

Samuel Rutherford and the Soteriological Implications of the Office of Magistracy in the Covenanted Christian Community

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Hierdie artikel ondersoek die verlossingsimplikasies voort-spruitend uit die amp van die regeerder en hou onlosmaaklik verband met die politieke dimensie van gewetensvryheid. In hierdie verband het die Hervorming belangrike insigte verskaf wat veral te sien is in die bydraes wat ontstaan het by die 17^{de}-eeuse Skotse Hervormer, Samuel Rutherford. Die idee van die Bybelse Verbond verleen ook 'n belangrike perspektief aan die soteriologiese relevansie van die amp van die regeerder vir politieke teorie. Vir die kontemporêre Christen-samelewing, wat deur sekularisme gefragmenteer is, word beide 'n bewustheid en 'n dringendheid na vore gebring betreffende die verskriklike gevolge wat die resultaat is van 'n politieke en samelewings-bedeling waarin God se Wil ontken word.

1. Introduction

According to Hall, most books on systematic theology offer little or no detailed teaching on politics, and the formulation of matters of state in

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most classic theological books shows noticeable *lacunae* (Hall, 1996:4). Hall adds that few would dispute that at the very least the Bible concerns itself with the role and purpose of civil government, with the need for law and order, and with other principles of guidance on this whole complexity of questions (Hall, 1996:12). Embedded in these *lacunae* are the implications that political theory holds for soteriology. According to Bahnsen, the church is called to function as a *preservative* in society (Matthew 5:13 – “the salt of the earth”), and thus the early church and the Reformers maintained that the civil “magistrate” is also a “minister” of God. Bahnsen adds that previously the autonomous polis and natural reason, taken to be the source and authority for political law, were challenged by the church, but that today the church has largely succumbed to the idea that God’s law is extraneous, not only to personal morality, but to matters of statesmanship and civil government (Bahnsen, 2002:10).

The Reformation did much to emphasise the role of the magistrate in the *preservation* of the church. In this regard, preservation not only referred to this world, but also to an *eternal preservation*. Commenting on Calvin’s political theory, Hancock says that the political order contributes, among other things, to man’s supernatural purposes (Hancock, 1989:30). This has implications regarding the obligations of the magistrate towards the attainment of the salvation of the believer in the Christian Community. According to Hancock, Calvin emphasises the role of the *visible church* in externally developing the internal faith of the believer (Hancock, 1989:46) and in this regard the visible church plays an important role in the salvation of the believer. The visible church is the *means* by which God has chosen to make believers (Hancock, 1989:46). Although faith is sufficient to give believers perfect assurance of their salvation in the perfect righteousness of Christ and therefore to give them perfect freedom from “works of righteousness”, our justification by faith is nonetheless in need of perpetual renewal and therefore of external means or “outward helps to beget and increase faith within us, and advance it to its goals” (Hancock, 1989:51). Regarding the law, Calvin understands that (Hancock, 1989:55):

Believers need the law firstly to learn more thoroughly the Lord’s will, secondly the law is to the flesh like a whip to an idle and balky ass. The sting or threat of the law troubles the soul with fear, which leads the believer to the delightful sweetness of the ‘accompanying promise of grace’ ... therefore it is clear that the Christian freedom proclaimed by the preaching of the church be supplemented by subjection to God’s law as enforced by the disciplinary sanction of the church. These sanctions protect the name of the church from disgrace, prevent the good from being corrupted, and to cause repentance.

Therefore, according to Calvin the external maintenance and protection of God’s law plays an integral role in strengthening the individual’s faith –

the visible church as well as the civil government in the Christian community has an important soteriological role to play.

Although the political and social context of the Reformation substantially differed from that of contemporary society, this theme, in addition to introducing the Biblical prescriptions for political and jurisprudential theory and the theologico-political federalists contributions in this regard, provides a relevant angle to the Christian obligation of defending God's laws not only in the private sphere but also in the public sphere. This provides a sense of urgency for contemporary Christian living, bearing in mind that a negation of God's Will in the public sphere can lead to negative influences and the resultant dire consequences for the individual's salvation. In other words, an overwhelmingly secular society poses a serious risk of negatively influencing the Christian's path to salvation. This also implicates the true realisation of "Christian Liberty", which is a regulated liberty to obey God without hindrance from man (Hodge, 1958:267). In other words, why and to what extent must the civil authority maintain and protect this liberty in the Christian Community? (and to what extent is the believer's liberty limited in contemporary society?). Also, bearing in mind that the law serves, amongst other things, to restrain the evil of the unregenerate, the soteriological relevance of magistracy is emphasised. According to Bahnsen, even if the unbeliever is not duly driven by the condemning finger of the law to the arms of a faithful Saviour, the law should be utilised within a civil society to restrain the outward evil of ungodly men (Bahnsen, 1985:199).

