

**PART VII**  
**ENGLISH LAW: REFORMATION TO**  
**PURITAN PARLIAMENTS**



## CH. 26: THE DECALOGICAL ANTI-ROMISH REFORMERS: LUTHER, ZWINGLI AND CALVIN

Writes the great English historian Lord Macaulay:<sup>1</sup> "Whoever passes in Germany from a Roman Catholic to a Protestant principality; in Switzerland from a Roman Catholic to a Protestant canton, in Ireland from a Roman Catholic to a Protestant county ó finds he has passed from a lower to a higher grade of civilization. The Protestants of the United States have left far behind them the Roman Catholics of Mexico, Peru and Brazil. The Roman Catholics of Lower Canada remain inert, while the whole Continent round them is a ferment with Protestant activity and enterprise."

It is interesting indeed that the Protestant Englishman Lord Macaulay in the above passage refers to Protestantism in Switzerland and in the United States ó as prime examples of "a higher grade of civilization...and enterprise." The seed of Proto-Protestantism early struck root in Celto-Brythonic Britain, and later grew into a strong sapling in Greater Cumbria's English Pre-Reformer John Wycliffe in A.D. 1360. Yet it was only *via* Luther's Germany and Calvin's Switzerland in particular ó that it later grew into a sturdy tree also in Puritan Britain, and then blossomed forth in Colonial America.

Accordingly, we must now describe the concepts of law held by the Protestant Reformers ó by Martin Luther; by Ulrich Zwingli; and especially by John Calvin. Only thereafter, will we adequately be equipped to continue the discussion of Common Law ó in a protestantizing and indeed even a calvinizing Reformation-age Britain.

### **The Bible predicts the destruction of Romanism (thus Luther)**

The Protestant Reformation (of 1517 to 1564f), then, did not simply occur out of the blue. Its advent had been predicted by Holy Scripture. It had been prepared for by the learning of the Renaissance ó and also by the rise of national sovereignty, both in the Pre-Reformer Wycliffe's 1360f Britain and in the Reformer Luther's 1517f Germany.

The times were dramatic. God ó through Luther, Zwingli and Calvin ó now illuminated Northwestern Europe with the brightness of the Protestant Reformation (from 1517 onward). Its first glimmerings had appeared at its dawn under Wycliffe, in A.D. 1360 ó at the end of Daniel's 1290 day-years which apparently commenced with the Roman desecration of God's sanctuary in 70 A.D. See: Daniel 7:11-27; 8:11-26; 9:26f; 12:1,4,7-11; Revelation 12:6-17; 13:1-18.

Those first glimmerings had been intensified at sunrise under Huss, in A.D. 1405f ó at the end of Daniel's 1335 day-years. Daniel 12:1-12 *cf.* Revelation 14:6-7. Rome had martyred and murdered Huss. But now ó from Wycliffe, *via* Huss, to Luther, and then on to Calvin ó the risen sun powerfully broke through the dark clouds, and

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<sup>1</sup> *Op. cit.* I pp. 35f.

started to shine forth luminously. Revelation 14:8-10f; 15:4-6f; 16:10-12; 17:1-18; 18:2-4f. *Post tenebris, lux* ó after the darkness, light.

Luther wrote in his 1530 *Preface* to Daniel:<sup>2</sup> öPeter has **Daniel** especially in mind, when he says [in First Peter 1:10f] ó ðThe prophets searched what time, and what manner of time, the Spirit of Christ signifiesø*etc.* The ðwhatø means that He [the Holy Spirit speaking through Daniel] definitely reckons and determines: **the time** ó how long, and how many years it is to be until then. The ðwhat mannerø means that He finely depicts **the way** that things are to be in the World at that time ó who is to have supreme rule, or where the ðEmpireø is to be.ö

Luther continues: öDaniel prophesies boldly, and determines plainly that the coming of Christ and the beginning of His Kingdom (that is His baptism and preaching) is to happen five hundred and ten years after King Cyrus [Daniel 9:24f].... The Empire of the Persians and Greeks is to be at an end, and the Roman Empire in force (Daniel chapters 7 & 9).... Christ, therefore, must certainly come at the time of the Roman Empire ó when it was in its best state.... It was to destroy Jerusalem and the temple..., as Daniel clearly announces.ö Daniel chapters 8, 9 & 12.

Luther stated as early as 1522 in his *Preface* to Second Thessalonians:<sup>3</sup> öBefore the Last Day, the Roman Empire must pass away ó and Antichrist rise up before God in the Church, and seduce the unbelieving World with false doctrines and signs.... The Papacy gets the temporal sword also into its power, and rules...with the sword.... The Pope has both the spiritual and the temporal sword in his power.ö Second Thessalonians chapter 2 and Revelation chapter 12.

öHere, then,ö comments Luther on Revelation chapter thirteen,<sup>4</sup> öare the two Beasts. The one is the Empire; the other, with the two horns, the Papacy ó which has now become a temporal kingdom, yet with the reputation and name of Christ. For the Pope restored the fallen Roman Empire.... It is an ðimageø of the Roman Empire, rather than the body of the Empire as it once was. Nevertheless, he [the Pope] puts spirit and life into this ðimageø ó so that it has its classes and laws....

öThe abominations, woes, and injuries which this Imperial Papacy has wrought, cannot now be told.... The World has been filled with all kinds of idolatry ó monasteries, foundations, saints, pilgrimages, purgatory, indulgences, celibacy, and innumerable other creations of human doctrine and works.... Who can tell how much bloodshed, slaughter, war ó and stirring up the emperors, kings and princes against one another?

öIn [Revelation] chapter seventeen, the Imperial Papacy and Papal Empire is included, from beginning to end, in a single picture.... It is shown, as in a summing up, how it is nothing.... For the ancient Roman Empire is long since gone; and yet exists. For some of its lands, and the city of Rome besides, are still here.... It is to be known that this Beast too is shortly to be damned ó and ðbrought to nought...as St. Paul says in Second Thessalonians two.ö

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<sup>2</sup> M. Luther: *Works*, Muhlenberg, Philadelphia, 1932, V, pp. 420f.

<sup>3</sup> *Works*, Muhlenberg, Philadelphia, 1932, V, p. 470.

<sup>4</sup> In his 1545 *Preface* to Revelation, in his *Works*, pp. 479f.

### **Luther's increasing awareness that God was using him to demolish Romanism**

Under God, Luther himself broke the imperialistic shackles of the Papacy and helped restore the integrity of Christian Civil Law. Being himself of the school of Ockham, Luther now emancipated the Christian German nation from its Babylonian captivity to the Papacy. He stressed the importance of separation between the Church and the State under God. Indeed, he also emphasized the greater importance of German Christian-National Law. Sharply did he turn away from the semi-deformed Canon Law of the Romish Church.

Already in 1519, the Romish controversialist Professor Eck<sup>5</sup> of Ingolstadt was writing: "Luther denies that Peter was the chief of the Apostles. He declares that ecclesiastical obedience is not based on divine right, but that it was introduced by the ordinance of men.... He denies that the Church was built upon Peter.... He defended the Greeks [*i.e.* the so-called "Greek Orthodox Church"] and schismatics, saying that even if they are not under obedience to the Pope, still they are saved [or savable]."

Now Eck compared the views of Luther with those of the Bohemian Hussites. "Concerning the tenets of the Bohemians," Eck declared of Luther that "he said that some of their teachings condemned in the Council of Constance [1414-18 A.D.] are most Christian and evangelical."

This is a most important statement by the Romanist Eck against the views of Luther. It clearly connects Luther to Huss and, by necessary implication, thereby also to the latter's mentor (the Englishman Wycliffe).

The German princes under Luther's Biblical influence were no longer in any way prepared to be subject to the Romish Church politically. However, they were indeed obligated (and fully prepared) to rule their States in the name of Christ and according to His Holy Word.

Now Charles V had been elected Emperor of Germany in 1519. Because he was reputedly in favour of the Reformation, Luther appealed both to Scripture and to German nationalism. Accordingly, Luther therefore wrote his 1520 *Open Letter to the Christian Nobility of the German Nation* to his Most Serene and Mightily Imperial Majesty as well as to his "most gracious and well-beloved lords."

There, Luther insists:<sup>6</sup> "The temporal power has been ordained by God for the punishment of the bad and the protection of the good [*cf.* Romans chapter 13].... We must let it do its duty throughout the whole Christian body and without respect of persons and whether it strike popes, bishops, priests, monks, nuns, or whoever it may be.... Whatever the ecclesiastical law has said in opposition to this, is merely the invention of Romanist arrogance...."

"The Pope cannot alone be right; else we must say 'I believe in the Pope of Rome' and reduce the Christian Church to one man and which is a devilish and damnable heresy.... If the Pope acts contrary to the Scriptures, we are bound to stand by the

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<sup>5</sup> See Bettenson: *op. cit.*, pp. 268-69.

<sup>6</sup> Bettenson: *op. cit.*, pp. 270-76.

Scriptures ó to punish and to constrain him, according to Christø's commandment... ðtell it unto the Churchø (Matthew 18:15-17)... It is time the glorious Teutonic people should cease to be the puppet of the Roman Pontiff.ö

Luther continues: öIt is a pure invention that pope, bishops, priests and monks are to be called the ðspiritual estateø... There is really no difference between laymen and priests, princes and bishops... This is the teaching of St. Paul (in Romans 12 and First Corinthians 12), and of St. Peter (in First Peter 2)....

öThe temporal authorities...bear sword and rod with which to punish the evil and to protect the good (Romans 13:4)... All that the Canon Law has said to the contrary, is sheer invention of Roman presumption. For thus saith St. Paul to all Christians: ðLet every soul (I take that to mean the Popeø's soul also) be subject unto the highest powers. For they bear not the sword in vainø (Romans 13:1,4).ö

Luther goes on: öOught we, then, to suffer in silence ó when the Pope or his satellites are bent on devilish words and works? Ought we, for the sake of men, to allow the suppression of divine commandments...? It should be decreed that no temporal matters shall be taken to Rome, but that all such cases shall be left to the temporal authorities.... The Pope should have no authority over the Emperor.... The kissing of the Popeø's feet should take place no more. It is an unchristian, nay, an antichristian thing!ö

Luther continues:<sup>7</sup> öThe Bible contains more than enough directions for all our living, and so the study of the Canon Law only stands in the way of the study of the Holy Scriptures. Moreover, it smacks for the most part of mere avarice and pride.... The canon law has arisen in the devilø's name; let it fall in the Name of God! ... The temporal law ó God help us! What a wilderness it has become... Surely the Holy Scriptures, and good rules, would be law enough (First Corinthians 6:1)....

öTerritorial laws and territorial customs should take precedence over the general imperial laws.... Would to God that as every land has its own peculiar character, so it were ruled by its own brief laws ó as the lands **were** ruled, **before** these imperial laws were invented.... God give us all a Christian mind; and especially to the Christian nobility of the German nation a right spiritual courage to do the best that can be done!ö

### **Luther's grounding of secular law upon the Holy Scriptures**

Now Luther, the Protestant Reformer, had firm convictions even about ðsecularø law. That too he insisted on grounding solidly in Scripture.

In his work *Secular Authority (to What Extent it Should be Obeyed)*, he declares: öWe must firmly establish ðsecular lawø and the sword. Romans 13:1f.... This penal law existed from the beginning of the World. For when Cain slew his brother, he was in such great terror of being killed. Genesis 4:14f.... He would not have had this fear ó if he had not seen and heard from Adam that murderers should be slain.

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<sup>7</sup> *Works*, Philadelphia, Holman, 1915, II, pp. 66-72, 103-111, 148-9, & 164.

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Moreover, God re-established and confirmed it after the flood in unmistakable terms. Genesis 9:6. Afterward, it was also confirmed by the Law of Moses. Exodus 21:14 & 21:23f... Christ also confirmed it. Matthew 26:52.... John the Baptist teaches the same. Luke 3:14.... It is God's will that the sword and secular law be used for the punishment of the evil-doer and the protection of the well-doers. Romans 13:4f & First Peter 2:14.

Luther adds that a true Christian lives and labours on earth not for himself but for his neighbour. Therefore the sword is a very great benefit and necessity to the whole World to preserve peace, to punish sin, and to prevent evil.... You are under obligation to serve and further the sword....

Should you see that there is a lack of hangmen, continues Luther, you should offer your services. Indeed, you yourself should seek the place so that necessary government may by no means be despised and become inefficient or perish. Genesis 14:15; First Samuel 15:33; First Kings 18:40; Luke 3:14; Acts 13:12; Romans 13:1,4; First Timothy 4:4.

On the other hand, continues Luther, worldly government has laws which extend no further than to life and property.... Therefore, where temporal power presumes to prescribe laws for the soul, it encroaches upon God's government (Matthew 10:28 & Acts 5:29)....

If then your prince or temporal lord commands you to hold with the Pope; to believe this or that or commands you to give up certain books or you should say: It does not befit Lucifer to sit by the side of God.... I will not obey.... [Satan,] you are a tyrant, and overreach yourself and command where you have neither right nor power....

Should he take your property for this, and punish such disobedience or blessed are you! First Peter 4:14-16 & Acts 5:41.... If you do not resist him, but give him his way or and let him take your faith or your books or you have, really, denied God.

Luther concludes: Again you say..., How could heretics be prevented from preaching? I answer, This the Bishops should do or to whom, and not to the princes, such duty is entrusted.... Heresy can never be prevented by force (Second Corinthians 10:4).... He who would be a Christian prince, certainly must...cling solely to God; pray without ceasing to Him; and ask for a right understanding (First Kings 3:9).... He must consider his subjects...and say, Behold, Christ the Chief Ruler came to serve me; sought not to have power...but only considered my need.... I will do the same....

God's Word will neither turn nor bend to princes; but the prince must bend himself according to it.... He must beware of the height and might of his counsellors. Numbers 22:28; Revelation 12:9; Second Chronicles 19:4f; John 3:20-21; Second Samuel 17:1f.... He must take heed that he deal justly with evil-doers. Second Samuel 3:27; 20:10; First Kings 2:5f; Deuteronomy 20:10f; Genesis 14:14f; Exodus 21:13; Numbers 35:12; Genesis 20:6. Thus Luther.

Very significantly, in his *Lectures on Deuteronomy* (21:18f), Luther deals with the law concerning disobedient sons who are to be put to death. There, he comments: Would that we too observed this law, so that more fear and shame might

be driven into our unbridled and bold youth which is being led to ruin by evil companions and corrupt morals!ö

Isabel Hill Elder declares<sup>8</sup> that we read in Luther's 1531 *Table Talk* of a Roman Catholic archbishop of Mainz coming across a copy of the Bible. On examining it, he was quite puzzled as to what it could be. When he began to read it, he was so taken aback that he exclaimed: öOf a truth, I do not know what book this is. But I perceive everything in it is against us!ö

With the invention of printing in the late fifteenth century, the preaching and writings of the Reformers were gradually spread among the people. This occurred not, however, without raising the opposition of the Romish hierarchy. The Vicar of Croydon, preaching at St. Paul's Cross in the days of Henry VIII (1509 to 1547), declared that either the Romish Church must abolish printing ó or printing would abolish her!

### **The Lutheran Reformation on the Moral Law for the whole of human life**

So, while Luther was primarily interested in soteriology, he also had a concept of the various öusesö of the Moral Law. He further interacted with State Law, Canon Law, and even Roman Law. Indeed, all this had a great impact on later lawyer-theologians ó such as on the Lutherans Melancthon, Oldendorp and Pufendorf; and even on the Arminian Grotius. Thus: Oldendorp stressed the plan of equity (freed from Canon Law); Grotius developed Natural Law, and pioneered International Law; and Pufendorf usually approached law from a theological perspective.

So Luther's Reformation affected not only the church and theology. It also affected Law and the State. Thus the great Leipzig Law Professor Dr. Rudolf Sohm points out<sup>9</sup> that Luther's Reformation was a renewal not only of faith but also of the World ó both the World of spiritual life, and the World of law.

Now there was a renowned Reformation-Age barrister and jurist called Christopher St. Germain. Around approximately 1528<sup>f</sup>, he wrote a very famous work called *Doctor and Student*. There,<sup>10</sup> he held that the law eternal is nothing else than that supreme reason in God for governing things ó or that supreme reason of the divine wisdom whereby God wills all things established by Him to be moved and guided to a good and due end. It relates principally to the divine justice, ordaining things for His creatures. Jeremiah 23:6 *cf.* First Corinthians 1:30. It is God alone Who with a perpetual and constant will gives to every thing its own ó not by strict right, but by the most liberal and worthy gift of the Creator.

The law eternal is the reason of government in the Supreme Governor. The Law of Nature, which is also called the law of reason, pertains only to reasonable creatures ó that is, to man who is created to image God.

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<sup>8</sup> *Op. cit.*, pp. 147f.

<sup>9</sup> R. Sohm: *Secular and Spiritual Law*, Munich, 1914, p. 69.

<sup>10</sup> C. St. Germain: *Doctor and Student*, Selden Society, London, ed. 1974, pp. 8,11,13,15,21 & 25. See our ch. 25 nn. 121f.



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This law ought to be kept as well among Jews and Gentiles as among Christians. And this is the law which among the learned in English Law, is called the law of reason.

The law of reason is nothing else than the participation or knowledge of eternal law, in a rational creature ó revealed to him by the natural light of reason ó whereby he has a natural inclination to act duly. It ought to be observed everywhere and among all men. For natural rights are immutable.

The inner book of the heart having been obscured and, as it were obliterated and mutilated by divers passions ó it was therefore necessary that an external book should be given containing laws and precepts delivered by God and by wise men whose hearts still remained more lucid. One cause for giving written law, therefore, is said to be (by holy men) ó to have been the darkening of the law of reason (but not its changing).

God delivered to the fathers of the Old Testament many laws for political and civil government. A law is divine, or of divine right ó properly described ó because it is revealed by God. ðThe Law of the Lord is pure, converting souls; the testimony of the Lord is faithful, giving wisdom to the children.ö *Cf.* Psalm 19:7. It ordains men to their divine and supernatural end. Thus the Jurist, Christopher St. Germain.

