even permitted in private homes.[422]

Certain forms of property control were so ubiquitous that they need only to be mentioned. In every colony and village, law after law was passed against cattle and especially swine running through the streets without rings through their noses (making it easier to lead them to the public pound). The constant repetition of these laws indicates the extent of their failure. Sales of almost anything to the Indians were forbidden at one time or another; weapons and liquor were always under such restraints. Laws fixing weights and measures were common in each colony; Plymouth complained of confusion in its system as late as 1652.[423] Sabbath violators were punished for laboring on Sundays in every Puritan town. {190}

Conclusion

What, then, can we say about the attitude toward property which was held by the first generation of Puritans in New England? Above all, Puritans regarded property as a means of service to God, family, community, and themselves. Property involved personal stewardship in a personalistic universe, and these responsibilities of stewardship had to be exercised throughout a man's life. To aid men in their tasks of stewardship, God had created a pluralistic structure of institutions to provide guidance, sometimes by persuasion and often through coercion, but always in terms of a holy covenant among contracting parties and God. Governments, warned John Cotton, are never to be granted

420. *MCR*, vol. 1, 199, 213; vol. 2, 100, 175, 253; vol. 3, 30, 142, 148, 289; vol. 4, pt. 1, 151; *CCR*, vol. 1, 332–33; *NHCJ*, 146, 214; *PCR*, vol. 11, 17, 50, 52, 66. Boston placed beer under price controls: *Boston*, 90. Cf. Bridenbaugh, 113ff. He writes: "The tavern was probably the most important social institution in the little seaports" (107). It is not surprising, therefore, that the civil government took special pains to regulate its activities.

421. *MCR*, vol. 2, 180, 195; vol. 3, 102; vol. 4, pt. 1, 20; *CCR*, vol. 1, 289; *PCR*, vol. 11, 66. Since the regulations concerning both taverns and gaming extend throughout the period, and well beyond it, I have not bothered to cite the year in which each piece of legislation was passed.

422. *MCR*, vol. 1(1631), 84.

423. *PCR*, vol. 3, 10.

full sovereignty (as in the papist church-state abomination); they are under godly restraints.[424] Yet the individual is not sovereign, either. "Private Christians must not live in a private state, for that darkens a man's estate...."[425] Grant to all the liberty God has granted, no more and no less, for "there is never peace where full liberty is not given, nor never stable peace where more than full liberty is granted...."[426] Cotton saw the problem quite clearly. "That certainly here is the distemper in our natures, that we cannot tell how to use liberty, but we shall very readily corrupt ourselves...." Covenants are to restrain men and institutions from stepping beyond their proper bounds.

The covenantal principle of *sphere sovereignty* guaranteed the right of private property. The limited sphere of private property in 1630 was to expand throughout the first generation's leadership in New England. For a capitalist system to prosper, the limits would have to be expanded even further, but the legitimacy of free exercise of property within a limited sphere did establish a starting point. The responsibilities of stewardship ultimately guaranteed the right of private ownership. A man had a right to his titled property, and care was taken to preserve those titles. Men took the effort to fix the zones of legitimate ownership.

Puritan institutions were designed to absorb social change. The Puritan outlook was future-oriented in the first generation. Puritans hoped to stand as an example to the heathen of all lands; they looked for the creation {191} of an earthly kingdom of saints to subdue the earth to God's glory; they expected God's covenantal blessings. Their

424. Cotton, *An Exposition Upon the Thirteenth Chapter of the Revelation* (1655), 72. Cf. Shepard, "Subjection to Christ," *Works*, vol. 3, 343. This concept of limited sovereignty was basic to New England town life in the era of Puritan leadership, as Bridenbaugh indicates: "The town governments were further hampered in this period by the fact that the powers and functions of municipal corporations were but imperfectly conceived and hazily defined. They were limited by the medieval conception of a charter which conveyed only the barest powers and privileges necessary for the management of corporate property…. Moreover, the civic power being as yet feeble, it was frequently forced to call on private aid to supplement it in many cases where today it is all-sufficient" (136).

425. Cotton, *ibid.*, 21.

426. *Ibid.*, 73.

emphasis on the necessity of education indicates their commitment to the future as much as their commitment to the past.[427] Robert Keayne's legacies show his concern for the future: money for a free school, money to finance poor scholars at college, a permanent fund for poor relief, matching funds and competition between groups for his library.[428] His view was theocentric, even to the exclusion, in part, of the claims of blood:

> ... God and country should come in for a child's part in our estates, also in some reasonable proportion suitable to the extent thereof, lest the Lord blast and take away all from those to whom it is given. And as I think dutiful and loving wives and children should be taken care of in the first place before others and be comfortably cared for, so I think all is too much that is given to vexatious, prodigal, imperious wives or rebellious, undutiful, and spendthrift children.[429]

Character, in short, counted for more than mere blood ties. It was character that honored God and promised victory over a perverse world.

The progress of God's kingdom was a goal to command the sacrifices of godly men, both individually and in communal efforts. The *ideology of expansion* was basic to Puritan preaching in the first decades of New England; the colonists must have expected to see social change. Theirs was not a utopia of static blessings; there was too much to accomplish, too much sin to be struggled with, to permit complacency with the present. But the Puritan ambivalence toward wealth, i.e., the paradox of Deuteronomy 8, made their original leaders suspicious of all signs of

427. The most comprehensive study of education in the Puritan period is Lawrence Cremin, *American Education: The Colonial Experience, 1607–1783* (1970).