Although Calvin addressed the soteriological implications for civil governance, there were also other prominent reformers who subscribed to this topic. For example, Heinrich Bullinger¹ referred to the example of Jehoshaphat who sent senators and other officers with the priests and teachers through all his kingdom; for his desire was to have God's word preached with authority and certain majesty, and that this preaching may be the *cause* of good works (Bullinger, 1849-1852, 2:334-335). Bullinger refers to the prophecy of Isaiah, who foretold that kings and princes, after the time of Christ and the revelation of the Gospel, should have a diligent care of the church, and should become the feeders and nurses of the faithful. Bullinger emphasises what is to be understood concerning feeding and nourishing and that it is similar to being fathers and mothers of the church. If the care of religion were left to the bishops alone then it could not have been correct that magistrates were obligated to be feeders, nurses, nourishers, fathers and mothers of the church (Bullinger, 1849-1852, 2:327). There were two categories of persons involved in the

1 A prominent 16th-century Reformer based at Zurich.

violation of religious laws: the malicious leaders who seduced others into following them, and those who were seduced. The Christian magistrate must keep the former in check “like a contagious disease”; but should exercise forbearance toward the latter, however, while attempting to bring them to the truth (Baker, 1980:119). Bullinger also questioned the validity of punishing adultery and not sacrilege, adding: “Is it a lighter matter for the soul to break promise with God, than a woman with a man?” The fact that bringing men nearer to God through teaching is better than compelling them to it by fear of punishment or grief, is not to say that the latter method ought to be neglected; for it has profited many men first to have been compelled by fear and grief (Bullinger, 2:368). Baker states that Bullinger’s affirmation of magisterial power in religious matters raised for Bullinger the question of coercion of faith. Although the magistrate could not make men righteous, he could and should punish the evil in order to protect the good. Bullinger in fact asserted that one must distinguish between “faith as it is the gift of God existing in the heart of man, and as it is the external profession declared and testified before men”. So long as false faith was hidden it could not be punished; but as soon as a person propagated his false faith and infected his neighbours (or there was a risk of him infecting his neighbours), he had to be silenced (Baker, 1980:119).

Johannes Althusius² repeatedly asserted that one of the legitimate concerns of the state was to encourage true piety (Hall, 1996:233). The magistrate must conserve the church, divine worship and schools, as well as exercise a defence against enemies, persecutors and disturbers. The conservation of religion and worship is the process by which the purity of heavenly doctrine and the orthodox consensus are maintained and transmitted to posterity; and the magistrate will need the cooperation of the clergy to do this (Carney, 1964:162-163). The magistrate should concern himself only that the external actions of men conform to laws, and that all men including the clergymen comply obediently with these laws (Carney, 1964:165). Althusius emphasises that there is no doubt that the correction and reformation of the church from all error, heresy, idolatry, schism, and corruption pertain to the magistrate (Carney, 1964:165). The magistrate must publish interdicts that prohibit the importation or sale of heretical books in the province. The magistrate must not permit heretics or atheists to be admitted to office in the church or schools, nor may he tolerate wicked religion to be secretly held in convents and colleges. The

2 Althusius is the author of the classic work on Reformed politics namely the *Politica Methodice Digesta, Atque Exemplis Sacris et Profanis Illustrata*, which is only available in Latin. However, F. S. Carney has provided an abridged version of Althusius’s *Politica* (see the consulted works).

magistrate must take care that in all matters in which he is able, he does not fail to furnish whatever may be necessary for the true acknowledgement and reverence of God (Carney, 1964:169).

But it was especially the 17th-century Scottish Puritan, Samuel Rutherford, who made a significant contribution in this regard. Although Rutherford's *Lex, Rex* receives much praise, Rutherford's political and jurisprudential contributions in his *A Free Disputation Against the Pretended Liberty of Conscience* (of 1649) (*A Free Disputation*) enjoy limited acclamation as well as furtherance of its insights regarding political and jurisprudential theory. In fact, *A Free Disputation* presents a lucid exposition concerning the jurisdiction of the office of magistracy with regard to the maintenance of the first Table, while in *Lex, Rex*, the magistrate's duties regarding the second Table enjoy more prominence. Rutherford's *A Free Disputation* is therefore emphasised in this investigation, including its relevance to the issue of liberty of conscience, and especially its relevance to the soteriological implications of the office of magistracy. In addition, Rutherford's exposition on the said topic not only provides fresh perspectives on the soteriological importance of magistracy but also assists in the development of theologico-political federalism as first espoused by Bullinger.

More than the Erastian issue, for contemporaries in 17th-century Britain, the question of toleration was not an academic matter (Yule, 1981:211-212). For the anti-tolerationists the right ordering of society depended on ridding society of error for which they might suffer divine judgment, and would certainly suffer from corrupt morals (Yule, 1981:211-212). The fears of the Presbyterians that the position of the Independents would stimulate heresies through their pleas for toleration and that this would endanger the religious, political and social fabric of the Commonwealth, were clearly reflected in their sermons and petitions from 1645 (Yule, 1981:216). Such fears, according to Yule, were not baseless, because in fact the writings of the Independents at this time undoubtedly widened the concept of toleration to include a greater variety of opinion (Yule, 1981:211-212). The paramount fear among the Presbyterians was that society would revert to Anabaptism – and the paramount priority among the Presbyterians was to prevent the resurgence of Anabaptist sentiments. Rutherford, in his *A Survey of the Spiritual Antichrist*, applied Bullinger's observations about the Antinomians, namely that idolatry, angel worship, preaching, praying, duties of the law, church government, sacraments, ministers and so forth are matters external, trivial, and circumstantial in religion, not things in which salvation consists, not to be contended for on either side (Rutherford, 1648:10). This emphasises the Scottish Puritan endeavour to counter the negation of external influences, which could risk the sanctity of the nation.

Also arising from this investigation is a reminder that the contemporary secular dispensation, in which public life is increasingly being fractured and fragmented, poses a serious threat to the salvation of the individual as a result of the abundance of ungodly influences. Therefore, the contribution of this essay lies mainly in three areas: (1) It investigates the contributions emanating from prominent Reformers in the tradition of theologico-political federalism, such as Bullinger, Althusius and especially Rutherford, regarding the link between soteriology and politics; (2) it further develops the Biblical truth regarding the relationship between the office of magistracy and the maintenance and protection of the true religion (which includes a soteriological angle to such an office), hereby also enhancing a biblical theory on the relationship between church and state as an ideal principle for any Christian state; and (3) it indirectly provides an urgent awareness of the contemporary threat aimed against believers and potential believers and their salvation. Hopefully this will lead to existing believers being more vigilant regarding their interaction with the world.

