

# **ZION'S TRAVAIL:**

## **FREEDOM OF RELIGION IN PRESBYTERIAN, INDEPENDENT AND LEVELLER THOUGHT IN THE 1640s**

By David W. Ponter

~~Submitted~~ as partial requirement  
for the degree of B.A. (Hons),  
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## ABSTRACT

The purpose of this thesis is to discuss the issue of religious freedom in the teachings of the Presbyterians, Independents and Levellers in the 1640s, with the aim of understanding their respective opinions of nature and grace, insofar as that understanding involves their respective attitudes towards church and state and the nature of political obligation. It is the central contention of this thesis that the undergirding issues of church and state and political obligation in the teachings of the three groupings determines the parameters of the advocacy of religious toleration. It argues that there is a direct correlation involved between these two issues and the advocacy of religious freedom. With regard to the question of the relationship between church and state, this thesis argues that the more the union of church and state is endorsed the less likely religious toleration will be sanctioned. However, the reverse also holds true, the more church and state are perceived as separate, the more likely that religious toleration will be advocated. With regard to the issue of political obligation, this thesis similarly argues that the more political obligation is perceived as having its epistemic grounding in the laws of nature, the more likely religious toleration will be advocated. Again the reverse is also true, if the epistemic grounding of political obligation is in the precepts of grace the less likely will toleration be advocated.

This dissertation therefore argues that in Presbyterian and Independent thought the laws of nature were explicitly sublimated under the precepts of grace. This sublimation of nature then mandated them to deny toleration to any but themselves. This sublimation also enabled the Presbyterians and Independents to establish the epistemic grounding of political and ecclesiastical obligation in the laws of grace alone. In Presbyterian and Independent thought then, the state was the political arm of the church visible. However, it was this sublimation of nature to grace that the Levellers repudiated. They sought to segregate nature from grace. This segregation led them to develop new epistemological *raison d'etres* for political and ecclesiastical obligation - to the point that political obligation was grounded in the laws of nature alone. Acting on this model, the Levellers held that the state, which was a product not of the saints but of people *qua* people, could not enforce religious uniformity. It was thus on this basis alone that they were then politically mandated to advocate universal toleration. It is therefore the argument of this thesis that only when the question of the interplay of nature and grace is discerned can the seminal advancement of the cause of freedom of religion in the early part of seventeenth century Britain be fully appreciated.

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## CHAPTER 1: ZION'S TRAVAIL - SETTING THE SCENE

Nearly three millennia ago the Psalmist prayed for the peace of Jerusalem.<sup>1</sup> In Puritan England of the 1640s, the Psalmist's prayer was again rekindled in the hearts of saints. They were not then praying for an ancient city in a distant land and in a distant time; now they were praying for the New Jerusalem, the Church mystical and militant - the city of God and his saints. As never before, it seemed that Zion was in travail, that Zion, with the coming of the new Babylonians, was in danger of desolation, and that the seamless garment of Christ was in danger of being rent. What was the cause of this travail? Was it the threat (imagined or real) of foreign invasion (spiritual or otherwise), or was it the crisis of prolonged civil wars?

The cause of Zion's anguish was not external to Zion. It came from within the walls of the New Jerusalem itself. For surely, the cause of the renting of Christ's garment must be laid at the feet of the saints themselves. The problem was that the hope of Zion burned far too bright in the hearts of Zion's defenders. The peace of Jerusalem had become an all-too-consuming passion for the saints, a passion that blinded them to the realities of the moment. The inhabitants of New Jerusalem had become too far-sighted, as visions of the future, of what might be, invaded and supplanted their vision of the present. There lay the sin of the saints and thus the cause of Zion's travail.

What was this vision of the future? It was nothing less than a vision of a religiously unified and uniform New Jerusalem. It was a vision as narrow as it was beatific. It was a vision of Zion in which there could only be "one Lord and one faith, and his name one." Interpreted, this statement meant simply 'one land one faith.' Needless to say, it was this vision of how-things-should-be that had pervaded the thinking of the saints for more than a thousand years. And now the saints, imbued with the religious and political assurance that can only come with a Calvinistic certainty, were ready to live out their dream to a degree that medieval Rome could never actuate but only dream about. But this dream, like most dreams, failed to materialise because there was discord in Zion. In the days when the saints felt assured that the enemy without had been defeated (the enemy being the new Babylonians: Laud with his Arminian and Romish innovations, the Anglican *via media*, its whole root and branch of Episcopacy, and to a lesser degree Charles himself) they invariably stumbled over their own internal quarrels. While they unanimously agreed on the identification of the disease, they differed as to the correct spiritual cure.

With the abolition of episcopacy and the eminent defeat of Charles Stuart, England was on the verge of a new reformation, the likes of which England had never before beheld. In the melee of the civil war, where political and religious agenda collided and conflated into an almost indistinguishable crusade for national, civic and religious reform, three parties<sup>2</sup> of the

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<sup>1</sup>Psalm 122:6.

<sup>2</sup>By "parties" this dissertation does not understand the term in its modern sense, as the groupings of the seventeenth century British Parliament were very fluid entities. Thus this thesis uses words like parties and factions to reflect the loose religious and political coalitions

spiritual right - the Presbyterians, the Independents and the Levellers - emerged from the melee to effect the long awaited national reformation. It is difficult to conceptualise these three parties according to a linear view of "leftist" and "rightist" modes of classification that itself was not to find vogue until some hundreds of years later. When viewed politically, on the far "right" were the Presbyterians.<sup>3</sup> The party of the "centre" right were the Independents. Whereas the Presbyterians could not envision a re-inventing of the English political landscape, the Independents could - that is, if divine providence was prepared to lead that far, the Independents were prepared to follow. Such a possible outcome was not part of their political program, as the political victory of the Independents was as much an accident of history as was the defeat of Charles, the Scots and the *iure divino* Presbyterians. On the far left were the Levellers. As England's first true democrats, they proposed such a radical re-configuration of English political life that they became the scourge of all the other parties. Viewed in the light of the question of religious toleration, they are either the heroes or the villains of the faith.

When the parties are viewed in the light of their various ecclesiologies, the consequent outline of the continuum becomes complex, as it depends on one's point of view. Following a similar outline as just noted, the Presbyterians were again the conservatives. Their aim was simply to impose and supplant one hierarchical ecclesiology with another and replace one form of uniform religious worship with another. They differed only with their Anglican forbears in that they had the will to realise their vision of total uniformity of religion. While the forms of public worship may have changed along with the theological contents, the basic superstructures of Christian England remained static. As for the Independents, again straddling the religious centre, they were midway between a hierarchically structured national church and the spiritual levelling of the Levellers. They occupied this middle position because their congregationalism had taught them spiritual egalitarianism, but their theocentricity drove them to the magistrate as an instrument of God for the suppression of anti-Christianity. The Levellers, again occupied the position of far left. Unlike their Puritan partners, the Levellers called for the unbounded religious toleration - a toleration inclusive enough to include even heretics, blasphemers, pagans and atheists. The Presbyterians, however, had called only for toleration of their own party, while the Independents were for a bounded toleration of those who "agreed in the main," those who agreed on the fundamentals. The novelty of the Levellers was that they were the first political and religious party to go against a thousand year old tradition of a united Christian Europe.

The aim of this thesis is to discuss the differences between these three right wing Puritan parties. The contention of this thesis is that the differences over religious toleration can only be explained in terms of the theological and the equally important epistemological issues. The three relative views of religious toleration, or religious intolerance as the case may be, can only be understood when one first understands their relative conceptions of church and state,

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of this period.

<sup>3</sup>The Presbyterians, themselves, formed their own linear ideological and theological sub-continuum. On this sub-continuum there were the Erastian, Moderate and the rigid *iure divino* Presbyterians. These sub-divisions do not concern this paper, as all Presbyterians were essentially united in their opposition of religious toleration.

of divine and natural law, the role of the corporate person and the individual, and the certainty of religious knowledge.

Underlying these questions is the basic question of nature and grace. Here lies the crux of the question - that is, the theological interplay of the conceptual roles of nature and grace among the three leading puritan protagonists. It is at this fundamental level that many works on the development of religious toleration fail to incorporate.<sup>4</sup> Yet it is this relationship, so often neglected by historians, that so dominates, in varying degrees the thinking of the Presbyterians, the Independents and Levellers. The purpose of this thesis is to detail these underlying questions of how they affect the various conceptions of, and calls for, religious toleration.

Therefore, what this thesis aims to document is the various conceptions of the State, in Presbyterian, Independent and Leveller thought.<sup>5</sup> The crucial question here is the relationship of the State to theonomy (from the Greek. *theos*=God, *nomos*=law, hence the revealed law of God).<sup>6</sup> The question is, whether the State is founded on theonomy or on some other legal principle. At this point both the Presbyterians and Independents agreed. The Old Testament was the theonomic analogue of both the Presbyterian and Independent conceptions of how Christian England should be configured. The Old Testament, put simply, provided the theonomians with a basic political and religious blueprint for the organisation of Christian England - the New Israel. They only differed about what form the New Israel was to take. However, the Old Testament was only an *analogue* (that is, similarity with a difference) to Christian England.

The Presbyterians and Independents were able to create a synthesis of contemporary concepts of natural law with theonomy to create a new conception of the Christian State. This was a new conception, however, that was still fundamentally dominated by theonomy, and thus a conception of the state that sought only to accommodate natural law to theonomy. Grace, as revealed in the Mosaic law, still worked, for the Presbyterians and Independents, to interpret and determine the parameters of nature. It was this foundation that logically determined the limits of religious toleration. If grace dominated nature, then grace determined who were the saints, and what was to be done with the sinners, and their respective roles in

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<sup>4</sup>E.g., W.K. Jordan, *The Development of Religious Toleration in England* (Gloucester Mass.: Peter Smith, 1965); W. Haller, *Liberty and Reformation in the Puritan Revolution* (N.Y.: Columbia UP, 1955); and J. Lecler, *Toleration and the Reformation* 2 Vols trans T.L. Westow, (New York: Association Press, 1969).

<sup>5</sup>For the sake of convenience this thesis will at times refer to the Presbyterians and Independents as "the religious Puritans," and the Levellers and their allies as "the political Puritans." This is not to suggest that the Presbyterians were never politically motivated, or that the Levellers were never religiously motivated. The designations are only given to highlight the different propensities between the rightist, centrist and leftist factions.

<sup>6</sup>Throughout this paper, theonomy will be used to denote the civil application of the divine moral law revealed to Moses in the form of the ten commandments and their cognates; and not to the abrogated Jewish ceremonial and judicial laws.

society.

Opposing theonomy, the Levellers dissented. For them the State was founded on Natural Law (otherwise known by the synonyms of The Laws of Nature or The Light of Nature), and the sovereignty of the people. They held that the laws of nature were divinely revealed by God through the vehicle of general revelation, which all humanity could access - saint or sinner. For the Levellers, then, the State was grounded on these very general principles which operated to the same degree and extent regardless of the religious convictions, or the lack thereof, of the individual and/or the State. If the State was founded on the sovereignty of the people, as **people** and not as saints, and by social contract, so that they were the fount and foundation of civic government, then it was logically impossible for the State to impose the laws of grace on the people, through the exercise of the magistrate.

The Presbyterians sought to coalesce nature and grace into one. The laws of grace thus operated and determined the parameters of life in both the religious and political aspects of corporate life - England was really to be Christian England. On the other hand, the Levellers sought to segregate the two. Grace was only to rule the religious sphere of man's public and private life, the church and the home, while nature ruled man's political and civic spheres. The epistemic grounding of both nature and grace were to be found in completely segregated sources. When it is understood that toleration arose out of the segregation of nature and grace, one can also see the direct correlation between this segregation and the development of democracy as we know it.

The second basic question was that of knowledge. It is here that the crack between the Presbyterians and Independents began to widen. The British Presbyterians of the seventeenth century had inherited from Calvin and the Reformers that Calvinistic certainty that could only come from the Reformed doctrines of predestination and election. Resulting from Calvinistic predestinarian teaching was the confidence that one's calling or election could be known. The type of epistemic assurance operating here is not just the *sylogismos practicus* - that is, that assurance of salvation, calling and election could be ascertained on the basis of the outward fruits of faith. What is primarily operating here is the Calvinistic belief in the perspicuity of Scripture. The Reformers, in reaction to the pseudo-Gnostic claims of Rome that the Scriptures were dark and obscure sayings that required the illumination and interpretation of a priestly caste, held that the scriptures were able to be read and understood by the most simple of the saints. For the Reformers, then, one did not need epistemic mediators to fathom the fundamental soteriological depths of an epistemologically shallow Bible. Of course, the Reformers did have their tensions. They still needed teachers to "rightly divide the word of truth." But ignorance was perceived to be the result of sin and the depravity of human nature which might at times, unless divinely illumined, make for obstinate sinners who wilfully refuse to *see* the requisite truths. Thus for the Reformers the cause of ignorance was seen to be a problem of the will, not of the intellect; or, to state it another way, the root cause of ignorance was psychological, not epistemological.<sup>7</sup>

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<sup>7</sup>By epistemology, this is not to be understood in terms of either an empiricist/rationalist or correspondence/coherence view of knowledge and truth.



For the Independents, however, the range of perspicuous doctrines narrowed. Knowledge of the fundamentals could be ascertained by all the saints, but as for peripheral doctrines these came under the umbrella of *adiaphora*, things indifferent. The Reformers and their spiritual heirs, the seventeenth century Presbyterians, on the other hand, held the view that while the *fundamentals* must be believed if one wanted to be numbered among the company of the saints, the non-fundamentals, however, which, though they did not affect the salvation of individual, still had to be believed and assented to when knowledge of them was acquired. But with the coming of Independency from the early days of the seventeenth century also came a marked erosion of this Calvinistic confidence. The Independents had once subscribed to a Presbyterian ecclesiology that they had later learned to abjure. This had a debilitating effect - if they had been wrong in the past, what guarantee was there that they were not wrong now or at some point in the future? Further, if they were liable to error, on what basis could they then seek to impose their opinions on others? At this point and on this basis the role of private conscience came to prominence in the literary debates of the seventeenth century.

Thus from the Independents' loss of confidence concerning "the knowledge of the Scriptures" conscience became privatised. This was clearly in opposition to the Presbyterians for whom conscience was a public matter. An informed conscience could be the only basis for dissent. From this the Presbyterians held that pretended conscience could never be allowed to act as a cloak to camouflage obstinacy and unlawful dissent.

In many ways, the difference between the Independents and the Levellers was only a matter of degree. Stated simply, the Levellers carried the Independent emphasis on scepticism and conscience to its consistent end. Whereas the Independents held that the essential difference between the fundamentals and the non-fundamentals was their relative perspicuity, the Levellers and the sects bracketed the fundamentals themselves under the same cloud of less-than-perspicuous doctrines. With essentially all Biblical doctrines under this cloud of uncertainty private conscience reigned supreme. If one person or group could not be epistemologically guaranteed in their knowledge of the faith, on what basis could that individual or group impose their particular beliefs upon others?

Here lies the crux of the question. If grace, that is the knowledge of grace's divine edicts, could not provide a sufficient blueprint for civic behaviour, then such a basis had to be found in another department of life. For the Levellers, this alternate basis for civic life was found in the laws of nature. Whereas they often questioned the perspicuity of divinely revealed laws, they emphasised the patent perspicuity of natural law. For the Independents, and to an even greater extent for the Presbyterians, the emphasis was reversed. Man's sin and depravity obscured his vision - the light of his natural reason - of the laws of nature. Thus in turn, grace - the supernatural light of revealed reason - was needed to augment and ameliorate man's epistemologically deficient condition.

It is now possible to appreciate the relationship and importance of the interplay between nature and grace. What this thesis argues is that this relationship affected each of the three Puritan factions. The underlying question can be reduced to a question of degree. That is, to what degree did the Presbyterians, Independents and Levellers distinguish nature and grace and how did a relative segregation of nature and grace affect the question of religious

toleration?

## CHAPTER 2: UNDERSTANDING THE TIMES - THE GREAT CHAIN AND THE COVENANT

The purpose of this chapter is to identify some of the major thematic changes in seventeenth British political theology - the theology of political obligation. In 1951 A.S.P. Woodhouse argued that one of the major underlying factors that empowered the three factions of the right to contend for toleration (to the extent each respectively advocated), was the principle of analogy.<sup>1</sup> Woodhouse's basic contention was that those who called for toleration borrowed concepts from Reformation Christianity and sought to apply those analogical principles to the civic arena. The point is that there is a direct correlation between the application of these analogies and the interplay of nature and grace.

Needless to say, this principle of analogy cannot be pressed too far - it has been criticised. Speaking of the claimed Leveller appropriation of religious ideas, and their claimed application in secular life, D.B. Robertson correctly states: "Certainly there was nothing so self-conscious and rationalistic about Leveller procedure as a 'principle of segregation' and a 'principle of analogy.'"<sup>2</sup> But as Robertson himself concedes, the principle of analogy is not to be negated altogether: "Of course, analogy (from religion to the state) cannot be denied."<sup>3</sup>

With Robertson's caution in mind, it would be helpful to survey some of those Woodhousian analogies. The first and probably the most important was the obvious reformation doctrine of the priesthood of all believers. Woodhouse explains:

The priesthood of the believer... established an equality in the spiritual sphere. This equality is, strictly speaking, quite independent of worldly rank and possessions and has no bearing upon them. But it is susceptible of an extension precisely similar to that observed in the case of Christian liberty: the equality of believers may be thought of as spiritual condition which carries certain definite implications for the church. The demand is not for a free church only, but for a church of equals. The equality of believers is used to assail first the ecclesiastical hierarchy and the distinction between clergy and laity... It is a levelling principle of no little potency, and it may be extended outside the ecclesiastical sphere in one of two ways, and with results diametrically opposed. (1) It may give effect not to absolute equality but to a new species of privilege. The equality of believers is an equality in their superiority to other men. This is the view discernible in the thought of the Presbyterians and Independents... But (2) where the principle of segregation is applied, this result is prevented, and the doctrine of equality of believers operates in the natural sphere by analogy alone. As in the order of grace all believers are equal, so in the order of nature all men are equal; as the church is composed of believers all equally privileged, so the state should be composed of all men equally privileged.<sup>4</sup>

Following on Woodhouse's lead, the priesthood of all believers, as a spiritual levelling

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<sup>1</sup>A.S.P. Woodhouse, *Puritans and Liberty* (3rd ed., Chicago: University of Chicago Press, 1951), p. 60.

<sup>2</sup>D.B. Robinson, *The Religious Foundations of Leveller Democracy* (New York: King's Crown Press, 1951), p. 11.

<sup>3</sup>Ibid.

<sup>4</sup>Woodhouse, pp. 68-9.

principle, was perceived by the three Puritan factions in different ways. For both the Presbyterians and Independents the doctrine of the priesthood of believers was not taken absolutely, as it was counterbalanced by the Puritan doctrines of sin and law. The priesthood of the believers did not empower the saints to practise "will-worship"; it only liberated the believers from the false worship of anti-Christianity, such as Rome. Thus for the Presbyterians and Independents true worship and freedom were regulated worship and freedom. Here again this reformation doctrine of grace set the possible parameters of application in the civic sphere. But for the Levellers the doctrine was taken to its fullest possible conceptual extent. Once they had effected what may be called a "hermeneutic of separation," that is once they had theologically and hermeneutically disentangled theonomy as the legal basis of the state, they were able to employ the conceptual apparatus of the priesthood of all believers in the civic arena.

The second significant principle of analogy, Woodhouse identified, was the increasing emphasis on the role and importance of the individual. Woodhouse again explains:

In close connection with the ideals of liberty and equality, Puritanism developed its own pronounced note of individualism. Once more the main theological basis to be sought in the doctrines of election and of the priesthood of the believer, with their enormous emphasis on the value of the individual soul, chosen by God before time was.<sup>5</sup>

Like the priesthood of the believers, this concept found different expressions among the Puritan factions. For the Presbyterians, individualism was not taken absolutely, as it too was to be regulated by the revealed law of God, to the point that, again, grace only freed the individual to worship God aright. It was merely an individualism that empowered the saint to dissent from the false worship of Rome or of Laud. In reformation theology, individualism was further counterbalanced by the belief in the individual's organic and corporate responsibilities and connections with the covenant community of God. For the Levellers, however, individualism was taken further. It formed the basis for the individual's right to walk his own spiritual path and his right to private conscience. With them came the true beginning, at least not since the days of the Apostles, of a real *laissez faire* Christianity. In the civic sphere, this individualism led the Levellers to espouse political policies which tended to circumscribe government. As Woodhouse suggested, the Levellers called for a civic reform package which sufficiently circumscribed the State's powers to interfere with individual rights. The best reform package that could facilitate this ideal was unbounded democracy and an unbounded toleration.

The third important principle of analogy which Woodhouse described was the idea of covenant:

The idea of the covenant, derived ultimately from the Old Testament, appears in different forms in more extreme Protestantism of the sixteenth and seventeenth centuries, where its vogue is associated with that of covenant theology in general. First found among the Anabaptists of Germany (in what was to be its dominant 'congregational' form), the idea passes, about the middle of the sixteenth century, into Scotland; and there, characteristically, it adheres more closely to the Old Testament model and produces a series of *national* covenants, destined in a later day to be opposed to the congregational covenant, but at the same time

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<sup>5</sup>Ibid., p. 69.

to reinforce the covenant idea.<sup>6</sup>

It is this point that Woodhouse's analogies reach their apex. The theology of national covenanting is the culmination of the first two principles, a principle that should be adequately outlined. The concept of national covenants is a distinctly reformation doctrine. National covenanting was the reformed response to the medieval concept of the "great chain of being," formerly developed by Aristotle and the neo-Platonists and subsequently adopted and syncretised into a medieval theology of political obligation. The theology of national covenants is a rich source of historical interest and with regard to this dissertation's discussion of the development of religious toleration it is of fundamental importance that the matrix of ideas, both theological and historical, behind the concepts of national covenants be examined.

For a millennium before the Reformation, Christian Europe was dominated by the classical Greek concept of the great chain of being - Waltzer explains:

The great chain of being derived originally from neo-Platonic theory, and though it had never been absent from medieval thought, the Platonists of the Renaissance brought it forward with a new vividness and intensity. The chain was presided over by a God of enormous fecundity and goodness, whose creation of the world seemed less the result of an arbitrary command than the outcome of a kind of inevitable productivity. Out of himself, this God had shaped every possible form of existence, in every possible degree of excellence, down to the inanimate rock of the physical and the godlessness of Satan of the moral universe. Driven by sheer goodness or inexorable necessity, he had filled every vacant place in the cosmos. Every created species and every inanimate form found in its place in the great chain of being: angel, man, animal, plant and stone - and each of these was divided once again into superior and inferior members. Long ago, bishops and kings had been fitted into this hierarchy; it lent to them, as to all creation, an aspect of inevitability.<sup>7</sup>

For medieval theorists, the great chain of being formed the touch-stone of political obligation. Stated simply, the earthly head of the great chain was the Pope (or later, the King - that is, relative to which side one took in the various investiture conflicts of the middle ages). From the Pope, authority, descending vertically, was delegated or derived to the lower vassalages, ecclesiastical and civil. This chain, then, formed the basis for political obligation, as it was seen as the glue that bound individuals to church and state. The chain also worked to establish a civic harmony, which was seen as an analogue of the superintending divine/angelic harmony of the heavens. It was from the great chain that monarchical and Papal absolutism has its roots. And it was to this chain that Charles Stuart would often appeal to in his defence against the charges of the Rump Parliament.