428. Keayne, *Apologia*, 18–24. Keayne's legacy was not typical of colonial Puritanism, however. New England Puritans were far more likely to give money away during their lifetimes, but they left relatively little in their wills. This was in marked contrast to Puritan charity in England, which was very often in the form of long-term bequests to charitable trusts. On this point, see Foster, *Their Solitary Way*, 137ff. On the widespread private charities established primarily by English Puritans, especially the London merchants, see W. K. Jordan, *Philanthropy in England, 1480–1660* (1959), 42ff., 241, 335ff., 348. These laymen were almost fanatically devoted to the establishment of educational institutions, especially grammar schools (279ff.). In two generations, such giving dwarfed the charitable accumulation of England's medieval past (230).

429. *Ibid.*, 76.

external achievement. Changes were expected, blessings were prayed for, yet Puritans who bothered to write showed an unwillingness to see anything but unmixed blessings coming to New England. They maintained a basic *fear of change*, since change upset institutional arrangements like status patterns; change also made it difficult to determine the proper relationship of one institution to another. It challenged the received definitions of sphere sovereignty and legitimate power. Their ambivalence can be seen in the {192} fact that Puritans were able to preach and apparently accept jeremiads of abundance as well as jeremiads of crisis; no man could be certain in his estimate of the meaning of God's sovereign manifestations of blessing and judgment.

What of the Protestant ethic? Did Puritans actually view life in the expectation that earthly prosperity would come to righteous, disciplined men? When Puritan preachers chose to be subtle on this point, they could produce considerable ambivalence. But (in a distinctly unpuritan phrase) when the chips were down, they held to the stereotyped outline. John Eliot, the minister to the Indians, wrote a letter to Thomas Shepard in 1647 which told of his encounter with a group of converted Indians who were being challenged by local pagan tribesmen. Pragmatists to the core, the skeptics chided: " 'What get you,' they say, 'by praying to God and believing in Jesus Christ?' You go naked still, and you are as poor as we, and our corn is as good as yours, and we take more pleasure than you." Penetrating questions indeed; skeptics have asked the same basic set of questions to religious converts for eons. Eliot's answer to them stands as perhaps the finest statement of the Protestant ethic that came out of the literature of seventeenth-century Puritanism:

> God giveth unto us two sorts of good things: one sort are little ones, which I showed by my little finger; the other sort are great ones, which I showed by my thumb (for you know they use and delight in demonstrations): the little mercies are riches, as clothes, food, sack, houses, cattle, and pleasures; these are little things which serve but for our bodies a little while in this life: the great mercies are wisdom, the knowledge of God, Christ's eternal life, repentance, faith—these are mercies for the soul, and for eternal life.... You have some more clothes than they and the reason you have no more is because you have little wisdom; if you were more wise to know God, and obey his commands, you would work more than you do; for so God commandeth,

> *Six days thou shalt work,* etc., and thus the English do. And if you would be so wise as to work as they do, you would have clothes, houses, cattle, riches, as they have; God would give you them.[430]

In the last analysis, when a Puritan minister had to put the theology of covenantal blessing before simple people who could not appreciate the subtleties of biblical paradoxes, he expressed his faith in the blessings God gives to the faithful. God would reward the citizens of His Holy Commonwealth, so long as it remained truly holy.

The tiny communities of 1630 had inherited a paternalistic tradition of status, hierarchy, and restraint on private actions in the market place. But Puritan attitudes concerning charity, the need for education, and the inescapability of personal as well as communal self-improvement worked in {193} the direction of an expansion of personal liberty. Mature men were expected to rule themselves and the earth; conscience was awarded a large role in earthly affairs. The imposition of economic controls, especially price and quality controls, seemed necessary to Puritan leaders in the first two decades. Once the country had survived the depression of the 1640s, thus proving the resiliency of the economic structure, it seemed less important to monitor the day-to-day affairs of the market.

The economic revival of the late 1640s was in part stimulated by the somewhat suspect trading community in Boston. The attempts of the government to create self-sufficiency by underwriting mining, requiring families to spin flax or plant quotas of grain, and financing iron works had failed.[431] Men committed to experiment could learn from such failures. Furthermore, with the expansion of trade, the growth of the market, and the spread of a money economy, no single individual or institution could command the power that it could have commanded in 1630 in an isolated frontier town. The need for full regulation of the economy declined as a direct result of its increasing market complexity and efficiency. Those things which were close to impossible for the civil government to achieve—finding a just price for commodi-

430. John Eliot to Shepard, in Shepard, "Clear Sunshine of the Gospel," *Works*, vol. 3, 479.

431. Bailyn, *Merchants*, chap. 3, provides a summary of several of these short-lived experiments in economic self-sufficiency.

ties in times of economic turbulence, examining men's hearts and consciences to find signs of economic deviation, creating religious unity in a diverse population—were steadily abandoned in the 1650s. Boston's pluralism and cosmopolitanism were unique in 1650, but Boston pointed the direction in which New England was moving.