2. Ministry and the office of magistracy

2.1 Introduction

It is important from the outset of this investigation on Reformed ideas regarding the duties of the magistrate in the maintenance and protection of the true religion, that a proper perspective be given regarding the religious status of many nations in 16th- and 17th-century Europe. Many of the Reformers writing on matters of church and state at that time found themselves in nations that were avowedly Christian, hereby providing a significant contrast to the contemporary status of Christianity (church and state) from a national perspective. European society in the 16th and 17th centuries, reflected temporal and spiritual functions as each served the divine law in some way or another. Fergusson observes that, in Calvin's Geneva, for example, as in other societies, all citizens were subject to both civil and ecclesiastical law. The Consistory comprised ministers and elders, the latter including prominent members of Genevan society nominated by the magistracy (Fergusson, 2004:81).

Rutherford confirms this clearly regarding the Christian political position in 17th-century Britain: "... if the third part of Scotland and England should turn apostates from the religion once sworn, after they had bound themselves in covenant: the question remains, what should the state and parliament do in that case?" (Rutherford, 1649:304). Rutherford lived at the end of an era in which religion had formed a sacred canopy covering every area of life, and in which the principle of "one realm, one religion" had been taken for granted. There lay ahead of him not the kingdom of God on earth but a world in which religious plurality and tolerance would

gradually expand, and in which religion would eventually be pushed to the margins of political life (Coffey, 1997:255). In addition, Rutherford, in his explanation regarding idolatrous nations, states that the: “Christian nation therefore has not right over them, nor is there any authority qualifying the Christian nation to make war against them” (Rutherford, 1649:300). This implies Rutherford’s acceptance of 17th-century England and Scotland as Christian. Fergusson states that early in the 17th century a condition of the union of Parliaments would be the state’s guarantee of Presbyterianism as the established form of religion in Scotland (Fergusson, 2004:171).

It must also be noted that, bearing in mind the relevance of the Reformers’s views on this topic for the period in which they were writing, there are important connotations in such writings for the church in contemporary society, which will become clearer below.

The soteriological responsibilities of magistracy need to be understood against the background of the general functions and obligations of the magistrate in *religious* matters. It is not the purpose of this article to provide an in-depth analysis in this regard. However, in order to provide a better orientation towards the soteriological implications of magistracy it is important to provide an overview of Rutherford’s understanding of the role of the magistrate in maintaining and protecting the first Table.

According to Rutherford, a king is judged to be a great mercy to church and state (Rutherford, 1982:14(1)). The intrinsic purpose of the king includes governing in godliness (Rutherford, 1982:44(1)), and the king is to be a father and protector of the church of God.³ The king, princes, judges and the magistrates are obliged to God for the maintenance of true religion: religion is not only the responsibility of the king but also of all the inferior judges (as well as of the people).⁴ The magistrate’s function includes the warding-off and punishing of blasphemy and idolatry that takes place externally.⁵ A Christian prince may deny infidels liberty to

3 Rutherford 1982:54 (2), 79 (1), 142 (2).

4 Rutherford 1982:55 (2)-56 (1), and 96 (2)-97 (1). See the following concerning the maintenance of religion and the resistance and punishment pertaining to heresy and foreign doctrine: Rutherford 1649 51, 53-56, 139-140, 151-152, 176-177, 183-185, 187-190, 193-194, 203-204, 206, 219, 224, 227, 229-230, 232-238, 244, 270, 289-290, 296-298, 313-314, 321, 323-324, 347, 356-357, and 384-386. Also see Rutherford 1982:72 (1).

5 See Rutherford 1649:54 (open seduction); 55, 62, 132 (clearly opened false doctrines); 140, 188 (external acts of idolatry that are proved by two witnesses); 272 (external right); 289 (the open despising of Christ); 296 (external obedience); 351-352 (sword against the outward man); 356, 357 (outward man only); and 404 (the external shielding of the church). Also see *ibid.*, 43-44 (pastors may complain to the magistrate of heretics and evil-doers); 51, 53-56 (the magistrate must punish the builders of stubble); 62, 104, 132, 139, 140, 145-146, 151-152, 176, 177 (should follow the example of the patriarchs and the Godly princes of Israel and Judah); 180 (example of

dwell in his territory, and subjects may be compelled not to blaspheme Christ and not to dishonour God with manifestly professed impieties. To Rutherford it is not part of the peaceableness of Christ's kingdom, not to rebuke sinners (Rutherford, 1649:305). Scripture is as clear regarding the duties of the second Table, concerning mercy and righteousness, as it is regarding the duties of the first Table, concerning piety and religion. In addition, anything pretending to be moral has God for its author in either the first or the second Table of the law (Rutherford, 1649:309-310). Rutherford refers to Job 31: 26-28, where it says that Job, who was a Gentile and under no judicial law, was led by the law of nature, in his realisation that worshipping of the sun and moon is a form of idolatry, which is an iniquity to be punished by the judge (Rutherford, 1649:313).

Endeavouring to keep the unity of the Spirit in the bond of peace (Ephesians 4: 3), is not because of contrary religions but because there is but one Lord, one faith, one baptism – there is a law against the toleration of many religions (Rutherford, 1649:332). It is also contrary to Deuteronomy 13 and Leviticus 24 that the blasphemers and the false prophet must be spared for many years, and therefore, it is false to argue that the Lord's patience towards sinners in the Old Testament is justification for not punishing false prophets (Rutherford, 1649:341).

