Reformation Britain, the Political Dimension of the Covenant, and the Contribution of the Scots

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Samevatting

In die vroeë sestiende eeu, het daar vanuit die Zurichse reformatoriese denke 'n klemverskuiwing plaasgevind, vanaf 'n absolute eensydige, na 'n monoplories-daargestelde, maar duplories-werkende, verbondsidee. Laasgenoemde benadering het 'n groot invloed op insigte rakende die politieke gemeenskap gehad. In hierdie opsig het die Zurichse Reformator, Heinrich Bullinger (1504 - 1575), die verbond as God se persoonlike omgang met die mensdom verstaan: 'n verhouding gebaseer op 'n bilaterale en voorwaardelike ooreenkoms gesluit tussen God en die samelewing. As voorwaarde moet die samelewing God eerbiedig, en in ruil God se seëninge en beskerming ontvang. Alhoewel die Europese vasteland bygedra het tot hierdie federalistiese verbondsidee, het die Engelse Puritanisme, en veral die Skotse Presbiterianisme, ook 'n belangrike aandeel aan hierdie ontwikkeling gelewer. Sestiende- en sewentiende-eeuse Brittanje getuig nie net van 'n ryke verbondsteoretiseringsoefening nie, maar ook van die daadwerklike vergestaltiging van hierdie verbondskonsep binne die politieke omgang van daardie tyd. Dit was veral die Skotse Presbiteriane, by name John Knox (1505 - 1572) en Samuel Rutherford (1600 - 1661), wat in hierdie verband die weg gebaan het op die Britse Eilande, tot 'n volwaardige Bybelse insig met betrekking tot die verhouding tussen die Christelike gemeenskap en die verbondsidee. Dit is gevolglik belangrik om na die ontwikkeling van hierdie denke binne Reformatoriese Brittanje te gaan kyk en hierdeur 'n waardering te kultiveer van 'n denksisteem wat nog nie tot volle erkenning gekom het nie.

1. Introduction

The three particular ideas lying at the root of Puritan political thought, even though they may not have been mentioned, were the idea of calling,

the idea of covenant and the idea of the separate spheres of church and state (Morgan, 1965: xiv - xv). The transition from medieval to modern times, as has often been suggested, was marked by a transformation in which one man's relationship to another ceased to depend so much on the estate or station in life occupied by each, but rather came to be based more on whatever covenant, i.e. contract or agreement, might exist between them. Whether this change owed anything to religious ideas or whether certain religious ideas were themselves the product of the change will never be known, but it is clear that many sixteenth and seventeenth-century Protestants, and especially Puritans, considered their relationship with God as if it were based on a covenant (Morgan, 1965: xx). The English and Scottish Protestants seem to have been especially taken with the notion of a national covenant, and even tended to look upon themselves as an elect nation, and as the successors of Israel. Though they had to acknowledge that many among them gave no perceptible evidence either of faith or of outward obedience to God's commands, they viewed every failure as a threat to their standing with God (Morgan, 1965: xxii). Further, the covenant concept as an architectonic principle for the systematisation of Christian truth which was presented by the Puritans, provided a unique angle on Reformed theology. This implied the principle of a *Covenant of Works*, which represented the covenant made between God and mankind through Adam. In this covenant God promised to grant eternal life to those who perfectly fulfilled the demands of the law, but man, by his fall, made himself incapable of life by this covenant. However, the Lord established the *Covenant of Grace*, whereby He freely offered salvation through Jesus Christ. This covenant required man to have faith in Christ in order to qualify for salvation (Coffey, 1997: 130 - 131).[1] Consequently, the covenant was understood as being bilateral of nature (God's conditional promise to man and man's response), where the burden of fulfilling the covenant rested on man (the covenant being fulfilled in the obedience of the individual).

Puritanism in the British Isles therefore exhibited a tendency towards emphasising the individual's responsibility within God's absolute sovereignty. Central to this tendency was the covenant, which influenced

1 This insight has its roots, to a large extent, in the theory of Zachary Ursinus and Caspar Olevianus, who were deeply committed to the covenant theology. Trinterud (1951: 48) states that by the 1580s the idea of a so-called "covenant of works", made between God and Adam (who represented all mankind), had begun to be considerably in vogue on the Continent. Into this covenant of works the theologians incorporated the whole state contract theory.

Puritan theology to such an extent that it could not escape relevance to Puritan political theory. Puritan sociology revolved around the idea that 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).[2] 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, as well as control from within through the conscience (Gatis, 1994: 4 - 5).

The covenant provided a basis for a moral obligation binding on all men within a given community. The Puritan emphasis on the development of and contributions to the political aspects of the covenant has not been given its rightful place within Puritan theology. The rich Scottish history of banding, John Knox's covenantal expressions, the Scottish National Covenant (of 1581 and 1638), the Solemn League and Covenant (1643), and the publication of *Lex, Rex* (1644), are some of the events in British history that serve as beacons attesting to the legacy of the British Isles to political covenantal theory. What is more, the prominence of the Scottish Presbyterians to covenanting and politics during this period outweighed the contributions of their English counterparts. It is against this background that an observation regarding the relationship between Puritan political theory and the covenant is made, and the necessary exposure and consequent appreciation thus instilled.

2. Early influences

When the seeds of covenant ideas were introduced into Scotland during the early part of the sixteenth century, they found receptive soil in an indigenous tradition of public "banding", which had long existed among clans and tribal groupings. Bands, pacts and oaths were generally formed for purposes of common defence and regional peacemaking (Elazar, 1996: 271). In the minds of the Scots, this tradition was easily combined with

2 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", (zar, 1994: 4).

Reformed notions of covenant, especially in the light of the Scottish desire to protect their religious preferences against English intrusion. Consequently, the Biblical idea of covenant was developed, which served to elevate the practice of banding to a new level of both legitimacy and purpose (Elazar, 1996: 271). The custom of banding (or bonding) became common amid the disorderly lifestyle of medieval Scotland. These bands, with their emphasis on shared authority, local initiative, voluntary commitment and mutual contractual obligations, were a source of political ideas and practices disturbing to monarchical power (Maclear, 1965: 69 - 70). Although the Protestant band of 1557 has been called the first covenant, the term was not specifically applied to a political band until 1596 when the General Assembly called for a covenant in opposition to James VI's indulgent policy toward the Catholic earls (Maclear, 1965: 71 - 72). In the words of the ministers who protested to the king's representative in 1606: "This solemn covenant the king, and all his subjects, at his command, had renewed with God Almighty, that they should adhere constantlie to the true Reformed Religion, and established discipline of this Kirk…; and let the King take to heart what befell the posteritie of King Saul, for his breake[ing] of not such an oath as the covenant of God with Scotland" (Maclear, 1965: 72). From a political perspective, it is clear that the use of a formal contract binding its signatories to a specified obligation in pursuit of common objectives, had a long history in Scotland, falling well within the bounds of accepted political and religious orthodoxy. When confronted by a political stalemate, the protestors turned to the familiar remedy of issuing a band of mutual support both to clarify and to acknowledge publicly their intentions – an impulse that was part of the early modern convention of political banding (Steele, 1990: 45).

In addition to this background in terms of a covenant, was the federal influence that emanated from Zurich. In this regard, Heinrich Bullinger (1504 - 1575) developed the idea of the covenant as a bilateral agreement first made between God and Adam and Eve after the Fall, specified for Israel in the covenant between God and Abraham, and fulfilled by Jesus Christ, who opened the covenant to non-Jews (Elazar, 1996: 165). The account of God's covenant, according to Bullinger, had been given in Genesis 17, where it is written that God wished to be the God of Abraham and of his seed. In return Abraham and his seed were bound to walk before God in innocence (Baker, 1980: 17). This covenant is conditional upon man's faith and love of both God and man as further elaborated by the Sinai covenant (Elazar, 1996: 165), where the moral law was presented to the Israelites. The moral law was a restatement of the

conditions of this covenant, and the magistrate had been designated to enforce the conditions of the covenant among God's people (McCoy and Baker, 1991: 20). For Bullinger then, the covenant was the structure that unified God's people in the Christian community, and served as the foundation for political policy and law in such a community.