In opposition to medieval theories of political obligation, the leading Reformation theorists rejected the great chain of being. Viewing the world through the narrow but comprehensive lenses of grace, the Puritans saw the world in the light of the exclusive theological claims of scripture; and scripture informed them that the world was anything but harmonious. Sin had entered the world through the fall of the first parents, and since then sin reigned. In this sin-dominated world all were equal. Viewed in this light, the saints saw

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<sup>6</sup>Ibid., p. 72

<sup>7</sup>M. Waltzer, *The Revolution of the Saints: A Study in the Origins in Radical Politics* (London: Weidenfield and Nicolson, 1966), p. 153.

themselves as the called-out ones, and this calling was personal and quite individual. Called out of the world, and in obedience to God, the saints, as saved individuals, came together to form covenanted communities. In these communities, all saints were equal - the priesthood of all believers - and authority, both civic and religious, was derived from the generality of the community. As all were equal in their sin, now all were equal in grace. What was explicitly affirmed here was that no one had any authority inherently vested in their being. Though as Waltzer suggests, in Calvinist thought the doctrines of election and predestination may lead to political "passivity" and theological "quietism." ON the other hand, however, the theology of national covenants worked to offset this potential danger, while at the same time creating a radically new basis for obligation and civic activism:

The resigned passivity and quietism which predestination might induce were dangers of which Calvinist theologians and preachers were nervously aware. God's command sought out not only pious acquiescence, but a kind of eager consent, a response registered, so to speak, not in the mind or heart so much as in the conscience and the will. Men must make themselves "serviceable"; God's will-fullness required human willingness. The two came together, finally, in the Puritan [that is, the religious Puritan] idea of covenant. Enabled by God's grace, the saints volunteered to be God's instruments; command and consent met, and terms were drawn up. Human consent did not, of course, limit divine sovereignty. The covenant was a way of activating men and not of controlling God. Nor was that consent a matter of free choice, for grace sought out the saints and no man earned salvation by volunteering for it. What the covenant did was to suggest a disciplined and methodological response to grace, a new and active and willing obedience to command...<sup>8</sup>

The covenant was an express contract between two parties, God and man. On the one side, man promised obedience to God and his divine precepts; and on the other side, it was taken that God would reward the community with blessings and prosperity - "for so much obedience there would be so much grace."<sup>9</sup> This was the great exchange.<sup>10</sup> The covenant, then, became the basis of the political social contracts of Geneva and Scotland, and later the British Solemn League and Covenant. But unlike the Hobbesian or Lockean social contracts, the Reformation social contracts were explicitly theologised; again, grace set the parameters of life for the civic social contract. Consequently, the Reformation theology of national covenants did not induce the Reformers champion of religious toleration. Two more factors were operating - the perceived importance of the unity of the faith and the arising self-consciousness of the aristocracy of grace. The development of religious toleration correlates with the break down of these two principles.

Of lesser importance to the immediate discussion, the idea of the unity of the faith was carried through by the Presbyterians, the blood children of the Reformation; then, to a lesser degree, amongst the Independents, the half-brothers of the Presbyterians, with their emphasis was in the unity of the fundamentals; and lastly, amongst the Levellers, with the total rejection of all such pretended claims to religious unity.

Of more importance at this point is the second operating principle of the aristocracy of

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<sup>8</sup>Ibid., p. 167.

<sup>9</sup>Ibid., p. 168.

<sup>10</sup>Ibid., p. 168.

grace. With the development of national covenants came the corresponding idea of a two-tiered world-view, of the enlightened and the unenlightened, of saints and sinners. What underpinned this aristocracy of grace was again that Calvinistic certainty, that assurance of divine approval; and the Calvinistic distrust of nature and comprehension of the gravity of sin. The light of nature, they argued, was dark and obscure; it was darkened by the debilitating effects of sin, and as such, from within the bounds of nature one could not safely discern civic and religious principles. Again, grace was needed to supplement the limitations and feebleness of nature. However, the Reformation Calvinists, armed with the light of grace, and the confidence that comes with such knowledge, were attentive to their socio-religious calling.

Returning now to Woodhouse's third principle of analogy, one can see that his analogy now has more weight. What the Levellers did was to essentially secularise the religious/theological covenants of Reformation theology. By secularisation, this is not to be taken in the absolute sense, for it was only the political theorist Thomas Hobbes who really attempted such a secularisation of nature and its laws. The Levellers, however, were still theocentrists. What they sought to achieve was the separation of the civic and ecclesiastical covenants - covenants indivisibly syncretised in the minds of the Presbyterians, and to a lesser degree in the minds of the Independents - upon which they sought to ground the civic social compacts in the arena of nature alone. The social covenants were no-longer seen as covenants between man and God, but merely between man and man. The great exchange was purely civil, and "the blessings of covenant" was the *civitas pax*: the civic peace. The world-view, no-longer strictly two-tiered, with the upper tier dominating the lower, was now a comprehensively dichotomised and segregated world-view. It was the Leveller analogue of the Presbyterian establishment principle, that juxtaposed relationship between the Church and State, as first advocated by Calvin. In this Leveller scenario, religious intolerance, as enforced by the very *civic* magistrate, could not be sustained - since the *raison d'etre* for civic intolerance of religious dissent could not be found, justified or grounded in nature.





### CHAPTER 3: THE PRESBYTERIANS AND THE QUEST FOR RELIGIOUS UNITY

And because the powers which God hath ordained and the liberty [of conscience] which Christ hath purchased, are not intended by God to destroy, but mutually to uphold and preserve one another; they who, upon pretence of Christian liberty, shall oppose any lawful power, or the lawful exercise of it, whether it be civil or ecclesiastical, resist the ordinance of God. And for their publishing of such opinions, or maintaining of such practices, as are contrary to the light of nature, or to the known principles of Christianity, whether concerning faith, worship, or conversation; to the power of godliness; or such erroneous opinions or practices, as either in their own nature, or in the manner of publishing or maintaining them, are destructive to the external peace and order which Christ hath established in the church; they may lawfully be called to account and proceeded against, by the censures of the church and by the power of the civil magistrate.

Westminster Confession of Faith (1647).

The purpose of this chapter is to discuss the teachings of the Scottish Presbyterians - specifically through the teachings of Samuel Rutherford. First, it outlines the general historical context of the Scots and their sojourn into England. The aim here will be to establish only enough of the historical context to facilitate the identification of the leading Scottish figures. Secondly, this chapter explains the intellectual and theological basis of the Presbyterian arguments for religious intolerance by discussing Rutherford's two key literary works: *Lex Rex, or The Law and the Prince: A dispute for the Just Prerogative of King and People* and *A Free Disputation Against Pretended Liberty of Conscience*.<sup>1</sup> At times other literary works are consulted to consolidate Rutherford's ideas.<sup>2</sup> This chapter discusses first Rutherford's theory of political obligation in relation to theonomy, covenant, natural law and social contract, and secondly his theology of conscience and law.<sup>3</sup>

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<sup>1</sup>Rutherford. *Lex Rex, or The Law and The Prince: A Dispute for The Just Prerogative of King and People*. (1644; rpt. Virginia: Sprinkle Publ., 1982); and *A Free Disputation Against Pretended Liberty of Conscience*. (London: Printed by R.I., 1649.)

<sup>2</sup>S. Rutherford. *The Due Right of Presbyteries, Or A Peaceable Plea For the Government of the Church of Scotland*. (London: Printed By E. Griffin, 1644); G. Gillespie *Wholesome Severity Reconciled with Christian Liberty Or, The True Resolution of a Present Controversy Concerning Liberty of Conscience*. (London: Printed for Christopher Meredith, 1644); and A. Henderson *Reformation of the Church-Government in Scotland Cleared from Some Mistakes and Prejudices*. ([London]: no publ., 1644).

<sup>3</sup>Though this thesis' primary focus is on Samuel Rutherford, insofar as he reflects seventeenth century British Presbyterian intolerance, the essential structure and rationale of his position mirrors the traditional ideology of intolerance. For a broader discussion of the rationale of intolerance in Protestant England and Europe generally, see Conrad Russel's

From the religious perspective, the English civil wars were perceived by all the Puritan parties as a significant time when Britain might be truly reformed. In both Scotland and England, the Anglican *via media* was seen as something less than satisfactory. This disillusionment with the existing religious situation needed little to spark off a series of events to effect Zion's reform. The *perceived* spark, needless to say, was Anglican archbishop Laud's alleged papal machinations. Laud was, as it was thought by the faithful, surreptitiously attempting to reintroduce into Britain: Arminianism, sacramentalism, sacerdotalism and Romish practices which were, for the saints, abominations before God. For surely, they argued, if such were to happen, God would at some time call England and Scotland to account. With the coming of hostilities between Charles Stuart, his Royalist supporters and Laud, on the one hand, and the English Parliamentarians and Scottish Presbyterians on the other, both the Scots and the English realised that the only way to secure the religious freedom they desired, in order to effect their respective reformation of England and Scotland, was to unite. Thus it was perceived by both the English and Scottish Puritans that only in alliance could the peace of both kingdoms be guaranteed - and so the battle for English and Scottish liberties began in earnest. The drawback, among other things, of the civil wars was the endless bickering and eventual failure of the saints to secure adequate grounds for unity.

It was out of this desire to secure England's freedom and effect national reformation that the Scots, who were needed to bolster the Parliamentary forces, were (in September of 1643) invited to enter into a solemn engagement to reform the two Kingdoms. Delegates from the English Parliament were duly dispatched to the Scottish National Assembly. In return for Scottish aid, the English promised to unite with the Scots to effect the:

reformation of religion in the kingdoms of England and Ireland, in doctrine, worship, discipline, and government, according to the word of GOD, and the example of the best reformed Churches; and shall endeavour to bring the Churches of God in the three kingdoms to the nearest conjunction and uniformity in religion and catechising; that we, and our posterity after us, may, as brethren, live by faith and love, and the Lord may delight and dwell in the midst of us.<sup>4</sup>

After drawing up and taking the oath, a number of Scottish delegates were duly sent to England to join in the work of drafting a new confession of faith, catechisms and directory of public worship. This work which the English Parliament had launched as early as June 1643 had made little progress until the arrival of the Scots. The drafting of this confession was to be the work of The Westminster Assembly, a collection of scholars, divines, lawyers and laymen, representing various sub-divisions of English Puritanism. From the north of the Tweed, the Scots sent eleven delegates. Five of these were ministers: Alexander Henderson, moderator of the Scottish General Assembly, Robert Douglas, Samuel Rutherford, Robert Baillie, and George Gillespie. The others were ruling elders and scribes: John Earl of Cassilis, John Lord Maitland (afterwards Duke of Lauderdale), Sir Archibald Johnstoun of Waristoun a lawyer,

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article: "Arguments for Religious Unity in England, 1530-1650," *Journal of Ecclesiastical History*, 18 (1963), 201-256; and Roland Bainton's seminal article: "The Struggle for Religious Liberty," *Church History*, 10 (1941), 95-124.

<sup>4</sup>Taken from the *Solemn League and Covenant* published with *The Confession of Faith* (1647; rpt. Glasgow: Free Presbyterian Publications, 1988), pp. 258-259.

Henry Robrough, Adoniram Byfield, and John Wallis. Of the five ministers, Henderson was the elder-statesmen, who along with Waristoun, drafted the Solemn League and Covenant, which in turn was based on Henderson's earlier draft of the National Covenant. Baillie worked as chief political liaison between the Scots and the London Presbyterians; Gillespie contended most against the Erastians, specifically Thomas Coleman and John Seldon, two Parliamentary lawyers; of Douglas little is known; and lastly Rutherford was the leading theologian of the five. Upon arrival in London, the Scots were immediately embroiled in theological and political intrigue, and each engaged himself to bring about the further reform of England and champion the fledgling Presbyterian cause.<sup>5</sup> And once in England they, as Baillie stated, set about the task of "praying, preaching and printing."<sup>6</sup>

Rutherford (1600-1661), who had been educated at Edinburgh, and who later had studied under Peter Ramus in Paris, was a minister in Galloway, and was one of the foremost preachers and intellectuals of Scotland. His works on political obligation and religious uniformity were considered by friend and foe alike as definitive. His *Lex Rex* was hated by the Royalists and seen as more provocative than Buchanan's earlier and very provocative work *De Jure Regni Apud Scotos: A Dialogue Concerning The Rights of the Crown in Scotland*. It easily superseded the earlier Elizabethan works by Ponet and Goodman: *Shorte Treatise on Politike Power* (1558), and *How Superior Powers ought to be obeyed* (1558);<sup>7</sup> and the classic continental work: *Vindiciae Contra Tyrannos* by Junius Brutus (written about 1579). Marcus Loane well states that *Lex Rex*:

took London and the Westminster by storm... It was said by Bishop Guthrie that this new book was "so idolised that, whereas Buchanan's treatise *De Jure Regni apud Scotos* was looked upon as an oracle, this coming forth, it was slighted as not anti-monarchical enough, and Rutherford's *Lex Rex* only thought authentic... When it appeared in 1644, it produced something like a national sensation. It was soon in the hands of all, and its leading ideas were the talk of the realm. The passion for freedom with which it inspired was the passion of a Puritan and a patriot, and this passion would make itself felt in spite of all the scholastic argument. It became the political textbook for the Covenanters in Scotland and the Independents in England... Charles I confessed that it was never likely to get an answer; and the only answer which it ever did get was when it was burned at the hands of the hangman."<sup>8</sup>

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<sup>5</sup>For a good background study, albeit a very biased one, see: W.M. Hetherington, *The Westminster Assembly of Divines*. (Edinburgh: John Johnstone, 1843).

<sup>6</sup>Quoted from W.S. Hudson's article, "The Scottish Effort to Presbyterianise the Church of England During the Early Months of the Long Parliament," *Church History*, 13 (1939), 261.

<sup>7</sup>On these two works, see the article by D.H. Wollman: "The Biblical Justification for Resistance to Authority in Ponet's and Goodman's Polemics," *Sixteenth Century Journal*, 13 (1982-3), 29-43.

<sup>8</sup>M. Loane, *The Making of Religious Freedom in the Seventeenth Century* (London: Inter-varsity Press 1960), p. 78, 79. After the Restoration, the book was declared unfit for loyal subjects to read. All copies were to be surrendered for burning and any owners who failed to comply were to be treated as enemies of the kingdom.

His *Free Disputation Against Pretended Liberty of Conscience* was considered by many as the most "elaborate defence of persecution which has ever appeared in a Protestant country,"<sup>9</sup> and indeed it was. This was the most definitive theological presentation of the Presbyterian system ever to be elaborated. In breadth it outstripped Gillespie's *Wholesome Severity*,<sup>10</sup> and in objectivity it far outstripped Edwards' scurrilous work *Gangrena*.

*Lex Rex* was written specifically to justify the armed rebellion of Parliament against Charles I. In order to sanction this armed resistance, Rutherford had to reconstruct a political and theoretical model for Puritan politics that allowed the saints, both Presbyterians and Independents,<sup>11</sup> to take an active part in the removal of Charles Stuart. But it can also be discerned that Rutherford's implicit aim in *Lex Rex* was to delineate the relationship between church and state, with the view of examining the basis of political obligation and of lawful resistance. In particular it was the first attempt by a leading reformed theologian to synthesise the laws of nature and the laws of God, and to ground society in both human and divine social compacts and covenants. It was the first work to thus attempt this union of divine and natural law - natural laws which had been formerly delineated by pagan classical scholars and revived by the renaissance neo-Platonists, and which were now receiving popular revivification by such modern jurists as Hugo Grotius (1583-1645) in his standard works on international law, or the law of nations: *De Iure Praedae* and *De Iure Belli ac Pacis*. But importantly, throughout Rutherford's *Lex Rex*, nature and grace were irrevocably wedded. But in this marriage grace incontrovertibly ruled nature.

To explain this process, Rutherford, unlike John Calvin before him, accepted and assumed a revelational epistemology that also allowed him to use rationally deduced arguments that coincided and cohered with the revealed and eternal laws of God. These arguments were the laws of nature. Yet, as opposed to Calvin, Rutherford was an explicit political contractualist in that he attempted to synthesise earlier Reformation thought with the developing contractual theories. Thus Rutherford paired theonomy and social contract theories to produce a Reformed theonomic social contract theory. This theonomy was explicitly derived from the Scriptures,<sup>12</sup> as were the necessary laws of nature and his contractual theories. What can be seen here is that he proposed a theory of political obligation that operated on two levels, the social contract level and the theonomic level. Yet Rutherford was a natural Biblicist who represented a passing era that held that the divinely revealed laws

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<sup>9</sup>Bishop Huber, quoted in J. Lecler, 2:451.

<sup>10</sup>See on this, W.K. Jordan, 3:279-292.

<sup>11</sup>The significant difference between the Presbyterians and the Independents apart from church polity was that the latter allowed some diversity of Protestant religious worship, so long as such worship did not conflict with the two tables of the Ten Commandments. Both groups were explicitly committed to the theonomic principles and the principle of a Nationally Established church.

<sup>12</sup>Protestant theonomy, as a basis of intolerance, replaced medieval canon law, which had formerly been the judicial foundation for medieval intolerance. Bainton, *The Struggle For Religious Liberty*, p. 98.

of God formed society's epistemic foundation. It was upon this epistemic foundation that thinkers, both Protestant and Roman Catholic, had argued that society *ought* to be constructed. In spite of the Renaissance and the Reformation, medievalist thought had not died -divine law had not yet succumbed to natural law.

However, Rutherford clearly made a break with the christianised Aristotelian political constructs of the middle ages. Rutherford contrary to Aristotle, held that all human beings were born free and equal in the eyes of God and the law, though all were subject to both God and his Law, free in that no one was *naturally* born a slave or the subject of another. Therefore for Rutherford there could be no justification for a paternal basis of society: "Every man by nature free born, that is by nature no man cometh out of the womb under any civil subjection to king, prince or judge..."<sup>13</sup> Though Rutherford agreed with Aristotle that some men and women were born with special gifts and talents which may endow them with certain aptitudes for leadership, he denied the Aristotelian and medieval model that kings are born with divinely endowed abilities to lead over and against others.<sup>14</sup> In this was his rejection of the great chain of being.

Rutherford, along with rejecting the Aristotelian and neo-platonic notion of natural hierarchies, also explicitly rejected Medieval claims of theocracy. For Rutherford, theocracy had ceased with the abrogation of the political and civic laws of the Old Testament:

There is now no voice from heaven, no immediately inspired prophets such as Samuel and Elisha, to anoint David... Now we have no Scripture nor law of God to tie royal dignity to one man or to one family; produce a warrant for it in the Word, for that which must be a privilege of the Jews for which we have no word of God; We have no immediately inspired Samuels to say; make David or this man king...<sup>15</sup>

On the question of theocracy, to speak of *theocratic* Presbyterians only serves to cloud the issues. It is only when Presbyterian intolerance is understood in terms of *theonomy* is it possible to correctly understand the question of religious toleration as expressed in the 1640's debates.

Firstly, Rutherford begins his dissertation by discussing the anthropology and genesis of the human species. He held that man was the direct creation of God and as such was created a distinctly social animal, with an in-built propensity to seek civil associations and an ability to be governed by those civil associations:

God hath made man a social creature, and one who inclineth to be governed by man, then certainly he must have put this power in man's nature... God and nature intendeth the policy and peace of mankind, then must God and nature have given to mankind a power of government.<sup>16</sup>

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<sup>13</sup>Rutherford. *Lex Rex*, p. 51; see also pp. 2, 38.

<sup>14</sup>Ibid.

<sup>15</sup>Ibid., pp. 8, 14.

<sup>16</sup>Ibid., p. 1.

From this position, Rutherford proceeded to assert that all governments past and present are consensual. Rutherford is even prepared to go to the point of affirming that in the Old Testament, the theocratic era, political social contracts were operating. What he meant here was that God was using first and second causes in the establishment, and if necessary, the removal of Kings. Magisterial power was thus derived from two sources, proximately from the people and ultimately from God, who by the use of providential first and second causes would act directly through prophets, and then indirectly through the people to appoint kings to rule over Israel.<sup>17</sup>

In the New Testament era Rutherford, like Calvin, did not subscribe to the idea that one particular form of government, for example aristocracy or democracy, had any special sanction from God over and against others. He also rejected any attempt to impose theocracy on the present era. This then enabled the consensual elements in Rutherford's thought to move closer to the forefront of his political theories. Following both his Scottish covenanting tradition and the rising development of Reformed Covenant theology, he viewed society as an organic unity of equal and free people, who either explicitly or tacitly covenanted between themselves and before their God, as to the manner of the government they would be subject to and as to what *judicial* or *civic* laws should be binding. But these civil laws, which were enacted voluntarily and consensually by the people, were to be carefully distinguished from the theonomic precepts imposed on humanity by God.

At this point, Rutherford comes close to John Locke in believing that political and judicial sovereignty lies solely with the people. The magistrate is not outside the covenant arrangement and thus has no arbitrary power over subjects and is indeed bound to them. When opposing the assertion that the king is the fountain of the law, Rutherford is prepared to state, unequivocally, that "The People being the fountain of the king must rather be the fountain of the laws... The civil law is clear, that the laws of the emperor have force only from this fountain, because the people have transferred their power to the king."<sup>18</sup> Monarchs were only instituted conditionally, that is, if they continued to be themselves subject to both the law of God and the civil laws. This provided Rutherford with the necessary legitimation of armed resistance to the magistrate.<sup>19</sup> Whenever and if ever the sovereign violated his civic covenant arrangements or the law of God, subjects were then legally empowered to take any necessary measures to resist.

This introduces the second level of Rutherford's thought, namely, that of theonomy.<sup>20</sup>

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<sup>17</sup>Ibid., pp. 6, 12, 21.

<sup>18</sup>Ibid., p. 114.

<sup>19</sup>Ibid., pp. 36, 37.

<sup>20</sup>For a general discussion of the development of Protestant theonomy see P.D.L. Avis' article: "Moses and the Magistrate: A Study in the Rise of Protestant Legalism," *Journal of Ecclesiastical History*, 26 (1975), 149-72; and for a critique of the recent repopularisation of theonomy from a Reformed voluntaryist perspective, see: William S. Barker & Robert Godfrey ed., *Theonomy: A Reformed Critique* (Grand Rapids, Michigan: Zondervan, 1990).

With theonomy based explicitly on a revelational epistemology, Rutherford is theoretically able to avoid Thomas Hobbes' charge that if political sovereignty lies solely with the people then anarchy must result because there is no one outside the political system to ensure civil obedience. And further, if the sovereign is inside the covenant arrangement the sovereign becomes subject to the whims and passions of the people. Furthermore Hobbes suggested that if this were so, how could society also avoid the confusion of divergent interpretations of the law, in which the people then become a law unto themselves.<sup>21</sup>

Rutherford avoided this dilemma, not by placing the sovereign over and above the civil covenants, but by doing the same to the eternal Law of God, being God's communicated code of ethics. This code of ethics was not derived from the autonomous cogitations of natural reason, but was revealed to man by God in God's Covenant of Works established with Adam and all his posterity.<sup>22</sup> Hobbes's attempt to place the sovereign outside the contractual arrangements was nothing less than the fruit of his quest for an absolute that could provide assurance in age of political uncertainty. For Rutherford, that absolute, was and could only be found in the transcendent and eternal Law of God: as he says:

The king hath a chief hand in the church affairs, when he is a nurse-father, and beareth the royal sword to defend both tables of the law... As the king is under God's law both in commanding and in exacting obedience, so he is under the same regulating law of God, in punishing or demanding of us passive subjection, and as he may not command what he will, but what the King of kings warranteth him to command, so he may not punish as he will, but by warrant of the supreme judge of all the earth.<sup>23</sup>

With Rutherford's two-tiered concept of political obligation there is a possible tension in his system. It seems contradictory to suggest that both God and man can be the source of civic law. For surely it could be questioned that if the people are granted the right and authority in the establishment of civic laws, what binds the people to theonomy; or stated another way, what prevents natural law from invalidating theonomy? It is at this point that Rutherford and his Scottish contemporaries invoked covenant. The theology and consequent application of national covenants served as the glue that held together theonomy and the civic social contract, one the one hand, and theonomy and natural law on the other. This worked to effectively sublate natural law under the tutelage and control of theonomy. How the application of this process worked is quite complex. James Walker suggests that Rutherford

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<sup>21</sup>Thomas Hobbes, *Leviathan* (1651; rpt. London: J.M. Dent & Sons, 1914), chapter 29, pp 172-173. Hobbes penned *Leviathan* seven years after Rutherford's *Lex Rex*.