### **Ulrich Zwingli's doctrine of civil government in 1531 Switzerland**

Independently of Luther, the early Swiss Reformer Ulrich Zwingli came to somewhat similar conclusions. Zwingli approved of the political government of the Helvetian Republic ó the ðHelvetic Confederation of Swiss States.ø Instead, the Confederate Zwingli's doctrine of civil government is well set out in his 1531 *Declaration of Christian Faith*.<sup>11</sup>

There, he explains: ðThe Greeks knew of three forms of government. First, monarchy..., where one man has all power.... Second, aristocracy, which...[is] called: ðdominion by the most important.ø Here, ð**the best**ø [or *hoi aristoi*] of the people rule ó with due regard to...fairness and piety. But whenever it **degenerates**, oligarchy arises from it.ö

The third form of government known to the Ancient Greeks, continues Zwingli, was ðthat which the [B.C. 509 to B.C. 49] Romans called a ðrepublicø..., [which] has government in the hands of the people.... When it [however] degenerated [into ðdemocracyø]..., the Greeks called it ðrevolutionø... There, nobody obeys; but everybody..., as a part and a member of the people, follows his own imaginations and his own desires [cf. Judges 17:6 & 21:25].ö

Now ðwhenever the monarch or prince becomes a tyrant, we blame and punish his obduracy.... If he heeds the warning, we have won a father for the whole commonwealth and nation. However, if he disobeys and uses force, we teach that one should obey even that ungodly man until the Lord removes him from dominion and rulership ó or shows ways and means how **those whose job it is, depose or bring**

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<sup>11</sup> U. Zwingli: *Declaration of Christian Faith*, 1531, arts. 87-91 and 121-23.

him to order.ö The latter words clearly emphasize Zwingli's non-mobocratic and essentially reformatory recipe for improving government.

Continues Zwingli: öWe are just as careful and watchful when aristocracy begins to degenerate into oligarchy, or [republicanism into] democracy and [then] into revolution. Whenever a government calls upon those under its rule or would command them to do something which is precisely and publically against God, honour and justice ó the subjects may with a good conscience and without injury to God and His Word not be permitted to do or to command something God forbids.

öThus, we teach the people [that] they are to obey God more than man. For as His servants, they are to appeal to a Higher Power than the rulers in the World.... Ahab lost his life, together with his wife, because he did not want to heed the warning of Elijah to renounce his own godlessness. First Kings 21:17f & 22:1f. John sounded forth to Herod fearlessly, because the latter was not ashamed of his incest. Matthew 14:3f; Mark 6:17f; Luke 3:19.ö

Zwingli concludes by rejecting the Anabaptistic doctrine of civil government. Says he: öThe Anabaptists teach that a Christian cannot occupy a civil office; that a Christian is not allowed to kill even a criminal condemned by the law; and that one may not wage war even when tyrants...as well as robbers daily commit murder and unrest....

öThe Anabaptists...hold all things in common.... [They say that] a man could have more than one wife, in spirit.... They have distanced themselves from us, and they never belonged to us.... That anabaptistic pest crawls particularly into places where the pure doctrine of Christ begins to emerge.... From this..., it can clearly be seen that it is sent by Satan ó in order to strangle healthy seed while the latter is still germinating.ö

### **Civil government in Bullinger's and others' 1536 *First Swiss Confession***

The rights and duties of political governments and citizens, were officially spelled out especially in chapter 26 of the *First Swiss Confession* of 1536. It was drawn up, under Zwingli's influence, by his friends Bullinger and Leo Judae and others.

There, we read that öall power and authority is from God. Consequently, the highest and the most important office [of temporal authority] ó if it would not be a tyrant ó is that it should protect and promote the true honour of God and the right religion....

öIt should require and provide that which the servants of the churches and the preachers of the Gospel teach and proclaim from the Word of God.... The schools should be well equipped. The common citizenry should be well taught and diligently instructed.

öFurther,ö continues the *First Swiss Confession*, öthe government: should rule the people according to fair and godly laws; should uphold and maintain law and order; should preserve the general peace and welfare; should protect and shelter general

utilities; and should punish transgressors as fairly as possible according to their misdeeds regarding life, limb, and property.... Although we are free in Christ, we should respect and obey such a government, and give it faithful and solemn obedience with the love and faith of our hearts whenever its injunctions and commands are not clearly contrariwise. Romans 13; First Corinthians 9; First Timothy 5; First Corinthians 16; Matthew 22; Acts 4.ö

### Calvin the Lawyer-Theologian and greatest of all Protestant Reformers

Britain's noteworthy historian Henry Froude wrote in the nineteenth century<sup>12</sup> that in earlier days the Calvinists had attracted to their ranks almost every man in Western Europe who hated a lie. Whatever existed during the nineteenth century in England and Scotland, regarding the conscientious fear of doing evil, was ó explained Froude ó the remnant of the convictions that were branded by the Calvinists into the people's hearts.

It may be said ó concluded Froude (somewhat imprecisely) ó that, by having shamed Romanism out of its practical corruption, the Calvinists enabled it to revive. We ourselves, however, would prefer to say that Calvinism ó having removed from the mediaeval Christian Church the Romish rubbish which had disfigured God's people ever since the days of the first Popes at the beginning of the seventh century ó started restoring and then extending precisely Pre-Roman alias Primitive Christianity.

This Calvinism did, especially in Northwestern Europe. There, it soon became what Rev. Professor Dr. Abraham Kuyper later called öthe Origin and Guarantee of our Constitutional Freedoms.ö<sup>13</sup> Indeed, it was Calvinism which revived and fulfilled Culdeeism in the British Isles as its cradle.

The great Genevan, Rev. Professor Dr. Jean Cauvin (alias John Calvin), was almost unquestionably the godliest and also the most erudite Lawyer-Theologian since the Apostle Paul. After receiving his M.A. degree ó Calvin engaged in advanced legal studies.<sup>14</sup>

He did so, first under Pierre Taisan d'Étoile ó the greatest forensic mind in France.<sup>15</sup> He then studied further ó under the celebrated Italian jurist Andrea Alciati.<sup>16</sup>

In 1531, Calvin secured his Doctorate in Law.<sup>17</sup> He next studied Hebrew with Francois Vatable, Greek with Pierre Danes, and Holy Scripture with Lefevre d'Étaples. Our famous French Reformer then went on to complete his Ph.D. degree (in Philosophy) ó on Seneca's *De Clementia*.

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<sup>12</sup> Compare W.G. Dixon & J.C. Jamieson: *John Calvin and the Modern World*, Melbourne: Board of Religious Education of the Presbyterian Church of Australia, n.d., p. 28.

<sup>13</sup> A. Kuyper Sr.: *Calvinism the Origin and Guarantee of our Constitutional Freedoms*, Vanderland, Amsterdam, 1874.

<sup>14</sup> T.H.L. Parker: *John Calvin – A Biography*, Westminster Press, Philadelphia, 1975, pp. 13f.

<sup>15</sup> R. Schippers: *John Calvin – His Life and His Work*, Kok, Kampen, Netherlands, 1959, pp. 11f.

<sup>16</sup> W.F. Dankbaar: *Calvin – His Way and Work*, Callenbach, Nijkerk, Netherlands, 1957, pp. 8f.

<sup>17</sup> T.B. van Halsema: *This Was John Calvin*, Zondervan, Grand Rapids, 1959, pp. 23f.

To Calvin, man images God precisely by following His Law. In his *Sermon on Job 9:29-35*, Calvin declares that "God in His Law has given us a pattern and image of His justice." In his *Institutes 2:8:5*, Calvin adds: "Therein God has delineated His Own character [so] that anyone exhibiting in action what is commanded, would in some measure express in life the image of God."

Now God's Law should **never be contrasted** to His Spirit. As Calvin observes in his *Commentary on Psalm 40:7f* about David, "as soon as he had been instructed by the secret inspirations of the Spirit, he tells us that then his heart was ready to yield a willing and cheerful obedience.... It is the peculiar office of the Holy Spirit to engrave the Law of God on our hearts."

Calvin adds in his *Commentary on Psalm 119:59*, "an unfeigned love of God's Law is an undoubted evidence of adoption [since this love is the work of the Holy Spirit]." Indeed, Calvin adds in respect of the rich young ruler in Luke 18:18f, that "Christ does not perceive one thing lacking **beyond** the observance of the Law [but] **in his** observance of the Law." *Opera Omnia*, 45:539. For, as Calvin adds in his *Institutes 2:8:5*, "the Law is the rule of perfect righteousness."

In what now follows, we would examine Calvin's views [regarding the "Law of Nature" and the "Moral Law." Later we shall examine his views specifically regarding the "judicial law." For God declares through Jeremiah (9:24) [I am the Lord Who shows lovingkindness, judgment and righteousness upon the Earth.]

### Calvin on Natural Law as rooted in God Himself

The Dutchman Dooyeweerd, sometime Professor in Law at the Free University of Amsterdam, has alleged<sup>18</sup> that to Calvin [God is] *legibus solutus sed non exlex*. That is to say, God is "loosened from the law [but] not arbitrary." This allegation by Dooyeweerd, is in need of careful qualification.

What Calvin actually said, is this: "The Sovereign God is above the civil law, but not lawless (*Deus legibus solutus sed non exlex*).... **He is Himself the living Law** (*Lex vitalis*), **and** the enlivening Law (*Lex animans*)."<sup>19</sup>

For Calvin himself opposes<sup>20</sup> "that Sorbonnic dogma...in the promulgation of...the papal theologians" who allege that "God is free from the Law" [the dogma of the doctors at the Sorbonne in Paris. Indeed, Calvin emphatically declares: "I do not receive that...dogma [that God, as being free from the Law Himself, may do anything without being subject to any blame for so doing.] For whosoever makes God without Law, robs Him of the greatest part of His glory [because He [would then de]spoil...Him of His rectitude and justice....

"He is indeed a Law to Himself. But there is that inseparable connection and harmony between the power of God and His justice [so that nothing can possibly be

<sup>18</sup> H. Dooyeweerd: *A New Critique of Theoretical Thought*, Presb. & Ref. Pub. Co., Philadelphia, 1953, I pp. 93 & 99f.

<sup>19</sup> J. Calvin: *Opera Omnia* (in *Corpus Reformatorum*, Brunswick, 1863), 5,23,53,67.

<sup>20</sup> J. Calvin: *The Secret Providence of God*, in ed. H. Cole's *Calvin's Calvinism*, Reformed Free Publishing Association, Grand Rapids, n.d., p. 248.

done by Him but that which is moderate, legitimate, and according to the strictest rule of right.... When the faithful speak of God as omnipotent, they acknowledge Him at **the same time** to be the Judge of the World ó and always hold His power righteously to be tempered with equity and justice.ö

Calvin therefore rejects the Sorbonnic dogma that "God is free from the Lawø (and therefore öbeyond the Lawö). That Romish doctrine of the Sorbonne theologians was possibly derived from the "Islamicø notion that Godø's omnipotence transcends even His immutability (and therefore also His immutable justice and His immutable faithfulness). Far from such capriciousness being "Calvinisticø ó John Calvin in fact specifically repudiated the notion of God being both free from and beyond the Law (*legibus solutus et exlex*).

Calvin further explains himself as follows:<sup>21</sup> öAssuredly the attributes which it is most necessary for us to know, are these three ó lovingkindness, on which alone our entire safety depends; judgment, which is daily exercised on the wicked and awaits them in a severer form even for eternal destruction; righteousness, by which the faithful are preserved and most benignly cherished.ö Indeed, Calvin grounds the triple juridical principles of lovingkindness, judgment and righteousness ó in the attributes of the Triune God Himself as their Ultimate Source.

The Genevan genius also regards it as öevident that the Law of God which we call "Moralø ó is nothing else than the testimony of Natural Law and of that conscience which God has engraven on the minds of men.... The whole of this **equity** of which we now speak, is prescribed in it. Hence, it alone ought to be the aim, the rule, and the end of all laws.ö<sup>22</sup>

For this "Moral Law of Natureø ó argues Calvin ó proceeds öfrom the Source of rectitude Himself, and from the natural feelings implanted in us by Him.ö For öit flows from the Fountain of Nature itself, and is founded on the general principle of all laws.ö<sup>23</sup>

### **All men recognize righteousness (for each is created as the image of God)**

It is only because the righteous God created man as His Own image ó that all men everywhere had, and still have, any concept of righteousness at all. Very clearly, this is true not only of man before the fall (pre-eminently) ó but also even of fallen man, regardless of his commitment to Christ (or not). John 17:5,25; Genesis 1:26f & 9:5; Ecclesiastes 7:29; Ephesians 4:24; Romans 2:14f.

As Calvin comments:<sup>24</sup> öPaul says that we [Christians] are transformed into the image of God by the gospel.... According to him, spiritual regeneration is nothing else than the **restoration** of the same image. Colossians 3:10 and Ephesians 4:23f.... He

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<sup>21</sup> *Institutes of the Christian Religion* I:10:2.

<sup>22</sup> *Ib.* IV:20:15f.

<sup>23</sup> Calvinø's *Comment.* on Lev. 18:6, in his *Harmony of the Pentateuch*, Eerdmans, Grand Rapids, 1968f, III, p. 100.

<sup>24</sup> *Comm.* on Gen. 1:26.

made this image to consist in righteousness... He [God] appointed man...lord of the World.

Elsewhere, Calvin also adds:<sup>25</sup> "Adam was at first created in the image of God, so that he might reflect as in a mirror the righteousness of God.... Take righteousness, in general, as uprightness."

Referring to "the creation of man," Calvin observes<sup>26</sup> that "it would little avail us to know how we were created if we remained ignorant of the corruption and degradation of our nature in consequence of the fall. At present, however, we confine ourselves to a consideration of our nature in its original integrity.... We shall afterwards see...how far mankind now is from the purity originally conferred on Adam...."

"We have ideas of rectitude, justice, and honesty.... The image of God extends to everything in which the nature of man surpasses that of all other species of animals [alias sentient living creatures].... At the beginning, the image of God was manifested by the light of intellect; rectitude of heart; and the soundness of every part."

Explains Calvin:<sup>27</sup> "Since man is by nature a social animal [alias a gregarious "enspirit-ed creature"], he is disposed from natural instinct to cherish and preserve society.... Accordingly, we see that the minds of **all** men have impressions of civil order and honesty. Hence it is that **every** individual understands how human societies must be regulated by laws, and [every individual] is able also to comprehend the principles of these laws. Hence the **universal** agreement [in Calvin's day] with regard to such subjects if both among nations and individuals if the seeds of them being implanted in the breasts of **all**...."

"The truth of this fact is not affected by the wars and dissensions which immediately arise.... Some, such as thieves and robbers, would invert the rules of justice.... Others (a vice of most frequent occurrence) deem that to be unjust, which is elsewhere regarded as just if and (on the contrary) hold that to be praiseworthy, which is elsewhere forbidden.... Such persons...quarrel with what clearly is reasonable.... Quarrels of this latter kind do not destroy the primary idea of justice. For while men dispute with each other as to the particular enactments if their ideas of equity agree in substance...."

"Some principle of civil order is impressed on **all**.... No man is devoid of the light of reason.... Its principle is **naturally** implanted in the human mind.... These proofs openly attest the fact of an **universal reason** and intelligence naturally implanted.... The Spirit of God is the only fountain of truth. We will be careful if as we would avoid offering insult to Him if not to reject or condemn truth, wherever it appears. In despising the gifts, we insult the Giver."

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<sup>25</sup> *Comm.* on Eph. 4:24.

<sup>26</sup> *Inst.* I:15:1-4.

<sup>27</sup> *Ib.* II:2:13-15.

## The awareness of Natural Law by man also after his fall

Now Natural Law continues ó in a somewhat sin-obscured way ó even after manø fall into sin. This, of course, is only because God keeps on revealing it to all sinners everywhere ó in spite of their ongoing depravity.

Writing about unregenerate Pagans, the Apostle Paul truly declares that øthe wrath of God keeps on being revealed from Heaven upon all ungodliness and unrighteousness of men who keep on holding down the truth in unrighteousness.... For God has manifested...what is knowable about God, to them. For His invisible things ó being understood even from [the time of] the creation of the World through that which has been made ó keep on being perceived. Consequently, they [the Pagans] are inexcusable. Because, having known God, they did not glorify Him as God. Neither were they thankful.ö Romans 1:18-21.

Here, Calvin comments:<sup>28</sup> øAlthough the structure of the World and the most splendid ordering of the elements ought to have induced man to glorify God, yet there are none who discharge their duty.... Some interpreters distinguish between ungodliness and unrighteousness ó maintaining that ungodliness refers to the profanation of the worship of God, and unrighteousness to a want of justice to men.... To øhold downøthe truth, is to suppress or obscure it. Hence, [because **depriving** even **themselves** of the truth,] they are accused of **theft**. øIn unrighteousnessøis a Hebrew phrase, and means **unjustly**.

øMan was formed to be a spectator of the created World.... He was endowed with eyes for the purpose of his being led to God Himself, the Author of the World.... This clearly proves how much men gain from this demonstration of the existence of God ó viz. an utter incapacity to bring any defence to prevent them from justly being accused before the judgment-seat of God....

øNo conception of God can be formed without including His eternity, power, wisdom, goodness, truth, righteousness, and mercy.... His justice is evident in His governing of the World, because He punishes the guilty and defends the innocent.... Those, therefore, who have formed a conception of God ó ought to give Him the praise due to His eternity, wisdom, goodness, and justice.ö

## Man's vicious and deliberate declension from initial righteousness and justice

Paul next asserts that men have **knowingly** and **deliberately** (and also viciously) turned away ó and kept and keep on turning away ó from original righteousness. **Wilfully**, they have fallen into what the Old(er) Testament identifies as the errors of idolatry, lesbianism, sodomy, murder and other capital crimes ó all of which he says øare worthy of death.ö Romans 1:21,23f,28f,32.

Comments Calvin:<sup>29</sup> øIt makes no difference that they were **not all** involved in such vicious corruption.... Although all men are not thieves, murderers or adulterers ó

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<sup>28</sup> *Comm.* Rom. 1:18-21.

<sup>29</sup> *Comm.* on Rom. 1:26-29.

yet there are none who are not to be found corrupted by some vice or another.... They had not pursued the knowledge of God with the attention which they ought to have displayed ó but, on the contrary, had deliberately turned their thoughts away from God.... By a perverted choice, they had preferred their own vanities ó to God.

öThough every vice may not appear in each individual, yet all men are conscious of some wrong conduct, so that everyone can be accused of obvious depravity for his own part.... Men bound themselves ó without reflection to those crimes which common sense ought to have despised.... **Unrighteousness** means the violation of human justice, when each does not receive his due.... **Wickedness**...means acts of maliciousness or unrestrained licence.... **Maliciousness** is the depravity and perversity of mind which strives to do harm to our neighbour.... The word **strife** includes quarrels, fighting, and sedition.ö

The Apostle Paul consequently continues: öWhenever the Gentiles [alias the Pagans], who do not have the Law [of Moses], **by nature** do the things contained in the Law ó those [Gentiles], not having **the Law [of Moses]**, are a law **unto themselves**. They show the work of **the Law** written in their hearts ó their conscience also bearing witness, and their thoughts meantime accusing or else excusing one another.ö Romans 2:14-15.

Here, Calvin comments<sup>30</sup> that öignorance is offered in vain as an excuse by the Gentiles ó since they declare by their own deeds that they do have some rule of righteousness. There is no nation so opposed to everything that is human, that it does not keep within the confines of **some laws**.... All nations are disposed to make laws...which are implanted by nature in the hearts of men.... The Gentiles had the *natural light* of righteousness, which supplied the place of **the Law** by which the Jews are taught....