The theological and political impact of Bullinger's covenantal theory manifested itself in fifteenth and sixteenth-century Britain. This comes as no surprise, taking into consideration Tyndale's reading of Zwingli (Bullinger's mentor), John Hooper's two-year stay in Zurich, the flight to England of several prominent Rhinelanders following the Augsburg Interim (1548), and the escape of many of the Marian exiles to the Rhineland in the 1550s.[3] Early Puritans, such as William Tyndale[4], seem to have been influenced by Bullinger and Zurich.[5] Tyndale asserted that the key to the Scriptures is to be found in the realisation that all of God's promises are conditional. God's promises constitute a covenant, or appointment, by which God promises certain blessings to men on condition that they keep his laws (Trinterud, 1951: 39). According to Tyndale, all strictly religious matters public and private, all moral standards, public and private, and all sense of ethical and religious obligation are founded upon this sworn covenant of promise to obey God's law (Trinterud, 1951: 39). In the early 1540s, John Hooper[6] was drawn to

3 See, Lyle D. Bierma, "Federal Theology in the Sixteenth Century: Two Traditions?", *Westminster Theological Journal*, 45 (1983), 304–305, as well as Daniel J. Elazar, *Covenant and Commonwealth. From Christian Separation through the Protestant Reformation. The Covenant Tradition in Politics*, Vol., II, New Brunswick, N. J.: Transaction Publishers, 1996), 272 – 273.

4 "The generall covenaunt wherin all other are comprehended and included is this. If we meke oure selves to God / to kepe all his lawes / after the ensample of Christ: then God hath bounde him selfe unto us to kepe and make good all the mercies promised in Christ / throwout all the scripture … For all the promises of the mercie and grace that Christ hath purchased for us / are make upon the condicion that we kepe the lawe", (Baker, 1980: 208). This is found in the preface to Tyndale's New Testament, where he introduced the covenant as the main topic of Scripture; (Baker, 1980: 208). Tyndale's covenant theology was repeated by Miles Coverdale, a friend and close associate of Tyndale, and it is Coverdale's 1541 translation of *The Old Fayth* that still remains the first incontestable proof of any personal influence by Bullinger on Puritan covenant thought (Baker, 1980: 209).

5 See Stee, *The Elizabethan Puritan Movement*, (Jonathan Cape, 1967), 435.

6 "But forasmuch as there can be no contract, peace, alliance, or confederacy between two persons or more, except first the persons that will contract agree within themselves upon such things as shall be contracted…; also, seeing these ten commandments are nothing else but the tables or writings that contain the conditions of the peace between God and man…; it is necessary to know how God and man was at one, that such conditions could be agreed upon and confirmed with such solemn and public evidences, as these tables be, written with the finger of God" (Baker, 1980: 210).

the teachings of Zwingli and Bullinger, becoming a personal friend and disciple of Bullinger, and appropriating, among other ideas, Bullinger's covenant theology (Baker, 1980: 209). It is, in terms of this theology, man's duty to receive God's grace and to consent to the promise given, hereby not rejecting the God that calls. God forces no man. The essential elements of Hooper's covenant teachings were similar to those of Bullinger (Baker, 1980: 209). Trinterud (1951: 43) states that Hooper's early interest in the covenant theology is attested by his commentary on the Decalogue first issued at Zurich in 1548. The preface to this work bases the whole relationship between God and man on a "contracte", "aliaunce", or "confederacye" between them, supported by the written statement of the Decalogue.

Bullinger's influence on the Marian Exiles, especially via his *Decades*, was substantial. According to Pine, Bullinger's theology and ecclesiology became the foundation of English Puritanism and Presbyterianism (while Calvin waited in the wings until the nineteenth century for a revival of interest), (Raath and De Freitas, 2001: 65). For Knox, Goodman and Ponet, every Christian people, like the Jews before them, is obliged by a Covenant with God to defend the true religion. This obligation extends not only to the people's magistrates but, if need be, to every individual. Since each is a "signer" of the Covenant, each is personally responsible to God for the enforcement of its provisions (Franklin, 1969: 31). Taking these factors into consideration, together with the fact that these three principle authors of the Marian Exiles had direct contact with Bullinger, seems to provide confirmation that Bullinger's covenantal theory had an impact on the Marian exiles.[7]

It was especially Samuel Rutherford (1600 - 1661) who significantly applied the covenant to political theory on the British continent. That Bullinger supported this initiative is confirmed by the similarities of his view on the covenant to that of Rutherford, particularly via Johannes Althusius (1557 - 1638), whose federalism exhibits signs of Bullinger's influence. Although Rutherford rarely referred to Bullinger in his work *A Free Disputation Against Pretended Liberty of Conscience* (1649), and nowhere in *Lex, Rex* (1644), he did draw heavily on Bullinger's views. McCoy and Baker trace the impact of Bullinger's federalism via Philippe

7 For further reading in this regard see A. W. G. Raath and S. A. de Freitas, "Heinrich Bullinger and the Marian Exiles: The Political Foundations of Puritanism", *Journal for Christian* Science, 3rd and 4th Quarter, (2001), 61–87.

Duplessis-Mornay to Althusius in the federal tradition in Europe, as well as to the expressions of federal political thought in the Scottish Presbyterian tradition in the theology of Rutherford (McCoy and Baker, 1991: 39–44). Bullinger's covenantal theory therefore most certainly had an impact on the political theory of Reformation Britain.

3. A covenanted nation

Knox's emphasis on the political dimension of the covenant towards the beginning of the latter half of the sixteenth century, provided a significant impetus for the establishment of a truly communal and real structure of the covenant. Knox, in his *Appellation* (his address to the bishops and the estates of Scotland), emphasises that those wishing to attain eternal life had to refrain from idolatry, and similarly, England and Scotland were called to keep God's covenant by refraining from the idolatry of the Mass. Knox thus taught the idea of a covenanted nation and emphasised the community's covenantal obligation to be holy before God. Knox refers to Abraham who fled his homeland because of its defilement with idolatry, and therefore we too must follow God if we desire to remain in His covenant (Bell, 1985: 42).

God's covenant is, according to Knox, conditional upon our obedience to Him, and our obedience is the reason for God's mercy towards us (Bell, 1985: 42). It is this covenant background, which stemmed from the theological premise that the elect had entered into a league and covenant with God, and which bound them to the Divine Will as revealed in His Word (Mason, 1983: 99). Like Knox, the signatories of the band of 1557 viewed adherence to divine law as part of their contract with God which promised them in return the assurance of eternal salvation. It was this belief which lent Knox's covenanting ideology its apocalyptic urgency and which gave his covenanting terminology – the language of duty, conscience and necessity – its uncompromising character (Mason, 1983: 99). Briefly stated, Knox tends to view the covenant of God as a national league or band between God and man that is conditional upon man's abstinence from idolatry (Bell, 1985: 48). In fact, Knox played an important role in instilling the progression from the theological to the political aspect of the covenant. Knox clearly developed the doctrine of the covenant, not just as a theological concept, but also as a political theory. His view was that Scotland, having accepted the Reformation, had become a "covenanted nation" in much the same way as Israel in Old Testament times (Reid, 1988: 529). In fact, Knox took Calvin's idea of the covenant between God and the individual and carried it over into the

political field with the view that there was also a covenant between God and a faithful, believing people (Reid, 1988: 531).

It was Knox's consistence and persistence in his "biblicism" that expressed this covenanting with God in order to be a holy nation. Accordingly, Knox interprets his contemporary conflicts with the Sovereign and Romanism as comparable, in Old Testament terms, with the prophet's conflicts with corrupt kings and idolatry. It is following this train of thought that Knox comes to emphasise the idea of a covenanted nation, placing emphasis on man's covenant obligation to be holy before God. Like the civil authorities in Judah and Israel who were responsible for maintaining the law of God, so the Scottish magistrates were required to do the same (Bell, 1985: 42).[8] Knox's concern for Scotland to be a holy nation, free from the idolatry of Roman Catholicism, emphasises man's covenanting with God to be a holy nation (Bell, 1985: 43). According to Knox, the condition of the covenant between God and the people in the Christian community is such that "he is my tower of defense against my enemyis, preserving and nourishing both the bodie and soule, so must I be wholie his in bodie and soule, for my God is of that nature, that he will suffer no portioun of his glorie to be gevin to another" – God's covenant is conditional upon our obedience to him and our obedience is the reason why God is merciful to us (Raath and De Freitas, 2001: 72 - 73). Knox told Queen Mary that subjects have a right to resist even princes, if they exceed their bounds, just as children have a right and a duty to repress a frenzied father. In 1563 Mary again discussed the question of obedience with Knox, who said: "Thei (subjects) ar bound to obey you and that not but in God. Ye ar bound to keape lawis unto them. Ye crave of thame service: thei crave of you protectioun and defence against wicked doaris" (Pearson, 1928: 80).

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8 Knox, in his *A Brief Exhortation to England, for the Speedy Embracing of the Gospel Heretofore by the Tyranny of Mary Suppressed and Banished 1559*, states (in the context of God speaking through Moses, Deuteronomy 29: 18 and further): "Then shall all nations say, 'Why hath the Lord done thus to this land?' And they shall answer, 'For because they have left the *covenant* of the Lord, the God of their fathers, which he did make with them when he brought them forth of Egypt.' For they have gone and served other gods (I say), whom they knew not; and therefore was the fury of the Lord kindled against this land …", (Knox, 1559: 3 — 4). Knox adds: "The history does further witness, that the princes of Judah, after the death of Jehoiada – by whose wife Joash was preserved in that most cruel murder of all the kingly seed made by Athaliah; and by whose most faithful diligence the same Joash was, in the seventh year of his age, made king over Judah; the covenant and league, before broken by idolatry, was renewed again betwixt God and the people, and betwixt the people and the king: to wit, that the one and the other should be the people of the Lord; by renewing of which covenant, unhappy and cruel Athaliah was killed; the people did enter into the house of Baal, broke it down with his altars and images …" (Knox, 1559: 4).