2.
DEFENDERS OF THE FAITH

John Knox

David H. Chilton

Of all the sixteenth-century Reformers, John Knox remains the most ardently loved and fiercely hated. No other leader of his day saw so clearly the political issues in the light of Scripture. Nor has any of his contemporaries had so much direct influence upon the subsequent history of the world. He transformed a land of barbarians into one of the most hardheadedly Calvinistic cultures ever to exist, and his doctrines lie at the core of all Protestant revolutionary activity. While he is often considered merely one of Calvin's lieutenants, he was actually a Reformer in his own right. In some respects he was the greatest of them all.

We know very little of Knox's life from his birth in 1514 until his ordination to the priesthood in 1536 after studying at St. Andrews University. Twenty-two was an unusual age at which to be ordained, and it is likely that a special dispensation was granted him due to his extraordinary ability in his studies. He was unable to acquire a living as a priest, however (Scotland was flooded with them), and soon turned his talents in other directions. By 1540 he was a lawyer. Three years later he changed jobs again, this time making a significant move into Protestant territory as tutor to the sons of Douglas of Longniddry and Cockburn of Ormiston, both active in the Reform movement. Thus it appears that by this time Knox had been converted to the Protestant faith, but nothing about his conversion is known except that it took place through a study of John 17, which records the prayer Christ made for His disciples:

> I have given them thy word; and the world has hated them, because they are not of the world, even as I am not of the world. I pray not that thou shouldest take them out of the world, but that thou shouldest keep them from the evil. They are not of the world, even as I am not of the world. Sanctify them through thy truth: thy word is truth. As thou hast sent me into the world, even so have I also sent them into the world.

Knox settled down as a member of Longniddry's household and attended his duties faithfully until the arrival, late in 1545, of the fiery evangelist George Wishart, the new spokesman for the Protestant cause.

Sent by his employer to meet Wishart at Leith, Knox joined him as a bodyguard, and for more than a month he traveled about the countryside brandishing a two-handed sword and listening with increasing admiration {195} to sermons denouncing the sins of church and society and warning of judgment.

The importance of this step must not be overlooked. It was illegal for Knox to carry that sword; yet, as one biographer notes, it was the least of his crimes. Wishart was a marked man. His reforming activities had gotten him into trouble both in England and in Scotland, and in recent days the heretic-hunter Cardinal Beaton, having failed to arrest him, had tried to have him murdered twice. Knox was well aware that in thus aligning himself so openly and dramatically with Wishart, he was entering the center of the struggle, from which there would be no retreat.

On January 12, 1546, Wishart, realizing that he would soon be captured, took Knox's sword from him and sent him home, saying, "One is sufficient for a sacrifice." After staying at Wishart's side for five weeks, Knox sadly took his leave; if he had remained just a few hours more, he would have been arrested with the Reformer. Just before midnight the earl of Bothwell surrounded the house with soldiers and took Wishart captive, delivering him to Cardinal Beaton, who was waiting with his troops less than a mile away. Wishart was taken to St. Andrews, where on March 1 he was condemned, strangled, and burned. But Beaton's success was short-lived: on May 29 a band of sixteen angry young gentlemen seized St. Andrews Castle and broke into the cardinal's chambers, where they found him cowering in a chair and begging for his life, crying, "I am a priest; I am a priest: ye will not slay me." The zealots confronted him with his wickedness in putting Wishart to death, proclaimed the vengeance of God, and stabbed him repeatedly. "And so he fell," Knox records, "with never a word heard out of his mouth, but 'I am a priest, I am a priest: fie, fie: all is gone.' "[432] His dead body was

432. John Knox, *Works* (New York: AMS Press, 1968), vol. 1, 177.

urinated on and hung over the wall for all to see, and his killers announced their intention of holding the castle against government forces.

Over the next year a steady stream of Protestants joined the rebels, and for his own protection Knox was sent there by his employers in April of 1547, taking his three young students with him. It was not long before Knox's gifts in both theological insight and preaching ability were recognized, and before he had been at St. Andrews one month he was asked publicly to accept the church's call to the ministry. And what was the response of this man who would one day shake kingdoms? He burst into tears and fled from the room. Knox, whose orientation was largely in the academic world, realized only too well his own lack of training and unpreparedness. He had been content in his role as an instructor of children; and yet the hand of God was continuing to move him into the gap {196} left by Wishart. Edwin Muir, who was no admirer of Knox, comments in a rare burst of insight:

> What was it that transformed a man so timid and apprehensive into a heroic figure? So far as one can tell it was a theory now completely outworn; a belief that before the beginning of the world God had ordained that mankind should be separated into two hosts, the reprobate and the elect: that the elect should prevail, and that after death they should enjoy everlasting bliss; and finally, that it was alike fated that they should fight and that they should win. To embrace this creed was to enroll in an invincible army; to remain outside was destruction.[433]

Knox thus could not resist God's call, and having determined his course, he pushed forward with all his might. Within a few days, he was embroiled in the midst of a debate over the Church of Rome, Knox boldly claiming he could prove the Church was more degenerate than the apostate Jews were when they crucified Christ. This assertion, made before a crowd of Roman Catholics (including members of the St. Andrews faculty), was challenged immediately, and Knox set out to demonstrate it in his first sermon. Taking his text from Daniel 7:24–25, his thesis was that the Church of Rome was Antichrist. He examined in some detail the doctrine and morals of various popes, and showed how

433. Edwin Muir, *John Knox* (Port Washington, NY: Kennikat Press, 1972), 300–301.

they were contrary to the clear mandates of Scripture, which he declared was fully authoritative.