öAll the Gentiles alike institute religious rites; make laws to punish adultery, theft, and murder; and commend good faith in commercial transactions and contracts. In this way, they demonstrate their acknowledgment that God is to be worshipped; that adultery, theft and murder are evils; and that honesty is to be esteemed.... There is, therefore, a certain natural knowledge of **The Law** which states that one action is good and worthy of being followed ó while another is to be shunned with horror.ö

### Calvin on the operation of the Law of Nature and Equity among the Pagans

Calvin asks:<sup>31</sup> öCan we deny that truth must have beamed on those ancient lawgivers who arranged civil order and discipline with so much equity? ... Let us not forget that there are most excellent blessings which the Divine Spirit dispenses to whom He will, for the common benefit of mankind....

öOne of the essential properties of our nature, is reason.... Some excel in acuteness, and some in judgment.... In a common nature, the grace of God is specially displayed.... Each individual is brought under particular influences, according to his

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<sup>30</sup> *Comm. Rom. 2:14-15.*

<sup>31</sup> *Inst. II:2:15-17.*



calling.... The Spirit of the Lord is said to have come upon those whom He called to govern.... Judges 6:34.ö

Observes Calvin:<sup>32</sup> öIf the Gentiles have the righteousness of **the Law** naturally engraven on their minds ó we certainly cannot say they are altogether blind as to the Rule of Life. Nothing indeed is more **common** ó than for man to be instructed sufficiently in a right course of conduct by Natural Law, of which the Apostle here speaks....

öThe end of Natural Law, therefore, is to render man inexcusable.ö Natural Law ömay be not improperly defined: ÷the judgment of conscience distinguishing sufficiently between just and unjustø... By convicting men on their own testimony, [it keeps on] depriving them of all pretext for ignorance.ö

Calvin further sees Natural Law (alias the Law of Nature) ó in universal or **widescale human practice**. Paul asks: öDoes not even nature (*phusis*) teach you that if a man has long hair, it is a dishonour to him ó but that if a woman has long hair, it is a glory to her?ö First Corinthians 11:5-14. Calvin here comments that öbare-headedness is unbecoming in women. **Nature itself** holds it in horror.... A woman with her head shaved, is a loathsome ó indeed an **unnatural** ó sight.... The woman is given her hair as a **natural** covering.... Her hair, being her **natural** covering..., is needed....

öPaul again sets **nature** before them [the Corinthians] as the teacher of what is proper.... He means by ÷**natural**ø what was accepted by common consent..., certainly as far as the Greeks were concerned.... The Greeks did not consider it very manly [for males] to have long hair, branding those who had it as effeminate. Paul considered that their custom, accepted in his own day, was in conformity with **nature**.ö

Thus Calvin. Compare too the further reference to First Corinthians 11:13-14 in the discussion on öthe light of **nature**ö ó in the Calvin-istic *Westminster Confession of Faith* (1:6<sup>o</sup>).

### Calvin on the need for the incription of the Law

Godø Law is part of Godø revelation to man. Godø revelation as a whole needed to be incriptioned, in order to prevent manø primordial knowledge thereof from degenerating after the fall. The same is true in respect of manø knowledge of Godø Law in particular.

On Godø revelation as a whole, Calvin states that after the fall öthe minds of men were carried to and fro.... The aged or those whose sight is defective when any book (however fair) is set before them...are scarcely able to make out two consecutive words. But when aided by glassesö alias spectacles, they öbegin to read distinctly. So Scripture, gathering together the impressions of Deity which till then lay confused in their minds, dissipates the darkness and shows us the true God clearly....

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<sup>32</sup> *Ib.* II:2:22.

It is necessary to apply to Scripture, in order to learn the sure marks which distinguish God as the Creator of the World from the whole herd of fictitious gods... God the Maker of the World is manifested to us in Scripture... If we reflect how prone the human mind is to lapse into forgetfulness of God; how readily inclined to every kind of error; how bent every now and then on devising new and fictitious religions it will be easy to understand how necessary it was to make such a depository of doctrine as would secure it from either perishing by the neglect; vanishing away amid the errors; or being corrupted by the presumptuous audacity, of men...

God, foreseeing the inefficacy of His impress imprinted on the fair form of the Universe it has given the assistance of **His Word** to all whom He has been pleased ever to instruct effectually. So, as regards God's revelation to man in general: We must go, I say, **to the Word** [Isaiah 8:20 & Second Timothy 3:15-17]... No daily responses are given from Heaven, and **the Scriptures** are the only records in which God has been pleased to consign His truth to perpetual remembrance.

However, the same is true also as regards God's Law in particular. There too, Calvin clearly teaches that the pre-fall light of nature and Natural Law are now it after sin it clearly discerned only in the light of the infallible Holy Scriptures. The latter, however, certainly reinforce God's Law of Nature. For, Calvin insists, the very things contained in the Two Tables [at Exodus chapter 20] are in a manner dictated to us by that internal law which...is...written and stamped on every heart. Genesis 2:9-18; Ecclesiastes 7:29; Romans 1:20f; 2:14-16; Ephesians 4:24-29.

Philosophers, explains Calvin it when **contrasting** nature with Scripture it can only tell us to live agreeably to nature. Scripture, however, derives its exhortations from God as the True Source. Malachi 1:6; John 15:3; Romans 4:3 & 6:1-4; First Corinthians 3:16 & 6:11-17; Second Corinthians 6:16; Ephesians 5:1-3,26; Colossians 3:1-2; First Thessalonians 5:23; First Peter 1:15-25; First John 3:1-3.

Of Scripture, Calvin thus concludes: It not only enjoins us to regulate our life with a view to God its Author, to Whom it belongs. But, after showing us that we have degenerated from our True Origin it viz. the Law of our Creator it adds that Christ, through Whom we have returned to favour with God it is set before us as a model, the image of which our lives should express.<sup>33</sup>

### **Calvin on the institution of human governments after the flood**

Now Holy Scripture teaches that, after the great flood, God introduced human government it and official punishments for the crimes of fallen man. This is implied in a clear statement anent the similarity of attacks on humans by deadly animals or brutes it when compared to the brutal murder of human beings by their fellow men (as the most heinous of all crimes).

Declares God: Surely, I will requite the blood of your lives. At the hand of every beast I will requite it it and at the hand of man. At the hand of every man's brother, I

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<sup>33</sup> *Ib.* I:VI:1-3; I:7:1; II:8:1; III:6:3.

will requite the life of man. Whosoever sheds a man's blood, by man shall **his** blood be shed! For God made man in His image.ö Genesis 9:5-6.

Here, the grossest crime of killing God's very image ó a human being ó is described. When intentional and unofficial, this crime merits capital punishment. Here also, by implication, even other lesser crimes (meriting lesser punishments) are presupposed.

Comments Calvin:<sup>34</sup> öGod so highly estimates our life, that He will not suffer murder to go unavenged.... They are **deceived**, in my judgment, who think that a political law **simply for the punishment of homicides** is here intended. Truly, I do not deny that the punishment which the laws ordain and which the Judges execute ó are founded on this divine sentence. But I say that the words are **more comprehensive**....

öGod sends **executioners**.... God so threatens and denounces vengeance against the **murderer**, that He even arms the Magistrate with the sword for the avenging of slaughter ó in order that the blood of men may not be shed with impunity.

öGod declares that He is not rashly and for no purpose thus solicitous respecting human life. Men are indeed unworthy of God's care, if respect be had only to themselves. But since they bear the image of God engraven on them, He deems Himself violated in their person....

öNo one can be injurious to his brother, without wounding [or insulting] God Himself.... He again turns His discourse to Noah and his sons.... ÷You see that I am intent upon cherishing and preserving mankind; do you therefore also attend to it!ø... He deters them from murder, **and** from [other] unjust **acts** of **violence**ö of lesser gravity too.

### Calvin on the delegation of political functions even before Sinai

Of course, the above would **require a whole system of political government** ó as well as of **official graded law courts**. That is why God told Moses ó through his father-in-law the priest Jethro ó thus to delegate these functions. Exodus 18:12-18f; Deuteronomy 1:13-17; 16:18-19; 17:5-9; 19:4-18; 21:2-22; First Chronicles 17:7-13; 19:5-11.

Asked Jethro of Moses: öWhy are you sitting alone ó and all the people standing near you, from morning to evening?ö Moses replied: öBecause the people are coming to me, in order to inquire from God. When they have a case, they come to me ó and I judge between one and another.... I make known to them God's statutes and laws.ö Exodus 18:14-16.

So Jethro advised Moses: öProvide from among all the people **able men** who fear God; men of truth who hate covetousness. Place such men over them ó to be **rulers** of thousands, rulers of hundreds, rulers of fifties, and rulers of tens. And let **them** judge

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<sup>34</sup> *Comm.* on Gen. 9:5-7.

the people at all times.... Every great case they shall bring to **you**; but every small case, **they** shall judge.ö Exodus 18:21-22.

Here, Calvin comments:<sup>35</sup> öThis is the object of political government.... God's tribunal should be erected on Earth, wherein He may exercise the Judge's office.... Judges and Magistrates should not arrogate to themselves a power uncontrolled by any laws, nor allow themselves to decide anything arbitrarily or wantonly ó nor, in a word, assume to themselves what belongs to God. Then, and then only, will Magistrates acquit themselves properly ó when they remember that they are God's representatives.

öYou shall choose [from the people], and take out the most worthyó so that such an **office** [of Judge] be not entrusted rashly to anyone that offers.... Among a free people...the Judges should not be chosen for their wealth or rank ó but for their superiority in virtue.... Four qualifications must principally be regarded in the appointment of Judges, viz.: ability in business; the fear of God; integrity; and the contempt of riches....

öBrave menø (*'ansheey chaayil*)...designates strenuous and courageous persons.... [Moses] adds ðpietyø... ðTruthøis opposed not only to deception and gross falsehood ó but to popularity-hunting, flattering promises, and other crooked arts which tend to corrupt justice.... ðHatred of covetousnessø is demanded ó because nothing is more antagonistic to justice, than eagerness for gain.... Snares are so constantly set for Judges by the offers of pecuniary advantage ó [that] they would not be duly fortified against this mode of corruption, unless they earnestly detested avarice.ö

### Calvin on the great governmental passage in Deuteronomy 1:13-17

On a passage parallel to the above-mentioned Exodus 18:14-22 ó namely Deuteronomy 1:13-17 ó Calvin further comments:<sup>36</sup> öThose who were to preside in judgment, were not appointed only by the will of Moses ó but **elected** by the **votes** of the **people**. And this is the most desirable kind of liberty.... We should not be compelled to obey every person who may be put tyrannically over our heads.... No one should rule, except he be **approved of** by us.

öMoses recounts that he awaited the consent of the people, and that nothing was attempted which did not please them.... He does not here [in Deuteronomy chapter one] mention the same virtues as in Exodus chapter eighteen ó but only distinguishes the Judges by three qualifications.... They should be wise; and [have] understanding; and [be] experienced....

öThey should possess acuteness of intellect and prudence, confirmed by experience and practice. For neither the greatest probity nor diligence would be sufficient for the office of Ruler ó apart from skill and sagacity...endued with sound judgment and discretion.... Thus, then, experience and acquaintance with business is required in Judges; because none but the practised are competent for the management of business.

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<sup>35</sup> *Comm. Ex. 18:15-21.*

<sup>36</sup> *Comm. on Deut. 1:13-17.*

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ōAs far as possible, Judges should be restrained by fixed law ó lest, being left free, they should be swayed this way or that by favour or ill will.... Wherever there is a sufficient capacity of intellect, equity and rectitude will prevail ó unless respect to persons influences the Judge....

ōIt very often happens that those who are otherwise just and disposed to study what is equitable and right, are made to swerve through fear of the threats of the powerful ó and dare not manfully encounter their ill will. Moses therefore requires magnanimity in Judges ó so that they may not hesitate to bring upon themselves the hatred of any, in their defence of a good cause.

ōHe says that they are to be afraid of no mortal man ó because the judgment is God's.... How absurd it is, to turn from the right course ó out of the fear of man. Because thus, the majesty of God is prostituted and exposed to scorn....

ōThis honour must be paid to God Whose representatives they are.... They should look upon all men as beneath them, and restrain the audacity of the wicked with such inflexible magnanimity that God alone may have the pre-eminence. The same is the object of Jehoshaphat's words: "Take heed what you do! For you are not judging for man, but for the Lord!" Second Chronicles 19:6.

ōIf this were thoroughly impressed upon the minds both of Magistrates and Pastors, they would not vacillate so often.... Relying on God's aid, they would stand firmly against all the terrors by which they are so pitifully agitated.

ōTherefore, let all those who are called to any public office, sustain themselves by this doctrine ó that they are doing God's work, Who is well able to keep them safe from the violence as well as the craftiness of the whole World. Yet at the same time we are taught by these words that all posts of command are sacred to God, so that whosoever are called to them should reverently and diligently serve God ó and ever reflect that His is the dominion of which they are the Ministers.ö

### **Calvin on the *Lex Talionis* and the Mosaic Theocracy**

Now the Mosaic Judges were to punish crime in terms of the "law of restitution" alias the *lex talionis*. It was expressed thus: "eye for eye, tooth for tooth, hand for hand, foot for foot," etc. Exodus 21:24; Leviticus 24:17f; Deuteronomy 19:21.

In terms of "the *lex talionis*," comments Calvin,<sup>37</sup> "a **just proportion** is to be observed.... The amount of punishment is to be regulated equally ó whether as to a tooth, or an eye, or life itself ó so that the compensation should **correspond** with the injury done.... For the purpose of preventing all violence, a **compensation** is to be paid ó in **proportion** to the injury.

ōA "delinquency" (*delictum*) differs from a "crime"... It was unlawful to covenant with murderers for the remission of their punishment. Still, the Judges were permitted, on their hearing of the case, to mitigate it [*viz.* non-murderous manslaughter] ó if a man were excused by his **unconsciousness** or **inadvertency**.

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<sup>37</sup> *Comm.* on Ex. 21:22f.

“This then...permits the Judges to distinguish between the **nature** of offences.... If they discover a man not to be worthy of death, they should still punish his negligence by a pecuniary fine.”<sup>38</sup> Thus Calvin.

The reason for this, should be obvious. **Involuntary** manslaughter is not the same as the capital crime of premeditated murder.<sup>39</sup> Nor is unintended culpable miscarriage the same as the capital crime of unmitigated abortion. For culpable miscarriage, though criminal, is accidental. But unmitigated abortion is in fact a capital crime, *viz.* that of premeditatedly murdering a tiny human being. Exodus 20:13 *cf.* 21:22*f.*

### Calvin on God’s ancient provision of Theocratic Kings

God also made provision for **theocratic kings** to be appointed. They were to point His people forward and upward to Christ their King. Thus, through Moses, God told the Israelites: “When you have come to the land which the Lord your God is giving you, and when you shall take possession of it and dwell there..., you shall in every way appoint as king over you the one whom the Lord your God shall choose....

“You may not appoint a stranger... He shall not multiply horses for himself... Nor shall he multiply wives for himself. Neither shall he greatly multiply silver and gold for himself... He shall write a copy of this Law for himself...and he shall read therein all the days of his life ó so that he may learn to fear the Lord his God to keep all the words of this Law.” Deuteronomy 17:14*f.*

Here Calvin comments:<sup>40</sup> “The power of kings is here put beneath that of God.... Kings themselves are consecrated unto obedience to Him ó lest the people should ever turn to ungodliness.... It was not without a cause that a special law was enacted with respect to kings, because nothing is more likely ó than that earthly pomps should draw men away from piety....

“As long as the **Judges** were in power, their different form of government separated the Jews from heathen nations. All the surrounding neighbours, were subject to **Kings**.

“God always retained the pre-eminence whilst He raised up **Judges** from amongst the people. But when they began to choose **Kings** for themselves, they were so mixed up with the Gentiles that it was easy for them to fall into other corruptions. For the very similarity (of their governments) united them more closely.

“Therefore it is expressly said, “When you shall set a king over yourself.ø God signifies that the example of the nations would be an evil snare to them, [so] that they should desire to have a king.... Their rebellion is here indirectly condemned, when God foretells that they would wantonly shake off their yoke ó as indeed actually took place when they rejected Samuel and tumultuously required [or rather demanded] a king.

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<sup>38</sup> *Comm.* on Ex. 21:28*f.*

<sup>39</sup> See our text at nn. 95-99 below.

<sup>40</sup> *Comm.* on Dt. 17:14*f.*

õBut the question arises, how these two things can be reconciled ó that kings should reign over them from the lust or foolish desire of the people; and yet that the kingdom was the chief glory of the people, a special pledge of God's favour, and consequently of their welfare and full felicity? The prophecy of Jacob is well known, -The sceptre shall not depart from Judah ó until Shiloh come.øGenesis 49:10. Whence it appears that a king was promised to the children of Abraham ó as an inestimable blessing.... It was God's design, from the beginning, to set up David ó as a type of Christ.

õGod maintains His own supremacy in the appointment of a king, and does not consign the matter to the people's own suffrages ó that thus He may chastise their audacity in demanding a king in accordance with a hasty impulse. Secondly, He commands that he should be taken from the people themselves ó and excludes foreigners because, if they had been admitted, a door was opened to apostasy.... God would not suffer a king to be sought elsewhere but from the bosom of His Church ó in order that he [the king] might cherish and maintain that pure worship which he had imbibed from his childhood.õ

### **Calvin on the restrictions imposed upon the Theocratic Kings**

õBut,õ continues Calvin,<sup>41</sup> such a king õshall not multiply horses.õ The royal power is here circumscribed within certain limits ó lest it should exalt itself too much in reliance on the glory of its dignity.... We know how insatiable are the desires of kings, inasmuch as they imagine that all things are lawful to them.

õTherefore, although the royal dignity may be splendid, God would not have it to be the pretext of unrestrained power ó but restricts and limits it to legal bounds.... He should not collect for himself a multitude of horses.... God condemns an immoderate number of horses, from the consequences which might ensue.... It might **excite** the minds of the kings rashly to undertake expeditions against the Egyptians.... They should be **content** with their own boundaries....

õPolygamy at that time had prevailed in general, so that the very humblest of the people violated the marriage vow with impunity.... Therefore it was necessary that the kings should be bound with closer restrictions ó lest by their example they should give greater countenance to incontinency....

õBesides, the people would have been subjected to great expense on their account ó since such is the ambition of women, that they would all have desired to receive royal treatment and would have vied even with each other in finery.... Kings were not to multiply wives to themselves, lest their heart should turn away from what was right ó as was the case with Solomon.... From being too devoted to his wives and being deceived by the snares of women, he fell into idolatry.

õGod does not enjoin in vain that they should constantly persevere in their duty.... He forbids kings to heap up treasures ó because it cannot be done without rapine and violent exactions.... At the same time ó wealth encourages them audaciously to undertake unjust wars; incites them to gross dissipation; and at length hurries them

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<sup>41</sup> *Id.*

forward to tyrannical excesses.... God would have kings beware, lest in their pursuit of riches they should exhaust the blood of the people ó and lest they should lavish their ill-gotten money in superfluous expenses and be extravagant with what belongs to others.