Knox's covenanted influence is witnessed in the *Common Band* or *covenant*, dated 3 December 1557, which signalled the emergence of Protestantism as an organised political force in Scotland. For at the heart of the band lay a pledge to fulfil the law of God. Its signatories (similar to the covenantal thought of Knox) confessed that they "aught, according to our bonden deutie, to stryve in our Maisteris caus, evin unto the death", and promised "befoir the Majestie of God … that we (by his grace) shall with all diligence continually apply our whole power, substance, and our verray lyves, to manteane, sett forward, and establish the most blessed word of God and his Congregation" (Mason, 1983: 99 - 100). The idea of "banding" together in loyalty to a common enterprise was familiar enough to sixteenth-century Scots, and there is evidence of its use in both social and political contexts in pre-Reformation times. However, the band of 1557, by transferring it to a religious sphere, effectively transformed the traditional concept into a concrete expression of the league and covenant envisaged by Knox. Mason (1983: 100) adds that, although it remains unstated, it seems reasonable to suppose that, like Knox, its signatories viewed adherence to divine law as part of their contract with God which promised them in return the assurance of eternal salvation.[9] The pristine – and proto-Presbyterian – glories of the Culdees were as nothing compared to the example of God's chosen people of Israel. Such legitimacy as the covenanters required was to be found in the fact that in 1560 the Scots had entered into a covenant with God which bound them, as it had bound the commonwealth of Israel, to fulfil the imperatives for the divine will (Mason, 1994: 13).

Shortly after Knox's considerable utterances on the covenant, the English also started exhibiting earnestness in this regard. In the early part of the seventeenth century in England, William Perkins, the first English Calvinist to win a major European reputation, and his successors, had much to say about a covenant or contract which God had made with his people, and about the moral obligations that it imposed. Perkins insisted that God's promise to man is that in terms of which he binds himself to man to be his God, if he performs the condition. Man's promise to God is that according to which he vows his allegiance to the Lord, and performs

9 Also see George D. Henderson, "The Covenanters", in *Religious Life in Seventeenth Century Scotland*, Chapter 8 (Cambridge, 1937), 162. Hulse states: "Characteristic of the Scottish Reformation was the manner in which the godly banded themselves together under the Lord by solemn oath for mutual assistance and support in the defense of the gospel and the advance of the reformation. The earliest known bond or 'covenant' was made under the leadership of John Knox in 1556", (2000: 192).

the condition between them (Collinson, 1967: 434 - 435).[10] However, the Scots increased their contribution regarding the exposure and application of the political relevance of the covenant. The National Covenant (1638) was unique in that it was the embodiment of the concept of a covenanted nation involving the people of Scotland. This was an all-embracing, perpetual commitment that had never been put into practice before; a realisation of the Old Testament ideal of the covenant between God and man (Steele, 1990: 45). Macinnes (1990: 110), on covenantal thought during this period in Scottish history, states: "The religious covenant was a tripartite compact between the king and people before God to uphold the purity of 'the true reformed religion' as expressed not only in the Negative Confession, but in the enlarged confession of faith established from the Reformation 'by sundry acts of lawful general assemblies, and of Parliament' as by the catechisms, all being grounded exclusively in scripture." Operating within the framework of this religious covenant was a constitutional contract between the king on the one hand and the people on the other for the maintenance of a lawful government and a just political order. In return for 'maintaining the King's Majesty, His Person and Estate', the people made conditions which the king was bound to fulfil. If the king failed to uphold the fundamental laws of the kingdom, the people were entitled to take appropriate steps to remedy this, which included the right to resist (Macinnes, 1990: 110).

Morrill exposes the prophetic (as opposed to the apocalyptic) approach reigning in the British Isles shortly before the establishment of the

10 This must be considered against the background of English political thought during this period, in the sense that unlike the Scottish covenanter, whose political culture was already attuned to pact-based political organisation and behaviour, the English Puritans had to struggle within and against a society that prided itself in its organic evolution as a polity and whose current rulers sought to impose a hierarchic structure on that organic polity as the next stage in its development, (Elazar, 1996: 238). In fact, according to Elazar (1996: 244), only one English Puritan of note, Dudley Fenner, made an attempt to develop a systematic covenantal political theory. In this regard Trinterud (1961: 48–49) states: "In 1585 Dudley Fenner, an associate of Cartwright, in his exile in Holland, published a most thoroughly worked out covenant scheme utilizing the double covenant idea, a covenant of works, and a covenant of grace or redemption. Cartwright had adopted the idea himself, and very quickly the Puritan group began to utilize the double-covenant scheme as something generally received by all. Moreover, as the Puritan religious movement and the parliamentary political movement began to make common cause they had also now a common theoretical scheme. Parliamentary thought on the state contract had had a long history in England reaching back as far as John Fortesqeue in the 15th century. By 1590 the double-covenant scheme was being used also by some Scottish theologians. Elazar (1996: 244) adds that only in the seventeenth century did leadership in covenantal political theory pass to the English Puritans.

Westminster Assembly. The apocalyptic approach emphasised God's irresistible action quite independent of human agency, rather than an offer from God requiring human acquiescence. On the other hand, the prophetic tradition – espoused by the English preachers of 1640 - 1642, – "delivered" the "word" from the Lord, a "word" embodying judgment and mercy, contingent upon the people turning or returning to Him; emphasising "human ability to exercise agency" (Morrill, 1993: 83). This is witnessed in the preaching of Cornelius Burges, Stephen Marshall, Edmund Calamy and Thomas Goodwin, who took and explained Old Testament messages of God's offers to Israel and the consequences of human acceptance or rejection of those offers. The history of Israel was precisely and literally matched to the history of Britain (Morrill, 1993: 83), and is clearly expressed in the following: "If a Nation doth evil in God's sight, God will repent of the good he intended … when God begins to draw back his mercies from a nation, that Nation is in a woeful plight … But on the contrary, if we turn from our evil ways, God will perfect his building, and finish his plantation, he will make us a glorious Paradise, an habitation fit for Himself to dwell in" (Morrill, 1993: 83 - 84).

The Westminster Assembly first met on 1 July 1643, in Westminster Abbey. The London Parliament desperately needed the help of the Scottish armies in the War and the only way that the Scots would make them available was on the basis of a religious covenant (Toon, 1973: 38). The content of the Solemn League and Covenant attests to the fact that the participants of the Assembly emphasised man's obligation towards God and in return for the accomplishment of these obligations, God's favour was bestowed on man.[11] Therefore, man was understood to have a duty to

11 "…we have now at last (after other means of supplication, remonstrance, protestation, and sufferings), for the preservation of ourselves and our religion from utter ruin and destruction, according to the commendable practice of these kingdoms in former times and the example of God's people in other nations, after mature deliberation, resolved and determined to enter into a Mutual and Solemn League and Covenant, wherein we all subscribe, and each one of us for himself, with our hands lifted up to the Most High God, do swear, …endeavour to bring the Churches of God in the three kingdoms to the nearest conjunction and uniformity in religion, Confession of Faith, Form of Church Government, Directory for Worship and Catechising; that we, and our posterity after us, may, as brethren, live in faith and love, and the Lord may delight to dwell in the midst of us…" (Hetherington, 1991: 130), "…and endeavour, for ourselves, and all others under our power and charge, both in public and in private, in all duties we owe to God and man, to amend our lives, and each one to go before another in the example of a real reformation; that the Lord may turn away his wrath and heavy indignation, and establish these Churches and kingdoms in truth and peace. And this Covenant we make in the presence of Almighty God, the Searcher of all hearts, with a true intention to perform the same…" (Hetherington, 1991: 132).

perform towards God, and his consequent obedience or resistance concerning this duty would determine God's blessing or wrath respectively. It is in the document of the Solemn League and Covenant that the reformed groups within Scotland, England and Ireland made known to God that they would abide by His precepts in order to win the favour that He had promised to bestow on those who were faithful. This important document was framed by Alexander Henderson, moderator of the assembly (Hetherington, 1991: 124)[12], one of the six Scottish Commissioners present at the Assembly. This is also a clear indication that the other Scottish Commissioners present at the Assembly, of which Rutherford was one, shared in this covenantal thought. What confirms the Scottish loyalty to the religious aspect of the political understanding of the covenant, over and above that of their English counterparts, was the fact that the English Parliament's struggle against Charles I was primarily concerned with constitutional issues, whilst that of the Scots was concerned with religious matters. It therefore soon became obvious that there was a difference of approach between the Scottish and English negotiators. Robert Baillie, the Scottish theologian present at the Assembly, stated that the English were in favour of a civil league while he himself, together with the other Scottish divines, were in favour of a religious covenant (Toon, 1973: 56).