<sup>22</sup>The Westminster Confession of Faith, originally drafted in 1647 to which Rutherford was a signatory, explains: "I. God gave to Adam a law, as a covenant of works, by which he bound him, and all his posterity, to personal and perpetual obedience; promised life upon the fulfilling, and threatened death upon the breach of it; and endured him in power and ability to keep it. II. This Law, after his fall, continued to be a perfect rule of righteousness; and as such, was delivered by God upon mount Sinai in ten commandments, and written in two tables; the first four commandments containing our duty towards God, the other six our duty to man." Chapter 19:1-2.

<sup>23</sup>Rutherford, *Lex Rex*, pp. 215, 232.

and his contemporaries had a Judaic theory of the world's conversion:

Our modern idea of the visible Church as a kingdom of faith pushing out in bold aggression on every side, gathering converts by units or hundreds... was very faintly realised in that earlier period of our history. what our fathers rather thought of was a sort of expansion of nationalism after the Jewish fashion, in which, when God has elect ones among a people to be gathered in, He takes the nation into external covenant with Himself, and within that order and under the ordinances of a visible Church as His "office-house of grace," - not excluding the aid extrinsic of the sword of the magistrate.<sup>24</sup>

It was through the mechanism of external covenants that Rutherford and the *iure divino* Presbyterians enforced their Judaic theory of national conversion. This Judaic theory explains how it was that the Presbyterians could claim to hold any given citizens to their "covenant birthright." It is also here that one can see how the Old Testament concept of covenant-breakers comes into play in the suppression of heretics, blasphemers and so forth - simply, those who betray the covenant were to be "cut off." However, it was the issue of national covenanting that the Independents began to seriously qualify; and which the Levellers and their allies simply rejected. With them, once national covenanting was rejected, it made it easier to instigate *the great divorce*, the segregation of theonomy and natural law, of nature and grace.

Thus Rutherford's thought sees two levels operating in civil society. On the one level, there are the activities of humans, who by voluntary and mutual consent enact and empower magistrates and sovereigns. In regards to the civic and judicial facets of society, the magistrate is subject to the people and indeed in this regard the people are the source of all civic law. Society had operated on this level in the Old Testament when theocracy was fully operative and even more so in the present era. Yet at a secondary and deeper level, Rutherford maintains that the essential point of continuity between the Old and New Testament was not the *nature* of government itself, but the continuing obligatory power of the moral law of God.<sup>25</sup> It is this obligatory moral law which bound both citizen and magistrate, and which the magistrate was to enforce. This continuity of the moral law is undergirded by Rutherford's commitment to a revelational epistemology. That is, this moral law has been transcendentally and historically revealed to humanity, first and fully through God's direct revelation of himself in the inspired Scriptures, the Old and New Testaments, and then dimly through the light of natural reason. It

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<sup>24</sup>J. Walker, *The Theology and Theologians of Scotland: Chiefly of the Seventeenth and Eighteenth Centuries* (Edinburgh: T.& T. Clark, 1888), pp. 92-3. Interestingly, the Presbyterian theologian/historian Iain Murray, while discussing the covenanting principles of the *iure divino* Presbyterians at Westminster, expresses his own form of dissent: "It was one thing for God to institute a covenant nation and another for uninspired seventeenth-century Christians to do so." Iain Murray, "The Scots at the Westminster Assembly: With Special Reference to the Dispute on Church Government and its Aftermath," *The Banner of Truth*, No. 371/372 (1994), p. 34. For select literature on the theology of national covenanting, see the two articles by John Morrill and Margaret Steele: "The Covenant in its British Context," and "The 'Politick Christian': The Theological Background to the National Covenant," in *The Scottish National Covenant in its British Context*, ed. J. Morrill (Edinburgh: UP, 1990), pp. 1-30, 31-67.

<sup>25</sup>Rutherford, *Lex Rex*, p. 5 [Emphases mine].



is Rutherford's notion of covenant that forms the bridge between this two-tiered concept of political obligation, of natural law and theonomy. It had the effect of literally binding saint and sinner together. It was covenant that was seen as the conceptual organising principle which held the two potentially contradictory ideas in union. Finally, it was this political backdrop that formed the basis of Rutherford's intolerance.

Moving on to Rutherford's *Free Disputation Against Pretended Liberty of Conscience*, one enters the heart of his beliefs about intolerance. It was printed in 1649, the same year Charles was tried and executed, and year of the virtual collapse of the Levellers as a party. As a work, it forms the climax of the literary debates in the decade of the forties. With an almost inordinate scholastic desire to deliberate on every point, Rutherford discusses nearly every nuance of the 1640s toleration polemic, bringing to bear every argument imaginable. The Parliamentary Presbyterian John Lightfoot said of the Independent Phillip Nye, concerning his behaviour in the Westminster Assembly, that: "Mr Nye still and still stopped us."<sup>26</sup> This statement could be equally applied to Rutherford's *Free Disputation*. Despite the possibility of fatiguing his readers, he leaves no stone unturned in his quest to stop his objectors in their tracks. For example, the sub-titles inform his readers that this work is a refutation of the teachings of such as Mr John Goodwin, the anonymous author of *John the Baptist*, Dr John Taylor, the Belgick Arminians, Socinians, and *other authors*. These "other authors" include Roger Williams, the author of the most advanced work on toleration *The Bloody Tenent*, and the anonymous work *The Ancient bounds*, the most advanced treatment on toleration from the Independents' perspective.

There are a number of central ideas and themes in Rutherford's thinking, which are logically concomitant and inter-connected. As Rutherford would imply, commitment to one necessarily leads to commitment to all - and all can be viewed under the rubrics of conscience and law. The issues are: epistemic certainty; knowledge of fundamentals and non-fundamentals; conscience and hypocrisy; the unity of the faith; law and coercion; and heresy as sin.

Logically, the first question in Rutherford's thought is the certainty of religious knowledge. On this one principle all others either hang or fall. It was also the issue that took a central role in the total Reformation repudiation of Roman Catholicism. For Rutherford the Scriptures were perfectly perspicuous, and an epistemologically certain knowledge of their doctrines was accessible to all.<sup>27</sup> He is even prepared to say that infallible men and women can know with certainty the fundamental truths of the Bible. Dissenting from the claims of the libertines that fallible men can only attain fallible knowledge, Rutherford explains:

...the Scripture hath determined of all things contained in it, whether fundamentals or not fundamentals; only in regard to our dullness and sinful blindness some things are controverted... Yet the fallible Church may determine infallible points. This principle of the *Libertines* proceed upon, that *men who*

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<sup>26</sup>In R.D. Bradley "The Failure of Accommodation, Religious Conflicts between Presbyterians and Independents in the Westminster Assembly," *Journal of Religious History*, 12 (1982), 36.

<sup>27</sup>Roland Bainton, *The Struggle for Religious Liberty*, p. 102.

*are fallible may erre, and therefore can hold forth to others no infallible truth. Which is most false...*<sup>28</sup>

Rutherford goes on to stress that though the prophets and apostles, Nathan, Samuel, David and Peter, were at times deserted by the immediately inspiring Spirit and did err, as do current pastors and churches, when deserted by the inspiring Spirit, it still holds good that: "They [the Pastors] may and doe carrie infallible truths to others..."<sup>29</sup> To avoid possible misunderstanding, and to use Rutherford's own analogies, his logic here is that it does not follow that though David *may* sin in praying, that he does sin in praying; or that though Synods may err, that they necessarily do err and can "determine no infallible truths."<sup>30</sup>

From this vantage point of certainty, Rutherford can discuss the question of fundamental and non-fundamental scripture truths. This compartmentalising of truth, while valid, does not negate his claim that all revealed truth commands assent - regardless of whether that truth is found in the fundamentals or non-fundamentals. Rutherford is reticent to list these fundamentals as he seems only to allude, generally, to some cardinal points such as: the Trinity, the person of Christ, his Deity and Humanity, and his work, his death and resurrection and any doctrines that are derived from these. But there are some important qualifications. Rutherford is not saying that salvation is dependent on the knowledge and assent to all revealed truths. He can easily concede that one can be saved without the knowledge of the non-fundamentals, and he can concede that in certain exceptional circumstances, such as physical disability, one can even be saved without knowledge of some elements of the fundamentals, though this latter is qualified by the assertion that any who are *willfully* ignorant of those fundamentals, cannot expect the same claim to divine grace.<sup>31</sup> It is here that Rutherford would place the stress: the lack of knowledge of the non-fundamentals does not affect one's salvation - in that there are many saints, now glorified, who knew not that the apostle Paul left his cloak at Troas.<sup>32</sup> But nonetheless, these non-fundamentals can be known with the same epistemic certainty as are the fundamentals, which, therefore, obliges equal assent to the non-fundamentals of the faith. The crucial point is that once the non-fundamentals are known, any who willfully refuse to assent to them must be punished.<sup>33</sup> In the censuring of dissenters, the magistrate is a nurse-father, who loves his child, for obviously, not

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<sup>28</sup>Rutherford, *Free Disputation*, p. 24.

<sup>29</sup>*Ibid.*

<sup>30</sup>*Ibid.*, p. 25.

<sup>31</sup>*Ibid.*

<sup>32</sup>S. Rutherford, *Due Right*, chap. 4, sect. 5, p. 224 and chap. 6, sect. 5, appendix, p. 364. Cf. Rutherford's, *Free Disputation*, p. 76.

<sup>33</sup>Rutherford, *Free Disputation*, pp. 61-2. Cf. Rutherford, *Due Right*, chap. 6, sect. 5, appendix p. 366.

to chasten would be the cruellest hatred of all.<sup>34</sup>

For those who may object that the non-fundamentals cannot be known with the same epistemic certainty as the fundamentals, Rutherford replies that this can only result in a capitulation to total scepticism. In support of this he adduces a number of *ad hominem* arguments.<sup>35</sup> For example, Rutherford contends that a present scepticism with regard to the non-fundamentals would lead to future scepticism with regard to the fundamentals tomorrow. He further contends that theological scepticism can only lead to moral scepticism. After this, he also doubts that magistrates could go about their coercive duty without the sure knowledge that they are discharging their God ordained duty. Following this he further wonders how could ministers of the Gospel discharge their duty in the chastisement of the saints? Finally, he argues that if scepticism were correct, then there could never be a sure way to heaven.<sup>36</sup> Lastly, and in the most stinging fashion, Rutherford offers an outline of The Sceptics Prayer:

Lord enlighten mine eyes that I may know thee with a fuller evidence not of Moon-light but of day light, or as seven days into one, bee this, Lord open mine eyes, and increase my knowledge, grant that thy Holy Spirit may bestow upon my dark soule more sceptical conjectures all, fluctuating knowledge to know and believe things with a reserve, and with a leaving of room to believe the contrary tomorrow what I believe today, and to contradict a third day what I believe tomorrow, and so till I dye; let me, Lord, have the grace of a circular faith...<sup>37</sup>

With this Calvinistic self-possession, it becomes clear that for Rutherford there can only be one faith, as there is "one Lord and his name one." There cannot be, as he says, many religions, many faiths and many sundry gospels in one Christian society.<sup>38</sup> For Rutherford, there can only be one uniform and exclusive national visible church which consisted of congregations united under a common representative head. It was not a national church in the prelatical manner in that it was under one prelate or bishop. Nor was it a national church in the same sense as the Old Testament church was, with its singular place of temple worship in Jerusalem. The national Presbyterian church was a "union of many congregations in a visible government... enough to make all these united *churches* one visible ministerial and governing *church* who may meete, not in one collective body, for the worship of God, yet in one representative body, for government..." Rutherford states clearly that, "a national typical *Church*, as was the *Church* of the Jewes, we deny. But a *Church national or provincial of*

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<sup>34</sup>Rutherford, *Free Disputation*, p. 62. Naturally, the punishments that Rutherford calls for must fit the crime. For example, a belief in transubstantiation is not punishable with death, but wilful adherence to Popery, after admonishment is (p. 123). Crimes against both the first and second tables of the law are punishable by death (pp. 45, 68).

<sup>35</sup>This list and the following of Rutherford's counters are only meant to be taken as a sample of his most germane responses.

<sup>36</sup>Rutherford, *Free Disputation*, pp. 77, 80, 84, 255, 360.

<sup>37</sup>*Ibid.*, p. 81. While there is more to this prayer, this extract conveys Rutherford's point well.

<sup>38</sup>*Ibid.*, p. 146; *Due Right*, p. 53; and Gillespie, *Wholesome Severity*, p. 36.

*Cities, Provinces, and Kingdomes*, having one common government, we thinke cannot be denied."<sup>39</sup>

From this two things follow. Firstly, Rutherford and his Presbyterian contemporaries held that there can be no lawful separation from a true church; but only from a church that has departed from the fundamentals. The only allowable form of dissent from the true church was abstention from the sacrament of communion.<sup>40</sup> Secondly, Rutherford could also repudiate any claim to religious toleration on the basis of conscience. For him the only authentic conscience was an informed conscience. He further adds that conscience was not the rule for the saints, but the revealed will of God is. Conscience can only be one's rule insofar as it echoes the revealed will.<sup>41</sup> It is equally clear that on this basis Rutherford can deny liberty of conscience on the fundamentals, or even in the non-fundamentals, as they are not doctrines open to speculation, but all command the same most certain assent.

Against the objection that it is wrong to coerce conscience, and any attempts to do so compel merely hypocritical worship, he replies: (1) no one coerces conscience, not even God, as what is coerced is only the external actions; and (2) it is not coercion that makes hypocrites, but the corruption of men's hearts.<sup>42</sup> Again he adds a number of *ad hominem* arguments against pretended conscience. He suggests that if conscience is inviolable, on what basis could God call for magisterial enforcement of the law in the Old Testament; or how could even Gospel discipline be maintained; and lastly and perhaps more pertinently, if conscience is the rule, what would happen if, a murderer claimed liberty of conscience; could he be punished for his crime?<sup>43</sup> This last counter shows that Rutherford cannot conceive that moral and political obligations could be grounded on anything other than Christianity.<sup>44</sup> Lastly, what is coerced by the magistrate is the external acts of dissent, such as teaching, publishing or the persuading of others, and not the internal thoughts of the mind and conscience.<sup>45</sup>

The next component of Rutherford's thought was his conception of the continuity of Old Testament theonomy. Along with all the religious Puritans and Reformation theologians, he believed that while the Jewish ceremonial and judicial laws were abrogated, the moral law, as expressed, primarily, through the Mosaic Law, and secondarily through the laws of nature,

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<sup>39</sup>Rutherford, *Due Right*, chap. 4, sect. 4, pp. 53, 54.

<sup>40</sup>*Ibid.*, p. 72; and Walker, p. 101. The reasoning behind this is simple - if Presbytery is a *iure divino*, then one cannot separate from the divinely ordained church of God.

<sup>41</sup>Rutherford, *Free Disputation*, p. 114.

<sup>42</sup>*Ibid.*, pp. 46, 295.

<sup>43</sup>*Ibid.*, pp. 46, 130, 295.

<sup>44</sup>One wonders if Rutherford was a prophet; that is, perhaps he saw what would lie ahead for Britain once a country departs from its Christian moorings.

<sup>45</sup>Rutherford, *A Free Disputation*, p. 46; and *Due Right*, chap. 6, sect. 5, p. 352.

was still obligatory. Needless to say, in the seventeenth century, all theists were, in some sense, theonomic - even the antinomians.<sup>46</sup> The question only hinged on whether or not the moral law was still binding in the civic sphere. Underlying this point was the Reformer's concept of covenant theology - not to be conflated with the theology of National Covenanting. The former stresses the unity of the two testaments, and though some of the external types and shadows may change with the coming of the New Covenant, the essential character and teachings of the Old remain. Rutherford considered Israel to be a type of any nationally externally covenanted community. On the other hand, the Levellers and most sectaries, operating on a purely voluntaristic basis, held that Israel was a typical of the church - Zion of old was now Zion the Church, universal and invisible.

Building on his covenant theology, Rutherford then asserted that the moral law was perpetually binding on all people in all places.<sup>47</sup> Further, it was the duty of the magistrate to enforce both tables of the law as the *Custos utriusque Tabulæ*, the keeper of both tables.<sup>48</sup> All citizens within the Christian society or the covenant community were subject to magisterial coercion. Pagans and heathens, who live outside the covenant, are naturally exempt from such coercion; hence the Reformed such as Rutherford and Gillespie held that it is not the function of the magistrate to convert heathens. Here they differed from Rome, as both Rutherford and Gillespie disdained the Roman Catholic use of coercion to convert the Jews, the Moors and other heathens. They argued that the church's weapons of warfare were spiritual not carnal, and because these heathens are not yet in a covenant relationship with God.<sup>49</sup> As Rutherford explains:

Hence not simple Idolaters, nor all nations round about, nor all Papists, that are educated in Idolatry, by this Law [theonomy] shall be put to death, but such as are *within the gates of Israel*. 2. *In Covenant with God*. 3 It is *wrought in Israel*, so Apostates to Judaisme, to strange Gods are to be punished; so we teach not that Nations are to be converted by the sword, or that the idolatry of the *Indians*, the

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<sup>46</sup>No antinomian of the seventeenth century believed that free grace was absolutely free. None believed: "let us sin that grace may abound," grace and faith always, in some sense, produced fruit. See E.F. Kevan, *The Grace of Law: A Study of Puritan Theology* (Grand Rapids, Michigan: Baker Book House, 1983).

<sup>47</sup>Rutherford, *A Free Disputation*, pp. 177, 311. This does not mean that theonomy is the duty of all magistrates, *qua* magistrates, but only that it perpetually binds all *Christian* magistrates (Ibid., p. 329).

<sup>48</sup>The terms "first" and "second tables" refers, respectively, to the first four commandments, which addresses man's dealings with God; and then to the remaining six, which address man's dealings with man, while "both tables" refer to all ten.

<sup>49</sup>Rutherford, *Free Disputation*, pp. 51-55. See also Rutherford's *Due Right*, chap. 6, sect. 5, p. 352-4. In his *Due Right* Rutherford states: "Where a Nation hath embraced the faith and sworn thereunto in Baptism, it is lawful for the Magistrate to compell them to profess the truth to which they have sworn in Baptism," (p. 354).

blasphemy of the *Jews*, is sufficient ground to make warre against them, and cut them off with the sword.<sup>50</sup>

Nor would Rutherford maintain that the sword produces faith, though it might prepare one for faith. Its role is only negative, that is, the limitation of external acts:

Again Religion is taken for the external profession acting and performances of true religion within the [nationally established] church or by such as profess the faith, that are obvious to the eyes of *Magistrates* and *Pastors*, and thus the sword is no means of God to force men *positively* to external worship or performances. But the sword is a means negatively to punish acts of false worship in those that are under the Christian *Magistrate* and professe Christian Religion, in so farre as these acts come out to the eyes of men and are destructive to souls of these in a Christian society.<sup>51</sup>

Thus Rutherford envisaged heresy as a civic disease needing a theonomic surgeon to exercise it from the *corpus civitas*.<sup>52</sup> It is in this that the Reformed understanding of the term *salus populi*, the safety of the people, reached its most profound formulation.<sup>53</sup> It seems obvious that the religious dissenter was safer in the lands of the great Turk than in most Christian England or Scotland. Surely, Hetherington's comment that Reformation intolerance, when compared to the intolerance of prelacy and popery, is actually gracious and compassionate is inane.<sup>54</sup> The fine distinctions of negative and positive coercion, or of beliefs held only internally and/or practised externally, would hardly register to the modern mind as cogent.

Rutherford, in keeping with all the Reformation theologians with him, is involved in a hermeneutic of continuity. To support his theology of non-toleration, his national covenanting, and all that ensues from these premises Rutherford must hold that the Old Testament

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<sup>50</sup>Rutherford, *A Free Disputation*, p. 187; see also p. 183.

<sup>51</sup>Ibid., p. 51. In *Due Right*, Rutherford states that the magistrate may compel men to hear the Gospel preached but not that they believe what they here; and thus only in this indirect manner can it be said that the magistrate compel faith (chap. 6, sect. 5, p. 355). On the other hand, Rutherford, in his *Free Disputation* states that the primary role of the sword is to prevent the perverting of souls and for the safety of society (pp. 183, 188). He also held that the magisterial sword is the ordained means through which God maintains his truth and prevents his people from falling into apostasy (p. 399).

<sup>52</sup>Rutherford, *Free Disputation*, p. 52.

<sup>53</sup>Rutherford, *Due Right*, chap. 6, sect. 5, p. 394.

<sup>54</sup>Hetherington, p. 159. Presbyterian persecuting principles were less extreme than those of both prelacy and popery. Men like Rutherford, Henderson and Gillespie did not advocate the drowning of Baptists as had Thomas Edwards in *Gangrena* (London: Printed for Ralph Smith, 1645), p. 19. Nonetheless, could these less extreme principles be called *gracious* and *compassionate*. Hetherington's argument is similar to the claim that the person who commits a misdemeanour (the Presbyterian), is not as bad, indeed, is quite a good fellow on all accounts, than the two other persons who, commit grievous assault (the Prelate), and murder (the Papist).

dispensation, or to use seventeenth century terminology, Old Testament *economy*, is not only typical of the new covenant church, but also of the new covenant state. To achieve this, he must prove that some or all the Old Testament kings, in their enforcement of theonomy, were not acting merely as types of Christ; that is, these kings did not enforce theonomy as types, but as kings acting on the basis of common equity by the law of nature. To prove this, he cites a number of non-Jewish kings who enforced theonomy: Darius, Cyrus, Artaxerxes, the king of Nineveh, and Nebuchadnezzar.<sup>55</sup> True typicality, says Rutherford, lies in the extraordinary events of the Old Testament, such as Samson slaying his enemies, David subduing his enemies, and so forth.<sup>56</sup> But in the end, it is understanding of the relationship of the inter-covenantal unity that becomes his weakest link in his polemic chain, and a link upon which his polemic of intolerance hangs, as his arguments are abstract and without explicit New testament support.<sup>57</sup> Later he also argues that the law of God, and the law of nature, written on the hearts of all, teaches that the *seducer* or false prophet ought to be put to death. Therefore this shows that "this is no temporary law obliging the Jews only."<sup>58</sup> To explain this point further, Rutherford

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<sup>55</sup>For a contrary explanation of the role of these kings, see R. Williams, "The Bloudy Tenent," in *The Complete Works of Roger Williams. Vol. 3* ed. S.L. Calwald (New York: Russell & Russell, 1963), pp. 264-8, 239-40. Essentially Williams argues that many of these kings were oppressors and tyrants who were either acting from fear and terror in their favour of the Jews, and this tyranny hardly authorises to be the keepers of the two tables, or because they were at times especially prompted by God:

It may please *God* sometimes to stir up *Rulers* of the Earth to permit and tolerate, to favour and countenance *Gods* people in their *worships*, though only out of some strong fear of conviction of *Conscience* or *feare* of *wrath*, &c. and yet themselves neither understand *Gods* worship, nor leave their own state, Idolatry or country worship.

He concludes that though all this might be true and while the saints should be thankful for God for such past dispensations of grace, this hardly constitutes as ground for a present enforcement of theonomy (pp. 267-8).

<sup>56</sup>Rutherford, *Free Disputation*, pp. 181-182. In all probability, the Levellers and Sectaries would have counted that these Kings acted under the direct compulsion of the Holy Spirit. Rutherford urges a number of other arguments in support of his claim, what is presented here is only a small sampling of the most applicable.

<sup>57</sup>Though he does attempt to ground his intolerance in key New Testament passages, his understanding and exegesis of those have been challenged, and perhaps challenged effectively, by Roger Williams; see Appendix 1.