Christ nowhere contradicts nor refutes the law as taught by Moses. In fact Christ refutes the false glosses which the Scribes and Pharisees put on the law of Moses (Rutherford, 1649:344). Rutherford also refers to Matthew 5: 17-18, where Christ states that He has not come to destroy the law, Christ adding that till heaven and earth pass, not one jot or tittle will pass from the law till all be fulfilled (Rutherford, 1649:344). Therefore, if Christ puts his new laws in opposition to the laws taught by Moses, then Christ, contrary to Matthew 5: 17-18, must destroy the law of Moses and substitute a more perfect law in its place (Rutherford, 1649:344-345). According to Rutherford, it is a weak argument to state the lawfulness of the toleration of Sadducees and heretics because of Christ not rebuking the church and state for not punishing them. If this kind of reasoning is to be followed one may argue that because Elias did not rebuke Achab for not killing Baal's priests, therefore Achab did not, in tolerating false teachers, transgress the law of God; which is a most false assumption (Rutherford, 1649:203).

Josiah); 182-183 (further examples in the Old Testament); 184-185, 186-189, 190-191 (Christ commanded the magistrate to use the sword against the seducing prophet); 193-194, 203 (it is a poor argument stating that because Christ nowhere reprov'd church and state for not punishing heretics therefore the magistrate must not punish heretics); 204, 206, 219, 226-230, 232-238, 244-245 (the Lord is no less jealous of His glory than in the period of the Old Testament); 289-290, 291-293 (meekness of Christ concerning heretics must not be followed by magistrates); and 356-357, 361, 380, 384, 385-386, 402 (concerning the validity of judging heretics); *ibid.*

2.2 Magistracy and the Liberty of Conscience

Fergusson states that the Scottish divines wrote treatises against claims for freedom of conscience, adding that the Scottish divines understood these claims to be detrimental to the moral and spiritual identity of a covenanting society, and referring to Old Testament precedents for compulsion and discipline in matters of religion – “By doing so, they maintained the old Augustinian tradition of compelling them to enter” (Fergusson, 73:2004). Coffey refers to the “dark side of the Reformed attempt ‘to build a Christian civilization’” and mentions Rutherford’s *A Free Disputation* as having been described as “the ablest defence of religious persecution in the seventeenth century” (Perks, 1998:201).

However, Rutherford’s political thought, especially that pertaining to resistance to tyranny and the punishment of idolatry and other crimes against the Decalogue, was aimed at the Protestant Christian community on the British Continent at the time. Regarding these issues, Rutherford’s political postulations were not a political tract in order to “establish” Christianity on the continent or in “compelling individuals to enter”. Rutherford was writing on the assumption that a substantial number of people on the continent were of the Protestant faith. In fact, Rutherford’s *A Free Disputation* championed the cause for freedom of conscience and that neither the magistrate nor the church can force religion upon anyone, only by the spreading of the Word, by religious instruction (voluntary) under the leadership of the Holy Spirit. This understanding is relevant regarding the soteriological duties of the office of magistracy. The duties of magistracy in the external protection and maintenance of the true religion are too often misinterpreted as forceful conversion – as violating the individual’s liberty of conscience.

According to Rutherford, religion must be persuaded by the Word and Spirit, and therefore the magistrate can use no coercive power in punishing heretics and false teachers (Rutherford, 1649:50-51). The magistrate must not interfere with the conscience, nor the manner of obedience to the law, whether obedience takes place in faith, or against the light of the conscience (Rutherford, 1649:140).⁶ Rutherford makes it clear that opinions in the mind and acts of the understanding can never be proven by witnesses and therefore neither the magistrates nor the church can censure this. The private and inward elements of these sins are not civil crimes. If a man lusts after a woman he commits adultery (Matthew 5: 28), but he will answer to God, not the magistrate (Foulner, 1998:17).

6 Also see Rutherford 1649:53, 139, 188-190, 217-218, 314-315, 341, 356-357, 390-391, 394, and 405.

The *locus classicus* of Biblical authority concerning the duties and obligations of the magistrate, namely Romans 13, is also referred to by Rutherford as qualification for the vindication of punishment of false teachers by the magistrate. In fact, Rutherford concludes his *A Free Disputation* by referring to Romans 13, more specifically arguing that Romans 13 applies not only to the second Table but also to the first. He states (Rutherford, 1649:410):

Neither needs Mr. Williams to prove that the place Romans 13 is meant of the duties, not of the first, but of the second Table of the Law, which we grant with Calvin and Beza; but it follows not, that the magistrate's punishing of ill-doers, and so of seducing Teachers, is excluded, for that punishing is a duty of the second Table of the Law, though the Object be spiritual, as sorcery is against the first Commandment, and punished as an ill-doing, Romans 13, though sorcery be a sin formally against the first Table of the Law, and why should the Magistrate punish one sin against the first Table, and not all, in so far as they are against peace, and safety of human societies?

Rutherford also opposes the view that false teachers need not be punished by the magistrate because they are innocent, their conscience telling them that what they teach is true. If it is no sin but innocence to teach that which is most erroneous yet what we judge in our conscience to be true, then the magistrate ought to refrain from punishing it. Rutherford also opposes the Libertine's understanding that the judging of heretics to be heretical is a bold intrusion into the Lord's cabinet counsel. Rutherford states that though one is not to judge who are elect and who are reprobate because a person is not upon God's cabinet counsel, yet does one not intrude on God's secrets to judge who is a heretic or a false teacher, or who is sound in the faith by his doctrine examined by the law and the testimony? How can God say that one must be beware the false prophet (Matthew 7: 15) if it were arrogance and an intrusion on God's cabinet counsel to judge a false prophet by his doctrine to be a false prophet? (Rutherford, 1649:402).