4. Samuel Rutherford on the Covenant

Although *Lex, Rex* does not exhibit the level of volume and systematisation as that accomplished by Althusius's *Politica*, it is clear that Rutherford was the first in the British Isles to develop a truly concise theory on the covenant in this regard. According to Reid (1988: 539), Rutherford presented the covenant doctrine in *Lex, Rex*, which had a great impact on Scottish thinking and was basic to the whole covenanting movement during the latter part of the seventeenth century, until the fall of

12 Hetherington adds: "It was suggested by him (Alexander Henderson) to the Scottish commissioners, and by them partially brought before the English Parliament, requesting them to direct the Assembly to write letters to the Protestant Churches in France, Holland, Switzerland, and other Reformed Churches … and along with these letters were sent copies of the Solemn League and Covenant, a document which might itself form the basis of such a Protestant union. The deep thinking divines of the Netherlands apprehended the idea, and in their answer, not only expressed their approbation of the Covenant, but also desired to join in it with the British kingdoms" (1991: 338). This not only confirms the serious approach by the Scottish divines to the idea of the covenant and its application as an effective instrument to develop a devout "continent" but also indicates their honest intention to unify the Reformed faith on the basis of the covenant.

the Stewart dynasty. *Lex, Rex*, like the *Politica*, contains the distinction and explanation of two covenants: the theological covenant (which is the covenant between God and the community), and the political covenant (which is the covenant between the king and the people). For Rutherford, although the Lord might have predetermined all things, He still makes great demands on His creatures. Rutherford postulated that, just as the covenant with the elect was conditional and called for their response, so His covenant with Britain demanded action (Coffey, 1997: 144).[13] Israel's national covenant is permanently valid, hereby committing the magistrate to preserving true religion in the form of Reformed Protestantism in all its purity (Coffey, 1997: 157).[14] The doctrine of the covenant lay at the heart of Rutherford's case, and *Lex, Rex* demonstrated familiarity with the evolution of the doctrine in Europe, both in the French religious debate and in later comments from Arnisaeus and Grotius (Maclear, 1965: 75).

According to Rutherford, the covenant has a religious dimension, adding that the king "is made by God and the people king, for the church and people of God's sake that he may defend true religion for the salvation of all" (Coffey, 1997: 164). Charles, who was king of a nation in covenant with God, was obligated to prosecute heresy and idolatry with the same zeal as the Old Testament rulers. By allowing transgressions of this covenant, he had severed the nation's covenant with the Lord (Coffey, 1997: 168). *Lex, Rex* makes it clear that the covenant between God and man is analogous to a bilateral, conditional relationship (1982: 56, column 1 (56(1)) - 56, column 2 (56(2)).[15] Rutherford, following the Huguenots,

13 It is important to note that Rutherford's covenantal thought in no way intended to weaken the view that God determines and is sovereign over all that happens. To Rutherford, God is in no way debtor to anyone and His every act within the covenant, and indeed, the very covenant itself, is no less than a gracious condescension towards humans (Bell, 1985: 73). Rutherford states: "But no man first acts for God, for God is the first actor and mover in every action, and motion" (The Covenant of Life Opened, 1982: 23). In fact, the English Puritans and Scottish Presbyterians that supported the political relevance of the covenant, understood the covenant to be a structure that is embedded in the principle of God's divine and absolute sovereignty, in which the community, under leadership of the ruler, is obligated to fulfil the covenantal conditions as prescribed by the Divine Will.

14 Coffey also mentions that *Lex, Rex,* with its numerous references to Old Testament Israel, presupposes such a notion of a national covenant, which also surfaced in Rutherford's *Letters* (1997: 165).

15 Also see (1982: 56 (1) — 56 (2)): "But the king and people are not so contracting parties in covenant with God as that they are both indebted to God for one and the same sum of complete obedience, so as if the king pay the whole sum of obedience to God, the people are acquitted; and if the people pay the whole sum, the king is acquitted; of every one standeth obliged to God for himself; for the people must do all that is their part in acquitting the king from his royal duty, that they may free him and themselves both from punishment, if he disobey the King of kings; nor doth the king's obedience acquit the people from their duty."

points to the covenants in the Old Testament, maintaining that there is indeed a covenant between king and people, and, further, that king and people are pledged to God to preserve the true religion (Gough, 1936: 93).[16] The covenant between the king and the people was to be clearly distinguished from that of the king's covenant with the Lord (Rutherford, 1982: 54 (1) - 54 (2)). The political covenant apparently derived its force from the covenant with God. This God was real, historically realised in Scotland's covenants (Maclear, 1965: 80). In answer to Barclay's statement that the covenant obliged the king to God but not to the people, Rutherford refutes only the latter part of Barclay's statement, agreeing thus to the presence of a covenant between God and the king (1982: 54 (2)).[17] In referring to the example of David, Rutherford, although he refutes the notion of a covenant between God and David only, agrees implicitly to the existence of this covenantal relationship (1982: 57 (1)). God made the king conditionally, and so by covenant, that the king should rule for the safety of the people (1982: 57 (2)).[18]

Rutherford refers to Jehoida who made a covenant between the Lord and the people, including the king (1982: 54 (1)). To Rutherford, the covenant between God and man is mutual to the extent that if the people break the

16 Gough adds: "Where, then, it may be asked, is this covenant? There may, indeed, be no 'positive written covenant', though Rutherford refuses to admit this definitely; at any rate, he contends, 'there is a natural, tacit, implicit covenant', which ties the king by the nature of his office. 'And though there were no written covenant, the standing law and practice of many hundred acts of parliament is equivalent to a written covenant' ", (1936: 94).

17 The understanding that the king's obligation is only directed at God, formed the essence of the doctrine of the Divine Right of Kings. More specifically this doctrine implies that monarchy is a divinely ordained institution and that a hereditary right is indefensible. This means that a right acquired by birth cannot be forfeited through any acts of usurpation, of however long continuance, nor by an incapacity in the heir, nor by any act of disposition. In addition, this theory includes the understanding that kings are not only accountable to God alone, but also that non-resistance and passive obedience are enjoined by God (Figgis, 1914: 5–6). For further reading in this regard see F. H. Hinsely, *Sovereignty*, Second Edition, (Cambridge: Cambridge University Press, 1986), 133. It is the idea of the Biblical covenant, as supported by the Scots during the seventeenth century, that established opposition to the tyrannous inclinations caused by the Divine Right of Kings doctrine. No longer was the view supported that there was only an obligatory relationship (covenant) between God and the king, but there was also to be an obligatory relationship (covenant) between the king and the people. In fact, it is contended that this doctrine gave rise to Rutherford's *Lex, Rex;* this work being, according to Flinn, a polemical piece, styled as a point by point refutation of the doctrine of the Divine Right of Kings. Rutherford's theory concerning the election of the king, the community's responsibility as party to the covenant between God and the community as well as the covenant between the king and the people, and the active role that the people have concerning resistance to tyranny, are issues that Rutherford emphasised in countering the absolutist tendencies emanating from such a doctrine.

18 See also Rutherford, *Lex, Rex*, 58 (1).

covenant, God is no longer bound to fulfil his part of the agreement (1982: 54 (2)). The covenant gives to the believer a sort of action of law to plead with God in respect of his fidelity to stand to that covenant that binds him by reason of his fidelity (1982: 54 (2)). Rutherford refers to this same covenant when distinguishing between the indebtedness between God and the king on the one hand, and between God and the people on the other (1982: 56 (1)). When mentioning the covenant between Joash and the people, Rutherford adds that there is a covenant between the Lord on the one hand and the king and people on the other (1982: 57 (1)). A people in covenant with God, though mortal in its individuals, cannot die (1982: 78 (2)). In fact, Rutherford in his letters frequently spoke of Scotland's covenant with the Lord (Coffey, 1997: 165), viewing Charles I, as the king of a nation in covenant with God, as having been obliged to prosecute heresy and idolatry with the same zeal as Old Testament rulers; however, king Charles I, having done the opposite, had severed the nation's covenant with the Lord (Coffey, 1997: 168). Rutherford produces historical evidence from acts of parliament, confessions of faith, coronation oaths and custom to claim a written Scottish covenant, while at the same time he argues that the covenant need not be written, with nature and Scripture remedying the defect (Maclear, 1965: 76). The general covenant of nature is presupposed in making a king, where there is no written or social covenant confirming a covenant structure between the king and people (1982: 59 (2)).[19]

It is the king's duty, when the people subordinate to him, and their fathers, have corrupted the worship of God, to renew a covenant with God, and to cause the people to do the like (1982: 135 (2)). In fact, whether the king commands it or not, the people are obliged to renew a covenant with God (1982: 135 (2)). Rutherford also enquires as to who may be averse to a religious covenant sworn by the people (1982: 136 (1)). Rutherford's treatment of Scotland's history was modelled on the way the Hebrew prophets treated the history of Israel, with Coffey stating that: "… he believed that Scotland had entered into a covenant with God, in much the same way as ancient Israel had. The future of Scotland was conditional on her response to God. If she obeyed the terms of the covenant, she could

19 Concerning the written covenant, Rutherford refers to Deuteronomy 17: 15, Joshua 1: 8–9 and 2 Chronicles 31: 32, adding that where there is no written covenant, the law of nature will warrant the people to repeal their right and plead for it. Concerning Scotland and England, Rutherford states that though there was no written covenant, the standing law and practice of many hundred acts of parliament are equivalent to a written covenant, (1982: 59 (2)).

expect blessing; if she disobeyed, curses and desertion would follow". This prophetic approach is similar to Hosea, who was committed to delivering ultimatums from the Lord (Coffey, 1997: 227).