õIt would not be enough to correct their errors, unless kings were also instructed in the fear of God and properly taught their duty.... Therefore a system of discipline is added, whereby it was profitable for them to be grounded in the study of religion and justice....

õThey should take the **Law...to be the rule of all their actions**.... In order that kings might be more assiduously attentive in reading it ó God would have a copy peculiarly dedicated to their use...[so] that kings might know that they required greater wisdom and counsel for ruling the people than private persons.... It was as if God deposited this treasure with the king. He then enjoins that they should exercise themselves in the doctrine of the Law ó through the whole course of their lives.

õThe object of their reading, is subjoined. First of all, in general, so that they may learn to fear God and keep His statutes.... Secondly, lest ó being lifted up with pride and vanity ó they should despise and oppress their brethren.... The word ðbrethrenø is used designedly ó lest they should imagine that the law of brotherhood was abolished because they were set over the whole people.... They should study to cherish **all** ó as **members of themselves**.ö

### Calvin on the predictions of Isaiah regarding Christ's Messianic Kingdom

Now the above-mentioned theocratic kingdom of Ancient Israel pointed forward to Christ's Messianic Kingdom. Especially the Isaian prophecies later predicted this. Declared Isaiah (7:14 & 9:6-7): õBehold, a virgin shall conceive and bear a son and shall call His Name ðImmanuelø... Unto us a child is born, unto us a son is given.... The government shall be upon His shoulder; and His name shall be called Wonderful, Counsellor, the Mighty God, the Everlasting Father, the Prince of Peace.

õOf the **increase** of His government and peace, there shall be no end ó upon the throne of David and upon his Kingdom, to order it and to establish it with judgment and with justice from henceforth, even for ever. The zeal of the Lord of hosts will perform this.ö

Calvin comments<sup>42</sup> on this prediction that õthe Kingdom of Christ...**extends** its boundaries far and wide, and then preserves and carries it **forward** in uninterrupted **progression** ó to **eternity**.... Christ will be King ðto order and establish His Kingdom with judgment and with righteousnessø... **Justice** is the best guardian of **kingdoms** and **governments**.... The **Kingdom** of Christ will be the model of the best kind of **government**.ö

Isaiah himself further remarks (in 33:22) that õthe Lord is our Judge; the Lord is our Lawgiver; the Lord is our King.ö On this, Calvin comments that now that Christ's

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<sup>42</sup> *Comm. on Isa. 9:7.*



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Kingdom has come, "God dwells in the Church.... There He is worshipped and acknowledged as **Judge, Lawgiver, and King.**"<sup>43</sup>

It is very significant that Calvin dedicated his *Commentary on Isaiah* to King Edward VI of England (1547-53). In that "Dedication" Calvin then wrote<sup>44</sup> that "at this very day the Roman Antichrist so far and wide usurping and tyrannizing over the sanctuary of God so tears, crushes and tramples under his feet all that belonged to God....

"Most excellent king..., God Himself addresses you by the mouth of His servant Isaiah.... Isaiah, as I have said, calls **kings the nursing-fathers of the Church** (Isaiah 49:23).... The prophet pronounces a woe on all kings and nations who refuse to give her their support."

**Calvin on the predictions to Nebuchadnezzar  
anent the Messianic rule of Christ**

Around B.C. 603, Daniel too predicted this progressive reign of King Jesus after His incarnation so in interpreting King Nebuchadnezzar's dream. Daniel 2:27-45.

Here, Calvin comments<sup>45</sup> that the worldly kingdoms were predestined to get "broken up by Christ so according to this dream of King Nebuchadnezzar.... The dream was presented to King Nebuchadnezzar so that he might understand all future events [right down] to the renovation of the World" more than six centuries later at the advent alias the human birth of Jesus (or "Jehovah-saves") so and beyond. Indeed, even the king of Babylon was required so right then so to extol Jehovah.

Calvin then prayed: "May Almighty God grant...that we may raise our eyes upwards so and consider how much power You have conferred upon Your only-begotten Son! Grant also, that He may rule and govern us by the might of His Spirit...and **compel the whole World** to promote our **salvation**...until, **at length**, we enjoy the fruit of the **victory** which You have **promised!**"

Going on to discuss Daniel 2:44f, Calvin further comments<sup>46</sup> that "the prophet here puts an end to the Roman Empire when it **began** to be torn in pieces. As to the **time when Christ's reign began**...it ought not to be referred to the time of His birth, but to the **preaching** of the Gospel. From the time when the Gospel began to be **promulgated**, we know the Roman monarchy to have been dissipated and **at length** to vanish away....

"God...will set up the **Kingdom of Heaven, which shall never be dissipated.**"  
By "Kingdom of Heaven" Daniel means God's reign **here on Earth** so and, since the

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<sup>43</sup> *Comm.* on Isa. 33:22.

<sup>44</sup> J. Calvin: *The Author's Dedication to His Serene Highness Edward Sixth, King of England, &c, a Truly Christian Prince* [in Calvin's *Commentary on the Prophet Isaiah*, Eerdmans, Grand Rapids, n.d. (1947f ed.), I pp. xv-xxv (esp. pp. xxii & xxiv)].

<sup>45</sup> *Comm.* on Dan. 2:31f.

<sup>46</sup> *Comm.* on Dan. 2:44f.

incarnation of Christ, **here and now**. It means Christ's earthly reign through His militant **Church** and it would **never** end.

Explains Calvin: "It is here worth while to notice the sense in which Daniel uses the term perpetuity [~~never~~]. It ought not to be restricted to the Person of Christ but belongs to all the pious, and the whole body of the **Church**....

"As to the reign of Christ He cannot be deprived of the Empire conferred upon Him. Nor can we who are His members lose the Kingdom of which He has made us partakers. Christ, therefore, both in Himself and His members, reigns without any danger of change because He always remains safe and secure in His Own Person....

"Christ's Kingdom shall destroy all the earthly kingdoms of which Daniel had previously spoken.... Whatever is adverse to the only-begotten Son of God, must necessarily perish and utterly vanish away." Also David, yet another prophet, exhorts all the kings of the Earth to kiss the Son (Psalm 2:12) "before His wrath is kindled but a little!

Hence, as Calvin comments,<sup>47</sup> even King "Nebuchadnezzar after God had often chastised him yielded at length.... Without the slightest doubt, Daniel recited...to show the king...to confess the God of Israel to be the only God and to bear witness to this, among all people under his sway....

"Daniel had no other object or purpose...than to show the fruit of conversion in King Nebuchadnezzar.... Without doubt, King Nebuchadnezzar bore witness to his repentance when he celebrated the God of Israel among all people and when he proclaimed a punishment to all who spoke reproachfully against God.

"Augustine cites this testimony...and shows how ashamed Christian Princes ought to be of their slothfulness, if they are indulgent to heretics and blasphemers and do not vindicate God's glory by lawful punishment. Since Nebuchadnezzar...promulgated this decree...it ought to be sufficient for men of moderate and quiet tastes to know how King Nebuchadnezzar's edict was praised by the approval of the Holy Spirit.... It follows that kings are bound to defend the worship of God, and to execute vengeance upon those who profanely despise it...and on those who endeavour...to adulterate the true doctrine by their errors....

"Without doubt, Nebuchadnezzar wished to excite his subjects to the attentive perusal of this edict and to the acknowledgment of its value and thus to subject themselves to the true and only God.... Nebuchadnezzar confessed Israel's God to be Most High.... He celebrates indeed, with magnificence, the glory of the Supreme God. But this is not sufficient, without abolishing all superstitions and promoting that religion alone which is prescribed by the Word of God and [without] causing His pure and perfect worship to flourish."

As Nebuchadnezzar himself recorded:<sup>48</sup> "Now I, Nebuchadnezzar, praise and extol and honour the King of Heaven all of Whose works are truth, and His ways judgment.... Those that walk in pride, He is able to abase."

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<sup>47</sup> *Comm.* on Dan. 4:1f.

<sup>48</sup> Dan. 4:37.

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Comments Calvin:<sup>49</sup> ðNebuchadnezzar here confesses God to be just and true in all His works without any exception ó notwithstanding His Own severe chastisements. This confession is not feigned. For he necessarily utters what he says from the bottommost depths of his heart.... He does not attribute to God a tyranny free from all Law.... He condemns himself of pride, directly afterwards. Hence, he does not hesitate to expose his [own] disgrace before mankind ó so that God may be glorified. And this is the true method of praising God.ö

### **Calvin on the government and laws of the pagan Romans**

Very different to Nebuchadnezzar the King of Babylon, were the later **ungodly** Caesars in the Pre-Constantinian Empire of **Ancient Rome!** Yet there too, Christ Himself nevertheless enjoined people to **give back** ó alias ðto **render** to Caesar ó those things which **are** Caesar's.ö Matthew 22:21.

As Calvin here comments:<sup>50</sup> ðChrist...lays down a clear distinction between spiritual and civil government ó in order to inform us that outward subjection [even to pagan politicians] does not prevent us from having within us a conscience free in the sight of God. For Christ intended to refute the error of those who did not think that they would be the people of God ó unless they were free from every yoke of human authority.... Christ declares that it is no violation of the authority of God...if, in respect of outward government, the Jews obey the Romans.ö

It is, continues Calvin, as if Christ had told the Jews: ðYou are exceedingly afraid lest ó if tribute be paid to the Romans ó the honour of God may be infringed. But you ought rather to take care to yield to God that service which He demands from you ó and, at the same time, to **render** [or to -give back] to men what is **their due**.ö

This is why Jesus warned His followers to uphold law and order ó **even during the Roman occupation** of His own country of Judah. Said He: ðDo not think I have come to demolish the Law.... I have not come to demolish, but to **finish constructing**.... Not one jot or tittle shall in any way pass from the Law.... Whosoever then shall break one of the least of these Commandments and teach men so ó shall be called -the leastø as regards the Kingdom of Heaven....

ðWhosoever shall kill, shall be in danger of **judgment**.... Whosoever shall say to his brother -Raca!ø [or -you worthless lout!ø] ó shall be in danger of the **council**.... Be quick to reach agreement with your legal adversary [to whom you owe money]...., lest the adversary hands you over to **the Judge** and the Judge hands you over to **the Peace Officer** and you be thrown into **prison**. Truly, **I** tell you, you will **no way** get out of there ó **till** you have **paid back**[!] the last cent.... If anybody wants to **sue you at law** and take away your coat ó let him [thereafter] have your cloak too. And whoever **legally compels** you to go a mile ó go two [miles] with him!ö

Here Calvin comments: ðWe must not imagine that the coming of Christ has freed us from the authority of the Law. For it is the Eternal Rule of a devout and holy life.... Christ here speaks expressly of the -Commandments of Lifeø or the Ten Words, which

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<sup>49</sup> *Comm.* on Dan. 4:37f.

<sup>50</sup> *Comm.* on Mt. 22:21.

all the children of God ought to take as the rule of their life.... God, **restoring** the World by the hand of His Son, has completely established His Kingdom.... The Kingdom of Heaven means the **renovation** of the **Church** ó or the **prosperous** condition of the Church such as was then **beginning** to appear by the preaching of the Gospel....

õTo meet all hatred, enmity, debates and acts of injustice, Christ reproves that obstinacy which is the source of these evils ó and enjoins His Own people to cultivate moderation...so that, by such an **act of justice**, they may purchase for themselves peace and friendship.... It is scarcely possible but that **differences** will sometimes happen ó so Christ points out the **remedy** by which they may immediately be settled....

õIt is usually advantageous to us to come to an **early agreement** with adversaries.... For **Christ** makes no allowance that others may free a **debtor** by satisfying for him ó but He expressly **demand**s from each person the **payment** of what he **owes**....

õChrist now glances at another kind of annoyance.... That is when **wicked men** torment us with **law-suits**. He commands us, even on such an occasion, to be so patient and submissive that when our coat has been taken away [by due process of law] ó we shall be prepared [if necessary] to give up our cloak also.õNone but a **fool** will stand upon the words so as to maintain that we must yield to our opponents what they demand, **before** coming into a court of law.... Such compliance would more strongly **inflamm**e the minds of wicked men to robbery and extortion.... **Nothing was farther** from the design of Christ.

õWhat then is meant by giving the cloak to him who endeavours **on the ground of a legal claim** to take away our coat? If a man, oppressed by an **unjust decision**, loses what is his own and yet is prepared...to part with the remainder ó he deserves **not less** to be commended for patience than the man who allows himself to be twice robbed **before** coming into Court....

õWe conclude that Christians are not entirely prohibited from **engaging in law-suits**, provided they have a **just defence** to offer.... **They do not surrender their goods as a prey**. Yet they do not depart from **this** doctrine of Christ ó which exhorts us to bear patiently the despoiling of our goods.õ Hebrews 10:34.... But as it is possible for a man to **defend a just cause** with a view to the **public advantage** ó we have no right to condemn the thing [of litigation] in itself.õ

### Calvin on the arbitration procedure in First Corinthians 6:1-8

Especially Christians, preferably by way of **non-malicious arbitration**, were required to set a good example ó before the watching eyes of a litigious pagan world. Hence Paul urged Christians with legitimate grievances (even if against one another), to **appoint arbitrators from their own midst** ó rather than to **litigate** against one another in the **then-pagan** law courts, before **then-pagan** Judges utilizing a **then-pagan** system of law.

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As Paul reminded such Christians: **Dare** any of you, having a **case** against one another, go to law before the **unjust** ó and **not** before the **saints**? Do you not know that **the saints shall judge [or rule] the World**? So, if **the World shall be ruled by you** ó are **you** unworthy to **judge** the smallest cases? If then you have judgments concerning cases pertaining to this life..., is there not a **wise** man among **you**, who shall be **able to judge** between his **brethren**?ö First Corinthians 6:1-5.

Here, Calvin comments: öIf anyone has a dispute with a brother, it ought to be resolved before believing Judges ó and not before unbelieving [Judges].... The Apostle does not prohibit Christians from consulting lawyers. But the only thing he finds fault with the Corinthians for, is their referring their disputes to the **judgment** of unbelievers ó **as if** there were not **suitable Judges** in the **Church**.... He tells them to **choose Judges** from the **Church** ó to **settle the cases** peacefully and fairly.ö

Calvin immediately goes on to deal with a different situation ó where Christians have been wronged by Non-Christians. Here, he comments that öit is not out of order for Christians to pursue their rights with moderation ó so long as no damage is done to love.... **Paul does not disapprove of law-suits** on the ground that it is wrong in itself to uphold a good case by **having recourse to a Magistrate**.... Since **retribution belongs to the Magistrate** ó by God's appointment ó those who seek its aid are not irresponsibly taking vengeance into their own hands, but are having recourse to God as avenger....

öThe thing is not evil in itself; but is spoiled by abuse.... The impression may not be given that God was wasting His time in **establishing Law-Courts** [Exodus chapter 18 & Romans chapter 13].... The boldness of the wicked may be checked by an unspoiled and genuine zeal [in godly Christians].... This could only be done if we were allowed to **subject them** [the wicked] to **legal punishments**.ö

### Calvin on Daniel anent the christianizability of the Pagan Roman Empire

Chiefly by way of evangelization, yet also to some extent in ways such as those already mentioned above, ultimately even the pagan Roman Empire would inevitably become christianized. This would be accomplished through the ongoing **witness** of the members of the earthly Church of the ascended Christ ó equipped as they were (and still are) with the power of His outpoured and indwelling Spirit.

As Daniel (7:9-27) had predicted: öThrones were cast down, and the Ancient of days did sit.... I saw...the Son of man come with the clouds of Heaven...[**not from** the Ancient of days, but] **to** the Ancient of days.... There was given Him [to the Son of man] dominion and glory and a Kingdom ó so that **all people, nations and languages should serve Him**. His dominion, is an everlasting dominion which shall not pass away!ö

As a result, continued Daniel, öthe **saints** of the Most High shall take the kingdom ó and possess the kingdom for ever, even for ever and ever.ö True, the fourth kingdom [of Pagan Rome] and the later östout hornö of the Antichrist alias the Romish papacy would still make öwar against the **saints** [alias earthly Christians] ó and prevail...**until**

the Ancient of days came to grant them relief. Cf. Daniel 12:6-11f and Revelation 13:1 to 14:5. Then, however, **judgment** or political rule would be given to the **saints** of the Most High when the **time** came for the saints to take possession of the kingdom of Rome. Cf. Second Thessalonians 2:3-8 and Revelation 14:6 to 18:4f.

Daniel explained that the fourth beast shall be the fourth **kingdom** upon the Earth... Out of this kingdom, ten kings shall arise viz. after the collapse of the Roman Empire during the fifth century A.D. Then another [the Romish papacy] shall rise **after them**, and he shall be diverse from the first...and shall speak great words against the Most High and shall wear out the saints of the Most High and **think to change times and laws**. And they shall be given into his hand until a time and [two] times and the dividing [or half] of a time. Daniel 7:23-25.

But the **judgment** shall sit, and **they shall take away** his dominion... And the kingdom and dominion and the greatness of the kingdom under the whole heaven shall be **given to the people of the saints of the Most High**, Whose Kingdom is an everlasting Kingdom. And all dominions shall **serve and obey** Him. Daniel 7:26-27.

### Calvin on Christ's World Conquest through His Heavenly Rule (in Daniel 7:13-14)

Calvin comments on this ultimate conquest by the ascended Christ's earthly **saints** of their conquest of Pagan Rome and even of the subsequent Romish Papacy. He says on Daniel's predictions that although many persons refer this prophecy to the **second** advent of Christ this is an interpretation by no means correct. For the subject treated, is the **first** coming of Christ.

Calvin then adds anent the above-mentioned prediction: It ought not to be restricted to the thirty-three years of His sojourn in the World. But it embraces His **ascension** and [also] that **preaching** of the Gospel which ushered in His Kingdom... Daniel appropriately relates how God was seated [or enthroned] when the first advent of Christ is depicted...

After Daniel has narrated how he saw God on the throne of judgment..., he now adds the second part of the vision. As it were, the Son of man appeared **in the clouds**. Without doubt, this is to be understood of Christ... It **afterwards** follows, He came **to** the Ancient of days. This, in my judgment, ought to be explained of **Christ's ascension**. For He then **commenced His reign**, as we see in numberless passages of Scripture... He really appeared...in the clouds...**when** He ascended to Heaven. Acts 1:8-11.

Thereafter Calvin continues, commenting on Daniel's predictions about Christ of He now arrives at the Ancient of days...[after] He ascends to Heaven... **Christ truly ascended into Heaven**... We ought clearly to weigh the **purpose** of His doing so... Christ left the World and ascended to the Father first, **to subdue all powers to Himself**...; next, to restrain the devil and to protect and preserve the Church...