The reaction to this first effort was one which confirmed Knox in his realization that God had indeed called him. The congregation murmured, "Others hewed the branches of the Papacy, but he strikes at the root"; and many, seeing Knox's opposition speechless, came over to Protestantism. After this sermon it was also a common saying that "Master George Wishart spake never so plainly, and yet he was burned: even so will Knox be." The Romanist clergy too understood the force of the argument that true religion must be derived solely from Scripture, and Knox was thereafter kept from preaching in the kirk on Sundays, they having made sure that all the dates were filled by other priests. Knox fought back. He held services on weekdays, during which he refuted everything said on Sundays. So successful were his efforts that all those in the castle and a majority of those in the town made an open profession of the Protestant faith by participating in the Lord's Supper as administered by Knox.

The significance of what was taking place at St. Andrews was not lost on the French government, which had a stake in the future of Scotland. (The young Scottish Queen Mary was currently in France receiving her training in Romanist religion, Parisian morals, and statist absolutism.) Early in July twenty French galleys appeared off the coast and began bombarding {197} the Castle. Those holding the fortress were confident, however, and boasted that English forces would come to the rescue. "Ye shall not see them," Knox prophesied: "But ye shall be delivered in your enemy's hands, and shall be carried to a strange country."[434] On July 30, 1547, the Castle surrendered to the French, and 120 prisoners, including Knox, were put aboard the galleys as slaves. Terrible as this was, it was better than what would have happened if the Scottish government had gotten hold of Knox; as the people had said, he would surely have been burned.

Knox spent nineteen months as a galley slave, chained to a bench with 150 others and subsisting on water and a bit of biscuit, with an occasional treat of vegetable soup. Disease was rampant, and Knox's health broke down. In July of 1548 he was near death, and as the ship

434. Knox, *Works*, vol. 1, 203.

passed by St. Andrews again, a fellow slave asked him if he recognized it. Knox answered feebly, but with strong assurance: "Yes, I know it well; for I see the steeple of that place where God first in public opened my mouth to his glory; and I am fully persuaded, however weak I now appear, that I shall not depart this life till my tongue shall glorify his name in the same place."[435] Knox survived, and eventually gained his liberty (March 1549); but eleven years passed before his prophecy was fulfilled.

One striking aspect of Knox's *History of the Reformation in Scotland* (which of necessity is largely autobiographical) is that not once does he mention any mistreatment at the hands of his captors. Protestants of his day were often given to relating moving and detailed accounts of their sufferings: the propaganda value is obvious. Knox, however, was different. As Jasper Ridley remarks: "Knox makes no attempt to arouse the reader's pity for himself.... Many Protestants glorified in their sufferings, and seemed almost to be seeking martyrdom. Knox did not want martyrdom; he wanted victory."[436]

Knox landed in England as a refugee in March of 1549, and the government appointed him minister of Berwick, a rough border town less than three miles from his homeland. He spent three happy years here, preaching the pure gospel and denouncing idolatry, and extending his ministry to the town of Newcastle, some sixty miles away. He was so effective that Protestant families in Scotland, hearing of his ministry, crossed the border illegally and resettled in Berwick so as to be near him. Knox also learned some important political lessons from his experiences in the North, and profited from them greatly. His preaching was pointed and powerful, yet the Romanists who still held office were unable to pin anything on him. Knox is rightly thought of as a radical, a "root and branch" reformer. Yet there is an important distinction to be observed here. {198} From this time and throughout his ministry Knox displayed amazing patience, appealing for moderation and compromise whenever truly fundamental issues were not at stake. This was not hypocrisy, but strategy: rather than concentrate his efforts on temporary, minor battles, Knox was intent upon winning the war.

435. *Works*, vol. 1, 228.

436. Jasper Ridley, *John Knox* (New York: Oxford University Press, 1968), 83.

Knox's powers as a preacher vividly came to light when at the request of the duke of Northumberland he came to London in 1552 to preach before the boy king, Edward VI. The Second Book of Common Prayer was to come into force within a few weeks, and, from the Protestant perspective, was greatly superior to the First—except for one passage which commanded communicants to receive the sacrament on their knees. To Knox this smacked of idolatry, and he said so in his sermon before the king at Windsor. Soon it was an international topic of conversation, and less than a week before the due date Archbishop Cranmer felt it necessary to insert a nasty disclaimer into the Book to the effect that kneeling did not imply worship of the elements. While this fell far short of what Knox would have said, the significance of the "Black Rubric" (as the insert came to be called by Romanists) lies in the fact that it implicitly denies the doctrine of the Real Presence of Christ's body in the sacrament. John Knox thus changed English history with one sermon.

With the insertion of the Black Rubric, Knox counseled his former congregation in Berwick to submit, for the sake of peace, to the Prayer Book's rule regarding kneeling. He considered the rule a temporary setback, and one which he could afford at present to obey.