Rutherford had to persuade the nobility of the necessity and efficacy of action on behalf of the cause, and also that potential supporters had to be convinced that God's providence left room for genuine human agency: "The 'ordinary logic' that action was useless until the Lord himself began to work was 'not (with relevance to your Lordship's learning) worth a straw'. 'Let us do (act), and not plead against God's office.' Providence ought not to be used as an excuse for inaction … 'Duties are ours, events are the Lord's' " (Coffey, 1997: 235). Rutherford's greatest yearning was to see Scotland become a land of "heart-covenanters" truly committed to God, and he believed that such a covenanted Scotland might spearhead the apocalyptic movement that would see the conversion of the Jews, the overthrow of the popish Antichrist, and the establishment of Christ's rule in all the nations of the earth (Coffey, 1997: 235). Reid (1988: 539) states: "The covenant idea was also expressed in the documents of the Westminster Assembly (1642 - 48), largely through the influence of Samuel Rutherford and the other Scottish delegates. Rutherford himself had presented the covenant doctrine in his work *Lex, Rex*, which had a great impact on Scottish thinking and was basic to the whole covenanting movement during the latter part of the century, until the fall of the Stewart dynasty". In this regard, Rae points to the fact that Rutherford felt that the Christian Church was largely analogous to the Jewish Church. Since there could be many unbelievers together with believers in the latter church, so could there be in the former, and, for the same reason, the state could do right in making them swear and enter into a covenant with God. This is to be understood in the context of Rutherford's view that the Covenant of Scotland is linked with the Covenant of the Jews, where it is stated that the Covenant was "sworne and subscribed by many thousands ignorant and prophane, and who never came to such a measure of gracious reformation, as they can testifie their faith and repentance", (1991: 152).

Concerning the specific nature of the political covenant, Rutherford understood that it was an oath between the king and his people, resting upon, by reciprocation of bands, mutual civil obligation between the king to the people, and between the people and the king. For example, the elders made a covenant with David before the Lord, prior to their appointing him king (Flinn, 1978 - 9: 63). Flinn adds that this civil covenant made between the king and the represented people was 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; and if the obligations of a covenant were broken, then those who break it could be disciplined according to the oath made to God (Flinn, 1978/–9: 63). Rutherford emphasises the existence of a covenant per se between the king and the people, with the Scriptures playing an important role in confirming this (1982: 54 (1) - 54 (2)). The covenant is made between the king and the people, in other words, between mortal men. However, they bind themselves before God to each other, adding that the obligation of the king in this covenant flows from the peculiar national obligation between the king and the estates (1982: 56 (2)). In fact, the precise mechanism by which governments were founded was that of a covenant between king and people (Coffey, 1997: 163). To Rutherford, natural law, Scripture and history all combined to prove that government must rest on a covenant between the king and the people. *Lex, Rex* focuses almost exclusively on this horizontal covenant – the covenant between the king and people (Coffey, 1997: 165). Rutherford clearly distinguishes between the covenant with God on the one hand, and the covenant between the king and people on the other; referring to the Old Testament where Joash made another covenant with the people. Whoever makes a promise to a person, gives to that person a right to challenge the promise (1982: 57 (1)). The covenant between David and Israel was not a covenant with God only, but also a covenant between the king and the people (1982: 57 (1)).[20] Referring to Saul, Rutherford states that there was no condition required of him before they made him king, but only that he covenant with them to rule according to God's law (1982: 57 (2)).

The king cannot be above the covenant and law made between him and his people (1982: 126 (2)). If the people had known that the king would turn tyrant, there would have been much ignorance in the contract between the people and the king (1982: 128 (1)). Concerning tyrants, as long as the people and estates did not recall their grant to the king, the mutual covenant stood (1982: 59 (1)). If the king, merely by reason of being a king, were exempt by privilege from all covenant obligation to his subjects, then no law of men could lawfully reach him for any contract violated by him. Consequently, he could not be a debtor to his subjects if he borrowed money from them. Therefore, according to Rutherford, there

20 On ibid., 60 (1), Rutherford states that he cannot conceive how a covenant can be made with the people, and the king obliged to God, not to the people. Also see ibid., 130 (1), 198 (2), 199 (2), 200 (1) and 202 (1), concerning the covenant between David and the people (2 Samuel 5: 1 - –3); ibid., 198 (2), 199 (2) and 219 (2), concerning the covenant between Joash and the people (2 Kings 11: 17, 18); and ibid., 199 (2), concerning Deuteronomy 17: 17 - 18.

must be a covenant obligation between the king and the people (1982: 60 (2)). Rutherford also refers to Romulus who covenanted with the people, and to Xenophon, who said there was a covenant between Cyrus and the Persians; he also refers to Gentilis and Grotius who prove that kings are bound to perform oaths and contracts to their people (1982: 61 (1) - 61 (2)).

The covenant between the king and people is reported in 17 Deuteronomy, and just as David was limited by covenant, so were the rest (1982: 62 (1)).[21] According to Rutherford, the people give themselves conditionally and covenant-wise to the king, as to a public servant, or a patron and tutor (1982: 82 (1)), and they do not break their covenant when they put into action that natural power to conserve themselves (1982: 84 (1)). The king accepts the crown upon the tenor of a mutual covenant in which he must govern according to the law (1982: 106 (1)). The people are bound in this covenant no less than the king, and the king's duty is to compel them to observe the terms of this covenant: "Each may compell the other to mutuall performance" (Maclear, 1965: 77). Rutherford also mentions the covenant between the king and people when discussing the futility of expressing any clause in such a covenant concerning the acceptance by the king to part company when he is guilty of a transgression (1982: 118 (1)).[22] All laws of kings, who are rational fathers, and therefore lead and guide the people by laws which propagate peace and external happiness, are contracts of king and people, and the king at his coronation-covenant with the people, gives a most intense consent to be a keeper of all good laws (1982: 129 (1)). In referring to the similarity between the king's promise and his oath, Rutherford states that the promise and covenant of any man, including the king, do no less than bring him under a civil obligation and political co-action to keep his promise or oath (1982: 200 (1)). Referring

21 This was in answer to the objection by Arnisaeus saying that few of the kings made a covenant with the people, as did David and Joash; it does not mean that this was a universal law. Also refer to ibid., 140 (1), where Rutherford refers to Deuteronomy 17, indicating that God has limited the first lawful king (the mould of all the rest), and therefore, the people ought also to limit the king by a voluntary covenant. It is interesting to note that Deuteronomy 17 is the text most referred to by Rutherford in *Lex, Rex* (with Romans 13, following closely).

22 Rutherford also compares the contract between the king and the people on the one hand, with the contract of marriage between husband and wife on the other. According to Rutherford, it cannot be said, concerning the latter, that you can set down a clause in the contract that if the husband attempts to kill his wife, or the wife the husband, that it would be unlawful for either of them to part company. The same applies to the contract between king and the people, and adds that exigencies of the law of nature cannot be set down in positive covenant, as they are presupposed. Note Rutherford's equating of the terms *contract* and *covenant* (1982: 118 (1)).

to Galatians 3: 15, Rutherford states that no man can annul a confirmed covenant, and the king must place himself under the law by a covenant at his coronation (1982: 200 (2)). This relationship between the king and people is a contract which cannot be dissolved unless by the joint consent of both, in instances where the conditions of such contract are violated by neither side (1982: 201 (1)). Rutherford also emphasises that even the kings of Scotland are obliged to swear and make their faithful covenant to the true Church of God, so that the bond and contract shall be mutual and reciprocal between the prince and people (1982: 219 (2) - 220 (1)).