Whether the punishing of seducing teachers be persecution for conscience, Rutherford, in answer to Mr Williams (who said that to molest any for their religion is persecution) states that if this were the case then Jeremiah was a persecutor, for he molested those with rebukes and threats, who out of mere conscience, killed their sons and daughters to Molech. In this regard, says Rutherford, one can therefore also reason that Christ molested Pharisees and Sadducees, who out of mere conscience defended the traditions of men, false interpretations of the law, and denied the resurrection (Rutherford, 1649:335). In addition, the Lord commanded the judges in his law, not only to molest but to stone to death without mercy, those who profess doctrine out of mere conscience, and worship merely on religious grounds, which tended to drive away people from the true God, and such as blasphemed God.

2.3 The soteriological implications of magistracy

Chapter 20 of the Westminster Confession, which explains Christian Liberty and Liberty of Conscience, states:

4.And because the *powers which God hath ordained*,⁷ and the liberty which Christ hath purchased, are not intended by God to destroy, *but mutually to uphold and preserve one another* ...

Chapter 26 (of the Communion of Saints) of the Westminster Confession states:

1.All saints, that are united to Jesus Christ their Head by His Spirit and by faith, have fellowship with Him in His graces, sufferings, death, resurrection, and glory: and, being united to one another in love, they have communion in each other's gifts and graces, *and are obliged to the performance of such duties, public and private, as do conduce to their mutual good, both in the inward and the outward man*.⁹

Chapter 23 of the Westminster Confession, which explicitly states the functions and obligations of the civil magistrate, refers to the duties of the magistrate as “defending and encouraging them that are good”, which can imply a defence and encouragement of the faith (and therefore of salvation).¹⁰

In fact, the Biblical theory on magistracy is important for the very soteriological reason explained in all of the Reformed Confessions, namely:

Although the light of nature and works of creation and providence do so far manifest the goodness, wisdom, and power of God, as to leave men unexcusable; yet are they not sufficient to give that knowledge of God and of His will, which is necessary unto salvation. Therefore it pleased the Lord, at sundry times, and in divers manners, to reveal Himself, and to declare that His will unto His Church; and afterwards, for the better preserving and propagating of the truth, and for the more sure establishment and comfort of the Church against the corruption of the flesh, and the malice of Satan and of the world, to commit the same wholly unto writing: which maketh the Holy Scripture to be most necessary; those former ways of God's revealing His will unto His people being now ceased (Chapter 1, section 1, Westminster Confession of Faith).

7 The authors' emphasis.

8 The authors' emphasis.

9 The authors' emphasis.

10 The Westminster Confession, compared to the Belgic as well as the Second Helvetic Confession, is the only confession that clearly points (as illustrated above) to the soteriological implications of the magistrate. This does not mean that the other said confessions do not imply this, only that the Westminster Confessions contain more direct references to the soteriological importance of magistracy.

Also worthy of note are the limited commentaries on the said chapters regarding the soteriological implications of the office of magistracy, not to mention the absence of references to Rutherford's *Lex, Rex, and A Free Disputation*. However, regarding commentary on Chapter 20 (section IV) of the said Confession, Shaw states that the magistrate is to repress evil done against the first Table, such as blasphemy, *as crimes and injuries done to society* (Shaw, 1974:209-210). Shaw also adds that magistrates are obligated to attend to opinions and practices that are contrary to the known principles of Christianity, which may prove injurious to the welfare of society (Shaw, 1974:212).

It is important to note that it is not the function of the magistrate to promote the Christian faith directly, that is, by preaching the word of God or enforcing observance of the Christian public religious cultus. Furthermore, the magistrate, when he pursues his calling in obedience to God's Word, supports the Christian religion, in that he helps to preserve and uphold a social order based on the moral framework of the Christian faith in which the Christian religion is able to flourish (Perks, 1998:20). It is in terms of this understanding that Rutherford's contribution to the soteriological implications of the office of magistracy needs to be understood.

According to Rutherford, the sword is no means of God to force men positively to external worship or performance; the sword is a negative means to punish acts of false worship in those that are under the Christian magistrate in so far as these acts are visible and destructive to the souls of those in a Christian society (Rutherford, 1649:51).¹¹ Rutherford also challenges the Libertines to prove that heretics are such tender and weak believers as weak reeds and smoking flax "and that Christ does not only not use the sword against such tender ones, but he takes wolves and seducing teachers in his bosom, and nourishes and tenderly cherishes the leaders of people of corrupt minds, destitute of the truth" (Rutherford, 1649:293-294).¹² The end of church discipline is edification, and the taking away of the life of a blasphemer is for the good of society (Deuteronomy 13:12), "that all Israel may bear and fear, and do so no more" (Rutherford, 1649:340). Christ uses the magistrate as his servant to remove the wolves from the flock, but not as "King, mediator as God-man, head of the Church", for Christ as Mediator does not work by external

11 Also see *ibid.*, 218, 247-248, 288, 311, 313, and 332; Foulner 1997:15; Maclear 1965:81.

12 Rutherford states that as Christ is meek to weak ones, so also, He is not so in various other instances, see Psalm 110: 5-6 and Revelations 19: 11, *ibid.*, 294. What Rutherford is also emphasising is that Christ's meekness is not inconsistent with his justice, see *ibid.*, 293.

violence, or by the sword, in his mediatory kingdom (Rutherford, 1649:224).¹³ In other words, Christ is directly in charge of matters of salvation, but this does not mean that the magistrate may not punish heresy. To Rutherford, it is not simply idolatry that leads to a person's death, but idolatry in seducing others by word or example (Rutherford, 1649:224). The loving of our enemies, as commanded by the New Testament (Matthew 5: 44, Luke 6: 35, Romans 12: 20), is also commanded in the Old Testament (Rutherford, 1649:340). Rutherford tries by this means to indicate the weakness in any argument directed at a justification for not punishing seducing teachers and idolaters, by referring to the New Testament commandment to love one's enemies (Rutherford, 1649:341).