The prophet [Daniel] adds, power was given to Him... We will **not** say it was bestowed with relation to His being [or essence] of being called **God**. It was given to Him as **Mediator** as God manifest **in flesh**, and **with respect to His human**

nature.... For this reason, therefore, ‘**all power, honour and kingdom’ was given to Christ**” – so “**that all nations, people and tongues should serve Him**’.... The events which the prophet here narrates, are **not yet complete**....

ōThis vision suits very well with many assertions of Christ ó where He bears witness to the power given Him by the Father. Matthew 28:18.... **He does not** here [in Daniel 7:14] speak of the last judgment ó but is only teaching us the object of **His ascension** to Heaven.... When the prophet says Christø's dominion is eternal, he doubtless signifies the constant endurance of His Monarchy ó even to the end of the World....

ōJudgment was given to the saintsø ó [even] at the commencement of the gospel era.... [But then,] **domestic enemies arose**.... [At that time,] **the Kingdom of Christ never flourished in the World**.... But God wished to propose this solace to His prophet [Daniel] ó by showing him the future reputation of the Church and its elevation to some degree of honour after emerging from obscurity.ö Thus Calvin.

### Calvin on Christ’s Kingdom’s demolition of the Roman Empire in Daniel

Calvin next expands upon Danielø's predictions regarding the Roman Empire. It was during the continuance of the latter, that Christ ascended into Heaven.

First, Daniel explained the strength of òthe fourth beastö ó pagan Rome. Daniel 7:19. However, thereafter Daniel went on to describe how the ascended Christ would slowly but surely demolish Rome. Christ would do this through His people, as the citizens of His earthly Empire. Daniel 7:22 & 7:26f.

Comments Calvin: òI have no doubt that in this vision the prophet was shewn the figure of the Roman Empire.... The fourth beast signifies -a fourth kingdom...which shall differ from all the kingdomsø [before it].... The Roman Empire we know...to have been more extensive and powerful than the other monarchies....

ōMiserably and cruelly, the Church has been harassed by many tyrants.... We shall find the Church to have been much more heavily afflicted after Christø's advent, and to have been opposed by the Caesars in open warfare.... The Caesars became more and more stirred up to carry on war against the elect, and to oppress the Church....

ōIt was God...Who delivered into the hands of that [Roman] king, the saints...and the institutions of piety ó allowing him to pour out human blood promiscuously; to violate every national right; and to ruin as far as possible all religion.ö In Godø's good time, it is certain that òthese calamities would come to an end.... [Yet] -for a time and times and the division of a timeø..license would be given to the tyrants and enemies of the Church ó to pervert all things; to despise God; and set aside all justice.ö

Thus Calvin on Daniel. However, continues Calvin, òhe says also: -judgment shall then sitø that is, God shall again restore to order.... **The World shall feel His Providence ruling over the Earth and the human race**.... The restoration is here called a -sitting in judgmentøó when the Roman Empire was blotted out....

“These two things, then, are mutually in accordance ó namely the slaying of the fourth beast; and the giving of the kingdom and authority to the people of the saints. **This does not seem to have been accomplished yet**” (thus Calvin) ó in 1561, when Calvin was still writing these words in his *Commentary on Daniel*.

Calvin further summarizes Daniel chapter seven as follows. “Let us now return to the passage. Daniel first of all says, “a kingdom and power and extensive dominion shall be given to the people of the holy ones.” This was **partially** fulfilled when the Gospel emerged from persecution.... Daniel or the angel here does **not** predict occurrences connected with the [**second**] advent of Christ as Judge of the World, but with the **first preaching** and promulgation of the Gospel and the celebration of the Name of Christ. **But** this does not prevent drawing a magnificent picture of Christ’s reign [here and now in this present World], **and** embracing its final completion [later]....

“**When** the preaching of the Gospel **commenced**, no one would have thought its **success** could **have** been so **great** and **prosperous**.... In consequence of the intimate union between Christ and His Church, the peculiar attribute of Christ Himself is often transferred to His body [the Church].... God’s royal sceptre went forth from Jerusalem, and shone far and wide ó while the Lord was **extending** His hand and His authority....

“**All nations shall come ó all kings shall serve**. At that [previous] time, **no king existed** who was not professedly an enemy of true piety, and **who did not desire the abolition of the very name of His Law**.”

However, continues Calvin, “the prophets enlarge thus ó magnificently ó on the **future** restoration of this kingdom [Psalm 2:8-12; Isaiah 2:2f; Zechariah 9:9f; etc.].... “**All powers**” ó says he [Daniel] ó “**shall serve and obey Him**.” That is, no power shall so boast in its loftiness ó as not **willingly to become subject to the Church**.”

True, “**at present**...they [namely the enemies of Christ’s Church] tread it most ignominiously **under foot**.” Even during Calvin’s own lifetime, Christ’s Church was still being oppressed by the various papal and political powers. However, at some **future** time, he adds: “Then, **they shall be subject to it!” Then, the political powers shall be subject to the people of Christ. Thus Calvin, in A.D. 1561.**

### Calvin on the replacement of pagan Roman Law by papal Romish Law in Daniel

The above are the comments of Calvin on Daniel 7:9-27 ó regarding the destruction of the **pagan Roman Empire** by Christ’s Spirit-empowered Church. However, that **would then be followed** by the corruption even of the Church herself ó **by the Romish Papacy** which at the **beginning** of the **mediaeval** period stepped into the shoes of the then-defunct pagan Roman Empire.

Yet gradually, even that antichrist-ian Papacy would thereafter ultimately be destroyed. This would (and will) be accomplished by the powerful and progressive Protestant preaching of the Word of God ó and by the expansion of Protestant institutions, including their Biblical legal systems.



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In his *Institutes of the Christian Religion*,<sup>51</sup> Calvin further observes: "To some, we seem slanderous and petulant when **we call the Roman Pontiff – 'Antichrist'**. But...Paul says that Antichrist would sit in the temple of God. Second Thessalonians 2:4. In another passage, the Spirit...says that his reign would be with great swelling words of vanity. **Daniel 7:25**....

"This calamity was neither to be introduced by one man, nor to terminate in one man... Second Thessalonians 2:3; **Daniel 7:9**.... The mark by which he [Paul] distinguishes **Antichrist**, is that he would rob God of His honour and take it to himself.... It is certain that **the Roman Pontiff** has impudently transferred to himself the most peculiar properties of God and Christ. There cannot be a doubt that he is the leader and standard-bearer of an impious and abominable **kingdom**."

To Calvin in his *Commentary on Daniel 7:7 & 7:24f*, then, "the 'little horn' relates to Julius Caesar and the other Caesars who succeeded him." To Calvin in his *Institutes*, the 'little horn' of "Daniel 7:25" relates also to "Antichrist" alias the one whom we [including Calvin himself] call the Roman Pontiff." Hence Calvin's complete teaching on Daniel's "little horn" is that it is the series of Pagan Roman "Caesars" **as well as** the Papal Romish "Pontiff" alias the series of Roman Popes who later step into the shoes of the Roman Caesars.

Paul himself deals with this in detail, in his own inspired discussion of Daniel's predictions in Second Thessalonians 2:2-8. Commenting on that passage, Calvin denounces imminentism as "false prophecy" and gives us the following vital insights into the many events which would **follow** the destruction of the Pagan Roman Empire **before** the second advent (or coming again of Christ in final judgment).

"The **false** prophets...who are refuted by Paul," comments Calvin, "were bidding men feel assured of His **speedy** advent or 'second coming' even during apostolic times. However, Paul then retorts: "The 'day of Christ' will **not** come until [after] the World has fallen into **apostasy** and the **rule of Antichrist** has held sway **in the Church**.... The word 'apostasy'..cannot be confined to a few individuals.... Paul, then, is predicting a **general defection** on the part of the **Visible Church**....

"We may at once conclude how **useful** this prediction of Paul's is. For it might have seemed that a building [the Christian Church] which...lay for so long in ruins, could not have been the work of God if had Paul not warned them **long before**, that this **would** take place.... Paul, however, is not speaking of one individual but of a kingdom that was to be seized by Satan for the purpose of setting up a seat of **abomination** in the midst of God's temple.

"This we see **accomplished in Popery**.... The sect of Mohammed [570f A.D.] was like a raging overflow which in its violence tore away about half of the Church. It remained for **Antichrist** to infect the part which was left."

Not until after A.D. 590 was the Bishop of Rome ever called the sole "Pope" (alias "Universal Father of the Church"). According to Calvin in his *Institutes of the Christian Religion*,<sup>52</sup> Bishop Gregory of Rome is the first to be called "Pope"

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<sup>51</sup> *Inst.* IV:7:25.

<sup>52</sup> *Inst.* IV:7:4f.

exclusively ó immediately repudiated that new title. For he then rightly said that anyone who accepted it, was the forerunner of Antichrist. All of Gregory's successors, however, have accepted that papal title without any qualms whatsoever ó and many have even revelled in their Papacy.

### Calvin on Daniel's predicted centuries of papal oppression ere the Reformation

In the last chapter of Daniel (12:1-13), there are some very important predictions anent the first advent of Christ and the resultant gradual advance of His Church. The latter event would certainly occur ó after and in spite of troubles stretching over very many years. For the Church would need to struggle forward, down through the centuries, toward the prosperity to be inaugurated by the Protestant Reformation.

States Daniel: "Michael shall stand up.... There shall be a time of trouble such as never was.... It shall be to the end of these wonders... a time, times and an half... >From the time that...the abomination which desolates is set up [in A.D. 70], there shall be a thousand two hundred and ninety days. Blessed is he who keeps on waiting, and who comes to the thousand three hundred and thirty-five days!"

Here "Daniel," comments Calvin on the above passage, "represented Michael as the guardian of the Church.... I embrace the opinion of those who refer this to the person of Christ [and at the time of His incarnation].... It was in no degree superfluous...to predict such great calamities as [then] impending over the Church.... In the present day [A.D. 1561], the same expressions are most useful to us.... **At the present time in the Papacy and throughout the whole World, impiety prevails.**"

Nevertheless, continues Calvin, "I do not hesitate to suppose...the arrival of a period when God would collect many disciples to Himself.... God would gather to Himself a great multitude.... The sons of God shall soon become increased.... Many shall investigate, and knowledge shall increase... The Lord will **at length** cause **many** to embrace it, to their own **salvation.**"

First, however ó before the arrival of that later "period" when God would collect many disciples to Himself ó the Christian Church would be oppressed. That oppression would endure ó explains Calvin ó "for a time, times, and half a time" [Daniel 12:7]. I have stated **my objection** to the opinion of those who think **one year and two and a half** to be here intended. I confess the passage ought to be understood of that pollution of the temple of which the prophet has already treated [Daniel 7:23-25 & 9:24-27].... With reference to the doctrine here delivered, its meaning is very simple: "time" means a long period; "times" a long-er period; and "a half" means the end or closing period.

"The sum of the whole, is this: **many years** must elapse ó before God fulfils what His prophet had declared.... **I admit the allusion to years**" in the reference to days at Daniel 12:7-12. Cf. Daniel 9:24-27 ó and Daniel's contemporary Ezekiel (4:5-6). See too: Genesis 29:19-30; Numbers 14:34; & Psalm 90:4-10. For "the words are not to be understood literally, but metaphorically...."

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øHow sad is the dispersion of the Church **in these days** [A.D. 1561]! God indeed defends it by His power, but...how has it appeared throughout all **ages**? Surely, it has ever been torn in pieces and...dispersed ó **but yet the end shall be prosperous**....

øI have **no hesitation** in referring this language...to that [A.D. 70] profanation of the temple which happened **after the manifestation of Christ when sacrifices ceased**.... From that period, there shall be 1290 daysø... The angel, then, purposely puts ðdaysø for ðyearsø ó implying...that [such] time may seem **immeasurably prolonged**.... Yet it must be endured....

øThen he adds, ðhappy is he who shall have waited and endured until the 1335 daysø... Some think **the days should be understood as years**.... The faithful ought constantly to persist in the hope of deliverance...after God has sufficiently proved the patience of His people and **by long and numerous...contests** has humbled His Church and **purged** it ó until the end shall arrive.ö

### **Calvin on the Reformation's destruction of Romish Law and the Papal Antichrist**

In respect of the Pauline passage Second Thessalonians 2:2-8, on the above matters, we now give a final comment by Calvin. He insists: øAnyone who has learned from Scripture what are the things that belong particularly to God, and who on the other hand considers well what **the Pope** usurps for himself ó will not have much difficulty in recognizing **Antichrist**, even though he were a ten-year-old boy.

øScripture declares that **God is the only Lawgiver**.... It represents Him also as the Author of all holy observances.... There is not one of these things which the Pope does not claim to be his own prerogative. He **boasts** that it is his right to **bind** menø consciences with such **laws** as he pleases.ö Daniel 7:25 *cf.* Second Thessalonians 2:4-8.

Irenaeus warned against the *Lateinos* Antichrist, and so too did Tertullian. The A.D. 400 **Chrysostom**, continues Calvin, øexplains why the state of the Roman Empire [then] delayed the manifestation of Antichrist.... So Antichrist [held Chrysostom] was about to seize for himself the **vacant rule** of the **Roman** Empire.ö For the Roman Empire successively fell to the northern hordes, from A.D. 410 onwards ó and then to the Pope.

**Prior** to Chrysostom, adds Calvin himself, øthe power of the Roman Empire [itself] prevented the rise of Antichrist.... Satan had not yet amassed such strength that Antichrist could openly oppress the Church.... The name ðAntichristø does **not** designate a single **individual** ó but a **single kingdom** which extends throughout many generations....

ø[Yet] the reign of **Antichrist** will be **temporary**.... He [Paul] **had** predicted the **destruction** of the reign of Antichrist, and **now** describes the **manner** of his destruction. He will be annihilated **by the Word of the Lord**.... Paul does **not** think that Christ will accomplish this **in a single moment**....

øMeantime, Christ will scatter the darkness in which Antichrist will reign, by the rays which He will emit.... This victory of the Word will therefore be seen in the World. For ðthe Breath of His Mouthø [alias ðthe Spirit of the Word of Godø] means simply His Word, as in Isaiah 11:4 ó the passage to which Paul appears to be alluding....

øTrue and sound doctrine...is represented as being sufficient to put an end to all ungodliness ó and as destined at all times to be victorious over all the devices of Satan. It is also a commendation, when a little further on the preaching of this doctrine is referred to ó as Christ's coming to us!ø Second Thessalonians 2:8 *cf.* 3:1.

All of this will yet occur ó through preaching! Indeed, it shall come to pass before the final visible return to Earth of the Lord Jesus Christ at the very end of World History. Second Thessalonians 1:7-12; 2:1-17; 3:1-4*f.*

### Calvin on the Law Courts in the Acts of the Apostles

During apostolic times, unbelieving rulers sometimes asked God's people to do that which is wrong. In such cases, the latter then had (and still have) no option but to refuse.

Hence, when the Jewish Sanhedrin ordered the Apostles to speak no more in the Name of Jesus (alias ðJehovah savesø) ó the Apostles disregarded that prohibition. øPeter and John answered and said to them, ðYou must judge whether it is right in the sight of God [for us] to hearken to you, rather than to God. For we cannot but keep on speaking about the things which we saw and heard.ø Acts 4:18*f.*

Comments Calvin:<sup>53</sup> øLet us remember to whom they make this answer. For **this Council did undoubtedly represent the [Israelitic] Church**. Yet, because they [the members of the Sanhedrin] abuse their authority ó the Apostles say they [the members of the Sanhedrin] are not to be obeyed....

øThey [the Apostles] set **the authority of God [over] against their [the Sanhedrin's] decrees**. This would be inappropriate, were it not that those who in other respects were ordinary **Pastors of the Church** ó were at the same time **enemies of God**.

øThe Apostles further make clear that **obedience** offered to evil and **unfaithful Pastors** ó even though they exercise lawful authority in the Church ó is **contrary to God**.ø That is to say ó it is contrary to God for anyone to obey even lawful Ecclesiastical Overseers, whenever the latter unfaithfully urge obedience to those of their commands which God says are evil. Matthew 23:2,3,23.

Continues Calvin: øWhatever title men may then hold, they are to be listened to only on the condition that they do not lead us away from obeying God. So we must examine all their traditions by the rule of the Word of God. We must obey princes and others who are in authority ó but **only in so far** as they do not deny to God His rightful authority as the supreme King, Father and Lord....

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<sup>53</sup> *Comm.* on Acts 4:18*f.*

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ōSuch limits are to be observed [also] in civil government. They ought to be of still greater importance in the spiritual government of the Church.ö

Of course: öIt is discourteous and shows a malicious obstinacy to raise a commotion about unnecessary matters. But...the Gospel of Christ is now in question.... For this to be suppressed through the prohibitions of men, is a crime.... Whoever therefore bids them be silent, is seeking...to make the grace of God of no effect....

ōWoe to us for our cowardice, if such a godless prohibition should stop our mouths! Now let all men see what confession God requires of them lest ó when they keep silence out of consideration for men ó they hear a dreadful voice proceed out of the mouth of Christ condemning their faithlessness....

ōLet not those who are called to the office of teaching be terrified by any threats of men or by any form of authority! But let them freely execute that office which they know to have been laid upon them by God! ÷Woe be unto me,ø says Paul, ÷if I preach not the Gospel ó because the duty has been entrusted to me!ø First Corinthians 9:16. And we must set this Commandment of God not only against the tyrannous commands of men, but against every obstacle that Satan often sets up in order to break off or impede the course of the Gospel.... The preaching of the Gospel is pleasing to God, and therefore must not be suppressed on any account.ö

After the Apostles thus disobeyed the tyrannical edict of the Sanhedrin, they were again intimidated. Their enemies brought them öand set them before the Council. Then the high priest asked them, saying: ÷Did we not straightly command you that you should not teach in this name [of Jesus]? And behold, you have filled Jerusalem with your doctrine, and intend to bring this manø blood upon us!ø Then Peter and the other Apostles answered and said, ÷We must obey God rather than men!ø Acts 5:27f.

Comments Calvin:<sup>54</sup> öGod sets men over us with power, in such a way that He keeps His Own authority unimpaired. Therefore we must do the will of those who rule over us ó to the extent that the authority of God is not violated.

ōWhen the use of power is legitimate, the comparison between God and man is inopportune.... God intends to be heard by means of men. Indeed, man is nothing else but an instrument of God. If a magistrate is carrying out his function properly, then anyone setting him in contrast with God will be inverting things ó seeing that the Magistrate is [in those circumstances] not out of step with God. Rather, the opposite rule will then hold good ó in order to obey God, we must submit to His servants; just as happens in the case of parents....