During his sojourn in London Knox also was influential in the formation of the *Articles of Religion* (later revised and brought out under Elizabeth as the *Thirty-nine Articles*), and again he found he was able to cooperate with others without abandoning his commitment to scriptural reformation. Knox was offered the important bishopric of Rochester, but refused it in order not to sever his ties with either Berwick or the hoped-for reformation of Scotland. He rightly saw that such a position would involve him in ecclesiastical politicking and thus silence his voice. He saw also that King Edward's health was failing, and the greedy Northumberland was attempting to increase his own power. The wind in England was shifting, and Knox wanted no part in what was coming. More than anything else, he wanted to preach freely, and this he continued to do with little regard for what the church hierarchy thought.

All of Knox's actions during his four years in England fit into a pattern. This has been ably described by Jasper Ridley in his contrast between Knox and another English Reformer, John Hooper:

> In every situation, Hooper and Knox reacted differently. Hooper admired Northumberland, and was completely deceived by him; Knox never trusted Northumberland, but made use of him for his own ends. {199} Hooper proclaimed his beliefs, without considering the political consequences; Knox never compromised his principles, but never went further than appeared tactically advisable. Hooper defied the law, and suffered imprisonment for his doctrines; Knox stayed just within the law, and avoided imprisonment. Hooper submitted, accepted a bishopric, and as a result ceased to be a cause of trouble to the authorities; Knox refused a bishopric, and remained a serious cause of trouble, but one with which it was very difficult to deal. Most important of all, Hooper resisted throughout as an individual; Knox was the spokesman for his congregation of Scots in the north, and resisted in England, as he had done in the French galleys, with the group. In the end, when Popery returned, Hooper refused to flee, and offered himself for martyrdom. Knox fled, and afterwards led a successful revolution. Hooper died at the stake; Knox lived to send his enemies to the gallows.[437]

The young King Edward VI died on July 6, 1553. The attempt to keep the crown in Protestant hands failed, and on August 2 Mary Tudor triumphantly entered London. Night was falling upon England, and Knox used what little time remained to travel around the countryside preaching and writing. He was wise in making himself a moving target. All the outspoken Protestants—Bradford, Rogers, Becon, Fisher, Hooper, Coverdale, Latimer, and Cranmer—were being rounded up and cast into prison. Eventually there began an active hunt for Knox, and he was able to escape from the country about the end of January 1554. The executions under "Bloody Mary" began two weeks later.

The immediate future looked bleak, but Knox was a firm believer in the promises of the gospel's ultimate triumph, when all nations would be discipled to the law of Christ, and the earth would be filled with the knowledge of God. Before he left England, he penned these lines to those who were staying behind:

> And therefore dare I be bold, in the verity of God's word, to promise that not withstanding the vehemency of trouble, the long continuance thereof, the desperation of all men, the fearfulness, danger, dolour and anguish of our own hearts, yet if we call constantly to God, that beyond expectation of all men He shall deliver.[438]

437. Ridley, *John Knox*, 128–29.

And again:

> For the Lord Himself shall come in our defense with His mighty power; He shall give us the victory when the battle is most strong; and He shall turn our tears into everlasting joy.[439]

Knox landed at Dieppe and made his way to Geneva, where he met with Calvin, and from there he went to see Bullinger, Viret, Farel, and the other Reformers in Switzerland. Knox was developing a theology of {200} resistance to tyranny, and wished to discuss the matter with his brethren. He then returned to Dieppe and began smuggling pamphlets into England. The most important of these was the *Admonition to England*, published in July of 1554. In it Knox suggested that England would not now be suffering if Mary had been "sent to Hell" (i.e., executed) during Edward's reign.[440] He went on to ask God to "stir up some Phineas, Elijah or Jehu" to punish the idolaters.[441] (If you're not sure what Knox had in mind, see Num. 25:7–8; 1 Kings 18:40; 2 Kings 9:30–37.) He closed with a prayer:

> Repress the pride of these bloodthirsty tyrants; consume them in thine anger according to the reproach which they have laid against thy holy name. Pour forth thy vengeance upon them, and let our eyes behold the blood of thy saints required of their hands. Delay not thy vengeance, O Lord! but let death devour them in haste; let the earth swallow them up; and let them go down alive to Hell.[442]

In other words, while Knox did not exactly call for Mary's assassination, he came fairly close. With this move, he had stepped into new territory, going much further than any Reformer had dared go. Calvin eventually felt forced to take a similar position (though he did not state it quite so baldly), and the theme was ultimately picked up by the Reformed movement as a whole, particularly in France and the Netherlands. Within a few years, tens of thousands of Huguenots were offering armed resistance to the French government; and the year Knox died saw the beginning of the successful Calvinist revolt and

438. *Works*, vol. 3, 91.

439. *Ibid.*, 215.

440. *Ibid.*, 294.

441. *Ibid.*, 309.

442. *Ibid.*, 328.

takeover of Holland and Zeeland. Knox had shocked the world with his *Admonition to England*, but he had also convinced it. As Ridley states it, "The theory of the justification of revolution is Knox's special contribution to theological and political thought."[443]

In November 1554, Knox took on the responsibilities of pastoring a congregation of English refugees in Frankfort. The church was split over the form of service, with a minority preferring the use of the English Book of Common Prayer. The majority sided with Knox, who was naturally opposed to it, and desired a more directly scripturally oriented service. Knox desired unity, however, and was attempting to work out a compromise when, in March of 1555, Richard Cox arrived. Cox, an exiled ex-official who had risen to prominence under Henry VIII, combined an aggressive personality with extreme traditionalism. He hated passionately anything which smelled to him of independence, and immediately on his arrival began to make trouble. He was able to gain control of the church, and less than two weeks later Knox was removed from office and forbidden {201} to preach. Cox's faction was able to prevail with the city authorities, and Knox was banished from Frankfort.