Isaiah 60 leads to the understanding that kings shall minister something to the true church which they will not minister to the false church and it is also most evident that the sucking of the breasts of kings (Isaiah 60: 16) and the kissing of the Son (Psalm 2) must be more than common protection to subjects that are open enemies to Christ and wasters of Zion. In fact it must be some protection to the church as the church, and to the laws and ordinances of God, in rewarding the well-doers, and conserving the ordinances, and the correcting of wolves, imposters and lying prophets (Rutherford, 1649:324). Rutherford, although having opposed the view that the magistrate does not have the power to convert souls, nevertheless emphasises that fear of the Christian magistrate and the laws of the land should not altogether be discarded. Jude 2: 23 states that some must be saved through fear and pulled out of the fire. Rutherford refers to Augustine who stated that fear of the Prince's laws compels men to come in and hear the truth, and truth persuades. Also, that fear of civil laws may draw men out of the society of bewitching seducers, where they are fettered with chains of lies. Augustine also states that the fear of laws has daunted wild heretics (Rutherford, 1649:385). Rutherford refers to examples from the Old Testament concerning the imposition of God's law on the people by heathen kings, and where laws were made by the light of nature by these kings to refrain from the practice of idolatry. Reference is made to Cyrus and Artaxerxes, the latter by the light of nature, and by a civil law established the law of God against idolaters and false prophets (Rutherford, 1649:385-386). Although the Lord does not need the sword of flesh, it is the duty of Artaxerxes and all kings to add their law of death, banishment or confiscation to the law of God so that those who refuse to do the law of God and seduce the people of God with lies and false doctrine may be punished (Rutherford, 1649:386). To Rutherford, toleration of many false ways, permitting men to speak lies in the name of the Lord, and the seducing of souls is not qualified in both the Old and

13 Also see *ibid.*, 217, 229, 290, and 351-352.

New Testaments – nowhere is it written expressly in Scriptures that the magistrate must tolerate such seduction of souls (Rutherford, 1649:145, 151).

The prince, parliament and the magistrate must take care according to their places as fathers of the commonwealth to assist in matters of religion. Eli, a father and a judge, despised God for not correcting his sons for abusing their priestly power. Whatever coercive power to command, threaten, promise, punish, restrain and reward God has given to parents, masters of families, teachers, tutors, officers in war, kings and princes, is the good gift of God and a talent to be employed for the good of souls, and in order to observe the duty of the first Table, everyone should act according to his station (office) (Rutherford, 1649:177-176).¹⁴ Rutherford refers to the example of the responsibility of keeping the Sabbath holy, which is also to be understood in the context of the king being responsible for keeping the community holy. The fourth commandment is given to the father of the house to cause son, servant and stranger to keep the Sabbath, which Nehemiah as a father and a ruler practised by the sword (Rutherford, 1649:177-176). In addition to this, the master of a family may and ought to deny an act of humanity or hospitality to strangers that are false teachers, who bring another gospel, whom he must neither lodge nor bid God speed. Rutherford also refers to David as a head of a house, who will send all liars and wicked persons out of his house; and as a godly king, David will also expel all evil persons from the Church. In the words of Rutherford: “If every Christian family in New England must refuse lodging to a false teacher, must not the Governor and Judges, who have power to command and regulate acts of hospitality, join their civil authority to forbid any master of a house, to lodge such pestilent heretics?” (Rutherford, 1649:176).

Rutherford was also adamant that magistracy and perpetual laws in the Old Testament warrant the civil coercing of false prophets. What the patriarchs and godly princes of Israel and Judah were obliged to do as rulers and princes, all kings and rulers under the New Testament are obliged to do. Godly princes of the Old Testament commanded the putting away of strange gods (as with Jacob), and saw to it that the true God was worshipped (as with Abraham) (Rutherford, 1649:177). Rutherford emphasises the imposition of bodily death on seducers, as occurred at the command of Moses the prince, where three thousand were slain for worshipping the golden calf (Rutherford, 1649:182). Moses also commands that all the people be hanged because they were joined to

14 Note that 176 follows on 177 in this source. See *ibid.*, 177 where Rutherford emphasises the duty of magistrates in matters of religion.

“Baal-peor, and the sacrifice of the gods of Moab” (Rutherford, 1649:182).

According to Rutherford, Scripture calls heretics works of the flesh, doctrines of devils, gangrenous, lies, delusions, corruptions of the mind, perverse disputing, deceits, perverse things, dreams of their own heads, false dreams, vain and foolish things, false burdens,

which cannot be spoken of opinions in philosophy, and so these windmills and midnight fancies being the brats and the dunghill conceptions of men’s corrupt head and heart, must be contrary to that wisdom expressed in the word, 1 Corinthians 2: 6, Deuteronomy 4: 6, Psalms 37: 30, and they may be for the declaration of the wisdom of God as for the final cause, but nothing from the wisdom of God formally, being themselves mere fools (Rutherford, 1649:403).