ōBut as soon as Governors lead us away from obedience to God, seeing that they enter into conflict with God impiously and boldly ó they must be put in their place, so that God and His authority may stand supreme.... God does not think men worthy of titles of honour in order that they may obscure His Own glory. Therefore **if a father who is not content with his own station tries to take from God the highest honour as **Father**** ó then he is a man, and nothing else. If a King or a Prince or a Magistrate

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<sup>54</sup> *Comm. on Acts 5:29.*

extols himself so much that he minimizes the honour and authority of God ó **he is nothing but a man.**ö

Calvin's position, then, is quite clear. We should indeed obey the commands of those lawfully appointed to exercise authority over us ó also when we ourselves might think some of their commands to be unnecessary, or even inconvenient and irksome to us. Yet we must disobey those in authority whenever, and only whenever ó they command us to do that which God says is evil.

### Calvin on the courtroom trials of the Apostle Paul

When Paul was on trial, the high priest then commanded those near him ó illegally to smite the Apostle on the mouth. Immediately Paul responded: öGod shall smite you, you whitewashed wall! For, do you sit to judge me according to law ó and yet command me to be smitten contrary to the law?ö Acts 23:1-3 *cf.* Matthew 23:27 & Deuteronomy 25:1-2.

Comments Calvin:<sup>55</sup> öExtraordinary madness was raging.... The high priest was possessed by that violent impulse ó to order Paul to be struck for no reason.... What disgraceful and horrible laxity there was.... When Ananias, the President of the Council, ought to have been a restraining influence on the others by his gravity ó he forgot all moderation, and incites them to violence and cruelty.... Disorderly and uncivilized behaviour reigned....

öPaul cannot pass over that insult in silence, without at least expostulating with the high priest in grave terms and threatening him with God's punishment.... Here, Paul appeals to God's judgment, so that the high priest may not pride himself in his tyranny.... He makes the law his excuse for occupying the Judge's bench ó [yet] then proceeds contrary to the law!ö

A little later, when on trial before Festus, Paul declared: öIf I be an offender, or have committed anything worthy of death, I do not refuse to die. But if none of these things be so, of which these people accuse me ó no man may hand me over to them! I appeal to Caesar.ö Acts 25:11 *cf.* Luke 22:41.

Here Calvin rightly comments:<sup>56</sup> öCertainly Paul had no fear of litigating under an unbelieving Judge. For [as] an appellant, [he] is raising a new action. Let us therefore realize that God Who has instituted courts of law, also allows His Own the legitimate use of them. Therefore those interpreters are wrong who suppose that the Corinthians are absolutely condemned by Paul because they invoke the help of the magistrate for the defence of their right.... He is there reproving an obvious fault, *viz.* that they could not put up with any injury...in their eagerness to go to law.ö First Corinthians 6:1*f.*

Festus himself then wrote to King Agrippa. He stated Paul's accusers had cried out that Paul öought not to live any longer.ö Very significantly, however, Festus himself then immediately added: öI found that he had committed nothing worthy of death!ö Acts 25:24*f.*

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<sup>55</sup> *Comm.* on Acts 23:1-5.

<sup>56</sup> *Comm.* on Acts 25:11.

### Paul's parenetic instruction regarding the Roman Law

Paul had confidently appealed to the court in Rome. As he himself wrote to the Roman Christians: "Let every person be subject to the higher authorities! For there is no authority [or power], but from God. The authorities that are, have been ordained by God. Therefore, whosoever keeps on resisting the authority ó keeps on resisting the ordinance of God. And they that keep on resisting ó shall receive condemnation to themselves. For rulers are not a terror to **good** but to **evil** works."

However, such good works and such **evil works** are quite undefinable – without reference to the Ten Commandments in the Decalogue! For that is the **Moral Law** ó alias (rightly-understood) the **Law of Nature** (namely the **Law of nature's God**).

Paul continues: "Do you then not want to respect the authority? Practise that which is **good**, and you shall receive **praise** from it! For it is the Minister of God toward you, for **good**. But if you do that which is **evil** ó be afraid! For it does not wear the sword in vain. For it is the Minister of God ó a revenger, to execute wrath upon him who keeps on practising **evil**."

"Therefore, you must needs be subject ó not only for the sake of wrath but also for that of conscience. For this very reason, you also keep on paying tribute. For they are God's Ministers, continually attending to this very thing. Therefore, give back to all their dues: tribute to whom tribute is due; custom to whom custom; fear to whom fear; honour to whom honour! **Do not owe anybody anything** ó except to love one another!" Romans 13:1-7.

Here, comments Calvin,<sup>57</sup> Paul is discussing "the authority of the Magistrates. He calls them **higher powers**... (rather than **supreme**) ó lest they [might be misunderstood to] possess the highest authority." For God alone possesses and indeed is the Highest Authority! Nevertheless, we should certainly seek to obey all legitimate "higher authorities" ó under God.

"The reason why we ought to be subject to Magistrates, is that they have been appointed by God's ordination.... To despise the providence of the One Who is the Author of civil government, is to wage war against Him.... He has appointed them for the just and lawful government of the World. Although dictatorships and unjust authorities are not "ordained" governments ó yet the right of government has been ordained by God for the well-being of mankind."

Calvin goes on: "The usefulness of rulers is that the Lord has designed by this means to provide for the peace of the **good**, and to restrain the waywardness of the **wicked**. In these two ways, the safety of mankind is secured. Unless the fury of the wicked is opposed and the innocent protected from their wilfulness, there will be universal destruction...."

"We have no reason for fearing the Magistrate, if we are **good**.... The very desire to shake off or remove this yoke from oneself, is tacit proof of an **evil** conscience that is plotting some mischief. Paul, however, is here speaking of the true and natural duty of

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<sup>57</sup> *Comm.* on Rom. 13:1-7.

the Magistrate.... Although those who hold power often depart from this, we must still render them the obedience which is due to rulers.

ōRulers, however, never abuse their power by harassing the good and the innocent ó without retaining in their despotic rule some semblance of just government. No tyranny, therefore, can [continue to] exist ó which does not in some respect assist in protecting human society. Paul has also noted here the two parts considered also by philosophers to constitute the well-ordered administration of a State ó *viz.* the rewards given to the virtuous, and the punishments inflicted upon the wicked.

ōMagistrates...are not to rule on their own account, but for the **public good**. Nor do they have unbridled power, but power that is restricted to the welfare of their subjects.... Since they have been chosen by God to do His business, they are answerable to Him.

ōBut the ministry which God has committed to them, has reference to their subjects. They therefore also have an obligation to them. Paul instructs individuals that it is by the divine kindness that they are defended by the sword of rulers ó against the injuries of the wicked.ö

Calvin continues: ðA second part of the function of Magistrates, is their duty to repress by force the insolent behaviour of the wicked who do not willingly allow themselves to be governed by laws ó and to inflict punishment on their offences, as God's judgment requires. Paul explicitly declares that Magistrates are armed with the sword not just for empty show, but in order to **smite evildoers**.

ōBy arming the Magistrate, the Lord has also committed to him the use of the sword.... Whenever he punishes the guilty by death, he is obeying God's commands – by exercising His vengeance. Those, therefore, who consider that it is wrong to shed the blood of the guilty – are contending against God....

ōMagistrates...are to be obeyed not only on the grounds of human necessity, but also in order that we may obey God.... We must voluntarily take upon ourselves the submission to which our conscience is bound by the Word of God. Therefore, even if the Magistrate were unarmed and it were lawful to provoke and despise him with impunity ó we should no more attempt to do this than if we saw the threat of punishment hanging immediately over us....

ōPaul takes the opportunity of mentioning **tributes** [or **taxes**], and he bases his reason for paying tribute on the office of the Magistrates.... It is their responsibility to **defend** and preserve uninjured the peace of the **upright** ó and to **resist** the impious attempts of the **wicked**. They cannot do this, unless they are assisted by force and strong protection.

ōTributes, therefore, are **paid by law** ó to support **such** necessary expenses.... They should remember that all which they receive from the people, is public property ó and not a means of satisfying private lust and luxury. We see the **uses** for which Paul appoints the tributes which are paid ó *viz.* that heads of State may be furnished with assistance, for the **defence** of their subjects.ö



### Calvin on Paul's legal advice to Titus and the Cretians

Similar is Paul's injunction to Titus, regarding the Christians of Crete. The Apostle told Titus to put them in mind to be subject to principalities and powers; to obey Magistrates; to be ready to do every good work; to speak evil of nobody; [and] not to be brawlers. Titus 1:5,12 & 3:1-2.

Comments Calvin:<sup>58</sup> "It is evident...that the Apostles had great difficulty in keeping the common people in subjection to the authority of Magistrates and Princes.... Paul now wishes to give a general admonition that they should calmly respect the order of civil government, obey the laws, and submit to the Magistrates. For the subjection to Princes and obedience to Magistrates [which] he requires extends also to edicts and laws and other civil duties.

What he immediately adds about being ready for every good work may be applied to the same subject as if he had said, "All who do not refuse to live a good and honest life will willingly yield obedience to Magistrates." For, since they have been appointed for the preservation of human life he who desires their removal or shakes off their yoke is the enemy of equity and justice, and thus is devoid of all humanity.... He [Paul] is commending us to be kind towards our neighbours in our whole life.

Paul also supplies an interesting piece of information at the very end of his epistle to Titus (3:13). States the Apostle: "Bring **Zenas the Lawyer**, and Apollos, on their journey diligently so that nothing be wanting to them."

Calvin comments on these words of Paul as follows: "It is uncertain whether [by Zenas the lawyer] he means a man skilled in the civil law or in the Law of Moses. But since we can infer from Paul's words that he [Zenas] was a poor man needing outside help, the probability is that he belonged to the same order as Apollos that is, an interpreter of the Law of God.... Such people were more often in want, than those who conducted legal cases in Court." Even in our own twentieth century, such is still often the case!

Nevertheless, Calvin clearly regards it as quite possible that Zenas could indeed have been a Civil Lawyer and thus one who then practised Cypriotic Common Law. Certainly, Zenas was indeed a Christian and Calvin clearly commanded that other Christians should help Zenas the Lawyer in all of his itinerant travels.

### Calvin on Paul's advice to Timothy and to the Ephesians anent the Law of God

Timothy and his church at Ephesus was told by Paul that "the Law is good if a man use it lawfully. Knowing this, that the Law is not made for a righteous man but for the lawless and disobedient; for the ungodly and for sinners; for unholy and profane [persons]; for murderers of fathers and murderers of mothers; for manslayers; for whoremongers; for them that defile themselves with mankind [either as Sodomites

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<sup>58</sup> *Comm.* on Tit. 3:1-2 & 3:13.

or as Lesbians]; for menstealers [alias slave-traders and kid-nappers]; for liars; for perjured persons ó and if there be any other thing that is contrary to sound doctrine.ö First Timothy 1:8-10.

Comments Calvin:<sup>59</sup> öThe Law is no enemy to **just** men.... Certain ðlearned menø..argue that the Law has nothing to do with the sons of God who have been regenerated by His Spirit ó since ðit was not for righteous menøthat it was given. But the context...is taking for granted the common saying that ðgood laws spring from **bad** moralsø ó and holds that Godø Law was given to restrain the licentiousness of the ungodly....

öThe question arises whether there is any mortal man who does not belong to the category of those who are restrained by the Law. My answer is that Paul here calls ðrighteousø not those who are absolutely perfect ó since no such men will be found ó but those who **aim** at what is **good**.... He declares that his Gospel, far from contradicting the Law, is its best confirmation....

öThose who draw back from the Gospel, do not hold to the heart of the Law.... The Gospel which he preaches, is the only Gospel of God. So that all the fables he has been rebuking, are at variance with both Law and Gospel.ö

Paul then goes on to ðexhort that...supplications, prayers, intercession and giving of thanks be made for all men ó for **kings** and for all that are **in authority** ó so that we may lead a quiet and peaceable life in all **godliness** and **honesty**. For this is good and acceptable in the sight of God our Saviour.ö First Timothy 2:1-3.

Here, Calvin comments<sup>60</sup> that öGod has appointed Magistrates and Princes for the preservation of mankind. However much they may fall short of the divine appointment, we must not on that account cease to cherish what belongs to God ó nor to desire its preservation.

öThat is why believers, in whatever country they live, should not only obey the laws and the behests of the Magistrates ó but should also in their prayers commend their welfare to God. Jeremiah [29:7] said to the Israelites, ðPray for the peace of Babylon! For in their peace, you shall have peace.ø

öThis is the universal teaching of Scripture.... He [Paul] adds a further inducement, by showing how this will profit us ourselves ó and by enumerating the advantages which a well-ordered government provides.

öThe first is a **quiet life**. For Magistrates are armed with the sword, to keep the peace. Unless they restrain the boldness of wicked men ó the whole World would be full of robberies and murders. Thus, the right way of keeping peace ó is that every man should be given what is his own; and the violence of the powerful should be curbed.

öThe second advantage is the preservation of **godliness**. This is when Magistrates undertake to promote religion....

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<sup>59</sup> *Comm.* on I Tim. 1:3-10.

<sup>60</sup> *Comm.* on I Tim. 2:2-3.

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øThe third advantage is the care of public **gravity**.... The **benefit** of Magistrates is that they prevent men from abandoning themselves to bestial impurity or shameful wantonness ó and preserve modesty and moderation.... If therefore we have any concern for public tranquillity or godliness or decency ó let us remember our duty to care for those through whom such important benefits are obtained.

øFrom this we conclude,ø Calvin continues, øthat fanatics who wish Magistrates to be abolished, are devoid of all humanity ó and promote only cruel barbarism. What a difference between Paul (who says that for the sake of preserving justice and decency and of promoting religion, we ought to pray for kings) ó and those men who say that not only kingly power but [also] all government is opposed to religion! What Paul says, has the Holy Spirit as its Author ó so the view of the fanatics must be from the devil.

øIf the question is raised whether we ought to pray for kings from whom we do not receive these advantages ó my answer is we ought to pray that, under the guidance of the Holy Spirit, they may begin to grant us those blessings they have up till now failed to provide. Thus we should not only pray for those who are already worthy, but we should ask God to make wicked rulers **good**....

øMagistrates are appointed by God for the protection of religion and of the public peace and decency.... We ought to consider Magistrates as the ordinary means which He has ordained in His providence ó for bestowing those other blessings.

øOn the other hand, Magistrates and all who hold office in the magistracy, are here reminded of **their duty**. It is not enough for them to restrain injustice by giving to each his own, and by maintaining peace ó if they are not also zealous to promote religion and regulate morals by wholesome discipline.

øThe exhortation of David that they should ñkiss the Sonø (Psalm 2:12) ó and Isaiahø's word [49:23] that they should be nursing fathers to the Church ó are very relevant. Thus, they have no cause to congratulate themselves ó if they neglect to give their assistance in maintaining the worship of God....

øFor this is **good** and acceptableø... The command...is expedient... It is pleasing to God... When we know that this is Godø's will ó that should be the best of all reasons for doing it. By ñgoodøó he means what is right and lawful.... The will of God is the rule by which we must regulate all our duties.ø

### **Calvin on advancing Christ's Law as the Way to success**

Certainly, the Apostle Peter assures us that by so doing, we will ó gradually, over the years ó ñchristianizeø even pagan politics. He declares: øBe subject to every ordinance of man, for the Lordø's sake ó whether it be to the King as supreme; or unto Governors, as sent by him for vengeance on **evil-doers** and for praise to them that **do well**. For so is the will of God ó that by **well-doing**, you should **put to silence** the ignorance of **foolish** menø alias **morally-depraved** persons. First Peter 2:13-15.

Here, Calvin comments:<sup>61</sup> "Obedience towards Magistrates is a part of honest behaviour.... By refusing [to submit to] the yoke of government, they [the first-century Christians] would have given to the Gentiles [alias the Pagans] no little occasion for reproaching them [the Christians].... All the Magistrates were [then] Christ's **adversaries**.... They so abused their authority that no vestige of...special reverence was seen in them....

"[Yet] Peter reminds us that God, the Maker of the World has not left the human race in a state of confusion.... He names "Caesar" whose Empire extended over all those countries mentioned at the beginning of the epistle [First Peter 1:1].... It is God Who girds kings with a sword; Who raises them on high; and Who transfers kingdoms as He pleases....

"Since God keeps the World in order by the ministry of Magistrates, all those who detract from their authority are the enemies of mankind.... The **good** at least live under the care and protection of Magistrates.... They are not exposed to the violence and injuries of the **ungodly**.... The wicked are not allowed to do what they like....

"Kings and other Magistrates often abuse their power.... [Yet,] however men may go astray, the end fixed by God is unchanged.... God never allows His just order to be destroyed by the sin of men, without some of its outlines remaining unobscured.... Some kind of government, however deformed and corrupt it may be, is still better and more beneficial than anarchy.

"The mouths of the foolish ought to be stopped. The phrase which he adopts ("to put to silence the ignorance") though it may seem harsh on account of its novelty does not, however, obscure the sense.... In depriving the unbelieving of understanding and reason, we conclude that a right understanding cannot exist without the knowledge of God. Therefore, however much the unbelieving may be satisfied with their own acuteness and may even seem to others to be wise and prudent yet the Spirit of God condemns them for their **folly** [alias their **moral depravity**].... He lays down the way in which the **evil-speaking** of the unbelieving is to be **restrained** namely by **well-doing** (the **good works** of Christians).

The ascended Christ is now enthroned in Heaven. From there, He has poured out the blessing of His Spirit to empower earthly Christians now to promote His Kingdom here on Earth, as it is in Heaven. Christ still works, and powerfully also **through** the "well-doing" alias the **good works** of His earthly saints (by their progressive keeping of the Decalogue through the indwelling power of His Holy Spirit).

Consequently, through the vigorous execution of Christ's Great Commission in its **full** scope, His Biblical Law will yet become enshrined in the political Constitution of every nation on Earth. **For God's Law is the sceptre of King Jesus**. Psalm 2:8-12; 22:27-28; 72:11; Isaiah 2:2-4; Micah 4:1-4 & 5:2-4; Daniel 7:13f,18,22,25-27; Matthew 6:10f; 28:19; First Corinthians 6:1-5; 15:24-28; Revelation 11:15 & 15:3f & 17:14f.

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<sup>61</sup> *Comm.* on I Pet. 2:13-15.

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Solomon had predicted of the Messiah: "All kings shall fall down before Him; all nations shall serve Him." Psalm 72:11.

Here, Calvin comments<sup>62</sup> that "the Kingdom of Christ...was to be extended from the rising of the sun to the going down thereof [hence from East to West].... The King chosen by God...will obtain so complete a **victory over all His enemies**, far and wide, that they shall come humbly to pay Him homage.... The **whole World** will be brought into subjection to the authority of Christ.... **The nations** will be convinced that nothing is more desirable than to receive from Him **laws and ordinances**."

Isaiah (2:2-4f) prophesied that **all nations** would flow into the Christian Church. This would start occurring when she would send forth **God's Law**, in the latter days.