<sup>58</sup>Rutherford, *Free Disputation*, p. 185. Later, Rutherford argues that Zechariah's prophecy concerning a time when in Messiah's future kingdom idolaters and false prophets shall be cut off (13:1-6), indicates that in the New Testament (the time when Messiah's kingdom is manifest and thus when Zechariah's prophecy comes to pass), theonomic penology is still binding (pp. 209-18). Goodwin, however, had earlier argued that Zechariah's prophecy had only a spiritual, typical and metaphorical fulfilment in Messiah's kingdom (in *Hagiomastix*, cited by Rutherford).

seeks to identify what of the Old Testament economy was typical and what was not:

Some that were merely typicall and had no use but in divine worship, as sacrificing Bullocks and Lambs to God, other things were so typicall that they had both a natural and a civil use, as eating of manna when ye are hungary, drinking water in the wilderness, living in the holy land; the former were typical things and utterly ceased, and it were impious and meere judaisme to recall them or bring again sacrificing of Bullocks to God, but the latter things may well remain in their natural and civil use, though their typical and religious use be abolished... Now granting that stoning of blasphemers were typical, and as typical as hanging of robbers was *Deut.* 21. yet it should never follow that stoning of blasphemers were Judaizing and unlawful, because it hath a necessary civil use, even of common and natural equity, that he hath perverted the right wayes of the Lord...<sup>59</sup>

As an example of the application of this hermeneutic, Rutherford disavows the sectarian counter that Old Testament penology has only a spiritual application in the New Testament, that is, excommunication replaces stoning. For if this were so, he contends, then all penology for murderers, thieves and so forth must similarly be typical.<sup>60</sup> Rutherford seems to have forgotten that five years earlier in *Due Right* he had suggested that even in the Old Testament, church and state were logically distinct - the former was founded on theonomy, while the latter was founded on natural law, as expressed in the second table alone.<sup>61</sup> Hence natural law penology would have the capability of dispensing justice to murderers, thieves and so forth. Or did Rutherford really believe that non-Christian nations had no legal foundation for their own penology?

Here again, for Rutherford, grace dominates nature. While it seems that Rutherford can at times conceive that nature in non-Christian nations (or even Abraham, the father of the faithful, who in his own land and before his calling lived according to the principles of nature), can be used as a basis of natural penology. Yet when the calling of God comes, with its consequent revelation of theonomy, grace supplants nature's rule.

With the coming of the Independents onto the religious and political landscape, the hermeneutic of continuity was seriously qualified. But, more importantly, with the arrival of the Levellers and sectaries, this hermeneutic was not just qualified, it was denied altogether, and in its place came the hermeneutic of discontinuity; and it has been this hermeneutic of discontinuity that has dominated Western Christianity ever since.

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<sup>59</sup>Rutherford, *Free Disputation*, p. 197.

<sup>60</sup>*Ibid.*, p. 196.

<sup>61</sup>Rutherford, *Due Right*, chap. 4, sect. 4, p. 68.



## CHAPTER 4: THE INDEPENDENTS AND THE SEARCH FOR THE "MIDDLE WAY"

Although the magistrate is bound to encourage, promote, and protect the professors and profession of the gospel, and to manage and order civil administrations in due subserviency to the interests of Christ in the world, and to that end to take care that men of corrupt minds and conversations do not licentiously publish and divulge blasphemy and errors, in their own nature subverting the faith and inevitably destroying the souls of them that receive them: yet in such differences about doctrines of the gospel, or ways of the worship of God, as may befall men exercising a good conscience, manifesting in their conversation, and holding the foundation, not disturbing others in their ways or worship that differ from them; there is no warrant for the magistrate under the gospel to abridge them of their liberty.

The Savoy Declaration of Faith and Order (1658).

Did the Independents strive for religious toleration? Some, friends and foes alike, would agree others not, still others "yes and no". This chapter addresses this question and seeks to provide some answers. After this the chapter introduces the historical background and the leading figures of the Independent movement. After this, it surveys the Independent teachings on toleration through three literary sources: *An Apologetical Narration*; *The Ancient Bounds*; and the Whitehall Debates.<sup>1</sup> After this, the chapter addresses some auxiliary questions, including the difference on toleration in Old and New England. This difference, a constant source of confusion, is often highlighted by both the Independents' opponents of their day, the Presbyterians, and some noted historians.

The issue of religious toleration for the Independents is undergirded by the relationship between nature and grace. But unlike the Presbyterian, the Independent position is not so clearly delineated. The only comparable publication that came close to the scholastic Presbyterian literary works is the 70 page anonymous tract: *The Ancient Bounds*. This lack of exhaustive statements from the Independents on toleration may be accounted for when it is realised that they, as a separate group, had no need to pen their own treatises on the relationship of church and state, as they could easily concur with the basic thrust of Rutherford's *Lex Rex*, or swear to the Solemn League and Covenant. The Independents, as a distinctive group, were most vexed over the question of Independency versus the Presbytery; and so toleration was not the initial complaint of the Independents.

Having said that the Independents did not draft penetrating treatises on the relationship of church and state, how they understood this relationship may be ascertained from their discussions on toleration. The question of nature and grace forms the indispensable backdrop to the discussions at Putney and Whitehall, and it is the question that *The Ancient Bounds*

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<sup>1</sup>The *Apologetical Narration* was written in 1644, the *Ancient Bounds* in 1645, and the Whitehall debates began December 1648 and extended to January 1649.

seeks to address. The Independents were clearly united with the Presbyterians on the nature of the Christian state, to the point that to some extent they could be accused of being Erastians. But often the dissimilarity between them and the Presbyterians is wrongly emphasised. This lopsided emphasis is due to the past and present acceptance by historians of a seventeenth century propaganda against the Independents which sought to elicit only the differences between the two parties. But these alleged differences, being only a matter of degree, were more superficial than substantial. The Independents, when juxtaposed between the Presbyterians, on the one hand, and the Levellers, on the other, had much more affinity with the former than the latter.

For the Independents, in the matrix of grace and nature, grace defined the limits of nature. The Woodhousian analogies assist in understanding the true differences between Presbyterianism and Independency. The Independents simply carried the three Reformation principles one step further. Firstly, the Priesthood of all believers was adapted to church government: the Independents adapted the priesthood of all believers as an ecclesiastical levelling principle. Thus the last basis of a medieval ecclesiology was jettisoned. Though they accepted the legitimacy of synods, their power was restricted to advisory capacity. Secondly, the Reformation doctrine of conscience was again taken farther; though it is here that the difference between the two Puritan factions is more acute. Conscience is no longer only a regulated conscience, and the knowledge that informs conscience is no longer seen as secure as it was once thought to be. With regard to knowledge of the non-fundamentals, where there was once certainty now there is only equivocation, and where there is equivocation, there must be liberty. To compensate, the stress is now placed on the fundamentals. But though the parameters of diversity may have been widened, there are still limits, and theological charity could only be stretched so far - blasphemy and anti-Trinitarianism are still damnable offences, and offences still subject to civil penology. With regard to the fundamentals, conscience is regulated by the objectively revealed Word of God. Thirdly, the theology of covenanting was again applied to church government. Where there is liberty, there is the freedom to join with like minded groups; and instead of unity by the sword, voluntary covenants work to bind the faithful to their ecclesiastical obligations.

Underlying these three principles, theonomy still worked to hold the new religious mix together. The magistrate was still the *Custos utriusque Tabulæ*. Underlying theonomy, the hermeneutic of continuity was only redefined. The Independents did not, like the Levellers and Sects, advocate a hermeneutic of discontinuity. Their understanding of the continuity of the Old and New Covenants was just as strong as the Presbyterians'; it was only different.

The next question is: "Who were the Independents?" Briefly, the Independents were Puritans, formerly Presbyterians or Episcopalians, who upon the machinations of Laud in the 1630s had either fled or were exiled to Holland (Thomas Goodwin, Philip Nye, Jeremiah Burroughs, William Bridge, John Ward and Sidrach Simpson), or imprisoned (Henry Burton). Others sought the safe haven of New England (Hugh Peters), and still others had sought a quiet life in the country or remained in their pulpits but were later converted to Independency in the 1640s (John Owen).<sup>2</sup> In exile in Holland they were able to form their own churches, the

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<sup>2</sup>Jordan, 3:354, 425.

right of which was something Englishmen had been denied since the gathered church of Marian exiles in Frankfort. Holland, after the religious wars of the 1620s, had also adopted measures of limited toleration; and so it was in this environment that many of the Independents came to develop their ideas. In New England, on the other hand, they came under the influence of the very Independent John Cotton. In 1643, Goodwin, Nye, Burroughs, Bridge, Ward and Simpson, with others, after their return to England were elected by Parliament to sit at the Westminster Assembly, in which, forming the minority opinion, they became known as the dissenting brethren.

The Independents stood primarily for the autonomy of local congregations. In this they denied the obligatory power of synods. They further denied the ecclesiastical parochialism of both episcopacy and Presbyterianism. Each church, they contended, should be a gathered church. Though advocates of voluntaryism, they were not separatists. They did not advocate the separation of church and state. In this regard they were essentially independent Presbyterians.<sup>3</sup> Ironically, the magistrate, for the Independents, essentially replaced the synod as the instrument of church discipline. On this account they were often charged with Erastianism, and not merely because they often sided with the Erastians in the Assembly against the *iure divino* Presbyterians over the question of church government and the office of ruling elder.<sup>4</sup>

Returning to the question as to whether or not the Independents advocated toleration, J.H. Hexter once said, "patterns sanctified by great historiographic traditions tend to become fixed."<sup>5</sup> In the case of the Independents and the question of toleration, there have been sanctified traditions which have contended that the Independents did call for open toleration. What has been the cause of this universal affirmation of Independent advocacy of religious

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<sup>3</sup>By the term independent Presbyterians this thesis stresses only the theonomic affinity between the Presbyterians and Independents. It should not be confused with the Hexter thesis, that is the belief in a war party of political Independents party consisting of Erastians, Presbyterians, and Sectarians that defies intelligent classification. One can only agree with Michael Watts that the Hexter thesis should be abandoned: *The Dissenters* (Oxford: Clarendon Press, 1978), p. 108. For literature dealing with the Hexter thesis see: J.H. Hexter, "The Problem of the Presbyterian Independents," *The American Historical Review*, 45 (1938), 29-49; G. Yule, *The Independents and the English Civil War* (Cambridge: CUP, 1958), pp. 29-46; David Underdown, "The Independents Reconsidered," *Journal of British Studies*, 3 (1964), 57-84; Valerie Pearl, "The 'Royal Independents,' in the English Civil War," *Transactions of the Royal Historical Society* (5<sup>th</sup> Series), 18 (1968), 69-96; George Yule, "Independents and Revolutionaries," *Journal of British Studies*, 7 (1968), 11-32; David Underdown, "The Independents Again," *Journal of British Studies*, 8 (1968), 83-93; and Stephen Foster, "The Presbyterian Independents Exorcised: A Ghost Story for Historians," *Past & Present*, 44 (1969), 52-75.

<sup>4</sup>See A. Zakai, "Religious Toleration and Its Enemies: The Independent Divines and the Issue of Toleration during the English Civil War," in *Albion*, 21 (1989), 1-33; R. Bradley, pp. 23-47.

<sup>5</sup>Quoted in Zakai, p. 1.

toleration? It is clear that such historians as G. Yule, H. Kamen, W.K. Jordan, A.S.P. Woodhouse, J. Lecler, and even Christopher Hill have been blinded by this myth.<sup>6</sup> Part of the reason why this myth is so often perpetuated is due simply to the readiness of historians to believe the opponents of the Independents, such as Thomas Edwards and Robert Baillie. However, other historians, retreat from these initial claims, and suggest that in the process of time, the Independents *came* to advocate toleration. Jordan, for example, states, with a zeal: "Almost insensibly Independency was transformed into a powerful movement whose genius and thought were lay in the character and whose sole cohesive force was devotion to the principle of religious toleration."<sup>7</sup> Yule states similarly:

...in England, in order to make headway against the official Presbyterianism, the Independents at first had to claim the right to be tolerated themselves, and their ground was the right of toleration for all Christians. They thus soon became linked up with the cause of complete toleration.<sup>8</sup>

Later Yule urges:

Independency was more adaptable to toleration than Presbyterianism. In the early stages of the Westminster Assembly, the Independent ministers were at pains to dissociate themselves from the radical sects, but as they became aware of the hopelessness of their outnumbered position, they sought allies wherever they could find them, in Parliament, in the Army and among the Sectaries. To do this, they were forced to move much closer to a policy of general toleration..."<sup>9</sup>

At no point in these claims do these historians cite the Independents themselves in support of these strange declarations. Yule for example, cites only the Presbyterian propagandist Robert Baillie who often equivocated. However, there was no substantial policy shift in their attitude toward toleration. What they argued for by the end of the 1640s, bounded toleration, was the very same for which they argued in the beginning of the 1640s.<sup>10</sup> The difference was that the external circumstances - the growth of sects and the increasing intransigence of the *iure divino* Presbyterians - surpassed the Independents. The times were changing too fast for the Independent theoreticians to keep up, as they could not have anticipated the proliferation of the sects and the subsequent forms they would take. With the rise of the sects, the boundaries of the "true church" were ever pushed farther away from the centre. With the change in mood about the certainty of truth, its attainability, yesterday's heretics could later be one's friends. At no point did they advocate an unbounded toleration - toleration was limited to those who

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<sup>6</sup>G. Yule, *The Independents*, pp. 13, 45; H. Kamen, *The Rise of Toleration* (London: Weidenfeld & Nicolson, 1967), p. 170; Jordan, 3: 51; Woodhouse, p. 81; J. Lecler, 2:256; and C. Hill, quoted in Zakai, p. 3.

<sup>7</sup>Jordan, 3:369-370.

<sup>8</sup>Yule, p. 13.

<sup>9</sup>Ibid., p. 45-6.

<sup>10</sup>See on this the article by B. Worden: "Toleration and the Cromwellian Protectorate," in *Religion, Resistance and the Civil War* ed. G.J. Schochet, P.E. Tatspaugh & C. Brobeck (Washington D.C.: Folger Institute, 1990), pp. 199-233.

agreed on the fundamentals. As Thomas Goodwin, in 1645, clearly expressed: "If any man think I am pleading for liberty of all opinions of what nature and how grosse soever, I humbly desire them to remember that I only plead to the Saints, and I answer plainly, *The Saints they need it not*."<sup>11</sup> The sectaries themselves could discern where the Independents stood on toleration. For example, both Roger Williams and William Walwyn condemned the Independents' attempts to identify themselves with Presbyterian intolerance, and the subsequent use of the magisterial theonomy.

On the other hand Zakai, following the footsteps of Williams and Walwyn no doubt, appeals against the verdict of both myth and tradition. He, consequently, down-plays the actual level of toleration the Independents were contending for, to the point that he almost suggests that John Cotton's experiment in exclusive Independency was the normative expression of Independency and that Independency in Old England was aberrant. The truth of the matter is between the two extremes.

The first publication under discussion is *An Apologetical Narration*, co-authored by Thomas Goodwin, Philip Nye, Sidrach Simpson and Jeremiah Burroughs in January 1644. The ruling historiographic paradigm is that this document was a plea for toleration, and represents a break with the earlier alliance between the Presbyterians and Independents. This alliance had been expressed, no less than a week before, in the tract *Certain Considerations to Diswade men from Further Gathering of Churches in this Present Junction of Time*, which the dissenting brethren co-signed.<sup>12</sup> Against Jordan, who argues that with the coming of this document came the beginning of the Independent advocacy of toleration,<sup>13</sup> Haller correctly says of the *Apologetical Narration* that it was "written with studied restraint," that it "made no general plea for religious liberty," and that "its authors deplored heresy and schism."<sup>14</sup> Contrary to Bradley's claim that it was written with the purpose of expressing dissent from the Presbyterians,<sup>15</sup> it was written to express the continued hope of sustaining a conciliatory policy with the Presbyterians. In opposition to the historiographic myth, the Independents themselves, however, state clearly that: "If in all matter of Doctrine, we were not as Orthodox in our judgements as our brethren themselves, we would never have exposed ourselves to this

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<sup>11</sup>Quoted in Zakai, p. 27. Even the very biased nineteenth century Presbyterian historian William Hetherington can differentiate between the Army Independents (meaning the Leveller radicals), who called for open toleration, and the Assembly Independents who did not: Hetherington, p. 156.

<sup>12</sup>Quoted in Zakai, p. 12.

<sup>13</sup>Jordan, 3:51. Later he admits that there is no such call of religious freedom in this document, 3:371.

<sup>14</sup>W. Haller, ed., *Tracts on Liberty in the Puritan Revolution: 1638-1647* (3 Vols. New York: Octagon Books, 1965), 1:50.

<sup>15</sup>Bradley, p. 34.

tryall and hazard discovery in the Assembly."<sup>16</sup>

The main concern of the *Narration*, a 31 page tract, was an historical defence of the Independents, their exile and their return. The balance of the tract addresses such questions as the sufficiency of Scripture and the knowledge thereof, the nature of church communion, and discipline. Leaving aside the questions of church polity, which caused them to be subject to many a Presbyterian anathema,<sup>17</sup> there are essentially three key offensive doctrines to the conservatives.

The Independents, while agreeing with the rest of the saints on the question of the perspicuity of Scripture, with regard to both the fundamentals and the non-fundamentals, or in their own terms, the *superstructures*,<sup>18</sup> introduce a very significant qualifier that was object of Presbyterian scorn: "A second Principle we carry along us in all our resolutions, was, Not to make our present judgement and practice a binding law unto ourselves for the future..." They go on to explain the reason for this reserve: "We had too great an influence of our own frailty in the former way of our conformity; and therefore in a jealousy of ourselves, we keep this reserve."<sup>19</sup> This very significant point suggests a lack of confidence in the perspicuity of the scripture and the rising role of the private conscience over and against a public conscience. Thus the private man begins to dominate and sublimate the public man. With this comes, at least in the sphere of the individual and conscience, the beginnings of the segregation of nature and grace.

The second affront to the Presbyterians was the role of the magistrate in ecclesiastical discipline. The Independents argued that the real basis of church discipline was not synods and such, but the magistrate. In cases of church censures, if persuasion had run its course without result, it was left to the magistrate to enforce discipline.<sup>20</sup> Zakai further explains the Independent dilemma:

Paradoxically, by pursuing the spirituality of the church, the Congregationalists left the church bereft of any worldly means to maintain order, unity, and conformity in religious matters. Accordingly, in this ecclesiastical system, the civil magistrate would acquire this central role and responsibility, and this is why Congregationalists stressed the doctrine of the church's dependence upon the civil magistrate.<sup>21</sup>

To the Presbyterians this was nothing less than pure Erastianism. Nye states the case well:

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<sup>16</sup>*An Apologetical Narration*, in Haller, *Tracts*, 2:336; see also pp. 333, 337.

<sup>17</sup>For a list of contemporary works written against the *Apologetical Narration*, see Zakai, p. 15.

<sup>18</sup>*An Apologetical Narration*, in Haller, *Tracts*, 2:318.

<sup>19</sup>*Ibid.*, 2:318-319.

<sup>20</sup>*Ibid.*, 2:327.

<sup>21</sup>Zakai, pp. 31-32.

Though we affirm the Church-Government is *independent*, and immediately derived from Christ; yet we affirm also, that the Civil Magistrate is even therein (that is, in Ecclesiastical Matter) Supreme Governor civilly. And though nothing be imposed on the Christian Churches against their will, by any *spiritual* Authority (for so only we intend) yet we affirm withall, that the Civil Magistrate may impose on them spiritual matters, by Civil Power, yea whether they like or dislike, if it be good in their eyes, that is if he judge it within his Commission from God.<sup>22</sup>

The third affront was the Independent claim of adopting a *middle way*: "we believe the truth to lye and consist in a *middle way* betwixt that which is falsely charged on us, *Brownism*; and that which is the contention of these times, the *authoritative Presbyterianial Government* in all the subordinations and proceedings of it."<sup>23</sup> Again, this was not a plea for toleration of all Christians. The *middle way* for them was that position between the Presbyterian hierarchy, on the one hand, and the Brownist<sup>24</sup> separation of church and state, on the other. The Independents expressed their total abhorrence of latter day Brownism and its claims of spiritual exemption from all "*Power, Spiritual or civil.*" Brownist doctrines and practices were also considered by the Independents to be simply odious.<sup>25</sup> And so it was this claim to a "middle way" that brought upon the Independents censure from all sides. The Presbyterians saw in this claim to a "middle way" a repudiation of the presbyterian *iure divino* claims. The sectaries like Williams and Walwyn also perceived in the document a subtle attempt to shelter under the coercive and abusive shield of the magisterial sword. It seems strange that while contemporaries could discern the Independent position clearly, twentieth century historians cannot.

The second Independent document, *The Ancient Bounds* was an exciting and interesting document noted for its moderation and exceptional clarity. It was written in 1645 by a well educated, albeit unknown, author of Independent commitments.<sup>26</sup> While this book discusses many themes relating to the totality of Independent ecclesiology and practice only a number are relevant here.

The author begins his discussion by stating that the Christian has the right to be free of coercion. But he is quick to qualify that he does not mean that there are a variety of truths: there is only one truth. But he goes on, better some licence be granted to some errors than "one useful truth be obstructed or destroyed."<sup>27</sup>

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<sup>22</sup>Quoted in D. Nobbs "Philip Nye and Church and State," *Cambridge Historical Journal*, 5 (1935-7), 55.

<sup>23</sup>In Haller, *Tracts*, 2:331.

<sup>24</sup>A reference to Robert Brown, 1550-1633, who led a separatist movement in the Elizabethan and Jacobean periods)

<sup>25</sup>In Haller, *Tracts*, 2:330.

<sup>26</sup>See Barbara Kieffer's article "The Authorship of the Ancient Bounds," *Church History*, 22 (1953), 192-195.

<sup>27</sup>*The Ancient Bounds* in Woodhouse, p. 247.

The first theme is the author's understanding of nature and grace as it relates to Christ's kingdom, which in many ways is the Independent analogue to Rutherford's own conception of nature and grace:

Christ Jesus, whose is the kingdom, the power, and the glory, both in nature and in grace, hath given several maps and schemes of his dominions...: both of his great kingdom, the world, his dominions at large which he hath committed to men to be administered in truth and righteousness, in a various form as they please...: and also of his special and peculiar kingdom, the kingdom of grace. Which kingdoms, though they differ essentially or formally, yet they agree in one common subject-matter, man and societies of men, though under diverse consideration. And not only man in society, but every man individually is an epitome, either of one only or of both of these dominions. Of only one, so every natural man (who in a natural consideration is called *microcosmosus*, and epitome of the world) in whose conscience God hath his throne, ruling him by the light of nature to a civil outward good and end. Of both, so every believer who, besides this natural conscience and rule, hath an enlightened conscience, carrying a more bright and lively stamp of the kingly place and power of the Lord Jesus, swaying him by the light of faith or scripture; and so much a man may be called *microchistus*, the epitome of Christ mystical.<sup>28</sup>

The author then proceeds to note that conscience - as expressed through the light of reason and natural law, which God has written on the hearts of all men and women - is the foundation of law in the civic arena. But even here conscience is not an absolute. In the civic arena, conscience too, as it manifests itself in external actions, must be regulated to some extent. At times the needs of the state overrule the desires of the conscience, as in times of war.

Having outlined the rules of nature, the author's second main point is the role of the Christian magistrate. Though, like his non-Christian counterpart, the Christian magistrate is to protect the "quiet lovers in their dominions," yet he "more than them owes something more to the truth he professes." Christian magistrates ought "principally *ex intention* to direct their whole government to the good of the churches, and for the glory of God therein."<sup>29</sup> With this view in end, it is the duty of the magistrate to direct men to the truth, albeit indirectly, inasmuch as they are to "restrained from grosse profaneness and insolent opposition to the truth." In essence, their role was to make virtue easy and vice difficult.<sup>30</sup> In keeping with the Presbyterians, the author contends that the magistrate is the *custos utriusque tabulae*. As a nursing father to the church, he keeps defends and promotes obedience to both the first and the second table of the moral law. But in doing this, magisterial restraint is primarily negative, not positive. He is to restrain, negatively, departures both moral and theological from orthodoxy: "he may enter the vault even of those abominations of the First Table, and ferret out the devils and devil-worship," and such other things as blasphemy, idolatry, polytheism, atheism, profanation of the Lord's Day, and anti-Trinitarianism. But, the author cautions, the conscience cannot be forced; "yet the manner of the practice [of conscience] is to be regulated."<sup>31</sup>

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<sup>28</sup>Ibid., pp. 247-8.