This political covenant was also extended by Rutherford in order to accommodate a bilateral and conditional agreement between nations. In 1639 Rutherford was called to the chair of divinity at the University of St. Andrews. From that post, he continued as part of the leadership that led to the Solemn League and Covenant of 1643, uniting the Scottish Covenanters and the English Puritans in a federal pact with powerful political, ecclesiastical and military dimensions and which eventually led to the overthrow of Charles I (McCoy and Baker, 1991: 43). The Scots in fact wanted to spread the unity of faith, via the covenant, beyond the borders of Britain. Alexander Henderson seems to have suggested the importance of a Protestant union throughout Christendom, to the Scottish Commissioners of the Westminster Assembly. This suggestion was partially brought before the English Parliament by the Scottish Commissioners, requesting Parliament to direct the Assembly to write letters to the Protestant Churches in France, Holland, Switzerland, and to other Reformed Churches (Hetherington, 1991: 338). Letters containing this proposal were sent to various countries on the Continent, along with copies of the Solemn League and Covenant – a document, says Hetherington (1991: 338), which might itself form the basis of such a Protestant union. The divines of the Netherlands comprehended the idea and expressed their approbation of the Covenant, but also desired to join in it with the British kingdoms. Unfortunately, according to Hetherington (1991: 338 - 339), the intrigues of politicians, the delays caused by the conduct of the Independents, and the narrow-minded Erastianism of the English Parliament, all conspired to prevent the Assembly from entering into what could have been a most glorious enterprise.

Referring to the League and Covenant; Rutherford states that God severely avenged and plagued this breach of covenant, adding that the Lord had not unstamped His divine Image of making just laws upon any nomothetic power of the most free and independent kingdoms on earth so that the *breach* of lawful promises, covenant, contracts (which are against

the laws of God, nature and of nations), should or could be the subject matter of any nomothetic power (Free Disputation, 1982: 267). With regard to seventeenth-century England, Rutherford states that England did not have the power against the laws of nature and nations to break the promise, agreement, faith and contract made with another kingdom, and that it could not be accepted that the purpose of either kingdom, united by covenant and compact in the war, was to spend lives and fortunes for liberty and the establishment of many religions (Free Disputation, 1982: 265, (sic. should be 273) and 271). The covenant bound the kingdoms to defend each other (Free Disputation, 1982: 274). The kingdom that retracted the covenant broke with God and so with men, seeing that the two kingdoms were mutually and reciprocally engaged with one another, and they must know that the righteous God shall avenge their breach of the Covenant (Free Disputation, 1982: 279). In Rutherford's discussion (Free Disputation, 1982: 250 - 251) on the degree to which other nations or heathen nations may be compelled to embrace the true faith, he makes known his contractual understanding, not only regarding the relationships between nations but also between king and people, namely:

> If they join with us in a religious covenant, and we swear with our lives and goods to defend one another, we may cause them to stand by the oath of God they were under. As Asa compelled not only Judah but those of Israel that fell in to him, to stand by the oath; for the covenant, when it is mutual, gives a reciprocation of rights to each kingdom, for if he that makes a promise to another, much more he that sweares a covenant to another, makes over a right to the other, to plead for the fulfilling thereof … This is clear in the kings covenanting at his coronation with his people, and the people with the king, in the compacts between the master and the hired servant, between two merchants; if this were not; the nerves of all societies, and lawful confederations between man and man, nation and nation should be broken.

According to Coffey, *Lex, Rex* incorporated the Scottish Whig historiography, Rutherford contenting himself with bringing Buchanan's story up to date. Buchanan's royal genealogy stressed the contractual nature of the relationship between the Scottish people and their kings, enabling the Covenanters to present an historical justification of their revolution. To Buchanan's secular narrative of the ancient constitution, Rutherford added the importance of placing the vision of the history of the

kirk, which he inherited from his pastor, David Calderwood, which was in essence a story of a covenant broken by Scotland (Coffey, 1997: 185).[23]

This covenant that was broken had its origin in AD 205, when Scotland received the Christian gospel, and it is within this period that it may be assumed that a religious covenant (one of those predicted in the Old Testament prophecies) was welded onto the secular covenant established at Fergus's coronation in 330 BC. The Scottish nation had lived a godly life for many centuries since receiving the Christian gospel, but then they became a victim of popish idolatry and superstition. It was at the Reformation in 1560 that the original purity of the Christian religion in Scotland was restored, where Christ renewed the covenant between Himself and the people of Scotland, in the Negative Confession contracted in 1581. Unfortunately, the enjoyment of living under the renewed religious covenant was short-lived. King James VI and his son Charles, being desirous of pleasing the English prelates, corrupted the church by reducing it to conform with the Church of England, (Coffey, 1997: 186). In the words of Coffey (1997: 187): "…it was the Old Testament concept of a nation in covenant with God that lay closest to his (Rutherford's) heart."

It is clear from the above that Rutherford clearly postulates not only a covenant perspective regarding society per se on the horizontal level, but also society's relationship with God on the vertical level, and hence we find a double covenant scheme in his political theory, similar to, for example, that of Mornay[24]. Rutherford structures the covenant between the king and the

23 Ford states that Calderwood placed special emphasis on the solemn oath binding the Scottish people to preserve their settled forms of worship. In addition, Calderwood believed that parallels could be drawn with the events narrated in 2 Chronicles 15, "where it is said that king Asa and the entire people entered into a covenant", and in 2 Kings 23: 3, where it is said that king Josiah, "together with the people, undertook a covenant in the presence of Jehovah", John D. Ford, "The Lawful Bonds of Scottish Society: The Five Articles of Perth, the Negative Confession and the National Covenant", *The Historical Journal*, 37, 1 (1994), 48.

24 See J. F. Maclear, "Samuel Rutherford: The Law and the King", in *Calvinism and the Political Order* (Philadelphia: The Westminster Press, 1965), 75, where it is stated that Rutherford followed the *Vindiciae* of Mornay in teaching the three parties to the covenant – God, ruler, and the people – and two compacts, one between God and the total community, and the other between the ruler and the people. See J. H. M. Salmon, *The French Religious Wars in English Political Thought*, (Oxford: Clarendon Press, 1959), 87. Also see the latter page where it is stated that Rutherford championed the contract theory of the *Vindiciae* because he felt that in his own day the royalist writer, Bishop Maxwell, was reproducing Barclay's opinions against the Covenanters and the Long Parliament. Barclay had held that the biblical covenants with God obliged the king to God but not the king to the people (refer to fn. 17). Rutherford also referred to Arnisaeus who asserted that the divine covenant did not apply to the relations of ruler and subject and that the people were not responsible for the preservation of the true religion. Rutherford added that even Grotius and Barclay had allowed resistance where covenants entered into by the king under the sanctity of the coronation oath had been utterly dishonoured.

people in order to meet the demands of the vertical covenant. Politics to Rutherford is primarily based on the demands of the covenant between God and the people and secondly, on the covenant between the king and the people, and the Divine Law acts as condition in both covenants. The covenant, according to Rutherford, is justified primarily by Scriptures, but the law of nature also serves as confirmation of this covenantal perspective. In addition, Rutherford provided one of the most comprehensive expositions on the political dimensions of the covenant. Rutherford also contributed towards the increasing of the superiority of Scottish covenantal theory over its English counterpart. Unfortunately, towards the latter part of the seventeenth century, a secularising trend set in which effectively emasculated not only the political theology of the Reformation, but also the political insights pertaining to the idea of the Biblical covenant.

5. The impact of the Covenant beyond Westminster and Britain

Amid traces[25] of the British, and especially Scottish, legacy of political covenanting, there are certain beacons acting as evidence to the

It is also highly probable that Rutherford had been in touch with Mornay's *Vindiciae Contra Tyrannos* and was influenced by its politico-theological federalistic teachings, because Rutherford refers to Mornay's (Junius Brutus) *Vindiciae* no less than seven times in *Lex, Rex*, namely on 55 (2), 80 (1), 97 (1), 98 (2), 209 (1), 209 (2) and 222 (1).