Knox returned to Geneva, where many in the Frankfort congregation followed him. Contrary to appearances at the time, this was not a defeat but an advance, and marks one of the most significant events in English history. For the issues surrounding the split of English Protestantism at this time were the issues which would dominate the course of the next century and more: the dispute between Anglican and Puritan. The new Genevan congregation became the first Puritan congregation, and Knox became known as the founder of Puritanism.[444] Knox's congregation restructured their life and worship along the lines of the Calvinist Reformation, based upon the principle that everything in worship must be ruled by the Word of God alone. Congregational singing was limited to psalm-singing, the service was centered around

443. Ridley, *John Knox*, 171.

444. The best exposition of the differences between the two positions is John F. H. New's *Anglican and Puritan: The Basis of Their Opposition, 1558–1640* (Palo Alto, CA: Stanford University Press, 1964).

the exposition of Scripture, and the Lord's Supper was celebrated according to the New Testament pattern, seated at a table.

In September of 1555, Knox left for a visit to Scotland, where he traveled around encouraging his brethren. His homeland was not yet ripe for a full reformation, however, and so after one year he returned to Geneva with his new bride, Marjory, and her mother. He stayed as pastor of the English Puritan congregation for over a year, fulfilling his duties faithfully. But in the fall of 1557, he made preparations to go to Scotland again, this time in answer to an urgent request by the Scottish lords, who stated that a reformation was now possible. Knox journeyed the 400 miles to Dieppe only to find another letter waiting for him. The lords had changed their minds, and asked him to remain in Dieppe. Knox replied with a long letter in which he asserted that nobles have a duty to force rulers to aid the reform. More than ever, Knox was aware of the indecision and unreliability of the Scottish nobility, and he denounced compromise with man as treason to God.

Knox waited in Dieppe for two months and then returned to Geneva early in 1558, where he published his most famous—and most radical—tract: *The First Blast of the Trumpet against the Monstrous Regiment of Women*. Knox had come to believe that many of the church's problems stemmed from the fact that both England and Scotland were being ruled by women, a situation which he held was unscriptural and unnatural: "To promote a woman to bear rule, superiority, dominion or empire above any Realm, Nation, or City, is repugnant to Nature."[445] Previously he had been able to condemn Mary Tudor on the ground that she had actively led England back into idolatry; now he was attacking both Marys on the {202} ground that they were women. Knox did not descend to rationalism on this point, however, for he identified natural law with the law of God. And this made rebellion not merely a right, but an absolute duty. Knox had two basic steps in his plan of action: first, remove the women from authority; second, execute anyone who gets in the way. Failure to carry this out would be "nothing but plain rebellion against God."[446]

445. *Works*, vol. 4, 373.

446. *Ibid.*, 416.

Several of Knox's biographers have been troubled by this document, in view of Knox's close relationships with women who wrote to him for spiritual counsel. Knox's warmth and obvious pastoral affection do not cohere, it is said, with the vehement outburst in the *First Blast*. Some have therefore suggested that Knox was not being entirely sincere in this work and was merely appealing to popular prejudices. But in reality there is no problem here at all. In the first place, there were many who would disagree, and Knox knew it. More importantly, however, this was an issue which had no bearing on his pastoral affection. The fact that Knox enjoyed his relationships with godly women (as well as with godly men) was irrelevant to the question of one, male or female, who rebelled against the order of creation as revealed in God's word. Knox saw no discrepancy between his rebuke of the ungodly and his care for the godly. To him both were necessary aspects of his calling as a prophet of God.

During this time, Knox also wrote specifically to the Scots, addressing the nobility and the commoners in separate treatises. This too was an important step, for whereas Calvin had reserved the right of rebellion to magistrates alone, Knox went further, and maintained that as the commoner was equally a member of the church, he had the right and duty to order it properly if God's appointed officers had broken the covenant.

> Ye, although ye be but subjects, may lawfully require of your superiors ... that they provide for you the Preachers, and that they expel such as, under the name of Pastors, devour and destroy the flock.... And if in this point your superiors be negligent, or yet pretend to maintain tyrants in their tyranny, most justly ye may provide true teachers for yourselves, be it in your cities, towns, or villages: them ye may maintain and defend against all that shall persecute them.[447]

"Few nobler statements of Christian democracy have ever been penned," says Percy;[448] but this is to defend Knox in a way which would surely be offensive to him. Knox was no democrat. He always remembered that Mary Tudor had ascended the throne amid the cheers of the people, and that *vox populi, vox dei* had been the slogan of

447. *Ibid.*, 533.