Here, Calvin comments<sup>63</sup> that this "fullness of days began at the coming of Christ. It flows on in uninterrupted progress.... The prophet here shows that the boundaries of His Kingdom will be enlarged, so that He may rule over various nations.... Christ is not sent to the Jews only, so that He may reign over them [alone] ó but so that He may **hold His sway over the whole World**."

Micah (4:1-4) predicted that "in the last days...**the Law** shall go forth from Zion." This means that from New Testament times onward, the Decalogue would sound out into all the World ó especially **from the Christian Church**.

Here, Calvin comments<sup>64</sup> that "it was Christ Who introduced the renovation of the World.... Nations shall come to God. It is now easy to see...that **the whole World** should be subject to Him.... Not a few nations but many shall assemble to serve Him....

"Many nations would come to the temple of the Lord.... The Jews came to the temple not only to worship but also to be instructed in the Law of God.... But what does our prophet say? **A Law shall go forth from Zion** [alias from the Christian Church] ó that is, it shall be proclaimed far and wide.... He will send forth His Voice [from His Church *via* her Missionaries] to the extreme limits of the Earth.... **This sceptre** would be sent far abroad by God the Father ó so that Christ might have under His rule all those nations which had previously been aliens."

### **The subjugation of the nations to the Law of God through the Great Commission**

In His Great Commission, Jesus commands His Ministers to go forth into all the World and to preach the Gospel to every human being. For they are, before the end of the World, yet to turn all nations into His disciples and to teach them to observe all things whatsoever He has ever commanded. Matthew 28:19 & Mark 16:15f.

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<sup>62</sup> *Comm.* on Ps. 72:11.

<sup>63</sup> *Comm.* on Isa. 2:2-4.

<sup>64</sup> *Comm.* on Mic. 4:1-2.

Here Calvin comments:<sup>65</sup> "The nature of the apostolic function is clear from the command "Go ye into all the World and preach the Gospel to every creature!" Mark 16:15. No fixed limits are given them. But the **whole World** is assigned **to be reduced under obedience to Christ** " so that, by spreading the Gospel as widely as they could, they might everywhere erect His Kingdom....

"By proclaiming the Gospel everywhere, they should bring all nations to the observance of the Faith." Here, the latter emphasis " the stress on christianizing "all nations" " is that of Calvin himself and not just of this present writer (Francis Nigel Lee).

For the ascended Christ, through the Spirit-empowered good works of His earthly children, is even now subduing and trampling down all His earthly enemies. The Apostle Paul explains that Christ will have finished subduing them " when "the kingdoms of this World have become that of our Lord and of His Christ. Then [and also thereafter], He shall keep on reigning " for ever and ever."

Meantime: "Just and true are Your ways, You King of nations! Who shall not fear You, O Lord, and glorify Your Name? Because You alone are holy. For **all nations shall come and worship** before You!"<sup>66</sup> Revelation 15:3f.

### Calvin on Justification and the Practice of Righteousness

Naturally, as far as receiving **justification** before a sin-hating God is concerned, Christians are "not under law but under grace." Romans 6:14f. Yet they are **not without but rather with law under Christ and His grace**. Cf. First Corinthians 9:21. As Calvin comments " whether before or after our justification " "the Law is the rule of **good living**, and has been given to govern men....

"If it is broken " all discipline at once falls to the ground; the restraints are shattered; and ultimately **no difference** or distinction **between good and evil** is left. But [then,] our **misconception** here consists in our supposing that the **righteousness** which God approves in His Law is abolished " when [the **curse** of] the Law is abrogated.

"This abrogation, however, **does not** at all apply to the **precepts** which teach us the right way to live. For Christ **confirms** and sanctions **these**, and does not abrogate **them**. The proper part of the Law which is removed, is the **curse** " to which [**both Law and curse**] all men who are **beyond** the grace of Christ, are [still] subject."

So then, all men are still required to do **good works** " by endeavouring to keep God's Holy Law. Of course, as Calvin observes,<sup>67</sup> "men are **not justified by works** " namely by their **own** imperfect human works." Instead, such fallen men who repent " are just-ified solely by the perfect good works of Jesus Christ.

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<sup>65</sup> *Inst.* IV:3:4 & *Comm.* on Mt. 28:19 (in *Harm. Gosp.*, III p. 383).

<sup>66</sup> Dan. 7:13-14 & 7:26-27 with I Cor. 15: 22-28 comp. Rev. 11:1 5 & 15:3f, *Basileus toon ethnoon* (Aleph<sup>ca</sup> APQ, 046, 051, min., Me., Arm., Aeth., And., Areth., Cypr., Amb., Pr.).

<sup>67</sup> *Comm.* on Rom. 13:8.

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Before the fall, Commandment-keeping men were both sinless and just ó and therefore did not need to be just-ified. After the fall, even those men who rightly sought and still seek to keep God's Commandments ó are imperfect sinners. Therefore, they cannot just-ify themselves.

Yet fallen sinners **need** to be just-ified! Indeed, they **can** be justified ó but **only by** the perfect human works of the Second Adam, Jesus Christ. Yet, adds Calvin, òwe do not deny that the **observance** of the Law is true righteousnessö ó and that all men are obligated so to live.

Calvin explains further:<sup>68</sup> ò**Righteousness** comprehends all the duties of equity ó in rendering to every one his due. Next follows **godliness** ó which separates us from the pollutions of the World and connects us with God in true holiness.ö Here Calvin connects a believer's own relative degree of subjective -righteousnessø and -godlinessø not to the -reasonø of fallen man, but specifically to a Christian's earnest striving to live by God's Ten Commandments.

òIndeed,ö Calvin insists,<sup>69</sup> òif we would test our reason by the Divine Law ó which is a perfect standard of righteousness ó we should find out how blind it [our reason] is, in many respects. It certainly **attains not** to the principal heads in the First Table ó such as: trust in God; the ascription to Him of all praise in virtue and righteousness; the invocation of His Name; and the true observance of His day of rest. Did ever any soul ó **under the guidance of natural sense** [alias unaided reason] ó **imagine** that these and the like constitutes legitimate worship of God?

òAs to the precepts of the Second Table, there is considerably more knowledge of them ó inasmuch as they are more closely connected with the preservation of civil society. Even here, however, there is something defectiveö in Natural Law.

òEvery [ordinary] man of -understandingø deems it most absurd to submit to unjust and tyrannical domination ó provided it can by any means be thrown off.... But the Lord, condemning this too lofty spirit [in unregenerate mankind], prescribes to His people **that** patience which [unregenerate] mankind deems infamous.ö

So, then ó although only very imperfectly understood by fallen man ó Natural Law still operates. It does so, even after man became totally (though not absolutely) depraved.

Observes Calvin:<sup>70</sup> òGod...has been pleased...to manifest His perfections in the whole structure of the Universe.ö In this way, he is òpleased daily to place Himself in our view ó so that we cannot open our eyes, without being compelled to behold Him.... None, however dull and illiterate, can plead ignorance as their excuse.... Psalm 104:2.... Hebrews 11:3.... Psalm 19:1.... Romans 1:20.ö

Calvin then continues:<sup>71</sup> òBut herein appears the shameful ingratitude of man.... At this day...the Earth sustains on her bosom many monster minds ó minds which are not

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<sup>68</sup> *Ib.* III:7:3.

<sup>69</sup> *Ib.* II:2:24.

<sup>70</sup> *Ib.* I:5:1.

<sup>71</sup> *Ib.* I:5:4,11f.

afraid to employ the seed[s] of Deity imprinted in human nature as a means of suppressing the Name of God....

öHow few of us there are who, in lifting our eyes to the Heavens or looking abroad on the various regions of the Earth, ever think of the Creator.... How many who imagine that they [the seeds of Deity imprinted in human nature] are the casual results produced by the blind evolutions of the wheels of chance.... Hence the immense flood of error with which the whole World is overflowed.ö

### Calvin on the Law of God in the “justified” teaching of James

In Luke 7:35, the meaning of öjustifiedö cannot be that an unjust and an unwise Christ ever needed to be made just and wise. Still less could that text mean that He was justified specifically as a result of the works of His children imputed to Him for His benefit. No! Very clearly, öjustifiedö there means the **inherently-just** and wise Christ was seen to be öjustö ó seen even through the actions of His imperfect yet faithful children who, by His grace, (to a noticeable extent) were **somewhat** imitating His Own example.

The same applies to various passages in the Epistle of James. Many have quite wrongly thought that James (especially at 2:21-24) teaches justification by our own human works. However, the passage does not deal with just-**ification** (or oneø being changed from unjust to just) as a result of oneø own doing of good works.

The passage rather teaches how, after Christø justification of Christians, their own human and purely-relative just-**ness** is finally seen or manifested or evidenced or demonstrated from their own good works ó which point back to and presuppose the earlier existence of their God-given perfect justness imputed to them by the human works of the sinless Christ Himself. Indeed, even that human justness of Christ imputed to Christ-ians was and is not established by their own efforts. It is instead a free gift to them from God in Christ.

James 2:21-24 literally reads: öWas our father Abraham not [seen to have been] justified, from works ó when he had offered Isaac his son upon the altar? Do you not see how trust [alias faith] operates together with his works ó and how trust was [seen to have been] perfected, from the works? And the Scripture was fulfilled which says, ‘Abraham **trusted in God**; and **this** was accounted to him as righteousness ó and he was called the friend of God. You see, then, how it is from works that a man is [seen to have been] justified ó and not only from trust.ö

Thus, James 2:21-24. There, Calvin first explains<sup>72</sup> that also the antecedent James 1:18-25ø **perfect law of liberty** is a fruit of öthe Spirit of regeneration Who inscribes it on our inward parts.ö This **law of liberty** is the same as **the Royal Law** of the Decalogue mentioned in James 2:8-12. It was obeyed by Abraham (*cf.* James 2:21-25); and it has been given to us all, by the One and only Lawgiver referred to in James 4:11-12.

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<sup>72</sup> *Comm.* on Jas. 1:18-25 & 2:8-12 & 2:21-23; *Inst.* III:17:11-12; *Comm.* on Jas. 4:11-12.



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In those passages, Calvin comments: "Scripture shews that we have been gratuitously adopted by God before we were born [James 1:18] — meaning, before we were born again alias regenerated. "The word of life...cannot be received rightly, except it be implanted or strike roots in us [James 1:21].... — **You must be doers of the Word** [James 1:22].... He shows by the **fruits** what that implanting is, before mentioned....

"God will not...allow us to cut off from His Law what is less pleasing to us." For "if we cut off from God's Law what is less agreeable to us, though in other parts we may be obedient — yet we become guilty of all, because in one particular thing we violate the whole Law."

Frankly, "there **is** no righteousness, except in a **perfect** obedience to the Law — namely only by Christ Himself, yet **for us!** Indeed, "all deeds and words are there to be accounted for. Because God will judge the World, according to His Law." James 2:10-12.

In his *Institutes*, Calvin remarks anent James 2:21-24 that "it is absurd to say that the **effect** was prior to its **cause**.... Abraham, by his obedience in offering up Isaac, did **not merit** righteousness. Before the existence of Ishmael — who was a grown youth at the birth of Isaac — Abraham was justified, through his faith [Genesis 15:6; 16:3-12; 17:18-26; 22:1-16f; James 2:21-23]. How can we say that he **obtained** justification — by an obedience which followed long **after**?

"Wherefore...it appears certain that he [James] is speaking of the [subsequent] manifestation, not of the [initial] imputation, of righteousness" (also as regards Abraham). For it is "as if he had said: —Those who are justified by true faith, prove their justification by obedience and good works — not by a bare and imaginary semblance of faith." In one word, he [James] is not discussing the mode of justification — but requiring that the justification [or justifiedness] of believers shall be operative — or of ongoing outworking.

For the justifiedness of believers needs to be demonstrated! This needs to be done subsequently to their having been justified. The latter was completed priorly. Yet thereafter, it indeed has both continuing and increasingly conspicuous consequences.

In his *Commentary on James* (2:21-22), Calvin further observes: "James did not here mean to teach us [Christ's justification of His elect as] the **ground** on which our hope of salvation ought to rest — but "the **manifestation** of [our own post-justified right conduct] [of ourselves], and that before men (as we may gather from the preceding words —Shew to me your faith)." James 2:18. "The faith of Abraham was formed, and therefore perfected, **before** he sacrificed his son....

"James then understood no other thing, than that the integrity of his faith then **appeared** [or became apparent] — because it brought forth that remarkable fruit of obedience.... The imputation of righteousness which Moses mentions [Genesis 15:6], preceded more than thirty years [earlier].... Since faith was imputed to Abraham fifteen years **before** the birth of Isaac — this could surely not have been done through the work of sacrificing him — only after that same Isaac had later grown to adulthood!

On James 4:11f, Calvin further comments: "We are not to judge it except according to God's Law.... When you claim for yourself a power to censure, **above** the Law of God it you **exempt** yourself from the duty of **obeying** the Law!"

However, Calvin continues, the **actual** "keeping of the Law is **wholly different** from this arrogance when men ascribe the power and authority of the Law to their [own works-righteous and legalistic] conceit, It hence follows that we **only then** keep the Law it when we wholly depend on its teaching alone, and do not otherwise distinguish between good and evil. For all the deeds and words of men ought to be regulated by it.... The Law has flowed from the eternal and infinite righteousness of God, as a river from its fountain....

"We call the pope Antichrist, who exercises tyranny over the souls of men it making himself a lawgiver equal to God.... They are members of Antichrist who willingly submit to be ensnared thus.... It is, I say, a prevaricating obedience rendered to the devil it when we allow any other than God Himself to be a Lawgiver to rule our souls."

As Calvin rightly remarks in his 1555f *Sermons on Deuteronomy* (27:26), "we ought to think of how St. James [2:8-11] says that He Who has forbidden to steal, has also forbidden to commit adultery it and that He Who has forbidden to murder, has also forbidden false witnessing.... He will be acknowledged in His Law throughout, in all points, and not just in part....

### Calvin on the First Table in the Law of God

"**The Ten Commandments** of the Law" it explains Calvin<sup>73</sup> it "which God **originally** prescribed, is still in force.... But man, [**now**] being immured in the **darkness of error**, is scarcely able by means of **that 'Natural Law'** to form any tolerable idea of the worship which is acceptable to God....

"Therefore, as a necessary remedy both for our dullness and our contumacy, the Lord has given us His **Written Law**. This, by its sure attestations, removes the obscurity of the "Law of Nature" it and also, by shaking off our lethargy, makes a more lively and permanent impression on our minds."

To Calvin, "the Law is perpetual" it inasmuch as "the rule of just and pious living even now retains its force." This is so even after "we are delivered from the yoke of bondage [and] from the curse" of law-breaking it and even after "the coming of Christ has put an end to its ceremonies." For "this is the **peculiar blessing of the New Covenant – that the Law gets [re-]written on men's hearts**."<sup>74</sup>

In his *Institutes of the Christian Religion* II:8:11, Calvin further considers that "the division of the Divine Law into Two Tables...has not been done at random or without reason.... God divided His Law into two parts, containing a complete rule of righteousness it [so] that He might assign the first place to the duties of religion which relate especially to His worship, and the second to the duties of charity which have

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<sup>73</sup> *Ib.* II:8:1.

<sup>74</sup> *Harm. Pent.*, I, pp. 411f & 414.

respect to man.... Hence, as related by the Evangelists (Matthew 22:37 & Luke 10:27), our Saviour summed up the whole Law in two heads ó viz. to love the Lord with all our heart, with all our soul, and with all our strength; and our neighbour as ourselves.ö

Having thus recognized the division of the Law into a First and a Second Table, Calvin gives the following classification of the various Mosaic Laws. He does so, under the ten heads of the Decalogue.

### Calvin on the First Commandment (anent serving only the Triune God)

The First Commandment<sup>75</sup> requires the worship of the Triune Lord Jehovah ó **alone!** Exodus 20:3 and Deuteronomy 5:7. Here, Calvin gives a detailed discussion of Leviticus chapters 18 to 19, and of Deuteronomy chapter 6 *etc.* Then, under the *Ceremonial Supplements of the First Commandment*,<sup>76</sup> he deals with: the Passover (Exodus chapter 12); the sanctifying of the first-born (Exodus chapter 13); the payment of atonement tribute (Exodus chapter 30); the Nazirite vow (Numbers chapter 6); the offerings of the first fruits (Deuteronomy chapter 26); the purification of women (Leviticus chapter 12); and the confinement and purification of lepers (Deuteronomy chapter 24 and Leviticus chapter 14).

There, he also deals with: the pollutions arising from issues or personal effluxes (Leviticus chapter 15); physical defects which exclude men from the tabernacle (Deuteronomy chapter 23); general purification laws (Numbers chapter 19); and the disposal of waste matter (Deuteronomy chapter 23). Under the same head, he further discusses: prohibited mixtures (Deuteronomy chapter 22); clean and unclean foods (Leviticus chapters 20 and 22); accidentally polluted things (Deuteronomy chapter 14); mixed marriages (Deuteronomy chapter 21); and various judicial supplements (Deuteronomy chapters 13 & 17 to 20, Exodus chapter 22, and Numbers chapter 10).

Explains Calvin further:<sup>77</sup> öThe purport of this Commandment is that the Lord will have Himself Alone to be exalted in His people.... The duties which we owe to God...seem to admit of being not improperly reduced to four heads.ö These are: adoration, trust, invocation, and thanksgiving.

In this regard, Calvin also gives us the following definitions. ö**Adoration**...[is] the veneration and worship which we render to Him when we do homage to His majesty.... **Trust** is secure resting in Him.... **Invocation** may be defined [as] the betaking of ourselves to His promised aid.... **Thanksgiving** is the gratitude which ascribes to Him the praise for all our blessings.... It is **not enough** to refrain from **other** gods. We must, at the same time, devote ourselves wholly to **Him**.ö

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<sup>75</sup> *Ib.* p. 417f.

<sup>76</sup> *Ib.* p.454f.

<sup>77</sup> *Inst.* II:8:16.

## Calvin on the Second Commandment (against the prescribed Way of Worship)

The Second Commandment<sup>78</sup> requires that the true God be worshipped **ó** in the **correct way**. Exodus chapters 20 & 25 to 30 & 34; Numbers chapter 8; Deuteronomy chapters 4 & 12 to 16.

Commenting in his *Harmony of the Pentateuch*, Calvin remarks: “Some expound the words, “thou shalt not make to thyself a graven image which thou mayest adore” **ó** as if it were allowable to make a visible image of God, provided it not be adored. But the expositions which will follow will easily refute their error....

“It is sinful to represent God in a visible image.... All those who seek for God in a visible figure, not only decline but actually revolt from the true study of piety.... The stupid ignorance of the Papists who confine this prohibition to the ancient people, is confuted. As if it were now permitted to paint or to sculpture images of God! ... But the Spirit declares now no less plainly, that we must keep ourselves from idols (First John 5:21), than He of old forebade their being made.”