25 For example, the following excerpt concerning covenantal thought in early 18th-century Scotland provides added insight into the legacy of Rutherford's covenantal thought, and the influence that Scottish covenantal thought in general had on later generations: "If any engagements can be supposed binding to posterity, certainly national covenants to keep the commandments of God, and to adhere to his institutions, must be of that nature. It cannot be denied, that several obligations do bind to posterity; such as public promises with annexation of curses to breakers, Neh. v. 12, 13. Thus Joshua's adjuration did oblige all posterity never to build Jericho, Josh. vi. 26, and the breach of it did bring the curse upon Hiel the Bethelite, in the days of Ahab. Secondly, public vows: Jacob's vow, Gen. xxviii. 21, did oblige all his posterity, virtually comprehended in him, Hos. xii.4. The Rechabites found themselves obliged to observe the vow of their forefather Jonadab, Jer. xxxv. 6, 14, for which they were regarded and commended. Public oaths do oblige posterity: Joseph took an oath of the children of Israel, to carry up his bones to Canaan, Gen. 1:25, which did oblige posterity some hundred years after. Exod. xiii. 19. Josh xxiv. 32. National covenants with men before God, do oblige posterity, as Israel's covenant with the Gibeonites, Josh. ix. 15, 19. The breach whereof was punished in the days of David, 2 Sam. xxi. 1. Especially National Covenants with God, before men, about things moral and objectively obliging, are perpetual; and yet more especially (as Grotius observes) when they are of an hereditary nature, i.e. when the subject is permanent, the matter moral, the end good, and in the form there is a clause expressing their perpetuity. All which ingredients of perpetual obligations are clear in Scotland's Covenants, which are national promises, adjuring all ranks of persons, under a curse, to preserve and promote reformation according to the word of God, and extirpate the opposite thereof. National vows, devoting the then engaging, and succeeding generations to be the Lord's people, and walk in his ways. National oaths, solemnly sworn by all ranks, never to admit of innovations, or submit to usurpations, contradictory to the word of God. National covenants, wherein the king, parliament and people did covenant with each other, to perform their respective duties, in their several places and stations, inviolably to preserve religion and

covenantal legacy of Scotland and England. As well-to-do members of the growing middle-class, the Puritans were not without financial resources and influential contacts at the court of the king. Plans were laid to secure a charter from the Crown for a trading company to operate in New England and to establish a colony there, to which endangered Puritans in England could emigrate (McCoy and Baker, 1991: 84 - 85). Consequently, a charter was secured, and beginning in 1628, numerous

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liberty: Yea, more, national laws, solemnly ratified by the king and parliament, and made the foundation of the people's compact with the king, at his inauguration: And, finally, they are national covenants with God, as party contracting, to keep all the words of his covenant. The subject or parties contracting are permanent, to wit, the unchangeable God and the kingdom of Scotland, (the same may be said of England and Ireland) which, whilst it remains a kingdom, is still under the obligation of these covenants with God. The matter is morally, antecedently and eternally binding, albeit there had been no formal covenant: the ends of them perpetually good, to wit, the defence of the true reformed religion, and the glory of God, the advancement of the kingdom of our Lord Jesus Christ; the honour and happiness of the King's Majesty and his posterity, and the public liberty, safety, and peace of the kingdoms, as it is expressed in the Solemn League. And in the form of them there are clauses expressing their perpetuity. In the National covenant it is said, that the present and succeeding generations in this land are bound to keep the foresaid National Oath and Subscription inviolable. And in the Solemn League, Article 1, that we and our posterity after us, may, as brethren, live in faith and love. And Art. 5, that they may remain conjoined in a firm peace and union to all posterity", Excerpted from: *The Auchensaugh Renovation of the National and Solemn League and Covenant …* by the Reformed Presbytery, 49 - –51 (Still Waters Revival Books, reprinted 1995 from the 1880 edition). It is also interesting to note the covenantal thought still prevalent in Scotland not long after Rutherford's death, the latter having an influence on the continuation of this thought in late seventeenth-century Scotland. In this regard Grant states that Richard Cameron was involved with consultations held in Edinburgh which, among others, led to the drawing up of a bond or covenant that pledged the signatories to mutual defence and, in effect, constituting them as a party opposed to the established order in church and state, a part of the terms of the bond reading as follows: "We under-subscribers bind and oblige ourselves to be faithful to God, and to be true to one another, and to all others that shall join with us in adhering to the Rutherglen Testimony, and disclaiming the Hamilton Declaration, chiefly because it takes in the king's interest, which we are loosed from by reason of his perfidy and covenant-breaking both to the Most High God, and the people over whom he was set, upon the terms of his propagating the main end of the Covenants, to wit, the reformation of religion … And although (as the Lord who searcheth the hearts knows) we be for government and governors both civil and ecclesiastic, such as the Word of God and our Covenants allow; yet by this, we disown the present magistrates who openly and avowedly are doing still what lies in them for destroying utterly our work of reformation from popery, prelacy, Erastianism [i.e. state supremacy over the church] and other heresies and errors", Maurice Grant, *The Lion of the Covenant. The Story of Richard Cameron*, (Durham: Evangelical Press, 1997), 194. Grant also states: "True, he (Cameron) had previously denounced the corruptions of the king and government, but this was the first time that he had lent his name to a statement directly disowning their authority. It is noteworthy that the grounds stated for doing so were specifically cited as their breach of the Covenant. There could, of course, be no doubt whatever that the king – and those under him – had violated the Covenant. Even those most opposed to Cameron would have conceded that. What was more open to question was whether their breach of Covenant constituted grounds for disowning their authority … As Cameron well knew, the doctrine of a mutual compact between king and people was well established in the Scottish Reformed tradition … Its most notable exponent had been Samuel Rutherford, in his *Lex, Rex* …", (1997: 195). Also see 1997: 248–249, in brief confirmation of Cameron's link with Rutherford and covenantal thought.

immigrants went to the New World to settle in the strong and well-financed Massachusetts Bay Colony. John Winthrop (1588 - 1649), who served many terms as a magistrate, led a group that arrived in 1630. He voiced his federal views in the well-known address given aboard the *Arrabella* before they went ashore: "Thus stands the cause between God and us: we are entered into covenant with Him for this work" (McCoy and Baker, 1991: 85).[26]

26 McCoy and Baker add that Winthrop's speech to the General Court in 1645 contains echoes of Althusius's covenantal thought, stating that: "It is yourselves who have called us to this office; and being called by you, we have our authority from God … We account him a good servant who breaks not his covenant. The covenant between you and us is the oath you have taken of us, which is to this purpose, that we shall govern you and judge your causes by the rules of God's law and our own, according to our best skill … There is a twofold liberty – … The other kind of liberty I call civil or federal; it may also be termed moral, in reference to the covenant between God and man in the moral law, and the political covenants and constitutions amongst men themselves" (1991: 85). Morgan states that Winthrop, in less than a year after stating: "My dear wife, I am veryly perswaded, God will bringe some heavye Affliction upon this lande, and that speedylye", he was on his way to New England as governor of Massachusetts. On the way he explained to his fellow passengers that the new colony would be in covenant with God, and its success would depend on keeping the covenant. If it failed to do so, he said, "the Lord will surely breake out in wrathe against us be revenged of such a perjured people and make us knowe the price of the breache of such a covenant" (1965: xxii). Also see John Winthrop's, "A Modell of Christian Charity" written on board the Arrabella (on the Atlantic Ocean), in "The Theory of State and Society" in *The Puritans. A sourcebook of their writings*, (An unabridged reprint of the work, originally published by Harper & Row, Publishers, Inc., in a two-volume Harper Torchbook edition, in 1963, edited by Perry Miller and Thomas H. Johnson, Mineola, New York: Dover Publications, Inc.), 198, where Winthrop states: "Thus stands the cause betweene God and vs, wee are entered into Covenant with him for this worke, wee haue taken out a Commission, the Lord hath giuen vs leaue to drawe our owne Articles wee haue professed to enterprise these Accions vpon these and these ends, wee haue herevpon besought him of favour and blessing: Now if the Lord shall please to heare vs, and bring vs in peace to the place wee desire, then hath hee ratified this Covenant and sealed our Commission, [and] will expect a strickt performance of the Articles contained in it, but if wee shall neglect the observacion of these Articles which are the ends wee haue propounded, and dissembling with our God, shall fall to embrace this present world and prosecute our carnall intencions seekeing greate things for our selues and our posterity, the Lord will surely breake out in wrathe against vs be revenged of such a perjured people and make vs knowe the price of the breache of such a Covenant." Winthrop adds: "Beloued there is now sett before vs life, and good, deathe and euill in that wee are Commaunded this day to loue the Lord our God, and to loue one another to walke in his wayes and to keepe his Commaundements and his Ordinance, and his lawes, and the Articles of our Covenant with him that wee may liue and be muliplyed, and that the Lord our God may blesse vs in the land whether wee goe to possesse it: But if our heartes shall turne away soe that wee will not obey, but shall be seduced and worshipp … other Gods our plesures, and proffitts, and serue them; it is propounded vnto vs this day, wee shall surely perishe out of the good Land whether wee passe over this vast Sea to possesse it …" (Winthrop, 1963: 199). Winthrop, similar to the theologico-political federalists also referred to the contract between the ruler and the ruled, Winthrop, in his speech to the "General Court, July 3, 1645" states: "We account of him a good servant, who breaks not his covenant. The covenant between you and us is the oath you have taken of us, which is to this purpose, that we shall govern you and judge your causes by the rules of God's laws and our own, according to our best skill. When you agree with a workman to build you a ship or house, etc., he undertakes as well for his skill as for his faithfulness, for it is his profession, and you pay him for both. But when you call one to be a magistrate, he doth