According to Rutherford, to correct with the sword and with the rod as a father, is consistent with covenant-mercy and meekness; as not to punish is one of divine wrath (Hosea 4: 14). To judge before the day (1 Corinthians 4: 5) is not to forbid all judging of heretics, for if the latter are not judged as heretics, asks Rutherford, how are we to be aware of them, as Christ commands us (Matthew 7: 15), and shun them (Romans 16: 17) and not bid them God speed, nor receive them into our houses (John 2: 10) and avoid them (Titus 3: 10); and far less must a judicial trial of Jezebel be forbidden to the church of Thiatira (Revelation 2: 20) (Rutherford, 1649:294). Even Rutherford’s theory on the justification of resistance to tyranny included a component pertaining to the importance of maintaining the true religion, consequently emphasising the magistrate’s soteriological importance (See Rutherford, 1982:182(2)). As part of Rutherford’s theory on resistance, the soteriological implications of the office of magistracy also come to the fore in his referral to Augustine’s statement that: “heretics kill souls, let them be afflicted in body, they bring on men death eternal, and they complain that they suffer temporal deaths” (Rutherford, 1649:308).

In addition, to Rutherford the government in general was to act as a father;¹⁵ a watchman;¹⁶ a servant;¹⁷ a feeder;¹⁸ a fiduciary patron (Rutherford, 1982:72[1]); a tutor;¹⁹ marital and husbandry power;²⁰ the peoples’

15 Rutherford 1982:26 (1), 59 (1), 62 (1)-62 (2), 64 (2), 102 (1), 116 (2), 128 (1)-128 (2), 164 (1), and 218 (1).

16 Rutherford 1982:59 (1), 70 (1), 182 (1), and 197 (2)-198 (1).

17 Rutherford 1982:59 (1); 70 (1); 79 (2); 145 (1); and 197 (2)-198 (1).

18 Rutherford 1982:64 (2), 65 (1), and 132 (2).

19 Rutherford 1982:69 (1), 102 (2), 116 (2), 128 (1)-128 (2), and 153 (1).

20 Rutherford 1982:69 (2), and 116 (2).

debtor for happiness (Rutherford, 1982:103[2]); a relative (Rutherford, 1982:123[2]); a pilot (of a ship) (Rutherford, 1982:102[2]); and a good and saving shepherd (Rutherford, 1982:179[1]-179[2]). If the magistrate needs to fulfil the functions of: a father, watchman, servant, feeder, fiduciary patron, tutor, marital and husbandry power, relative, pilot (of a ship), and saving shepherd, all the more reason to emphasise the magistrate's soteriological responsibilities.

The above, against the background of the Christian community regarding the obligations of the Christian magistrate, the liberty of conscience and especially the soteriological implications of the office of magistracy, also have relevance for a polytheistic contemporary society. Fergusson reminds us that the children of the contemporary church are often influenced as much or more by the media as by the ecclesial community, and unless they are deprived of television, web access, and magazines and have the strength to resist massive peer-group pressure, they will struggle to develop a distinctive Christian identity (Fergusson, 2004:101). Fergusson also refers to the contemporary threat of a wide range of entertainment forms, the monotonous eroticism of the advertising industry, material wealth and sexual adventure (Fergusson, 2004:108). While the social pre-eminence of churches has disappeared in a more pluralist culture that esteems individual lifestyle choices and tends to perceive religious commitment as now restricted to a private domain (Fergusson, 2004:4), the serious threat of public secularism is ignored.

Rutherford refers to 1 Timothy 2: 1-2, where Paul commands us to pray for kings and all who are in authority, and it is clear that some in authority were converted to the Christian faith (Philippians 1:13; 4: 22) (Rutherford, 1649:230). According to Rutherford, this prayer for kings should also not be restricted to the kings and rulers of that period in which Paul wrote, but for all kings to be converted, and who shall believe and be saved as they promote godliness in a political way by their sword. Consequently, those magistrates that have no more to do to procure peaceable life in all godliness by their office than heathens and pagans, can in no manner be the object of our prayers to God for procuring a life in all godliness (Rutherford, 1649:231).

3. The covenanted community and soteriology

Bahnsen states that obedience to the law brings great blessing for those people who honour God by obeying his commandments. When God's law is ignored by a nation, then justice is perverted and wickedness abounds (Hab. 1:4). On the other hand, there are great national blessings for that society which follows the moral directives of God (Deut.15:4f.) (Bahnsen, 2002:468-469). North (1981:12) moves closer to the views postulated by the federalists by stating:

We have to recognize (as part of our responsibility before God), the covenantal relationship between men, and also under God. When a man and a woman make a contract (a covenant), before God in establishing a family, they are responsible as individuals for the performance of their vows ... When men establish a civil government, they are also required to impose the rule of God's law for the civil government (Deut. 8).

This forms part of the approach by the theologico-political federalists in their search for comprehensive redemption on a communal plane – the covenant must be invoked in order to bring the Christian community into a “negotiable” stance in the face of God, where renewed commitment is offered by the community to adhere to God's precepts in return for His favour and compassion, and all this within the absolute grace and eternal providence of God. From this investigation of the idea of the biblical covenant, McAllister's idea of the state as a moral person, “that is, a being which can and ought to be conscious of its duties, and which for the fulfilling of these duties is responsible before God and mankind” (McAllister, 2001:29-30), attains deeper meaning within the context of the idea of the biblical covenant.