<sup>29</sup>Ibid., p. 249.

<sup>30</sup>Ibid.

<sup>31</sup>Ibid., pp. 253, 250-2.



After this, the author stresses that, though the magistrate is a nurse-father to the church, "he is to bear to all equally, whom he judges to be the children of truth *in the main*."<sup>32</sup> To support this claim, he adduces six arguments, which seek to distinguish the roles of church and magistrate: it is the Church's role, and not the magistrate's, to try the spirits; and to Christ only is it given the role of deciding between controversies; while the role of the magistrate is only to punish deeds, not doctrines of the faith. In the end, the author states:

...differing opinions in religion, being of a secondary and remote consideration to the outward well-being of men, doth not oblige to destroy, or to expose to destruction by mulcts, bonds, or banishment, the persons of men; for whom as in relation to whose preservation magistracy was erected. For this is a rule: The law of nature supersedes institutions. Men have a natural being before they come to have a spiritual being; they are men before they are Christians. Now therefore faultiness in Christianity you must not destroy the man.<sup>33</sup>

From this position of limited freedom, the author enunciates that it is the portion of every individual to find the truth, and in this he cannot be coerced. While avoiding mysticism, the author suggests that as there are many claims to ultimate truth (he means claims within the acceptable parameters of Christianity, such as the various claims to truth by the Independents, the Presbyterians and the Baptists), and as Christ is the only head of the church the individual, in personal subjection to Christ, must find in own theological way.<sup>34</sup>

The last pertinent theme to this tract is the author's attempt to redefine the relationship between Old and New Testament theonomy. Regarding the objection that the kings of Judah acted rightly in all things pertaining to their rulership and theonomy and that this should be the model for present kingly actions, he counters: "yet it cannot be drawn into precedent for us."<sup>35</sup> In support of this contention, he offers four arguments: they were the times of the Old Testament, and these the times of the New, and it is "not a sound way of arguing from them to us in everything." While it was true that worship in the Old was compulsorily required, worship in the New, however, should be free. Secondly, Old Testament worship was carnal, bodily and outward, conforming to certain worldly ordinances; but worship in the New is a worship "in the heart and hidden man, in spirit and in truth, which is at the back of no human force or power." Therefore he argues "it is no good argument from that worship to this." One wonders if this argument would have really convinced the Presbyterians; for surely, the Old Testament calls for inward repentance and renewal as much as the New. The third and most important argument is that the kings of the Old Testament were typical of Christ, and so "did bear visibly, and execute typically his kingly office (even as priests and prophets did his other two offices)... Our kings are only the ministers of God in the world, ruling indeed *for* the church, not *in* the church and *over* it as then." Fourthly, and lastly, in the Old Testament, the church and state were one, so that he who ruled over the state was also head of the church, and he who was a member of the state was also a member of the church. Therefore, he

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<sup>32</sup>Ibid., p. 253 [Emphasis mine].

<sup>33</sup>Ibid., p. 257.

<sup>34</sup>Ibid., pp. 259-61.

<sup>35</sup>Ibid., p. 264.

contends, "the argument will not hold from Israel to England, or any other nation." He concludes:

Now though I know a national church in one sense is the apple of some men's eye...: yet in this sense they will none of them hold it: that as in Israel, so in England, so in Scotland, the nation is holy, and all that are born in it are holy, and all that are born in it are of the church *ipso facto*, or *ipso natu*. And if this is not so, then may not Christ's kingly sceptre, which relates only to the church, be swayed over them all generally. Therefore kings and magistrates may not now as then compel men to religion; but that which those kings did in a typical way, Christ, the King of the Church, doth in a spiritual, antitypical way of accomplishment.<sup>36</sup>

This last volley of arguments is, in some ways, quite intriguing. They sound strangely similar to the arguments often adduced by the sectaries in their attempts to dissociate the Old testament theonomy from the New. It is most likely that the author is attempting to disavow any alleged Presbyterian claims to theocracy, and/or the magisterial establishment of a uniform national church. To conclude the tract, he offers a prayer for peace and unity between himself and the Independents on the one hand, and the Presbyterians on the other.

As with the true intent of the *Apologetical Narration*, a similar myth enshrines the true intent of this tract. Woodhouse for example states: "But the considerable advance towards liberty of conscience which would be made from the fundamental position of Ireton and Nye is attested by the anonymous *Ancient Bounds*..."<sup>37</sup> In opposition to the myth and with an almost iconoclastic zeal, Zakai states, correctly: "*The Ancient Bounds* demonstrates that the Independents sought acceptance among the Presbyterians; yet there is no evidence whatsoever for the notion that in order to achieve toleration for themselves they advocated toleration for all."<sup>38</sup>

The third item under consideration is the Whitehall debates, in which the Independents confronted the very question of toleration with the Levellers and Sectarians. One would expect that here the myth will either be exorcised or resurrected. All that will be outlined here, after some preliminaries, is the basic Independent theory on toleration.

The Whitehall debates commenced on 14 December 1648 and continued through to the 13 of January 1649. These dates, alone, are quite significant, as over three years had passed since *The Ancient Bounds* was published. If there had been any significant movement on the part of the Independents towards general toleration, and if the earlier tracts *An Apologetical Narration* and *The Ancient Bounds* had really signalled a departure from early Independent attitudes toward general toleration, there would be some evidence in these debates.

The Whitehall debates were a sequel to the Putney debates, which had commenced just over a year before. Both were attempts by the Independents, from the Army and Assembly, to

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<sup>36</sup>Ibid., pp. 264-5.

<sup>37</sup>Woodhouse, p. 35.

<sup>38</sup>Zakai, p. 28.

seek a agreement between themselves and Leveller agitators and radicals in the Army. While the Putney debates were primarily concerned with the Leveller *Agreement of the People*, in which the nature of government and property were discussed, the Whitehall debates dealt specifically with the question of toleration as expressed in article seven of *The Agreement of the People*. Invited to these latter debates were: delegates from the Army (the agitators), the Levellers from London, and the Army and Assembly Independents. Also invited were delegates to represent the Assembly Presbyterians, but these latter declined to attend. The two principal questions debated were: "Whether the magistrate have, or ought to have, any compulsive power in matter of religion;" and whether in the Agreement of the People it should be stated that the magistrate ought to have any reserve in religious things, or only to give power in natural and civil things and say nothing of religion." The principal Independent theorists at these debates were Henry Ireton, Cromwell's son in-law, and the Assembly Independent Philip Nye.

There are three controlling themes in Ireton and Nye's attitude toward toleration which parallel the order of thought in Rutherford's *Lex Rex*, and to a lesser degree the anonymous *Ancient Bounds*. Firstly, the opening discussion between the Levellers and Independents concerns the nature of government. Ireton states, in a rather Hobbesian style, that:

You [the Levellers<sup>39</sup>] commit the trust to persons for the preserving of peace in such a way that are most suitable in civil society. [And they are persons] that are most probable and hopeful for [preserving] liberty, and not [like] to make us slaves. [For] as it may be most hopeful to common and equal right among us, so may [it] be most hopeful to provide for the prosperity and flourishing state of the nation. But the necessary thing, that which *necessarily* leads men into civil agreements or contracts, or to make commonwealths, is the necessity of it for preserving peace.. Because otherwise, if there were no such thing, but every man [were] left to his own will, lusts, and passions would lead every one to the destruction of another, and [every one] to seek all the ways of fencing himself against the jealousies of another.<sup>40</sup>

After this Ireton sums up the differing conceptions of social contract between the Independents and the Levellers. He notes that under the Leveller scheme the magistrate's only function, though divinely given, is to regulate the associations between man and man, with no regard to religion. But the magistrate, in Ireton's understanding, while retaining his God given authority to judge in matters civil, has also a divine authority to judge in matters spiritual.<sup>41</sup> Once again, in the socio/religious mix, theonomy grounds the matrix of nature and grace. In reality, with their similar two-tiered concept of the state, there is little difference between Ireton and Rutherford. After this, Ireton discusses conscience which in regard to both civil and spiritual matters and while having some civil and religious liberty, ought still be subject to some regulation.<sup>42</sup> Building on conscience, Ireton later stresses that the Independent position affirms that there is the liberty to serve God in true religion, according to conscience, but that

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<sup>39</sup>This interpolation is mine, but all subsequent interpolations are from Woodhouse, unless indicated by an asterisk.

<sup>40</sup>In Woodhouse, p. 130.

<sup>41</sup>*Ibid.*, pp. 131-2.

<sup>42</sup>*Ibid.*

this liberty is not unbounded. The magistrate, he affirms, must not be debarred from restraining everything that "man calls religion," and in the melee of the debates, both Nye and Ireton urge that it is the magistrate's duty to restrain, not only such things as theft and murder, but also deviations from the two tables, anything contrary to the commandments of God, false religion, idolatry, "and anything against the light of God."<sup>43</sup> For if the nation does not punish these sins, argues Nye, God will punish that nation.<sup>44</sup>

From the question of conscience, the debate moves to theonomy: Does Old testament theonomy continue in the New?<sup>45</sup> Both Ireton and Nye affirm that moral theonomy is a perpetually binding ordinance: "the Old Testament hath lost much, yet there are some things of perpetual and natural right..." They further counter that is the Levellers who must prove that the perpetual law is abrogated.<sup>46</sup> Against this, the Levellers and sectaries reply that Old Testament theonomy was typical and therefore abrogated. With a complex of replies the Independents counter that: (1) The Bible is a unity and is therefore not to be compartmentalised; (2) evil and sin in the former dispensation is still evil and sin in the present dispensation, and as God's law is written on all men's hearts and God does not change so that evil and sin still require the same punishment; (3) while it is admitted that in the judicials and ceremonials the Old testament law were abrogated, in that the *manner* of magisterial punishments may change from Old to the New, the *fact* of magisterial punishment does not; (4) and lastly, while it is admitted that much of the Old dispensation was typical, much was still moral and therefore perpetually binding.<sup>47</sup> In this light it would appear difficult to maintain that the Independents progressively called for a general toleration.

The question that remains was the problem of New England: Was John Cotton's exclusive congregational experiment indicative of true Independency, or was it a deviation from the Independency of Old England and therefore a separate ideological movement? Many seventeenth century Presbyterians were perplexed by the English Independent plea for ecclesiastical accommodation of their congregationalism, when in reality the Independents of Massachusetts Bay were anything but accommodating of differing ecclesiologies.<sup>48</sup> The

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<sup>43</sup>Ibid., pp. 143, 148-9, 153-4, 168.

<sup>44</sup>Ibid., p. 160.

<sup>45</sup>Ibid., p. 145.

<sup>46</sup>Ibid., p. 146. Nye also counters without that divine theonomy there can be no basis of any moral or civic restriction. He alludes to a prisoner to be executed for bigamy who, in his attempt to evade persecution, appealed to pretended conscience. In this Nye is following Rutherford's earlier point about murder, but to which this question has, from the Levellers, no forthcoming answer.

<sup>47</sup>Ibid., pp. 145-6, 155-6, 159.

<sup>48</sup>This issue disaffected such men as Gillespie, *Wholesome Severity*, p. 19; Robert Baillie *A Dissuasive of Errours of the Time*. (London: Printed for Samuel Gellibrand, 1645), p 92; and Edwards, *Gangrena*, p. 126; and even Hetherington castigates the Independents on

general historiographical understanding of the relationship between Old and New England, which is rarely articulated but usually only inferentially suggested, is that the New England Independents applied their principles consistently, while those in Old England, disparate and dominated by both pragmatism and the perceived need to find allies, moved from their traditional approach to liberty, or the denial thereof, and thus came to endorse open toleration. This is essentially the view that Rosemary Bradley articulates and defends.<sup>49</sup> On the other hand, Zakai stresses the point that the Old England Independents, Philip Nye and Thomas Goodwin, in a preface written by them, endorsed John Cotton's *Keys to the Kingdom*, in which Cotton calls for "*the establishment of pure religion, in doctrine, worship and government*, according to the word of God; as also the reformation of all corruptions in any of these."<sup>50</sup> Zakai suggests that Nye and Goodwin were united on this point. The former would have the Old England Independents, who are obviously in theological conflict over the issue of toleration with those of New England, come together with the New England Independents to endorse a New England policy of intolerance. On the other hand, the latter would have Old England Independents just as intolerant as the New England Independents, but who, contrary to this intolerance, consistently contended for a bounded toleration. Both proffered solutions result in irreconcilable contradictions.

First the quotation from Cotton is not necessarily incompatible with the "bounded toleration" position of the English Independents. They had never advocated that the magistrate should endorse every ecclesiastical expression of Protestant Christendom. Secondly, Roland Bainton identifies three main Protestant responses to religious diversity: (1) territorialism; (2) comprehension; and (3) unbounded toleration.<sup>51</sup> Advocates of the first response were the German Lutheran and Reformed churches. This position dates back to the middle ages, and emphasised the total unity of the church. But with the break up of Christendom, due to the Reformation, many states attempted to reconstruct the unity of Christendom in miniature; hence the Lutheran, Catholic and Reformed partition of Germany; and it was also the position adopted in Scotland and Switzerland.

As Bainton notes, in a world or society without definable frontiers, this system

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this point and accuses them of becoming just as intolerant whenever and wherever they come to power (p. 138).

<sup>49</sup>Bradley, p. 29.

<sup>50</sup>Zakai, p. 32.

<sup>51</sup>Bainton, *The Struggle for Religious Liberty*, p. 115. Bainton's explanation of Territorialism provides further insight into Rutherford's understanding of intolerance. While it is admitted by all that the Old Testament was territorialistic, the question is: "Is the New Testament similarly territorialistic?" To this Rutherford, and Ireton, would affirm that the New Testament is just as territorialistic as the Old; in that the New Testament must be read and understood in the light of the Old Testament. However, others would deny that this is so. As this claimed New Testament territorialism is the foundation of Rutherford's intolerance, how this question is answered will go a long way in determining to whom liberty and tolerance will be extended.

becomes totally unrealistic.<sup>52</sup> The comprehension position was adopted in England, and was a product of the Elizabethan settlement. This system attempted to accommodate as many as possible within acceptable Protestant parameters, and it was the system that the English Independents inherited. The third view, needless to say, was the position which revolutionary America was later to adopt. It is clear that John Cotton and the New England Independents adopted the first alternative, territorialism.

With definable borders, intolerance was easy to regulate and enforce; and of those who may have dissented from the New England Way, could easily leave Massachusetts Bay, and reform elsewhere. Banishment, as viewed by Cotton, was not seen as a tragedy, but as blessing; after all, the Americas were vast and resplendent with abundance. Sidney E. Mead puts the point well:

The Puritan theocrats on the Charles early grasped the important aspect of the meaning of the great space available for all. Nathaniel Ward, presuming to speak of Massachusetts Bay, proclaimed that "all Familists, Antinomians, Anabaptists, and other Enthusiasts, shall have the liberty to keep away from us, and such as will come top be gone as fast as they can, the sooner the better." Back of this of course was the thought that there was plenty of room "to be gone" in. John Cotton but took the next obvious step when in partial justification of forcing some to leave he blandly stated that

The jurisdiction (whence a man is banished) is but small, and the Country round about it, large and fruitful: where a man may make his choice of variety of more pleasant, and profitable seats, than he leaveth behinde him. In which respect, Banishment in this Country, is not counted so much a confinement, as an enlargement.<sup>53</sup>

It seems more plausible then, considering the general unity of opinion between Old and New England Independents, that each adapted their Independency to the political and geographical situation with which they were confronted. Given the socio-political circumstances of Old and New England, both responses were acceptable. In this they were surely as consistent as were the Lutherans, the Scots or the Swiss.

In essence the Independents were extremely close to the Presbyterians. Both had adopted the social contract as a repudiation to medieval claims of absolutism, both monarchical and papalist. Both had a two-tiered concept of the state in which social contract or covenant was wedded to theonomy. In this marriage, grace supported and governed the parameters of nature. The differences lay in the Independents attempts to apply certain Reformation principles, such as congregational covenants and the priesthood of all believers, to congregational life. This led them to espouse a voluntarist position on the church. This in turn precluded, for them, authoritative hierarchical presbyteries and synods. This denial of ecclesiastical hierarchies led to the magistrate taking a much more central role in the life of the church. Lastly, because of their commitment to voluntarism and their loss of epistemic

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<sup>52</sup>Ibid., p. 116.

<sup>53</sup>S.E. Mead, "From Coercion to Persuasion: Another Look at the Rise of Religious Liberty and the Emergence of Denominationalism," *Church History*, 25 (1956), 323. He also points out that conditions in America were not as drastic as they had been in the early 1610s and 1620s.

certainty over the non-fundamentals, the Independents were subsequently led to espouse a policy of limited toleration - but at no point did they espouse an unbounded toleration for all. In the end, a house divided against itself cannot stand - and in Zion the saints, like two twins fighting in the womb, were divided; to the point that a breach between Israel and Judah was inevitable.





## CHAPTER 5: THE LEVELLERS: MODERN DEMOCRATS AND ADVOCATES OF RELIGIOUS TOLERATION

That a civill magistracy is an ordinance of God set up by God for the punishment of evil doers, and for the praise of them that do well; and that in all lawful things commanded by them, subjection ought to be given by us in the Lord: and that we are to make supplication and prayer for Kings, and all that are in authority, that under them we may live a peaceable life in all godliness and honesty...

So it is the magistrates duty to tender the liberty of men's consciences... (which is the tenderest thing unto all men, and most dear unto them, and without which all other liberties will not be worth the naming, much less enjoying) and to protect all under them from wrong, injury, oppression and molestation... and we believe to be our express duty, especially in matters of religion, to be fully persuaded in our minds of the lawfulness of what we do as knowing whatsoever is not if faith is sin. And as we cannot do anything contrary to our understanding and consciences, so neither can we forbear the doing of that which our understandings and consciences bind us to. And if the magistrate should require us to do obedience, we are to yield our persons in a passive way to their power.

A Confession of Faith of Seven Congregations or Churches of Christ in London, Which Are Commonly (But Unjustly) Called Anabaptists,  
(2nd ed, 1646).

Who were the Levellers and what did they stand for? While this chapter addresses these two questions, it primarily addresses the correlation of their political views with the underlying religious toleration. This chapter explains this issue of toleration in the light of the political theory which led to their advocacy of full religious toleration. As with both the Presbyterians and Independents, the underlying factor here is the Leveller understanding of the inter-play of nature and grace. Following Woodhouse, this chapter similarly contends that the Levellers segregated nature and grace. Thus, this segregation became, for the Levellers, the central organising principle from which they sought to provide a new *raison d'être* for state and church alike. However, in their calls for the dichotomisation of state and church, they were not calling for the de-christianisation of the state; or to state in another way, they were not advocating the secularisation of the state.

To understand the importance of Leveller influence, one must first understand the historic context in which they arose. England was in the seventeenth century poised at the brink. Looming back was the past in which society was dominated by an explicit Biblicist hermeneutic. The Bible had (since the days of St Augustine), provided the much needed *raison d'être*s for every aspect of life in medieval Christendom. It was not only Christendom that had maintained this Biblicist hermeneutic, the same type of religious hermeneutic dominated, and still does in many cases, the Islamic and Judaic worlds; though this Biblicistic hermeneutic had found expression in the Islamic and Judaic analogues of the Christian Bible: the Koran and the Torah. What this meant was that in medieval Christianity, civic covenants were sublimated and superseded by divine covenants; while the same is equally applicable to

theonomy's usurpation of natural law. However, in a post-Christian age, the book of God's Works replaces the book of God's Word as the epistemic starting point.

To view it from another perspective, historians have often periodised history, specifically European, around the theoretical axis of the pre- and post-industrial ages. However, historical philosophers have often used another form of periodisation appertaining to Europe's intellectual evolution. Under this rubric, post-Classical Europe can be classified under the sub-headings of pre-modern, modern and post-modern. The pre-modern age was the age of Christianity, where the epistemic foundation was a revelational epistemology explicitly derived from the Scriptures. The Modern age (otherwise designated as The Age of Reason) was typified by European man's attempt to establish new *raison d'etres* for science, philosophy, political obligation, and ethics. The modern man was thus typified by a radical paradigm shift in epistemology. In this age, man once again became the measure of all things. He was confident in his quest for absolutes which were no longer founded on divinity. Once ethics had been based in Divine law, then they were based in Kant's Categorical Imperative. Once science was grounded in an orderly and creative God, then science was based in chance and necessity. Once political obligation was grounded in theonomy, then it was grounded in natural laws and laws of natural equity and justice. The post-modern age, on the other hand, is characterised by society's recognition of its inability so attain epistemic certainty. The post-modernist age is typified by its surrender to relativism.<sup>54</sup>

The importance of Leveller theory can be appreciated in the light of this intellectual periodisation. The Levellers, (along with John Locke and then Thomas Hobbes) were the bridge between England's leap into the modern age. Whereas the Presbyterians and Independents typified a passing age, an age in its death throes, the Levellers were the intellectual harbingers of an age to come. However, while they segregated nature and grace, it was not their intention to de-Christianise nature. Frank suggests their aim was only the decentralisation of religion, not its subordination.<sup>55</sup> Others, however, carried the segregation to its fullest logical extent, to the point that in the modern age God is dead, or at the very least, *deus absconditus*. On the other hand, the Levellers were really the first *modern theists* who attempted a syncretisation of medieval theism and the modern age. While it can be said that on the political stage of life and nature, natural law replaced theonomy, theism was the indispensable backdrop for natural law that was the epistemic source of their theories. In other words nature was grounded in general revelation, and given its own *raison d'etre* distinct from grace, while grace was grounded in special revelation which had its own *raison d'etre* distinct from nature. Thus nature and grace were merely dichotomised, and not secularised, with each to rule over segregated spheres. However, it was this theistic backdrop that was discarded by the true modernists; and atheism, now the dominant intellectual paradigm, became the backdrop of natural law theories. Only when the Levellers are seen in this light, can such questions as whether or not the Levellers were devout theists, who in desiring religious liberty

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<sup>54</sup>See Os Guinness, *The Dust of Death* (London: Inter-Varsity Press, 1973); and Francis A. Schaeffer, *The God who is There* and, *Escape From Reason* in *The Complete Works of Francis A. Schaeffer* (Westchester, Illinois: Crossway Books, 1982).

<sup>55</sup>J. Frank, *The Levellers* (Cambridge, Mass.: Harvard UP, 1955), p. 248.

used political liberty as a means to attain that end. Or whether they were political libertarians in which religious liberty was seen as the means to attain that end.<sup>56</sup>

It is also in this context that claims by William Haller and Godfrey Davies that though the Leveller leaders were animated by religious convictions the movement was essentially secular<sup>57</sup> can be seen as either empty of meaningful content or simply misleading. Yet as D.B. Robertson suggests, to be concerned with the secular is not the same as being secularist.<sup>58</sup> On the other hand J.C. Davis goes too far in the other direction. He states that: "The adoption of the idea of universal free grace meant that there could be no segregation between nature and grace in human affairs. Society became, as it were, the invisible church made visible."<sup>59</sup> After this, he stresses Leveller commitment to practical Christianity as exercised in the civic sphere - but this hardly constitutes support for his claim. Leveller commitment and interest in a civic reform enjoined by the laws of God and the laws of nature (but respecting the second table only), hardly allows one to suggest that society has become the visible church. The fly in Davis' ointment is that the Levellers clearly affirmed that civil society was the institution of all men *qua* men, theists and atheists alike (whether the latter acknowledged this or not); and civic reform, as an expression of civic or practical Christianity, regarded the second table only. It is better to suggest that the Levellers simply advocated that magistracy and society were constituted on the basis of the second table alone, which was revealed through natural law, and which in turn was supported by general revelation - while the church was constituted according to the first table (and the expression of which only each individual conscience could determine), which in turn was supported by special revelation. On this basis, the Levellers were as thoroughly Biblicistic as were the Presbyterians and Independents and in this Davis is clearly right. But whereas these two factions sought the integration of nature and grace, the Levellers sought their dichotomisation.