Before landing, forty-one male passengers (under Brewster and Bradford) assembled in the main cabin of the *Mayflower*, the small vessel on which they traversed the Atlantic Ocean, and signed an agreement known as the *Mayflower Compact*. McCoy and Baker (1991: 82 - 83), state that nowhere is the compound of theological, communal, political, and economic dimensions of the federal tradition represented in such brief compass, namely:

> We whose names are underwritten, the loyal subjects of our dread Sovereign Lord King James, by the Grace of God of Great Britain, France and Ireland King, Defender of the Faith, etc., Having undertaken, for the Glory of God and advancement of the Christian Faith and Honour of our King and Country, a Voyage to plant the First Colony in the Northern Parts of Virginia, do by these present solemnly and mutually in the presence of God and one another, Covenant and Combine ourselves together into a Civil Body Politic, for our better ordering and preservation and furtherance of the ends aforesaid; and virtue hereof to enact, constitute and frame such just and equal Laws, Ordinances, Acts, Constitutions and Offices, from time to time, as shall be thought most meet and convenient for the general good of the Colony, unto which we promise all due submission and obedience …

McCoy (1988: 189) states that Winthrop shows the impact of Althusian thought (and therefore of Althusius's views on the covenant), and the first article of the New England Confederation in 1643 has striking similarities to the opening of the *Politica*. Federal thought had, by the end of the sixteenth century, become pervasive in the Reformed communities of Europe, and therefore it is not surprising to discover that federalism was brought to the New World with the earliest settlements of people of Reformed faith. Most of the leaders of the New England colonies adhered to one or other version of federal theology and politics. Anyone seeking to find representatives of liberal democracy as understood in the 20th century among the New England leaders, was doomed to disappointment (McCoy and Baker, 1991: 81). For these leaders, the covenant was at the

not profess nor undertake to have sufficient skill for that office, or can you furnish him with gifts, etc., therefore you must run the hazard of his skill and ability. But if he fail in faithfulness, which by his oath he is bound unto, that he must answer for … ", (Winthrop, 1963: 206).

same time a way of expressing the relationship between God and humans and also an understanding of the appropriate political order within the divine human covenant. Persecuted by the church and government of Elizabeth, Separatists in great numbers fled to the Continent, many of them settling in Amsterdam and Leiden. The Leiden congregation decided to send part of its membership to America, and in 1620 this group set out under the leadership of William Brewster and William Bradford, to establish the colony of Plymouth. This group became known as the Pilgrims (McCoy and Baker, 1991: 81 - 82).

From the above examples of federalism in the form of the *Mayflower Compact* and John Winthrop, Baker states that, years prior to the ideas of Hobbes and Locke, there was the example of laymen who used the rudimentary theory of social compact to build a political community on the basis of the religious covenant (Faces of Federalism: 22). Although political theorists such as Locke accommodated a theory of the social compact to build a political community (and postulated a contract or covenant among a group of free individuals, who first joined in a social contract, agreeing to be one people, and then in a second, governmental contract, in which they chose rulers and imposed limits on them), they did not mention God as participant in either covenant. Government existed, not to help the people please God and fend off His wrath, but simply to help them to protect their lives, liberties, and properties from one another. Such protection was a function and duty of government for the seventeenth-century Puritan too, but for him it had been achieved when his rulers, in the performance of their calling, had limited the depravity of his neighbours, thus fulfilling the nation's covenant with God (Morgan, 1965: xli - –xlii).

Moots (1991: 116 - 117) also refers to the New England Puritans who established their communities on explicit covenants. Moots refers to Winthrop who wrote that God had "ratified this Covenant and sealed our Commission, [and] will expect a strickt performance of the Articles contained init, but if wee shall neglect the observation of these Articles … the Lord will surely breake out in wrathe against us." Moots adds (1991: 117) that they also believed themselves to be in a covenant with one another, Winthrop stating: "We account him a good servant, who breaks not his covenant. The covenant between you and us is the oath you have taken of us, which is to this purpose, that we shall govern you and judge your causes by the rules of God's laws and our own, according to our best skill" – The *Mayflower Compact* was intended to "Covenant and Combine" the signers "solemnly and mutually in the presence of God and

one of another." Not long after the Mayflower Compact, the *Cambridge Platform*, adopted in 1648 in America, also pointed towards contractual perceptions within Christ's Church. In this regard Gough (1936: 82 - 83) states:

> Here a congregational church is said to be 'by the institution of Christ a part of the Militant-visible-church, consisting of a company of Saints by calling, united into one body, by a holy covenant, for the publick worship of God, and the mutuall edification one of another, in the Fellowship of the Lord Jesus'. Any of the inhabitants of a New England township who were 'satisfied of one another's faith and repentance' could form themselves into a congregational church by entering into a covenant with one another, a 'visible Covenant, Agreement or Consent, whereby they give themselves unto the Lord, to the observing of the ordinances of Christ together in the same society, which is usually called the Church Covenant'. This covenant is identified with that made with God by Abraham and the Israelites, by virtue of which they became the chosen people of God.[27]

Although there was a strong element of individualism in the Puritan creed, the theorists of New England thought of society as a unit. They thought of society not as an aggregation of individuals but as an organism, functioning for a definite purpose, with all parts subordinate to the whole (Miller and Johnson, 1963: 183). The New England divines had as an important addition to the original theory of Calvinism, the statement of the relationship between the elect and God in the form of a covenant. In their view, when a man received the spirit of God, he availed himself of his liberty to enter a compact with the Deity, promising to abide by God's laws and to fulfil God's will to the best of his ability. In turn God guaranteed him redemption – "A regenerate man was thus by definition committed by his own plighted word to God's cause, not only in his personal life and behaviour, but in church affairs and in society … And God commands certain things for the group as a whole as well as for each individual" (Miller and Johnson, 1963: 189). Bamberg (1996: 8) refers to

27 In the same chapter of this work, the author also refers to Rutherford, stating that: "… the Rev. Samuel Rutherford published a reasoned defense of the contract of government …", see Gough, 1936: 93 - –94 in this regard.

John Adams, one of the foremost theorists of the American Revolution during the 18th century, who was influenced by the contractual thought of Mornay and Rutherford. An examination of the respective arguments indicates that Adams was closer to the tradition of Mornay's *Vindiciae,* Rutherford's *Lex, Rex* and Ponet, than to some of his own contemporaries. In the words of Bamberg: "He (Adams) followed the thinkers of the English Civil War and their contract theory much more than he did Rousseau's *Social Contract* or the writings of Montesquieu. Adams' social contract, based upon the tradition of the Calvinist covenant compact, was familiar in New England."

6. Conclusion

The significant contribution of sixteenth- and seventeenth-century Britain to the enrichment and the practical implementation of the idea of the Biblical covenant, as well as its political connotations, is undeniable. Britain was not only unique in its loyalty towards the formulation of theories on the political aspects of the covenant, but also in its endeavour and manifest success in the materialisation of such theory. Amidst the plethora of covenantal influences, both internal and external, the significant role that the Scottish theologians and political theorists played in this process is difficult to ignore, and for this the deserved commendation is required. From Knox's passionate impact of an expressive political theory on the covenant, to the apex of theological-political federalism embodied in Rutherford's *Lex, Rex*, the legacy of God's covenantal relationship with the community as a whole received much attention in and beyond Reformation England and Scotland. Zurich's view on the covenant was now not only shared and further developed by Britain, but also transferred to the New World. Although the founders of the New World were vulnerable to a gradual loss of insight and secularisation regarding the covenantal character emanating from sixteenth and seventeenth-century Britain, the covenantal background of early New England has much to owe its British fatherland. In fact, during the latter half of the seventeenth century, even Britain's covenantal legacy started to crumble under the impact of modern and enlightened thinking. The modern theorists of the post-Puritan generation embraced the covenant idea and secularised it, at first reducing divine involvement to a peripheral place, and then eliminating that involvement altogether (Elazar, 1996: 45).

The Reformation has, to a large extent, been the cradle of a theory on the social contract that precedes the secular approach to such theory.

Although there are a variety of insights regarding contract theory stemming from the pre-modern and modern era, the theory on the political contract and federalism emanating from Zurich, and its subsequent and uniquely expressive materialisation in the British Isles, remains an important contribution to constitutional theory. Reformation Britain, although not the pioneer of covenantalism, nevertheless provided a substantial, systematic and biblically confirmed exposition on governance and the law within the mould of a covenantal structure. According to this structure, the biblical design for humankind is primarily based on the covenant between God and the community, from which emanates political covenanting working towards the fulfilment of the covenant between God and the people.

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