448. Lord Eustace Percy, *John Knox* (Richmond, VA: John Knox Press, 1966), 219.

the day. Knox stood not for democracy but for the law of God. And it was just because of this stand that he upheld the right of the *godly* commoner to rebel against an *ungodly* {203} ruler. Knox was no "man of the people," nor did he wish to be. His desire was to be a man of God. Thus, for God's sake, he opposed all who would play God in any area. He was not against civil government as such, for it was ordained of God, but kings had the duty of knowing God's laws and obeying them fully. "Kings then have not an absolute power in their regiment what pleases them; but their power is limited by God's word." A ruler must consider that he is "Lieutenant to One whose eyes continually watch upon him."[449] If by this doctrine the common man was exalted, it was not because that was Knox's aim. He was concerned that God alone be supreme Lord. It is primarily this characteristic which merits Ridley's summary:

> Knox is one of the most ruthless and successful revolutionary leaders in history. He was more ruthless, at least in theory, than any other revolutionary of more recent times. Dictators ancient and modern have killed their opponents whenever they considered that this was expedient. Revolutionary mobs have killed oppressors out of a desire for vengeance and justice. But Knox and his Puritans are the only modern revolutionaries who proclaimed that it was sinful not to kill their enemies.[450]

In November of 1558, Knox received a letter from the Protestant "Lords of the Congregation" in Scotland, again requesting him to come. Knox delayed to respond, probably distrusting the lords, but this time there was good reason for his presence. Archbishop Hamilton had condemned and burned old Walter Myln, a priest in his eighties, for teaching Reformed doctrine to a small group of children. The public was outraged by the execution: there were large open-air meetings and riots, and a large group of lords and commoners had signed an agreement to defend the preaching of the gospel. The Revolution had begun.

Knox arrived in Scotland on May 2, 1559, and nine days later was preaching in Perth against idolatry. At the close of his sermon, the congregation destroyed the Church of St. John and all the idols within. They then sacked the nearby monasteries, using the spoils for the relief

449. *Works*, vol. 6, 236–38.

450. Ridley, *John Knox*, 527.

of the poor. This scene was repeated in town after town, but the real showdown occurred in St. Andrews. Knox had prophesied years before that he would again preach in the church there, and Archbishop Hamilton got there first with 100 armed men in order to stop him. The next morning, Knox ascended into the pulpit and preached on the expulsion of the moneychangers from the temple. Hamilton hurriedly left town, and the townspeople removed all remnants of idolatry from the area. When Mary heard of it, she sent 800 French soldiers to attack and crush the rebellion, and two days later the French force met the Congregation. A thick mist surrounded {204} them, and under this providential cover the Congregation's forces swelled from less than 100 to over 3,000 men armed to the teeth and in possession of a cannon. Needless to say, when the fog lifted and the French realized their position, they made a hasty truce. The Congregation's victory was not only valuable for its own sake; it was also tactically impressive. The cause of reform was on the upswing, and town after town surrendered to the Congregation wherever they went.

After a great deal of letter-writing back and forth, a treaty was signed in February of 1560 in which England promised to protect Scotland against the French. Queen Elizabeth had ascended her throne in 1558, just in time to be offended by Knox's *First Blast* against the rule of women, so there was no love lost on her part for Knox. All the same, she realized that for the safety of England, Knox and his reform were needed. Thus, an English army joined with the Congregation against the French, and on July 15, 1560, the French were forced to leave Scottish soil.

The real work of reformation now began. Catholicism was abolished. A Confession of Faith was accepted by Parliament, and Scotland became officially Presbyterian. The Book of Discipline was adopted, laying down the standards for the life of the church. Ministers were made responsible for their congregations; provision was made for the education of children. The effectiveness of the new presbyterian system was so great that the savage persecutions of the following century were unable to root it out. The Reformation had come to stay.

Scotland was without a ruler, however, and so on August 19, 1561, Mary Stuart returned from France. With the arrival of this crafty young girl who was so adept at deceit and flattery, the last great contest of

Knox's life began. Five days after her arrival, the new Queen of Scots celebrated mass in her private chapel. Knox denounced her publicly in his sermon that day and followed up with an even more impassioned address the following week, declaring that he feared one mass more than an army of 10,000 foreign troops. With the death penalty for attending mass in force, the law's effectiveness would be considerably weakened if the queen herself were able to attend. The effect of these sermons was tremendous, as the English ambassador, Thomas Randolph, observed: "The voice of one man is able, in one hour, to put more life into us than 500 trumpets continually blustering in our ears." Mary, seeing this, called Knox to a private meeting with her and accused him of spreading anarchy. Knox replied, "God forbid that ever I take upon me to command any to obey me, or yet to set subjects at liberty to do what pleaseth them. But my concern is that both princes and subjects obey God."

The state of the Reformation began to degenerate, with Mary continuing to observe mass and Knox continuing to denounce her. Over the next several years Knox often had to stand alone against the queen, because {205} the other leaders of the Congregation were at various times deceived by her. Mary's combination of flattery and crying fits seemed to work on everyone but John Knox. But eventually, as always, Knox's preaching and writing won out. Mary was forced to abdicate her throne in 1567, and her infant son James was crowned in her place.

Knox spent the last few years of life preaching and working on his excellent *History of the Reformation in Scotland*, a work for which alone he would be justly famous. It does not, of course, follow today's standards of "objective" historiography; but then his philosophy of history was vastly different from that of modern secular historians.