The aim of this chapter is to discover the true Levellers, and in particular how it was that they could contend for unbounded toleration. After outlining the main leaders of the Levellers this chapter first sketches what may be termed the Leveller anthropology. Secondly, building on Leveller anthropology, the question of Leveller political theory as expressed in social contract and law will be discussed.<sup>60</sup> Thirdly, the chapter discusses the consequences of

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<sup>56</sup>B. Manning, "The Levellers and religion," *Radical Religion in the English Revolution*, ed by McGregor J.F. & Reay B. (Oxford: OUP, 1984), pp. 81-2.

<sup>57</sup>Haller and Davies, *The Leveller Tracts: 1647-1653* (Gloucester, Mass.: Peter Smith, 1964), p. 7, 36; and Haller, 1:87. For a discussion of the contrary thesis see J.C. Davis, "The Levellers and Christianity," *Politics, Religion and the English Civil War*, ed. B. Manning (London: Edward Arnold, 1973), pp. 224-50; cf. Manning, *The Levellers and Religion*, pp. 65-89, and Robertson, pp. 9-10, 29-48, 121-3.

<sup>58</sup>Robertson, p. 121.

<sup>59</sup>Davies, p. 233.

<sup>60</sup>The ensuing discussion on Leveller political theory will not be as comprehensive as the previous discussions on Rutherford and the Independents. Whereas there is a dearth of

Leveller politics with regard to the question of toleration. In this last topic, the issues of popular sovereignty, theonomy, scepticism, and conscience will be discussed.

The leading Leveller theorists, forming a triumvirate of dissent, were John Lilburne, Richard Overton and William Walwyn. (Two lesser Leveller theorists were John Wildman and the Arminian Independent divine, John Goodwin.) John Lilburne, one time Particular Baptist and the head of the triumvirate, is mostly known as the leading theorist, though not the most systematic. He spent most of the 1640s either as a colonel in the Army, or a prisoner in the tower or the fleet. Walwyn on the other hand led a very quiet life, and only once found himself in prison with Lilburne and Overton. Committed to no known denomination, Walwyn, an antinomian, in Socratic style sought to be a champion of the religiously oppressed. He was also well read in the "humane authors," the Renaissance humanists. Overton was the leading legal theorist, having had some legal training. He was the author of *Man's Mortalitie*, an infamous work advocating psychopannychism<sup>61</sup> and the rejection of the dichotomy of soul and body (as expressed in traditional Christianity). The body, argued Overton, is the soul. However, of the three theorists he was the more systematic and in some ways more advanced in his thinking. Apart from his co-authored Leveller tracts, his more influential works were *An Arrow Against Tyranny*, and *The Arraignment of Mr Persecution*, an allegorical work advocating toleration.

John Wildman, a London Leveller and principal liaison between the Army and the London Levellers, had also some legal training. John Goodwin was a leading Arminian Independent divine, who, as Haller says, was a formidable opponent of the Presbyterians, "because he was himself one of the Brahman caste, a match of the brotherhood in the arts of both debate and of edification." Haller also says of Goodwin: "He was a master of the intellectual method of the Protestant divine, which consisted in applying a supposedly infallible dialectic to the supposedly infallible scriptures for the extraction of authoritative canons of judgement and rules of conduct."<sup>62</sup> The Levellers, then, were politically animated theists of diverse backgrounds, whose aims and objectives were the political reformation of England by calling for the full democratisation of England; and thus they were England's first *modern* democrats.

With regards to Leveller anthropology, the one constant refrain in Levellers thought was that man's spiritual state is not as bad as the Calvinists suggested. For the seventeenth

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literature on Presbyterian and Independent political theories and their implications for religious toleration, there is an abundance of material explaining Leveller political theories and their consequent advocacy of an unbounded toleration. Further, The Levellers did not develop a fully wrought-out theory of political obligation (in that they were deficient in such things as property, an issue Locke later solved). Yet once John Lilburne's inordinate fascination with *Magna Carta* was dropped and the question of property resolved, Locke's own understanding of political obligation mirrors that of the Levellers.

<sup>61</sup>A Belief in the death or sleep of the soul pending resurrection.

<sup>62</sup>W. Haller, *Liberty and Reformation in the Puritan Revolution* (N.Y.: Columbia UP, 1955), pp. 250-1.

century Calvinists man was depraved. Sin had corrupted every faculty of man from head to foot, for there was nothing sound within him. Or in Hobbesian terms humanity and life was "nasty, brutish, and short." People left to themselves would seek the extermination of all others. To prevent this undesirable state, man enters into contract. After social contracts have been established, theonomy then gives the contract form and substance. From this spiritual oligarchies develop. In theonomic social contracts, society takes the form of a two-tiered configuration where the saints, the enlightened, rule the sinners, the unenlightened; and where government is an instrument to restrain the excesses of the unenlightened. In contradistinction to this Calvinist two-tiered construct, the Levellers, true to their name wanted to collapse the two tiers into one. Part of the reason why the Levellers could even begin to think this way was simply their rejection of life as nasty, brutish and short. Admittedly this was still an age that could still freely speak of sin, but the focus and emphasis of sin and its noetic effects had changed - and man was not quite as depraved as the Puritans had suggested. Indeed, Levellers no longer subscribed to the aristocracy of grace. For grace, they believed, could be accessed by all.

Imbued with a resurgent Renaissance neo-Platonism, the Levellers held that man's reasoning powers were still functioning quite well, and that divine reason was present in all.<sup>63</sup> They saw depravity not so much in terms of the bondage of the will but as ignorance and superstition.<sup>64</sup> However, this ignorance was redeemable - all men were educable. Though they could easily speak of sin, they contended that sin should not be allowed to justify inequality.<sup>65</sup> Just as all men are equal in sin, so they are all equal in Adam. But, if all men are equal, then they all are equal in privileges, and the remedy for "sin" is accessible to all. For as much as grace was free, it was free of brokers. And the individual had as much right and access to heaven's doors as any other; and here, as anywhere, they exhibited an anti-intellectualism which expressed itself as an intolerance towards academia. Through the use of reason, then, all men could equally access epistemic principles, such as the golden rule, as any saint could. The laws of nature could be known by all, saints and sinners alike. The Levellers could only suggest such things on the basis of their prior repudiation of many of the tenets of Calvinism. Antinomianism and Arminianism, two key doctrines, lie at back of this redefinition of man's spiritual state and his consequent competence in matters spiritual and civil.

The possible exception to this was John Lilburne, who began his political career as a Calvinistic Particular Baptist. But Lilburne was both enigmatic and problematic - he ended his career and life among the Quakers. As Robertson says:

...in Lilburne there is a suggestion of sectarian "perfectibilitarianism." Lilburne seems quite confident that the image of God in the Christian is "restored, confirmed and enlarged." And he claims personal "righteousness" in Christ. In how far beyond the golden rule every man was conceived to be in

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<sup>63</sup>M.A. Gibbs, *John Lilburne the Leveller: A Christian Democrat* (n. p.: Drumond, 1947), p. 171.

<sup>64</sup>Frank, p. 36.

<sup>65</sup>Robertson, p. 59.

harmony with God's purposes is not clear. Certainly the possibility of a general restoration was envisaged."<sup>66</sup>

What is more, the Levellers inverted the former *raison d'être* of civil governments. Whereas civil government was once seen as an instrument to restrain the corrupt masses, government itself was perceived by the Levellers as the seat of corruption. Brian Manning explains:

Christopher Hill observes that the levellers built upon the principle that power corrupts. Thus they shifted the focus of original sin from the wickedness of the mass of mankind, which required that they be kept under the rod of the magistrate, to the wickedness of men in power, which required a form of a constitution which reduced and checked their ability to do harm.<sup>67</sup>

The question of religious toleration does not hinge on man's latent abilities, or specifically the Leveller understanding thereof. Toleration can still be sufficiently grounded on the key principle of inter-Testamental discontinuity. It was on this very question that the very Calvinistic Roger Williams based his arguments for toleration and the separation of church and state. But as the Levellers started with this anthropological understanding it is pertinent to their peculiar reasons for their advocacy of toleration. It seems quite natural that from this Leveller concept of civil equality, the role and function of government was redefined. As all men were equal in grace so all men were equal in nature. The principle of Democracy, once merely operating in grace, is extended to nature. Again, where in grace, there existed spiritual covenants, so in nature as well. And lastly, as in grace there was theonomy, to give form and substance to grace, so in nature, natural law served an analogous end. By analogy, there is the beginning of the secularisation of grace.

The Leveller concept of government, in essence, straddles a position between Rutherford on the one side, and the secularist Lockean<sup>68</sup> theories of the eighteenth century, on the other. The Presbyterian Thomas Edwards despite his usual scurrilous propensity to exaggerate, explains well the Leveller position on government:

...all men are by nature the sons of Adam, and from him have legitimately derived a natural propriety, right, and freedom, therefore England and all other nations, and all particular persons in every nation, notwithstanding the differences of laws and government, ranks and degrees, ought to be alike free and estated in their natural liberties, and to employ the just rights and prerogatives of mankind, whereunto they are heirs apparent; and thus commoners by right, are equal with the lords. For by natural birth all men are equally and alike born to like propriety, liberty and freedom; and this as we are delivered of God by the hand of nature into this world, every one with a natural innate freedom, and propriety, even so are we to live, every one equally and alike to enjoy his birthright and privilege.<sup>69</sup>

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<sup>66</sup>Ibid., p. 96.

<sup>67</sup>Manning, p. 87.

<sup>68</sup>Locke was in many ways identical with the Levellers, in spirit if not in letter. As a theist he merely perfected the central Leveller concepts of natural law (which are importantly supported by general revelation), property, contract and so forth. It was Locke's ideas that were de-Christianised in the eighteenth, nineteenth and twentieth centuries.

<sup>69</sup>Quoted in Robertson, p. 3.

It was from this claim to civil equality that the Levellers developed their theories of representative democracy. The components of this were: (1) natural law; (2) equality of all men; (3) consensual magistracy; (4) the telos of government; and (5) the implications of consensual government. Each of these five components is logically interrelated, and builds upon the preceding point. These five points need only a brief elucidation.

Though natural law theory had its origins in classical thought, classical natural law was explicitly secular. The type of natural law that the Levellers invoked was the Thomistic synthesis of natural law and theonomy. In Thomism, general revelation formed the epistemic grounding of natural law, and theonomy was a development of special revelation. Natural law and theonomy both imaged the eternal law of God and were the grounds of all positive laws (those laws generated by civil institutions). Natural law theories had been revived by the Renaissance neo-Platonists, but were later obscured by Calvin, and the Reformers after him, in reaction to Catholicism, revived theonomy. However, natural law was revived in the works of Hugo Grotius on international law, similarly known as the law of nations. More importantly natural law came into prominence in St Germain's *Dialogue in English, between a Doctor of Divinity and a Student of the Lawes of England* (first published in 1530/31 and often simply referred to as *Doctor and Student*), and Edward Coke's *Institutes of English Law* (the first part was published in 1628, while the second part, dealing with the *Magna Carta* was published in 1642, and the third and fourth parts were published in 1644). The main thrust of both these works was renewed emphasis on natural law as expressed in both canon law and, the *Magna Carta*. Frank conjectures that Lilburne had access to Coke's *Institutes* as early as 1645, if not 1638.<sup>70</sup> This natural law was written on all men's hearts, and could be demonstrated by reason which found expression in the "golden rule" which in its turn typified the principle of self-preservation.

What is more, natural law taught that all men were equal. In *The Freeman's freedom*, Lilburne contended that all "by nature are equal and alike in power, dignity, authority, and majesty, none of them having by nature any authority, dominions or magisterial power one over or above another."<sup>71</sup> In this the Levellers emphasised the sanctity of the individual who was civilly inviolable. Here again it is possible to find another secularised Leveller analogue. Whereas in Presbyterian and Independent thought, the new birth secured the necessary rights and privileges in the kingdom of grace, the Levellers advocated the first birth which, as the only needed warrant and ground secured a person's civil rights and privileges.<sup>72</sup> This principle led naturally to the claim that the institution of civil government was a product of social contract and delegation. In Lilburne's words: "Neither have they or can they exercise any [authority], but merely by institution or donation, that is to say, by mutual agreement of consent, given, derived, or assumed by mutual consent or agreement, for the good benefit and comfort each of other and not for the mischief, hurt or damage of any." Similarly, Major William Rainborough, during the Putney debates, stated:

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<sup>70</sup>Frank, pp. 58-9; see also Haller and Davies, pp. 40-5.

<sup>71</sup>Quoted in Gibb, p. 172.

<sup>72</sup>Frank, p. 96; cf. Walwyn's "Toleration Justified," in *The Writings of William Walwyn*. ed. J.R. McMichael & B. Taft (Athens: University of Georgia Press, 1989), pp. 163-4.

...the poorest he that is in England hath a life to live, as the greatest he; and therefore truly, sir, I think that it is clear that every man that is to live under a government ought first consent to put himself under that government... And therefore I do [think], and am still of the same opinion, that every man born in England cannot, ought not, neither by the Law of nor the Law of Nature, to be exempted from the choice of those who are to make laws for him to live under.<sup>73</sup>

While Robertson previously criticises Woodhouse's "principles of analogies," he recognises the Woodhousian analogy of covenant operating in Leveller social contract ideas:

One specific aspect of Puritan, and especially sectarian, church government which found its counterpart in the democratic political theory was the covenant idea. Familiarity with the covenant relationship provided some common ground for the Independents, or Congregationalists, and sectarians like the Levellers. The Levellers' *Agreement* is the covenant idea in its most comprehensive form.<sup>74</sup>

From this postulate, the Levellers contended that political sovereignty and supreme power abided in the people. As far as governments were concerned they were representatives of the people. The purpose of Government was the protection of the people. Whereas Rutherford's signature appeal was to *Lex Rex*, the law is king, the signature invocation of the Levellers was *salus populi est suprema lex*, the safety of the people is the supreme law.<sup>75</sup> To this end, as Roger Williams would suggest, the *telos* of magistracy was the *pax civitatis*.<sup>76</sup> From the basis of *salus populi est suprema lex*, the Levellers could contend for "rights" and "natural liberties" - something which the religious Puritans, with their idea of total depravity, could never advocate. In the world of Leveller social contract theories, civil theonomy was disenfranchised, becoming an alien with no permanent residence.

With a flourish of brilliance, Richard Overton in his *An Arrow Against all Tyrants* (written in 1646) sums up Leveller political theory:

To every individual in nature, is given an individual propriety by nature, not to be invaded or usurped by any: for every one as he is himselfe, so hath a selfe propriety, else could he not be himselfe, and on this no second may presume to deprive any of, without manifest violation and affront to the very principles of nature, and the rules of equity and justice between man and man; mine and thine cannot accept this be: No man hath power over my rights and liberties, and I over no man; I may be but an individual, enjoy my selfe and my selfe propriety, and write my selfe no more then [read as "than," as elsewhere] my selfe, or presume any further; if I doe, I am an encroacher & an invader upon an other mans Right, to which I have no Right. For by natural birth, all men are equally and alike borne to like propriety, liberty and freedome, and as we are delivered of God by the hand of nature into the world, every one hath a natural innate freedom and propriety (as it were writ in the very table of mans heart, never to be obliterated) even so are we to live, every one equally and alike to enjoy his Birthright and privilege; even all whereof God by nature hath made him free...

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<sup>73</sup>Woodhouse, pp. 53, 56.

<sup>74</sup>Robertson, p. 29. See *An Agreement of the People*, reprinted in Haller and Davies, pp. 318-28.

<sup>75</sup>Cf. W. Walwyn, "The Compassionate Samaritane" 2nd ed. (London: no publ., 1644), p. 21 [The pagination follows Walwyn's]; in Haller, *Tracts*, 3:61-104; and Richard Overton's "The Arraignment of Mr Persecution" in Haller, *Tracts*, 3:237.

<sup>76</sup>Williams, p. 72. [Or page 24 in original pagination.]



And from this fountain or root, all just human powers take their original; not immediately from God (as kings usually plead their prerogative) but mediately by the hand of nature, as from the represented to the representors; for originally God hath implanted them in the creature, and from the creature those powers immediately proceed; and no further; and no more may be communicated then stands for the better being, weale, or safety thereof: and this mans prerogative and no further, so much and no moree may be given or received thereof: even so much as is conducent to a better being, more safety and freedome, and no more; he that gives more, sins against his own flesh; and he that takes more, is a Theife and Robber to his kind...

And thus... the free people of this Nation, for their better being, discipline, government, propriety and safety, have each of them communicated so much unto you (their Chosen Ones) of their natural rights and powers, that you might thereby become their absolute Commissioners, and lawful Deputies, but no more; and that by contraction of those their several Individual Communications confer'd upon, and united in you, you alone might become their own natural proper, sovereign power, therewith singly and only empowered for their several weales, safeties and freedoms, and no otherwise: for as by nature, no man may abuse, beat, torment, or afflict himself; so by nature, no man may give that power to another, seeing hie may not do it himselfe; for no more can be communicated, from the general then is in included in the particular, whereof the general is compounded...<sup>77</sup>

At no point did the Levellers conceptualise the state as enforcing theonomy or church. Though Levellers like Walwyn had no problem with the state encouraging, even establishing a national church, this church was never to be endowed with any coercive capacities, and its membership was to be purely voluntary. However, the function of government was conceptualised in purely civil terms. The purpose of magistracy was to safeguard the needs of the outer man, the body, whereas the church saw to the inner man, the soul.<sup>78</sup> This absolute dichotomy, repugnant to the Presbyterians, was, as Woodhouse suggests, only made possible on the basis of the segregation of nature from grace. What allowed this dichotomisation of nature and grace, something which Woodhouse does not stress, was the Leveller invocation of the radical hermeneutic of discontinuity, a hermeneutic that enabled them to extricate theonomy from civic life.

This first and probably the most important document was the Whitehall debates. Against Ireton and Nye, the Levellers attempted to disentangle theonomy from seventeenth century civic life using two arguments: first, the logic of discontinuity ; and second, the argument from scepticism. The core claim of the Levellers was that the New Testament Kingdom of God was purely spiritual.<sup>79</sup> This claim formed a key starting point for the debates. In response to this claim, the Independents contended that the moral law, summarised in the decalogue and as clearly revealed through the laws of nature as through the law of God, was still perpetually binding in civic life.

John Goodwin, in turn, countered with three arguments. Firstly, he contended that the light of nature was not so bright after all. For regarding the first table natural light was somewhat dim. He further argued that those things that are known by the light of nature are not things merely inferentially deduced, but only such things as can be known immediately. By

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<sup>77</sup>From the preface, quoted in G.E. Aylmer ed. *The Levellers in the English Revolution* (London: Thames and Hudson, 1975), pp. 68-9.

<sup>78</sup>Woodhouse, pp. 129, 140-1, 151; cf. Williams *Bloudy Tenent*, p. 127.

<sup>79</sup>Woodhouse, p. 151.

this, he meant those things that are self evident or axiomatic. And on this basis, he doubted that though God's mere existence can be deduced, the true worship of God is not so clear.<sup>80</sup> Later Wildman, while admitting that there can be a knowledge of God's existence, added: "The sun may be that God. The moon may be that God. To frame a right conception or notion of the First Being, wherein all other things had their being, is not [possible] by the light of nature alone."<sup>81</sup>

Goodwin's second argument was that Canaan, land and people, was a type to New testament churches, to churches of Christ, and of the kingdom of heaven generally.<sup>82</sup> In his tract *M.S. to A.S.*,<sup>83</sup> Goodwin listed seven arguments to support his claim: (1) in the Old Testament, prophets were only ever persecuted out of anger, and this was never condoned legally; (2) the kings of old never compelled anyone, in their lands, to be circumcised, only those within with their household gates;<sup>84</sup> (3) religious sects were allowed toleration in Israel, while only idolaters and blasphemers were punished; (4) the kings of Israel only suppressed apostate Jews; (5) Old Testament kings were types to Christ, and Israel was a type to the church; (6) the kings of Israel never persecuted for conscience's sake; and (7) Presbyterians and others must prove that theonomy is still perpetually binding on all.<sup>85</sup> In essence Goodwin was suggesting that the true anti-type of Israel was the church invisible and mystical, in which the saints were a "royal priesthood" and "a royal nation" scattered throughout the nations of the world<sup>86</sup> - and not Christian England, or Scotland.

Goodwin's third response was that under the Gospel magistrates are instituted by man. Political sovereignty, he continued, abided in the people who delegate only as much authority

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<sup>80</sup>Ibid., p. 157.

<sup>81</sup>Ibid., p. 161.

<sup>82</sup>Ibid., p. 158.

<sup>83</sup>J. Goodwin, *M.S. to A.S., With a Plea for Liberty of Conscience in a Church Way Against the Cavils of A.S.* (London: Printed for F.N. for H. Overton, 1644), p. 51; cf. J. Lilburne's: *A Copie of a Letter Written by John Lilburne Leut. Collonell, To Mr William Prynne* (London: no. publ., 1645); in Haller, *Tracts*, 3:181-187; and Williams, pp. 252-328, 317-23.

<sup>84</sup>This argument, as with the others, would not convince Rutherford; as all men and women born in a covenanted nation are the true anti-type of Israel, while only those from non-covenanted nations could be anti-typical of the "aliens not to be circumcised" in Israel.

<sup>85</sup>Goodwin, *M.S. to A.S.*, pp. 51-2. In the Whitehall debates, Wildman argued that if the moral law was naturally moral and still perpetually binding on magistrates, then all magistrates *qua* magistrates are so bound to enforce it (Woodhouse, pp. 168-69). But Wildman has misunderstood the point, theonomy is only binding on those magistrates' and communities who are in civil covenant with God.

<sup>86</sup>1 Peter 2:9, 1.

as the people are willing. The people themselves having no private authority to coerce others in matters of religion cannot delegate any such authority to the magistrate.<sup>87</sup> In support of Goodwin, the Particular Baptist, Thomas Collier, argued that Old Testament judicials and ceremonials are abrogated, and therefore penology in the New is different. Whereas, he argued that idolatry was punishable by death in the Old, it is punishable only by excommunication in the New.<sup>88</sup> Though Ireton had countered Goodwin and Collier with "the evil is still evil argument" to which Goodwin reiterated that Old Testament penology had changed under the New, Ireton then made the bold statement that the New Testament was not penologically normative compared with the Old. In closing, Ireton argued that if the light of nature was not perspicuous enough to teach that idolatry is punishable, then how could it be perspicuous enough to teach that murderers are similarly to be punished? To this, Goodwin replied that murder came under the control of light of nature as expressed in the second table, and was therefore known to all nations, not just to Jewish and Gospel nations.<sup>89</sup>

With the rejection of theonomy and with the use of scepticism to support this move, the Levellers inaugurated a great divorce of nature and grace. This led the Levellers and sectarians to emphasise conscience and one's private walk with God. From this point on, only denominational voluntaryism can co-exist with the nature's new *raison d'être*. Goodwin, in his *Theomachia*<sup>90</sup> could easily argue that if in matters of religion, certainty cannot be attained<sup>91</sup> then the magistrate cannot, on the principles of equity, enforce theonomy and/or one religious practice upon others. For how can he be sure that he is not fighting against God (*Theomachia*); and so the magistrate should abide by Gamaliel's advice: if it is not of God it will come to nought, but if it is, who can fight against it.<sup>92</sup> Consistent with his claim that faith was a private and progressive matter and against the objection that toleration opens the door

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<sup>87</sup>Woodhouse, pp. 158-9.

<sup>88</sup>Ibid., pp. 164-5.

<sup>89</sup>Goodwin's point was ever only that the first table of the decalogue was only dimly known by natural laws, not the second. In this he echoes Rutherford.

<sup>90</sup>J. Goodwin, "Theomachia" (London: Printed for Henry Overton, 1644), in Haller, *Tracts*, 3:1-58.