Baker makes it clear that Bullinger did not view the commonwealth in terms of church and state but rather as the people of God gathered together in a Christian society based on the covenant (Baker, 1980:110).²¹ Althusius specifically connected his entire political theory with the vertical covenant; that is, the covenant between God and community. In this *religious covenant*, the magistrate and all the members of the realm promise to introduce, conserve and defend true religious doctrine and worship. God promises to bless those who fulfil the promise and duty, and punish those who neglect it. Althusius thus applied the religious covenant to both the civil and ecclesiastical life of the symbiotes (Baker, 12 (unpublished)). To Althusius the “biblical grand design” for humankind is federal, in that it is, among other things, based upon a network of covenants beginning with those between God and human beings and eventually weaving a web of human, and especially political, relationships in a federal way (Elazar, 1995:xxxvi).

Puritanism in Reformational Britain exhibited a tendency towards emphasising the individual's responsibility within God's absolute sovereignty. Central to this tendency was the covenant, which influenced Puritan theology to such an extent that it could not escape relevance to Puritan political theory. Puritan sociology revolved around the idea that

21 For more on Bullinger's contribution to theologico-political federalism see: Raath and De Freitas, 2001:285-304. Also see De Freitas, 2003:15-35.

God was the initiator and administrator of a binding contract consisting of the mutual assent between the divine (Himself) and human participants. The Puritan, George Walker, wrote in 1641 that the “word covenant in our English tongue, signifies, as we all know, a mutual promise, bargain, and obligation between two parties” (Gatis, 1994:4).²² The Scottish mindset concerning this heavenly contract permeated Puritan society to produce a group conscience, and Puritans knew that if they abided by the conditions of this contract, God would respond positively; if not, God would impose negative sanctions. It was this covenantal idea that gave rise to a social ethic relevant to an external control of society through the legal system,²³ as well as control from within through the conscience (Gatis, 1994:4-5).

Danner states that English reformers looked at the nation of England as a new Israel of God, in covenant relationship with him. It did not escape their memory that Constantine himself was of British origin; and that indeed church history emanated from Abraham, whom Jahweh promised to make a nation after his own choice. Therefore, the Old Testament became their favourite authority, for the history of Israel opened up within divine revelation a corporate depository of the divine will within a nation. Seeing themselves as part of God’s *covenant* (of promise and fulfilment), the English could think only of the divine right of kings; and David’s example of sparing Jahweh’s anointed, Saul, was evidence enough of Christian obedience (Danner, 1981:472).

Rutherford, against the background of the punishment of idolatry in the midst of a Christian nation (Joshua 22: 12-13, 15-16, 20) refers to the Divines of England, stating that: “Such was their zeale that they would rather hazzard their lives, than suffer God’s true religion to be corrupted; for God had ordained there should be but one place for public service, and sacrifices, and but one altar (Leviticus 17: 8-9; Deuteronomy 12: 5, 7, 13, 27; 27: 5; Exodus 20: 24)” (Rutherford, 1649:303). Rutherford also refers to the Geneva notes and the Dutch annotations that approve the lawfulness of the war (Rutherford, 1649:303).²⁴ According to Rutherford it is therefore clear from the above, that when a kingdom is united, or when two kingdoms are united together, and confederate by the oath of God in one religious covenant, they become an ecclesiastical body, so as the whole may challenge any part that makes defection, and if they conti-

22 As the Puritan historian Zaret observes: “...in the form of a heavenly contractor, God became less remote and unknowable. No longer was God unaccountable, for God condescended to use a human device, a contract, in his dealings with humanity”, (Gatis 1994:4).

23 For more on Reformed British contributions to the political dimension of the covenant see, De Freitas and Raath 2004:117-147.

24 See also *ibid.*, 303-304, where Rutherford refers to certain popish writers who also commend this zeal found in Joshua 22.

nally resist, they are to decide the matter with the sword. If they do not follow such a procedure, the wrath of the Lord will break out on the whole confederate body, as in the time of Achan, when the Lord's wrath came upon all Israel (Rutherford 1649:304). The conditions of the covenant include religious precepts emanating from the first Table, and not only from the second Table (Rutherford, 1649:221).

Against the background of the covenanted Christian community, the magistrate's responsibilities regarding the external maintenance of the true religion gains added insight and importance – the community that follows in the religious precepts of God is met with favour, while the community that violates the true religion suffers God's displeasure. Therefore, the magistrates' role in upholding the true religion is not only to save souls but also to meet the conditions of the covenant and consequently to receive God's blessings in return. The covenantal dimension can therefore indirectly contribute to the soteriological "success" of the community of souls. Although Calvin did deal with the soteriological aspects of magistracy, much is owed to the theologico-political federalists for their emphasis on the covenantal implications of the office of magistracy in the context of soteriological politics. Rutherford contributed much to this contribution from the angle of theologico-political federalism.

4. Conclusion

The relevance of political theory for soteriology (and the implications of this for the liberty of conscience idea) as a developed field in dogmatics has not received the required attention. Rutherford's *Lex, Rex*, and more importantly, his *A Free Disputation*, have contributed much to the soteriological implications of magistracy, including the covenantal implications thereof. Although Calvin dealt with the topic of the soteriological importance of magistracy, it was Rutherford who provided reformational Britain and later Reformed generations, with a systematic and substantial contribution in this regard. For contemporary reformed political and jurisprudential theory, this investigation reconsiders the negation by a secular political and societal dispensation regarding the individual's salvation. From this it also becomes clear that the visible church needs to be aware of the numerous contemporary external threats that may have a negative influence on the individual. This implies a renewed look at the evils surrounding the faithful, and the taking of appropriate steps to counter this contemporary onslaught.

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