> We affirm and maintain that God is Lord, Moderator and Governor of all things; whom we affirm to have determined from the beginning, according to His wisdom, what He would do; and now we say, that He doth execute according to His power whatsoever He hath determined. Whereof we conclude, that not only the heaven and earth and things insensible, but also the counsels and the wills of men are governed by His providence, so that they tend and are led to the scope and the end which He has purposed.[451]

451. *Works*, vol. 6, 12.

History therefore is not an impersonal outworking of merely "natural" forces but an intensely personal struggle between the armies of Christ and Satan, in a deadly warfare which will be gloriously won by Christ and His elect. Every page of Knox's *History* reflects this basic and all-encompassing perspective. It was from this biblical way of looking at life that he used his prophetic powers, which are so abundantly attested that it seems pointless to deny them. We have seen some examples in this article, and there are many more. One striking instance is his public prediction, years before it took place, that William Kirkcaldy of Grange would be hanged facing the sun. Grange was executed about a year after Knox's death. It was a sunny afternoon, and he was hanged facing east, with his back to the sun. But as the shocked spectators watched, the body slowly began to spin around toward the west, and there it stayed. Grange died facing the sun. In this, as in many other incidents, the sovereign Lord of the earth testified to the truth of His message.

Knox continued to preach until the end, although his health was rapidly deteriorating. He grew so weak that he had to be assisted into the pulpit by several men. Once he began to preach, however, his strength would return, and he would speak with such power and vehemence that young James Melville, trying to take notes, would drop his pen in sheer fright. At times it seemed as if Knox would break the pulpit in pieces and go flying out of it. Knox preached his last sermon on November 9, 1572, and afterward was escorted home by his entire church. He stayed in bed for the next two weeks, and on November 24 he asked his wife to read aloud {206} the seventeenth chapter of John's Gospel, where, he said, "I cast my first anchor." Six hours later he died.

Knox's continuing contribution is not just that of the Kirk of Scotland, which after four centuries still uses his Order of Geneva in worship; nor is it just that of a nation freed from bondage to sin, ignorance, and statist tyranny. It is rather his firm insistence and lifelong demonstration that all men are religious in every aspect of life, and that no institution, high or low, can be separated from its responsibility to God; that the greatest liberty is found in the greatest subservience to God's law; that there is one supreme King, before whom all others must bow.

The Ministry of Chalcedon

[Pr. 29:18]

Chalcedon [kalSEEdon] is a Christian educational organization devoted exclusively to research, publishing, and cogent communication of a distinctly Christian scholarship to the world at large. It makes available a variety of services and programs, all geared to the needs of interested laymen who understand the propositions that Jesus Christ speaks to the mind as well as the heart, and that His claims extend beyond the narrow confines of the various institutional churches. We exist in order to support the efforts of all orthodox denominations and churches.

Chalcedon derives its name from the great ecclesiastical Council of Chalcedon (AD 451), which produced the crucial christological definition: "Therefore, following the holy Fathers, we all with one accord teach men to acknowledge one and the same Son, our Lord Jesus Christ, at once complete in Godhead and complete in manhood, truly God and truly man...." This formula challenges directly every false claim of divinity by any human institution: state, church, cult, school, or human assembly. Christ alone is both God and man, the unique link between heaven and earth. All human power is therefore derivative; Christ alone can announce that "All power is given unto me in heaven and in earth" (Matthew 28:18). Historically, the Chalcedonian creed is therefore the foundation of Western liberty, for it sets limits on all authoritarian human institutions by acknowledging the validity of the claims of the one who is the source of true human freedom (Galatians 5:1).

Christians have generally given up two crucial features of theology that in the past led to the creation of what we know as Western civilization. They no longer have any real optimism concerning the possibility of an earthly victory of Christian principles and Christian institutions, and they have also abandoned the means of such a victory in external human affairs: a distinctly biblical concept of law. The testimony of the Bible and Western history should be clear: when God's people have been confident about the ultimate earthly success of their religion and committed socially to God's revealed system of external law, they have been victorious. When either aspect of their faith has declined, they have lost ground. Without optimism, they lose their zeal to exercise dominion over God's creation

(Genesis 1:28); without revealed law, they are left without guidance and drift along with the standards of their day.

Once Christians invented the university; now they retreat into little Bible colleges or sports factories. Once they built hospitals throughout Europe and America; now the civil governments have taken them over. Once Christians were inspired by "Onward, Christian Soldiers"; now they see themselves as "poor wayfaring strangers" with "joy, joy, joy, joy down in their hearts" only on Sundays and perhaps Wednesday evenings. They are, in a word, pathetic. Unquestionably, they have become culturally impotent.

Chalcedon is committed to the idea of Christian reconstruction. It is premised on the belief that ideas have consequences. It takes seriously the words of Professor F. A. Hayek: "It may well be true that we as scholars tend to overestimate the influence which we can exercise on contemporary affairs. But I doubt whether it is possible to overestimate the influence which ideas have in the long run." If Christians are to reconquer lost ground in preparation for ultimate victory (Isaiah 2, 65, 66), they must rediscover their intellectual heritage. They must come to grips with the Bible's warning and its promise: "Where there is no vision, the people perish: but he that keepeth the law, happy is he" (Proverbs 29:18). Chalcedon's resources are being used to remind Christians of this basic truth: what men believe makes a difference. Therefore, men should not believe lies, for it is the truth that sets them free (John 8:32).

Finis