<sup>91</sup>Ibid., p. 24 [The pagination here follows Goodwin's actual pagination, and not that of Haller.] This argument is repeated in his tract *M.S. to A.S.*, in which he repeatedly challenged the claimed certainty of the Presbyterians and/or the Assembly (p. 34).

<sup>92</sup>Ibid., p. 4. Cf. Acts 5: 28-40. In opposition to Goodwin, who believed that Gamaliel was a secret believer, Rutherford argues that Gamaliel's reasoning was specious. He contends that if Gamaliel's advice was valid then it would militate against suppression of all murderers, traitors, thieves and so forth, and all ecclesiastical discipline as well. He further contends that there is no evidence that Gamaliel was favourable to the Gospel, or that he was speaking on the basis of true spiritual wisdom. Further, Rutherford suggests that providence is not the magistrate's or believer's guide as Gamaliel is implicitly suggesting, (*Free Disputation*, pp. 281-8).

to all sorts of heresies, Goodwin replied that in the Gospel-church-state, there was only the sword of the Spirit, which through persuasion (both ministerially and Spiritually) slays error and maintains divine truth.<sup>93</sup>

In his *Compassionate Samaritane*, written to confute the Independents' *An Apologetical Narration*, William Walwyn, argued along similar lines. Decrying Club Law, he insisted that every individual must be compelled by his own reason, and no man ought to be compelled against his reason. To remedy error, there is only persuasion.<sup>94</sup> He then asserted that knowledge in life is anything but certain, and fathers, councils, creeds, and synods can and have erred.<sup>95</sup> In matters of uncertainty, conscience must rule and coercion must be forsworn. Coercion, he further argued, does not promote unity; it only hardens people in their beliefs.<sup>96</sup> Walwyn further asserts that it is the claim to certain knowledge which is the real presumption presented under the guise or pretence of conscience.<sup>97</sup> Richard Overton in his *Arraignement of Mr Persecution* argued, similarly, that:

no man knoweth but in part, we receive it by degrees, now a little then a little; he that knows the most was once as ignorant as he that knows the least; nay is it not frequent amongst us, that the thing we judged heresie we now believe is orthodox; now can such think themselves worthy to beene persecuted in, and for that their ignorance.<sup>98</sup>

Thus the Levellers advocated a theory of government on principles of natural law, to which all men, despite their spiritual state had access. To effect this end the Levellers had to jettison traditional Christian theonomy. In support of this rejection they had to deny the prior Reformation claim to epistemic infallibility. This in turn led them to advocate the liberty of private conscience. In all this, what is to be marvelled at most was the colossal paradigm shift the Levellers were calling for. This was a shift from the public person, once all important, to the private, now seen as all important. It was a movement from an explicit Biblicism, to a form of implicit theistic naturalism or positivism. This inversion was nothing less than Copernican in its implications, as it sought to oppose a thousand year old medieval propensity to regulate every sphere of man's life. On the basis of this paradigm shift, with its separation of nature and

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<sup>93</sup>Ibid., p. 33. Cf. Woodhouse, p. 127 and Goodwin's *M.S. to A.S.*, pp. 54-5.

<sup>94</sup>Walwyn, *Compassionate Samaritane*, pp. 6-8, 60; [Again following Walwyn's own pagination.]

<sup>95</sup>Ibid. p 10.

<sup>96</sup>Ibid. pp 11-12.

<sup>97</sup>Ibid. p 45-6. [The pagination here is irregular, and 46 reads in the text as 56.]

<sup>98</sup>Richard Overton, *The Arraignement of Mr Persecution*, p 24; see also Appendix, p 7; in Haller. The bibliographical details Overton supplies are purely fictitious - they read: Europe: Printed by Martin Claw Clergie, Printer to the *Reverend Assembly of Divines* and are to be sold at his shop in *Toleration Street*, at the signe of the *Subjects Liberty*, right opposite to *persecuting Court*, 1645; from Haller, *Tracts*, 3:208-307.

grace, they were able to advocate unbounded toleration. Had the Levellers succeeded in their dreams, the world would once again have been turned up side down.



## CONCLUSION: "BY THE RIVERS OF BABYLON WE WEPT"

In the melee of the seventeenth century, three puritan factions arose. The first was represented by the British Presbyterians, the second by the Independents, and the third by the Levellers and religious Sectarians. They were three combatants in a struggle to free Zion from the new Babylonians. Each was imbued with the singular sense of manifest destiny. Unfettered with doubts, each manifested an exclusivity and rigidity that to modern sensibilities seems incredible. The point is highlighted by Haller's statement concerning the Erastian Presbyterian William Prynne. Prynne, says Haller, was, "emancipated by his past suffering from any suspicion of fallibility."<sup>1</sup> But what Haller says of Prynne is equally applicable to every individual and to all the factions of this period.

The Presbyterians were the oldest, the dominant and most mature Puritan faction, albeit the ones most imbued with the sense of certitude. As Christian England's religious rearguard, they typified a medieval world-view in which the things of grace, its rules and precepts, were perceived as setting the definitive and normative patterns for a *Christian* nation. This thinking, initiated by Augustine in the fifth century with his civil suppression of the Donatists was further elaborated by men like Thomas Aquinas, had been the way of life for millions for thousands of years. But what did this world-view involve? It involved the total syncretisation of grace and nature, even to the point that nature was visibly subordinated to grace - as the precepts of nature were only seen as those rules which only heathens and the great Turk abided by. It was upon this syncretisation that British Presbyterians such as Rutherford developed their views of Christian liberty which did not merely free one from something, but it freed the saint to something - to the worship of God which was regulated by the sacred scriptures and not by the traditions and innovations of men. While there may have been freedom for the saint, there was none for the sinner.

How such men as Rutherford could espouse this type of spiritual oligarchy is intricate as Presbyterian intolerance was founded on a complex of ideas. The first logical step was the Presbyterian belief in the perspicuity of Scriptures. The scriptures were not dark sayings needing semi-Gnostic interpreters. The doctrines of scriptures were clear. If there were some who could not say "amen" to the Presbyterian prophesyings, this was simply due to their wilful rebellion. The next step in the logic of intolerance was the perceived unity of the faith. This was one of those ideas that had permeated medieval thinking, and had motivated many a crusade. But analogically, the unity of the faith implied the unity of the Testaments. Here the logic of continuity provided the next step. Yet the logic of continuity when coupled with the claim to near infallibility meant that the only valid conscience was an informed and regulated conscience. Men like Rutherford were simply astounded when confronted by the multifarious sects claiming liberty of conscience. At its simplest, what the Reformers were confusing was a person's liberty before men with a person's liberty before God - for before the former there is liberty, though before the latter there is not. This latter was something which the sects never claimed. This theological underpinning led the Presbyterians to espouse a theory of government congruent with their theology. The Bible had become their blue-print for state-

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<sup>1</sup>Haller, *Liberty*, p. 150.

craft. This Bible textbook further declared that all nations should be in covenant with God and submitted to his eternal law. This led to the irrevocable marriage of theonomy to social contract.

The Independents, when compared with the Presbyterians, appear markedly different from the latter. Yet where those differences were the most conspicuous was in the inversion and qualification of the logic of intolerance. Knowledge was now no longer seen as secure as it once was. These saints had learnt to distrust themselves. This scepticism concerning scripture led them to understand and perceive theonomy in a slightly different way. If the non-fundamentals could no longer be known with that same epistemic assurance as the fundamentals, then clearly no magistrate was behoved to enforce doctrines that could not be infallibly determined. At this point, and only at this point, the Independents came to advocate a measure of limited toleration for the saints alone. What is more, this scepticism, which increased for many as the century wore on, led the Independents to outline a list of the fundamental doctrines.<sup>2</sup> This list, was a harbinger of strategies soon to be adopted by the saints of all denominations. It was something that men like Rutherford and Gillespie could accept only if it was taken as a list of doctrines that needed to be known for salvation's sake. But to suggest that such a list was to be the gateway to church and communion was something of which they could not have conceived. To them, this list would simply give men licence to disbelieve; a licence to disbelieve, for example, that the apostle Paul did leave his cloak behind at Troas.

When opposed to the Levellers, the Independents were fundamentally at one with the Presbyterians. It was this unity that men like Williams and Walwyn could easily discern, and it was a unity that some twentieth century historians fail to apprehend. From the perspective of their similarity with the Presbyterians, the Independents continued to view the Bible as a

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<sup>2</sup>By way of example of such lists, Nye, Thomas Goodwin and John Owen drafted a list of 16 fundamentals:

1. That the Holy Scriptures is that rule of knowing God, and living unto him, which whoso does not believe cannot be saved; 2. That there is a God, who is Creator, Governor, and Judge of the world, - which is to be received by faith; and every other way of knowledge of him is insufficient; 3. That this God, who is the Creator, is eternally distinct from all creatures, in his being and blessedness; 4. That this God is one, in three persons; 5. That Jesus Christ is the only mediator between God and man, without the knowledge of whom there is no salvation; 6. That Jesus Christ is the true God. 7. That Jesus Christ is also true man; 8. That this Jesus Christ is God and man in one person; 9. That this Jesus Christ is our redeemer, who, by paying a ransom, and bearing our sins, has made satisfaction for them; 10. That this same Jesus Christ is he that was crucified at Jerusalem, and rose again, and ascended into heaven; 11. That this same Jesus Christ, being only God and man in one person, remains for ever a distinct person from all angels, notwithstanding their union and communion with him; 12. That all men by nature are dead in trespasses and sins; and no man can be saved unless he is born again, repent and believe; 13. That we are justified and saved by grace, and faith in Jesus Christ, and not by works; 14. That to continue in any known sin, upon what pretence or principle whatsoever, is damnable. 15. That God is to be worshipped according to his own will; and whosoever shall forsake and despise all the duties of worship cannot be saved; 16. That the dead shall rise; and that there is a day of judgment, wherein all shall appear, some to go into everlasting life, and some into everlasting condemnation.

Quoted in Hetherington, pp. 361-2.



textbook for state-craft. Along with their half-brothers in the faith, they held that the precepts of grace ruled nature. England was now united in covenant with God with a view to reforming the nation and bringing it to the nearest possible ecclesiastical conjunction of the three kingdoms "according to the Word of GOD, and the best example of the reformed churches" - so saith the *Solemn League and Covenant*. It must be remembered that this Covenant called for "the extirpation of Popery, superstition, heresy, schism, profaneness, and *whatsoever shall be found contrary to sound doctrine and the power of godliness*, lest we partake of other men's sins, and thereby be in danger to receive of their plagues; and that the Lord may be one, and his name one, in the three kingdoms."<sup>3</sup> Though men like Henry Vane, the younger, and Henry Marten could subscribe to this covenant with much dissembling, at no time did the Independents deny their covenant obligations. For them, theonomy was still wedded to social contract, and the sovereignty of the people was counter-balanced by the aristocracies of grace. When seen in their true light, as supporters of such politically iconoclastic documents such as the National Covenant the Independents were fact fundamentally united with the Presbyterians.

With the Presbyterians occupying the right, and the Independents taking up the centre, the Levellers were located at the far left. These were the radicals which the world was not yet ready to receive as its own. These were the orphans of the reformation. Rejected by their spiritual fathers, and never equalling them in stature, they nonetheless carried out their fathers' tenets as far as they could be stretched while still remaining "Christian." Against a tradition stretching back beyond the fathers' memories, they were the first political group that consistently advocated the segregation of nature and grace. It was ironic that when they consistently contended that knowledge of some of the doctrines of the faith were dark and dubious, and that men and women were not so depraved as their reformed fathers had counselled, they espoused an epistemological inversion. Where once knowledge of theonomy was bright and clear and knowledge of natural law was dim and dubious, the light of nature was now, compared to the candle of divine revelation, seen as dazzling in its perspicuity - surely one of the great paradoxes of the seventeenth century. Relegating theonomy to the back room of private conscience, the Levellers fantastically suggested that government was, in the words of another, for the people, by the people and of the people, *qua* people. For them, one's natural birth secured a place in this natural kingdom. In this kingdom there was no place for either aristocracies of nature or aristocracies of grace. If theonomy is discarded and government is instituted by and for the people, then there can be no place for religious intolerance and coercion. With this political and theoretical apparatus in hand the Levellers were easily mandated to advocate full religious toleration; it was the most logical extension of their political ideology. Therefore, as with the religious Puritans and with the Levellers, the doctrine of toleration or its denial can be perfectly correlated to either faction's comprehension of the nature of state-ship.

What is perhaps more important, was that they typified the direction which England and later Europe were to take. With them came the seeds of the secularisation and de-Christianisation of England. For this they were not to be blamed, as they simply adopted and

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<sup>3</sup>"The Solemn League and Covenant" bound with the Westminster Confession of Faith, p. 359. [Italics mine.]

gave free reign to principles, such as the laws of nature and the sovereignty of the people, which the religious Puritans also adopted and accommodated into their systems, but which were offset by their doctrinaire Biblicism. However, these principles were progressively used as cudgels to extirpate the trace of Christianity from England's political landscape.

Seventeenth century England gave so much to the modern world. From the perspective of the secular modernist, let alone the whig historians of the nineteenth century, this age was the crucial transition between two ages. For them this century was the prelude to the Industrial revolution, the age of reason, the scientific revolution, and of expansion and world conquest. However, to others the seventeenth century could have been considered as a failure, a mistake, and perhaps a century that should never have happened. To men like Samuel Rutherford this century vexed his soul,<sup>4</sup> to have come so far and so close to Zion's deliverance, only to have failed so tragically. For men like Rutherford, Henderson, Gillespie and the thousands of saints, time and circumstances outstripped theology and ideology. Though they may have prevailed against popery and prelacy for a short time, they invariably lost the war. Eventually this war meant that time and circumstance compelled an unwilling nation to embrace a form of toleration that the saints had neither sought nor championed, but which was thrust upon them. As Hetherington states so wisely, when divines meddle in politics they invariably become its victims.<sup>5</sup> And so by the rivers of Babylon the saints could only weep as England stumbled into a new age.

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<sup>4</sup>Loane discusses well Rutherford's trials and triumphs, pp. 55-97.

<sup>5</sup>Hetherington, p. 348.

**APPENDIX 1:**  
**THEONOMY AND THE NEW TESTAMENT:**  
**THE PARABLE OF THE WHEAT AND TARES AND ROMANS 13**

In the Whitehall debates, in an effort to evade the implications of the Leveller claim that principles of persecution have no foundation in the New Testament, Ireton retorted that the New Testament is not politically and penologically normative. What he meant here is simply that the Old Testament theonomy should constitute the basis for the Christian state. Ireton's claim, though astounding as it was, was not original. It had been made by such notable Christians as Augustine. Following this line of reasoning, the New Testament portrays the church only as the recipient of persecution, but once the church comes to power it has the licence to inaugurate a theonomic state. While the Levellers at Whitehall did not challenge Ireton's claim, some like Roger Williams and John Goodwin had. This appendix briefly outlines two possible challenges to Ireton's assertion by examining the parable of the wheat and the tares and Romans 13.

*The Parable of the Wheat and the Tares.* In the Biblical story, Jesus speaks of a parable in which a man sowed seed of wheat in a field, but overnight an enemy came and sowed seeds of tares or weeds in the same field. As the wheat grew, the man's servants noticed tares growing alongside the wheat. The servants wanted to pull up the weeds, but their master commanded them not to or else they would uproot the wheat also. Later he counsels, "When it is time for the harvest all will but harvested and the wheat and tares will be separated." Later Jesus explained the parable. The wheat stands for the sons of the kingdom, the tares stand for the sons of the wicked one, and the field is the world, while the harvest is at the end of the age when the sons of the kingdom and the wicked one will be separated.<sup>1</sup>

This parable has posed a particular problem for the theonomists, as it appears to deny the legitimacy of persecution.<sup>2</sup> To avoid this tension, Calvin, and the reformers after him, have

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<sup>1</sup>Matthew 13: 24-30, 37-43.

<sup>2</sup>Roland Bainton as well catalogued a number of Roman Catholic and Protestant attempts to evade the force of this parable. See R. Bainton, "The Parable of the Tares as Proof Text for Religious Liberty to the End of the Sixteenth Century," *Church History*, 1 (1932), 67-89. Of the numerous examples he cites and as a text-book exercise in Catholic and Protestant casuistry, some particularly germane examples demonstrate how this parable has been reinterpreted. When confronting his Inquisitor, Claes de Praet asked his examiner whether he regarded him as tares or wheat. The Inquisitor replied that Claes corresponded to the tares. "Then why," responded Claes, "do you not let me grow until the harvest?" "Because," the Inquisitor replied, "the master of the field gave this command to his servants lest they hurt the wheat and pull it out along with the tares, but I can skirt along the edge and pluck out one or two here and there sometimes six or eight or even ten or twelve, yes and sometimes a hundred without hurting the wheat (p. 76). In 1556, Melancthon, in a memorandum to Philip of Hesse, suggested that while it is true that ministers of the Gospel are not the persecute the tares,

therefore maintained that the field is the visible church and not the world. The wicked are those hypocrites who, to all intents and purposes, look like the sons of the Kingdom and who are in the church visible. Rutherford, to his credit, sensed the tension here. He, differing from Calvin and some of his own contemporaries, admitted that the field was the world.<sup>3</sup> But after this concession, he accepted the traditional approach. The tares, he suggests, are those heretics and thieves who, at the moment, are sheltering under various smoke-screens of pretended righteousness, and who therefore have not yet been discerned for who they truly are.<sup>4</sup> This then leads Rutherford to indicate that the essential *telos* of the parable is that the saints are not to be overzealous in their desire for a pure church.

In opposition to this Roger Williams dissents. While agreeing with Rutherford that the field is the world, he argues that the tares were not hypocrites but clearly visible professors, albeit false ones, of the Christian faith. These professors live and worship in opposition to the true saints.<sup>5</sup> They are, to state it simply, counterfeit Christians and churches. Williams notes that the master's servants had no trouble in immediately identifying the tares: "There is such a *dissimilitude* or *unlikeness*, I say such a *dissimilitude*, that as soone as the *tares* and *wheat* are sprung up to blade and fruit, every *husbandman* can tell which is *wheat*, and which are the

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the parable says nothing of the civil magistrate (p. 77). Calvin, stated that persecution of the tares is acceptable when it is known that the suppression will not unduly affect the wheat: "Christ did not command that all rigor should cease, but merely that those evils should be endured which cannot be corrected without danger," (p. 78). Beza says similarly: "The servants did not ask, 'Do you wish us to kill a vile blasphemer and contender against thy sacred majesty and a disturber of the authority of the church?' To this question, if by the servants you mean civil magistrates, the master would have replied exactly what Moses decreed against blasphemy and contentious prophets," (p. 79).

<sup>3</sup>Rutherford, *Free Disputation*, pp. 235, 242.

<sup>4</sup>*Ibid.*, p. 241.

<sup>5</sup>Williams, pp. 101-4; cf. Baptist Noel, *Union of Church and State* (London: James Nisbet and Co., 1849), pp. 113-9. It was on this basis that Williams could contend that when the parable is interpreted in this light, there is no contradiction with normal church discipline, as the parable refers to counterfeit Christians outside the visible church, while the church discipline regards to backsliders, false teachers and fornicators and so forth as discovered within the visible church. The Reformed can only avoid this potential dilemma by identifying the tares as yet undiscovered backsliders, false teachers, fornicators and so forth. But this in turn leads only to a more ultimate paradox. For men like Rutherford, their exegesis of this parable is further complicated by the point that they suggest that once these tares/hypocrites are known by the church for what they truly are, they are then to be subjected to church discipline. For Rutherford, once they are known to be tares they are to be censured; which is, paradoxically, the very thing that Jesus counsels against - the tares are to be left alone until the final harvest. It seems best, then, to avoid these resultant contradictions and opt for Williams' interpretation as being the more plausible.

*tares* and *cockle*."<sup>6</sup> He further stresses that time between the sowing of the tares and their identification as weed was minimal: "Search the *Parable*, and ask when it was that the *servants* first complained of the *tares* to the *householder*, but when they appeared or came to fight, there being no *interim*, wherein the servants could not tell what to make of them..."<sup>7</sup>

The servants or helpers, Williams suggests, were not magistrates but messengers of the Gospel commanded not to attempt suppression of anti-Christianity in a magisterial way.<sup>8</sup> The servants of Christ must await the final judgment when the angels will infallibly sift through professing Christendom. On this basis Williams concludes that the New Testament does provide in this parable an express mandate to abjure persecuting principles.

*Romans 13*. The thrust of this passage is that Paul enjoins the believers to be subject to the higher powers, the civil authorities, and that they are not to resist the magistrate, who is a terror to them that do evil and a praise to them that do good. Regarding the magistrate, Paul says: "he is minister of God to thee for good. But if thou do that which is evil, be afraid; for he bears not the sword in vain: for he is a minister of God, a revenger to execute wrath upon him that does evil."<sup>9</sup>

Rutherford, as usual, ties the text and himself up in knots. He says that this passage does not refer to magistrates *qua* magistrates, but to magistrates as they ought to be, whether heathen or Christian, and that by *evil* Paul is referring to all evil, civil and spiritual. He argues that the text is silent, and if spiritual "evil" is exempt here, why not also such civil evil as murder and theft? Thus magistracy ought to suppress all evil.<sup>10</sup> Paradoxically Rutherford had earlier contended that heathen magistrates who have not heard of the Gospel ought not to suppress heretics because they are not able to discern the true church from the false.<sup>11</sup>

In opposition to all this, Williams first suggests that from the context of this chapter, Paul was referring to behaviour relating to the second table of the law and to the customs and manners of first century Rome.<sup>12</sup> Secondly, he finds it hard to imagine that Paul could enjoin the Roman magistrate to suppress heresy, considering the degree of Roman idolatry and polytheism and so forth. He contends that Paul is commanding Christian subjection to all

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<sup>6</sup>Williams, pp. 101-4.

<sup>7</sup>Ibid.

<sup>8</sup>Ibid., p. 109.

<sup>9</sup>Romans, 13:1-7; cf. 1 Peter 2:12-7.

<sup>10</sup>Rutherford, *Free Disputation*, pp. 224-226.

<sup>11</sup>Ibid., p. 220.

<sup>12</sup>Williams, pp. 151-2; cf. Noel, pp. 121-3.

higher powers, whether they be Christian or not.<sup>13</sup> Thirdly, Williams asserts that the sword of the magistrate, as Paul mentions, is for the common good: "He hath a *sword* (which hee beares not in vaine) delivered to him, as I acknowledge from *Gods appointment* in the free consent and choice of the subjects for common good."<sup>14</sup> Fourthly, the sword is for civil justice only, as it's the only form of justice Paul has in mind.<sup>15</sup> Fifthly, he makes the significant point that in the Greek "evil" (*kakon*) is usually taken to mean civil evil.<sup>16</sup> Plausibly, Williams would suggest that this passage does outline the role of the civil magistrate in the New Testament dispensation; an outline that mentions nothing of the magistrat's role to enforce theonomy and its consequent penology. It seems reasonable then that the burden of proof is on Rutherford to prove that Paul here is not providing his readers with a normative principle. It also seems clear that it is an argument from silence to suggest that Paul believes that magistrates ought to suppress heretics and so forth. Once again, the balance of evidence is on Williams' side. In the end, with the above parable and text in mind, it seems puzzling to say that the New Testament is not politically and penologically normative.

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<sup>13</sup>Williams, p. 156.

<sup>14</sup>Williams, p. 159. Cf. 1 Peter 2:12-17. Note the social contract component operating here. Williams' concept of the nature of civil government is the same as the Leveller conception of government. It is a government instituted by the people through social contracts, in which the people who are the fountain of civil government. See pp. 249-250, 343-4, 398.

<sup>15</sup>Ibid., p. 160.

<sup>16</sup>Ibid., p. 162.

**APPENDIX 2:**  
**AN ANATOMY OF THEONOMY, OR:**  
**INTOLERANCE TYPIFIED IN GILLESPIE'S:**  
***WHOLESOME SEVERITY RECONCILED WITH CHRISTIAN LIBERTY:***  
***OR, THE TRUE RESOLUTION OF A PRESENT CONTROVERSY***  
***CONCERNING LIBERTY OF CONSCIENCE***<sup>1</sup>

Gillespie's tract is divided into three sections. In the first section his aim is to refute a number of Sectarian tracts advocating unlimited toleration, viz., Roger Williams' *Bloody Tenent* and William Walwyn's *The Compassionate Samaritan*. His intent is to show that it is still the duty of the temporal magistrate to enforce both tables of the Law of God. In the second section, Gillespie seeks to respond to the Independents' claim for limited toleration for themselves and those who hold to the fundamentals of the Faith. Here Gillespie outlines a number of *distinctions*. These are given in order to clear the Presbyterian position from a number of animadversions. In the third section, Gillespie seeks, specifically, to come to grips with the Independents themselves.

Gillespie begins his tract with an introductory epistle to his readers. In this section, he sets both the tone and agenda of his discussion. Using language that appears contrary to Jordan's claim that Gillespie was a moderate,<sup>2</sup> Gillespie states of the sectaries that they are: Carnall and profane men... [who] under their fair colours and handsome pretexts doe ... infuse their poison, I mean their pernicious, God-provoking, Truth-defacing, Church-ruinating & State-shaking toleration.<sup>3</sup> After making this provocative statement Gillespie quickly defines the heart of the issue quite pithily, though with some rhetorical flourish. While expanding upon the perceived consequences of the evils of toleration:

The plain English of the question is this: whether the Christian Magistrate be keeper of both Tables: whether he ought to suppress his own enemies, but not God's enemies, and preserve his own ordinances, but not Christ's Ordinances from violation. Whether the troublers of Israel may be troubled. Whether the wild boars and beasts of the forrest must have leave to break down the hedges of the Lord's vineyard; and whether ravening wolves in sheeps clothing must be permitted to converse freely in the flock of Christ. Whether after the black Devil of Idolatry and tyranny is trod under our feet, a white Devil of heresy and schism, under the name of tender conscience, must be permitted to walk up and down among us. Whether not only pious and peaceable men (whom I shall never consent to persecute) but those who are also who are as a pestilence or a Gangrene in the body of Christ, men of corrupt minds and turbulent spirits, who

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<sup>1</sup>Gillespie's sub-titles, read: *Here you have the Questions stated, the middle way betwixt Popish Tyranny and Schismatizing Liberty approved, and also confirmed from Scripture, and the testimonies of Divines, yea of whole Churches: The Chiefe Arguments and Exceptions used in "The Bloody Tenent," "The Compassionate Samaritan," "M.S. to A.S." &c. examined. Eight Distinctions added for qualifying and clearing the whole matter. And in conclusion a Paraenetic to the five Apologists for choosing Accommodation rather than Toleration.*

<sup>2</sup>Jordan, 3:321.

<sup>3</sup>Gillespie, *Wholesome Severity*, pp. iii-iv.

draw factions after them, make a breach and rent in Israel, resist the truth and reformation of religion, spread abroad all the ways they can their pernicious errors, and by no other means can be reduced; whether those also ought to be spared and let alone. I have endeavoured in this following discourse to vindicate the lawfull, yea necessary use of coercive power of the Christian Magistrate in suppressing and punishing hereticks and sectaries, according as the degree of the offence and of the Churches danger shall require.<sup>4</sup>

When this extended quotation is unpacked what is clear is that inherent in Gillespie's thought is a number of pertinent points, such as: The nature and exclusivity of the Church and its doctrine, the role of the magistrate as the keeper of both tables of the Law and the punishment of heretics and schismatics. It is these three essential points that provide the justification for his rejection of toleration.

Gillespie begins his discussion by first elaborating on what he calls the two extreme positions on this issue. He does this by maintaining that the Presbyterian position lies between the evil of two extremes. Firstly, Gillespie illustrates the aggressive anti-tolerant attitudes of the Roman Catholics, "who hold it to be no sin but good service to God to extirpate by fire and sword, all that are adversaries to, or opposers of the Church or Catholic Religion."<sup>5</sup> Gillespie then cites *Suarez* as representative of Catholic practices. *For Suarez*, suggests Gillespie, impenitent heretics are to be put to death mercilessly. Secondly, Gillespie refers those sectaries who advocate absolute toleration for all those who may dissent from the established religion: "The second opinion doth fall short, as farre as the former doth exceed: that is, that the Magistrate ought not to inflict any punishment, nor put forth any coercive power upon Hereticks and Sectaries, but on the contrary to grant them liberty and toleration."<sup>6</sup>

Gillespie then goes on to state the third opinion, his middle way: "The Magistrate may and ought to exercise his coercive power, in suppressing and punishing Hereticks and Sectaries, lesse or more, according as the nature and degree of the error."<sup>7</sup> Behind this premise is the idea, which Gillespie is yet to state, that the Christian magistrate is similarly bound to uphold the Two Tables of the law of God as were the Jewish magistrates of the Old Testament. Gillespie spends the next two pages demonstrating that this position has been the historical position of the Protestants both *Ancient* and contemporary. Gillespie then cites Calvin on the three classes of errors of the schismatics. The first class was those errors which were to be tolerated with meekness. This class of errors consisted of that which ought not to separate brethren. The Second and the more serious class of errors, which were not to be tolerated, were those that must be punished with a severity relative to the error. The third class of errors were so abominable that practitioners of this class of error ought to be *cut off*

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<sup>4</sup>Ibid., p. v-vi.

<sup>5</sup>Ibid., p. 1.

<sup>6</sup>Ibid., p. 2. Gillespie takes time to cite a number of other sectarian and independent works advocating toleration such as *John the Baptist*, *Theomachia*. He also suggests that Goodwin in his *M.S. to A.S.*, held to a position that overthrew and deviated from the position on the five Independent apologetists in their *Apologetical Narration*.

<sup>7</sup>Ibid., p. 3.



by the highest punishment.<sup>8</sup> All this serves to demonstrate that both the *Reformed* and *Presbyterian* position on toleration is theoretically and markedly different from the intolerant position of the Medieval Roman Catholic Church. It was also this position of Calvin that was repeatedly articulated by Alexander Henderson and Samuel Rutherford.

Having delineated his position relative to the two positions he opposes and having provided the historiographical support for the *Reformed* and *Presbyterian* position,<sup>9</sup> he now proceeds to enter into his arguments against toleration. For Gillespie, the first and foremost argument was the argument from Scripture. This beginning has important implications for understanding the epistemology of Gillespie's argument. As Gillespie was a natural Biblicist, he held that the divinely revealed laws of God formed society's epistemic foundation. This epistemic foundation was for Gillespie the basis upon which society was to be constructed.

Gillespie, using the Scripture-based-argument cites Deuteronomy 13:6-9. He states: "First the law, *Deut. 13: 6, 7, 8, 9.* concerning the stoning and killing of him, who shall secretly entice people, saying, *let us go after other gods.*" At this point, Gillespie takes up the counter argument which suggested that the use of the Old Testament, specifically the Law of God as expressed in the *Torah*, enmeshed the sixteenth and seventeenth century theologians in a hermeneutical leap that assumed that what was expressed in the *Torah* was still binding. They had further countered by suggesting that the *Torah* was a law that bound only the Jews to obedience and that "it is not morall and perpetuall." What follows in Gillespie's tract is a protracted and at times intricate attempt to refute this claim.

Gillespie then introduces Jacobus Acontius' sixteenth century work on toleration, *Satanea Strategemata*.<sup>10</sup> Although Acontius did not actually adopt this argument himself, what he did do was to argue that texts such as Deuteronomy 13 refer not to heretics but only apostates, those who have fallen away from the true faith to worship other Gods. Gillespie's response to this was to suggest that heresy, as an evil, is as great as apostasy, and therefore like apostasy it should not be tolerated: "if Apostates are to be stoned and killed according to the law, then surely seducing hereticks are also to receive their measure and proportion of punishment... yea, that which is being called heresy being oftentimes a reall following after other gods."<sup>11</sup>

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<sup>8</sup>Ibid., p. 4.

<sup>9</sup>Gillespie had cited the Protestant theologians Beza and Calvin and the *Reformed Belgick, Helvetian, French Confessions* and the *Lutheran Saxon Confession*. The trust of these confessions, as cited by Gillespie, was that the orthodox Protestants have maintained that was the duty of the magistrate to suppress all heresy, idolatry and blasphemy, and to enforce both the first and second tables of God's Law.

<sup>10</sup>This work was later translated from the latin into English and published by Milton in 1648 and entitled *Satan's Stratagems; Or the Devil's Cabinet-Counsel Discovered*; from W. Haller *Liberty*, p. 250.

<sup>11</sup>Gillespie, p. 5.

It is clear, then, that for Gillespie there can be no such thing as doctrinal pluralism or adiaphora in the non-fundamentals. In support of his position, Gillespie lists a volley of verses from the Torah;<sup>12</sup> all of which, refer explicitly to those that: *blaspheme the name of the Lord, sacrifice to other gods, and worships other gods*. It may seem as if Gillespie has missed the point of the Acontius' counter. For men like Gillespie, there is only *one* faith, not many. It is clear that language and mental categories in early seventeenth century English Puritan thought could not yet articulate the ideas of pluralism and toleration.

Once Gillespie believes that he has dispensed with Acontius, he returns to the objection that the Jewish law is not binding in modern English society. In response to this claim, Gillespie draws on the Reformed theologian *Johannes Piscator's* (1546-1625), *Appendix* in his Commentary on Exodus. Following Piscator, Gillespie reiterates the question: "Whether the Christian Magistrate is bound to observe the Judicial laws of *Moses*, as well as the Jewish Magistrate was."<sup>13</sup> However, before discussing this point, Gillespie, stresses that the Jewish Law consists of three divisions. There were the mutable civil laws that apply to the Jewish republic such as the liberation of slaves in the seventh year. Then there were the ceremonial rites and laws that were fulfilled in the work of Christ. Lastly, there were those moral laws that were immutable and common to all nations, such as: laws against Murder, adultery, theft, apostasy, blasphemy, and the striking of parents.

Gillespie then proceeds to outline the seven scripture-based arguments adduced by Piscator, which to the modern mind appear somewhat dubious. Summarised they are: (1) If it were not so that the moral law was perpetual, then the magistrate is free and may arbitrarily appoint what punishments he himself pleases. Yet this cannot be so, because the magistrate is a minister of God (Rom 13:13-14), whose judgements is the Lord's, (Deuteronomy 1:7). And if the magistrate is the keeper of both tables he must execute them according to the divinely prescribed manner.<sup>14</sup> (2) Christ said, "think not that I have come to destroy the law but to fulfill it." (Matthew 5:17). Christ could only fulfill the moral law by either his practice or in his teaching others to observe it. Now in the case of the woman caught in adultery, Christ in his practice did not execute the law in her punishment. Therefore, he must have fulfilled it by his teaching that it is to be observed.

In argument (3) Gillespie says: "If Christ in his sermon, Mat 5. would teach us that the moral law belongeth to us Christians, in so much as he vindicateth it from the false glosses of the Scribes & Pharisees; then he meant to hold forth the Judicial law concerning moral trespasses as belonging to us also: for he vindicateth and interpreteth the Judicial law, as well as the Morall..." (4) If God would have the moral law transmitted from the Jewish people to the Christian people, then he would also have the judicial law transmitted from the Jewish magistrate to the Christian magistrate: "There being the same reason of immutability in the punishments as in the offences. Idolatry and adultery displeases God as much now as it did in ages past."

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<sup>12</sup>Ibid., p. 6. Exodus 22:20, 31:14; Leviticus 14:16; and Deuteronomy 17:2-5.

<sup>13</sup>Ibid.

<sup>14</sup>Ibid., p. 7, as is also arguments 2 through 4.

Argument (5) runs thus: Romans 15:4 informs us that whatever was written in the Old testament, was written for our instruction. Yet what shall the Christian magistrate learn from those judicial laws but the will of God, which is rule in like cases. Argument (6) asserts that all things must be done to the glory of God, and how can the Christian magistrate glorify God, but by observing God's own laws.<sup>15</sup> Argument (7) states that: "Whatever is not of faith is sin (Romans 14:23). Now if the Christian magistrate punishes sins against the moral law, if he does this with faith and assurance, this faith and assurance must be based on the Word of God. But where else is the duty of the Christian magistrate more fully revealed than in the law of Moses. This therefore is the best prop for a good and clear conscience."

So far Gillespie has sought only to reproduce Piscator's arguments. But, he then introduces some of his own. The first of which argues that while it is admitted that the ceremonial laws were abrogated with the coming of Christ and his mediatorial work, nowhere in the New Testament is the judicial law abrogated. Gillespie goes on to strategically place the burden of proof to the antinomians. They must prove from scripture that it is not the duty of the Christian magistrate to enforce the Mosaic injunctions against heresy.

Secondly, Gillespie refers to those "divers laudable examples in the Old Testament."<sup>16</sup> He cites numerous instances of the Old Testament people of God purging their society from idolatry and immorality. Again the nature of Gillespie's commitment is to a type of Biblicism that involved a particular medieval hermeneutic. Gillespie counters Thomas Goodwin's argument that while it is true that Israel of old sought to legitimately purge itself of idolatry and immorality, there is no evidence that similar programs against sectaries and schismatics should be initiated.<sup>17</sup> Gillespie's response is to list a battery of Old Testament proof-texts. All of which speak of the purging of all false worship, such as the erection of non-authorised temples and alters of worship and the enforcement of the true worship. Gillespie stresses that "sects and schismatics are to be punished as well, though not as much as heresy and idolatry."<sup>18</sup>

Again Gillespie takes up an objection from Roger William's *Bloudy Tenent* and Thomas Goodwin's *M.S. to A.S.*, who both argued that the use of coercion in the Old testament was typical in nature and that it foreshadowed the New testament church. He simply responds to this claim: (1) That the use of coercion is moral and perpetual; (2) tolerationists assert but have not proved that coercion in the O.T. was merely typical; (3) that tolerationists confuse the *typical* Ceremonial laws with the perpetual moral laws; (4) that the this argument overthrows the very foundation of the Christian Magistrate.

Citing chapter 13 in Paul's letter to the Romans, Gillespie adduces his third argument: the magistrate is a minister of God, and a terror to them that do evil. This text is problematic

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<sup>15</sup>Ibid., p. 8, as also argument 7.

<sup>16</sup>Ibid., p. 9.

<sup>17</sup>Ibid., p. 10.

<sup>18</sup>Ibid., p. 11.

for Gillespie, Paul refers to pagan magistrates of the Roman *Imperium* - hardly analogous to the Joshua's of the Old Testament. Voluntarists often object that it is unlikely that Paul was arguing for the Imperial suppression of schismatics. Again Gillespie takes up another objection to his theonomist pretensions. Goodwin, states Gillespie, claims that "he is not for the toleration of sects and schisms, *except only upon this supposition, that the professors, or maintainers of the them be otherwise peaceable in the State, and every ways to the laws and lawful power of the civill Magistrate.*"<sup>19</sup> Predictably, Gillespie typically counters that all doctrinal deviancy disturbs the civic peace. In support of this he cites the case of the Arians and Donatists of the fourth and fifth centuries. Again, Gillespie's response typifies the medieval approach to the unity of both the Church and its doctrinal integrity.

The fourth argument Gillespie seeks to advance is that Scripture, especially the New Testament, calls schismatics by such names as *ravening wolves*, *thieves* and *robbers*, and *troublers in Israel*. Adding to this, Gillespie argues emotively:

Shall Physicians cut off the member that hath gangrene in it, because it indangereth the whole body, and shall the great State physicians suffer the Gangrene to spread in the Church... ; and shall those have immunity who steale away soules from Christ and rob us of the pearle of truth? Nay shall the poore sheepe be so much looked to, that the wolfe must not be spared; and shall we suffer the soule destroying wolves to enter, yea abide peaceably among the dear-bought flock of Jesus Christ?<sup>20</sup>

At this point, Gillespie proceeds to deal with a number of proposed objections to theonomy. The first objection, and the one most often used, is the argument concerning Jesus' Parable of the Wheat and the Tares. Roger Williams had argued that this demonstrates that the magistrate ought not to impose religious uniformity by suppressing heresy and schism. But Gillespie retorts that the Reformed have always understood Jesus' words to indicate that his disciples must not be over zealous in their quest for ecclesiastical purity.<sup>21</sup> Gillespie still allows for the use of the magisterial coercion in the purging in the church of scandalous and heretical persons. His point is that it is the delusion of the fifteenth century Anabaptists to imagine that there can be a truly pure church.

The second objection Gillespie takes up is the point that coercion makes men hypocrites. Gillespie responds that if this argument is taken seriously then the periodic reformation of the Old Testament similarly produced hypocrites. By this Gillespie means if coercion was acceptable in the days of Josiah and Nehemiah, it should likewise be acceptable in the seventeenth century. The third objection is that coercion is not conducive to the establishment of Presbyterianism in England. Gillespie concedes that it is his desire that popish and prelatical tyranny be forever abolished, and that the church seeks to instruct and persuade in all gentleness. But nevertheless coercion is allowable as a last resort. Coercion should then be used when not to do so would threaten the unity of the church and allow heretics to spread

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<sup>19</sup>Ibid., p. 13.

<sup>20</sup>Ibid., p. 15.

<sup>21</sup>Ibid., pp. 15-8.

their false doctrines.<sup>22</sup>

Next Gillespie responds an objection proposed in the *Compassionate Samaritan*. The central argument here, suggests that it is wrong to use coercion against a person's private judgement. This argument relies on Paul's point, "whatever is not of faith is sin." Gillespie, with typical overkill, argues that this would mean the end of Parliaments and civil courts, because not even the thief and the murderer could be brought to prosecution. For to attempt to punish criminals would violate their right of private judgment.<sup>23</sup> While Gillespie even notes that the writer of the *Compassionate Samaritan* acknowledges that his argument concerns only matters of religion, he strangely retorts that it is in the very nature of the argument which, "driveth universally against the compelling of a man to anything whatsoever which is against his own conscience."<sup>24</sup> Against the *Compassionate Samaritan*, Gillespie points out that Paul's point here refers to those doctrines and practices that are indifferent, namely, the consumption or abstinence of certain foods, or the keeping of certain Jewish festal days. Gillespie stresses that coercion is valid in some instances, such as the punishment of criminals who should have no recourse to a supposed liberty of conscience.

Having discussed the arguments adduced in the cause of toleration, Gillespie, in a more positive mode, outlines a number of important distinctions and modifications regarding magisterial power. The first distinction is that there are five "sorts of toleration proceeding from five different principles: (1) *indifferency*; (2) *polity*; (3) *pretended conscience*; (4) *equity*; and (5) *charity*."<sup>25</sup> Gillespie then argues that the first category signifies the situation when the magistrate is a *Nullifidian, Neutralist, and Adiaphorist*; where the magistrate is not bound to enforce the law of God and the ordinances of Christ. The second signifies a magistrate who will tolerate heretics and sectaries for political reasons. The third is the argument of Williams who contended that the magistrate is not to exercise coercion in matters of religious practices. The fourth regards those situations where there is no civic law established to permit the suppression of heretics. The fifth is where the magistrate may for various reasons grant the heretics *Superdeas* limited accommodation, in the hope that the heretics may be converted. Here the magistrate is said to temper moderation and mercy with severity in such cases where the peace of the church is not affected. Of the first three forms of toleration Gillespie condemns and the last two he allows.

Gillespie's second distinction is that there are two forms of punishment that the magistrate is to inflict on heretics. The first is *exterminative*: "Such as blaspheme God of Jesus Christ, or who fall away themselves and seduce others to idolatry, *ought to be cut off*

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<sup>22</sup>Ibid., p. 18-9. As with many of his colleagues, Gillespie is quick to point out the inconsistency of the Independent objections here. Gillespie points out that of all which the Independents ask for, they are reticent to concede to others in New England (pp. 19-20).

<sup>23</sup>Ibid., pp. 19-23.

<sup>24</sup>Ibid., p. 23.

<sup>25</sup>Ibid., p. 30.

*according to the law of God.*<sup>26</sup> For heretics their punishment ought to be *medicinal*. These are to be punished with mulcts, imprisonments and banishments with the hope that with God's blessing that may be humbled and converted. However, Gillespie suggests that the salvation and conversion of the delinquent is to not the proper end of the civil and coercive punishments. Though they may be used to at least enforce external obedience which may be preparatory to true contrition.<sup>27</sup>

The third distinction Gillespie draws is between the correct use of coercion and the misuse of coercion. Responding to Acontius, Gillespie contends that though wicked magistrates abuse their subjects, this does not negate the correct and lawful use of coercion. Gillespie notes that in times past, civil courts, Parliaments, and synods have at times abused their powers. But that this does not mean that these should be thus abolished.<sup>28</sup> The fourth point is that he would concur with the Independent Henry Burton that there must be a distinction between what a person thinks and how that person acts. The latter not the former is subject to magisterial supervision. With Burton, Gillespie agrees that the magistrate is the *Custos utriusque Tabulæ*. Again with Burton, Gillespie holds that people are to be punished not for holding thoughts but for printing, preaching, spreading dangerous opinions, for railing against the Covenant, the Parliament, the Assembly of Divines, and the Reformed churches or for resisting the Reformation in England.<sup>29</sup>

In the fifth distinction Gillespie notes that there must be a distinction between the types of heretics. There are the *Heresiarchs*, the ring-leaders, and then there are the heretics, the followers. The former should be punished more harshly, while mere followers more moderately. Gillespie's sixth distinction is that Heretics are to be compelled by the sword, whereas the infidel is not to be compelled. Gillespie suggests that the "none of the Gentiles was of old compelled to be circumcised, but being circumcised he might be compelled to keepe the law of *Moses*."<sup>30</sup> In the seventh point Gillespie draws the distinction between an intolerable toleration and a tolerable toleration. The former is an open toleration for all who wish. The latter is a pragmatic toleration of some, on account of traditional pagan practices. Gillespie's eighth point concerns the important Presbyterian distinction between toleration and accommodation. Accommodation is seen as a better way and only the legitimate avenue. Accommodation is a situation in which dissenters can dissent from the established practice in thought, but not in *deed*. Accommodation, suggests Gillespie, is to be desired above all else because there is "no schism, no rent in Israel, *but the Lord one, and his name one*."<sup>31</sup>

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<sup>26</sup>Ibid., p. 32 [Italics mine].

<sup>27</sup>Ibid.

<sup>28</sup>Ibid., p. 33.

<sup>29</sup>Ibid., p. 34.

<sup>30</sup>Ibid., p. 35.

<sup>31</sup>Ibid., p. 36.

Gillespie does note that if accommodation is not possible then toleration as he has allowed, would then be an undesired second best. However, he is quick to return to his point that is the duty of all the secular courts to root out and extirpate:

heresy, schism, and whatsoever shall be found contrary to sound doctrine, and the power of godliness... And to endeavour the discovery of all such has have as become or shall be evill instruments, by hindering the reformation of Religion, or making any faction or partisan amongst the people contrary to the Solemn League and Covenant, that they be brought to publick triall, and receive condign punishments, &c.<sup>32</sup>

At this point Gillespie ends his tract with a brief exhortation directed at the Independents. His *Paraenetic* is intended to address directly the authors of the *Apologetical Narration*. Gillespie calls on them to abjure pleas for toleration. He warns them not to partake in the sins of a sectarian separation, "lest you partake in their *suppression*."<sup>33</sup> He exhorts the Independents not to divide the body of Christ, which to do so divides Christ. And division, he argues, only demonstrates to many that there cannot be unity without prelacy. Gillespie closes his tract by pressing the point that the Independent divines have sworn according to the Solemn League and Covenant to constantly endeavour the establishment of the nearest uniformity and conjunction of religion. He counsels them to act wisely and not to take the counsel of malicious rumours against the Solemn League and Covenant.

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<sup>32</sup>Ibid., p. 37.

<sup>33</sup>Ibid., p. 38.





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