Under the Second Commandment, Calvin gives a detailed discussion: of priesthood laws (Exodus chapters 28 to 29, Leviticus 6:22, Numbers chapters 3 to 35, and Deuteronomy chapters 17 & 31); of tithing obligations (Numbers chapter 18 & Deuteronomy chapter 18); and of oblations (Leviticus chapter 24). He also discusses offerings (Exodus chapter 29 & Numbers chapters 28 to 29) and the yearly atonement. Leviticus chapters 1 to 7 & 16 & 22; Numbers chapter 15; and Deuteronomy chapter 23. Then, under the *Civil Supplements of the Second Commandment*,<sup>79</sup> he deals with the destruction of idolatrous edifices and practices. Exodus chapters 23 & 34; Deuteronomy chapters 7, 17, 23 & 25.

As Calvin explains:<sup>80</sup> “This Commandment...curbs the licentious daring which would subject the incomprehensible God **to our senses** **ó** or represent Him under **any visible shape**.... Every visible shape of Deity which man devises, is diametrically opposed to the Divine Nature.”

Of course, this does not prohibit the manufacture or appreciation of religious artifacts **not purporting to represent** nor to suggest the Deity Himself. Yet it does prohibit crucifixes **ó** alias crosses with a three-dimensional effigy of what purports to be Christ, superimposed on it. Indeed, the prohibition applies against the liturgical use of even plain crosses without such effigies.

In his 1555 *Sermons on Deuteronomy* (4:15-20), Calvin clearly declares: “This doctrine that God will not have any manner of image made of Him, serveth not for two or three days **ó** but for all ever! And there is even one reason which ought to suffice us, which I alleged even now out of the prophet Isaiah [40:15].... As if He should say, “Do ye think Me to be like any creature? No! For all the World is nothing in comparison of Me.... Now then, if ye will needs make some puppet to represent Me **ó** is it not as good as a defacing of My glory?”

<sup>78</sup> *Harm. Pent.* II pp. 108f & 115f & 120f.

<sup>79</sup> *Ib.* p. 386f.

<sup>80</sup> *Inst.* II:8:17.

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Further: ðCan a man devise to tear the majesty of our Lord Jesus Christ and to deface His glory more ó than by the things that the Papists do? Behold, they paint and portray Jesus Christ Who (as we know) is not only man but also God manifested in the flesh. And what a representation is that? He is God's eternal Son, in Whom dwelleth the fulness of the Godhead ó yea, even substantially.

ðSeeing it is said ñsubstantiallyøó should we have portraitures and images whereby the onely flesh [= only the flesh] may be represented? Is it not a wiping away of that which is chiefest in our Lord Jesus Christ ó that is, to wit, of His divine majesty? Yes! And therefore, whensoever a crucifix stands...in the church ó it is all one as if the devil had defaced the Son of God.ö

As Calvin says in his *Institutes* I:11:7, ðPaul declares that by the true **preaching** of the Gospel, Christ is portrayed and in a manner crucified before our eyes. Galatians 3:1. Of what use then were the erection in churches of so many crosses of wood and stone, silver and gold, if this doctrine were faithfully and honestly preached ó *viz.* Christ died that He might bear our curse upon the tree; that He might expiate our sins by the sacrifice of His body, wash them in His blood and in short reconcile us to God the Father? From this one doctrine, the people would learn more than from a thousand crosses of wood and stone!ö

Indeed, God says (in Deuteronomy 5:8f): ðYou shall not **make** for yourself **any** graven image or any likeness of anything that is in **Heaven** above **or** that is on **Earth** beneath... You shall **not bow yourself down** to them, **nor serve them.**ö

Here, Calvin comments: ðIdolaters in vain endeavour to elude this...by their foolish cavils.... Amongst the Papists, that trifling distinction is commonly advanced that only *latreia* and not *douleia* is prohibited.... They make a childish endeavour at evasion, when they pay only the honour of **service** to pictures and statues....

ð[However,] Moses first of all comprehends generally all the **forms and ceremonies of worship**. [He] then adds immediately afterwards the word '*abad*', which properly means ñto serveø...

ðUnbelievers have never been carried away to such an extent of folly ó as to adore mere statues or pictures. They have always alleged the same pretext which now-a-days is rife in the mouths of the Papists ó *viz.* that not the image itself was actually worshipped, but that which it **represented.**ö

Commenting on Exodus 26:1f, Calvin further adds: ðRidiculous it is of the Papists to infer...that churches would be empty and unsightly ó unless they are adorned with images.ö Indeed, commenting on Deuteronomy 31:9, Calvin further adds: ðIn the Papacy, when they loudly bellow out the Scriptures in an unknown tongue [Latin] ó they do but profane God's Name.ö

Also many of the Early Church Fathers clearly maintained that especially Christ's **Church** should never transgress His Second Commandment. Some so stated, even as late as just prior to the mediaeval period.

Explains Calvin:<sup>81</sup> "It was a Father [the A.D. 400 Epiphanius in his *Epistle to Jerome*] who said, "It is a horrid abomination to see in Christian temples a painted image either of Christ or of any saint. Nor was this pronounced by the voice of [just] a single individual. But an *Ecclesiastical Council* [the A.D. 305 *Seventh Council of Elvira* at its canon 36] also decreed, "Let nought that is worshipped, be depicted on walls!"

However, Calvin then adds of the Renaissance-age Romanist church leaders: "Very far are they from keeping within these boundaries.... They leave not a corner **without** images!"

Calvin then concludes: "Let Papists, then, if they have any sense of shame, henceforth desist.... It is well-known what kind of monsters they obtrude upon us as "divine"... What are the **pictures or statues** to which they append the names of "saints" but exhibitions of the most shameless luxury or obscenity? Were any one to dress himself after their model he would deserve the pillory. Indeed, brothels exhibit their inmates more chastely and modestly dressed than **churches** do images intended to represent virgins!"

Calvin further adds:<sup>82</sup> "I am not, however, so superstitious as to think that all visible representations of every kind are unlawful.... Sculpture and painting are gifts of God. What I insist on, is that both shall be used purely and lawfully.... We think it **unlawful to give a visible shape to God** – because **God Himself has forbidden it.... Still more unlawful must it be, to worship such a representation instead of God – or to worship God in it.**

"The only things therefore which ought to be painted or sculptured, are things which can be presented to the eye.... Visible representation are...historical, which give a representations of events and pictorial, which merely exhibit bodily shapes and figures. The former are of some use for instruction.... The latter...are only fitted for amusement.... Yet it is certain that the latter are almost the only kind which have hitherto been exhibited in churches.... The exhibition was not the result of judicious selection, but of a foolish and inconsiderate longing.

"Let us here consider whether it is expedient that churches should contain representations of any kind and whether of events, or human forms.... Let us remember that for five hundred years during which religion was in a more prosperous condition and a purer doctrine flourished and Christian churches were completely free from visible representations....

"It appears to me more unbecoming...to admit any other images than those living symbols which the Lord has consecrated by His Own Word: I mean **Baptism** and the **Lord's Supper**." See too the Calvin-istic *Heidelberg Catechism*, Q. & A. 97f.

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<sup>81</sup> *Preface to King Francis*, para. 236 (at front of Calvin's *Inst.*), and compare *Inst.* I:11:7.

<sup>82</sup> *Inst.* I:11:12f.

### Calvin on the Third Commandment (anent reverence for God's Name and works)

The Third Commandment requires reverence for God's Name, His **attributes**, and **all His works**. Exodus 20:7 and Deuteronomy 5:11. Here, Calvin<sup>83</sup> deals also with false swearing (Leviticus chapter 19) ó and vows. Deuteronomy chapter 23; Leviticus chapter 27; & Numbers chapter 30. In his *Political Supplements to the Third Commandment*,<sup>84</sup> Calvin deals with the punishment for blasphemy. Leviticus chapter 24.

Explains Calvin:<sup>85</sup> öIt is not sufficient to abstain [merely] from **perjury**.... Great sin is committed in the present day.... The Name of God is everywhere profaned by introducing it indiscriminately in **frivolous** discourse.... The Commandment of the Lord, however, stands.... **The penalty also stands**.... Special vengeance will be executed on those who have taken the Name of God in vain.ö

On Exodus 20:7, Calvin comments: öIn order that God may procure for His Name its due reverence, He forbids its being taken in vain ó especially in oaths.... Christ teaches that God's Name is comprehended in the **Heavens**, the **Earth**, the **temple**, the **altar** ó Matthew 5:34 ó because His glory is conspicuous in them.... God's Name, then, is taken in vain not only when any one abuses it by **perjury** ó but [also] when it is lightly and disrespectfully adduced in proof of **frivolous** and trifling matters.ö

On Deuteronomy 23:21, Calvin further comments: öThe Papists would have all vows kept, without exception.... [However,] nothing can properly be vowed to God ó except what we know to be pleasing to Him....

öTo obey is better than sacrifice,ö First Samuel 15:22.... If a Jew had vowed that he would sacrifice a dog, it would have been sacrilege to pay that vow ó since it was forbidden by God's Law.ö Genesis 8:20; Leviticus 11:2f; Deuteronomy 23:18; Isaiah 65:4; 66:3; 17; Malachi 1:7f; Philippians 3:2; Revelation 22:15.

öBut what is done in the Papacy? Monks and nuns and priests bind themselves to perpetual celibacy!ö Clearly, such vows should no longer be kept. Indeed ó once the monk or nun has seen his or her error ó such vows in fact **need** to be repudiated. For, as Calvin says in his commentary on Leviticus 5:4f, öGod requires...steadfastness only with respect to lawful vows duly made.... Those which profane God's Name, are by no means to be kept!ö

### Calvin on the Fourth Commandment (anent sanctification of the Sabbath)

The Fourth Commandment<sup>86</sup> requires the **sanctification of the Sabbath**. Exodus 20:8-11 & Deuteronomy 5:12-15. Here, Calvin includes a discussion also of Leviticus chapter 19 and Exodus chapter 31. Indeed, in his *Supplements to the Fourth*

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<sup>83</sup> *Harm. Pent.* II p. 408f.

<sup>84</sup> *Ib.* p. 431f.

<sup>85</sup> *Inst.* II:8:25.

<sup>86</sup> *Harm. Pent.* II p. 432f.

*Commandment*,<sup>87</sup> he also deals with the ceremonial septennials and jubilees. Exodus chapter 23; Leviticus chapters 23 to 25; Deuteronomy chapter 16.

Already in the garden of Eden ó Calvin explains<sup>88</sup> ó ðfirst, God rested. Then, He blessed this rest ó so that in all ages it might be sacred among men.... God consecrated every seventh day ó to **rest**.... This is...the common employment not of one age or people only, but of the whole human race.... It was commanded to men **from the beginning** ó so that they might employ themselves in the worship of God. It is right that it should continue ó **to the end of the World**.ö

On Exodus 20:8*f*, Calvin comments<sup>89</sup> regarding **Christians** that ðwe have an **equal necessity** for the **Sabbath** with the ancient people [the Israelites].... The hallowing of the Sabbath was **prior** to the Law [Exodus chapter 20].... What Moses had before narrated ó that they were forbidden to gather the manna on the seventh day [Exodus chapter 16] ó seems to have had its origin from a **well-known** and received **custom**.ö Exodus 5:5-17 *cf.* 7:25.

ðIt is not credible that the observance of the Sabbath was omitted, when God revealed the **rite of sacrifice** to the **holy patriarchs**.ö Genesis 2:1-3 *cf.* 3:15-21; 4:3*f*; 7:4-10*f*; 8:6-12; 8:20*f*; Job 1:2-5; 2:13; 42:8; Genesis 12:7-8; 18:18-19; 26:4-5; 29:27-28; 50:10. ðBut what in the depravity of human nature was...almost obsolete with the race of Abraham ó God **re-new-ed** in His Law.ö Exodus 20:8*f cf.* Deuteronomy 5:12*f*.

Calvin continues:<sup>90</sup> ðLet us **not** think that the things which Moses says about the Sabbath-day, are **needless** for usö Christians today. Psalm 19:8-10 & Matthew 5:18. ð**The apostle in the fourth [chapter] to the Hebrews applies the things that were spoken about the Sabbath-day – to the instruction of Christians and of the new Church.... We must refrain from our own business** ó which might hinder us from minding God's works.... If we spend the Lord's Day in making good cheer, and in playing and gaming ó is that a good honouring of God? No, is it not a mockery? Yes, and a very unhallowing of His Name!

ðThe shop-windows are shut in on the Lord's Day, and men do not [then] travel as they do on the other days.... Let us see if those who name themselves Christians charge themselves as they ought to do.... A great number think to have the Lord's Day most free to follow their own business ó and reserve that day for the same purpose as though there were none other day for them to appoint all the week long.... It seems to them, that they have nothing else to do but to think upon their business and to cast up their accounts concerning this and that matter.... They make that an occasion of withdrawing themselves further off from God.ö Nehemiah 13:15-22; Isaiah 56:2-7; 58:13-14; Jeremiah 17:19-27.

Calvin goes on:<sup>90</sup> ðThat day [the Sabbath]...was ordained to withdraw us from all earthly cares and affairs, so that we might give ourselves wholly to God.... The Lord's Day, then, must serve us for a tower to mount up into ó to view God's works afar off ó as a time wherein we have nothing to let [or hinder] us or to keep us occupied, but so that we may employ all our wits to consider the benefits and gracious gifts that He

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<sup>87</sup> *Ib.* p. 445*f*.

<sup>88</sup> *Comm.* on Gen. 2:1-3.

<sup>89</sup> *Harm. Pent.*, II p. 437.

<sup>90</sup> *Sermons on Deuteronomy*, Edinburgh: Banner of Truth, 1987, pp. 200*f*.



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has bestowed upon us.... But if the Lord's Day be spent not only in games and pastimes full of vanity, but also in things quite contrary to God...; if the holy order which God ordained to bring us to Him be broken after that fashion, so as men think they have not kept holy the Lord's day ó is it any wonder, if men [over-work themselves and/or] play the beasts [or over-exert their animals] all the week after?

õIn respect of men's rawness, and by reason of their slothfulness, it is necessary to have one special day dedicated wholly thereunto. It is true that we be not bound to...keep the same day that was appointed to the Jews. For that was Saturday.... The day was changed, because Jesus Christ in His **resurrection** did set us free [on Easter Sunday].... That was the cause why the [Sabbath] **day was shifted** [from Saturday to Sunday]. But yet must we observe **the same order** of having **some day in the week** [as our day of rest].... Let us **retain still** the outward **order**, so far as is meet for us ó that is, to wit, of **forbearing our own affairs and worldly businesses**, so that we may intend wholly to the minding of God's works and occupying ourselves in the consideration of the good things that He has done for us.ö

Commenting on Isaiah 58:13, Calvin remarks: õNothing can be more pleasing or acceptable to God, than the observation of the Sabbath and sincere worship.... Men do wrong if, laying aside the Commandments of God, they esteem highly those things which are of no value.... God so highly recommends in the whole Scripture the observation of the Sabbath.... Because Christ died and rose again..., we have a continual sabbath ó viz., every Sunday.

So too, commenting on Jeremiah 17:22f, Calvin further declares: õIsaiah, in the fifty-eighth chapter, teaches us with sufficient clearness what the design of the Sabbath is ó even that the people should **cease from their own pleasure**. For it was to be a **day of rest** in which they were **truly to worship God** ó and to leave off pursuing any of the lusts of their own flesh.

õEven heathen writers, whenever they speak of the Sabbath, mention it as the difference between the Jews and the rest of the World. It was, in short, a general profession of God's worship when they [the Jews] rested on the seventh day. [However,] when they [the seventh-century B.C. Judeans] now regarded it as nothing, by **carrying their burdens** and **violating their sacred rest** [Jeremiah chapter 17] ó it was doubtless nothing less than wantonly to cast away the yoke of God, as though they openly boasted that they despised whatever He had commanded. There was then, in the violation of the Sabbath, a **public** defection from the Law....

õTo sanctify the Sabbath day is to make it different from the other days.... They **ought not** then to have **done their own concerns** on that day, as on other days. For it was a day consecrated to God.... In the observance of the Sabbath, therefore, is briefly included the whole of religion.... It was the same as though God said that He would by all means be gracious to them, if only they observed the Sabbath ó that is, if they with a pure heart devoted themselves to His service.ö

Explains Calvin yet further:<sup>91</sup> õThere is no Commandment the observance of which the Almighty more strictly enforces.... You see the singular honour which it holds among all the precepts of the Law.... The Sabbath never shall be **completed** ó before

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<sup>91</sup> *Inst.* II:8:29f.

the arrival of the last day.... -The Sabbath of the Lord your God, on it you shall not do any work: you, nor your son nor your daughter, nor your man-servant nor your maid-servant ó so that your man-servant and your maid-servant may rest, as well as you.ø Deuteronomy 5:14....

øThe Early Christians substituted what we call the Lordø Day for the Sabbath.ö Luke 4:16f; 23:56f; Matthew 28:1f; Mark.16:1f,9f; John 20:1,19,26; Acts 2:1; 20:6f; First Corinthians 16:1-2; Hebrews 4:8-11; 10:25; Revelation 1:10. øWe must diligently attend on our religious assemblies, and duly avail ourselves of those external aids which tend to promote the worship of God.ö

### Calvin on the Fifth Commandment (anent Human Authorities)

We now look at the Second Table of the Moral Law. First here, comes the Fifth Commandment and its pre-eminent promises. Ephesians 6:2; Exodus 20:12b; Deuteronomy 5:16b. It requires respect for all oneø **human superiors** ó whether parental, marital, educational, political, employmental, social or ecclesiastical. Exodus 20:12; Deuteronomy 5:16; Ephesians 6:1-9.

Obviously, this also implies respect for oneø ancestors (*pateres*) and for oneø country (*patria*) ó for oneø own kith and kin. Romans 9:3-5; 10:1; 11:1. Clearly, it also requires the corresponding duties of all superiors toward their inferiors. Ephesians 5:25 to 6:4 and Colossians 3:19 to 4:1.

Calvin here discusses Leviticus chapter 19. He then gives *Supplements*<sup>92</sup> on the punishments for defying all of the various duly-constituted authorities. Exodus chapter 21; Deuteronomy chapters 16, 21 & 22.

Explains Calvin:<sup>93</sup> øWe are ordered to obey our parents only in the Lord.... The submission yielded them should be a step in our ascent to the Supreme Parent.... Hence, if they transgress the Law ó they deserve not to be regarded as parents, but as strangers attempting to seduce us from our obedience to our true Father. The same holds in the case of rulers, masters and superiors of every description.ö

This therefore applies also to our ecclesiastical superiors. Thus, if even a General Assembly of the Christian Church should require us to **transgress** Godø Word ó such as by decreeing that even godly ministers with conscientious objections must **themselves participate** in ordaining women as Elders or as Ministers ó we must refuse to do so.

Calvin too had to face that very issue. Against such practices, he quoted: First Corinthians 3:5; 4:1-2; 14:24-27; First Timothy 2:11-15; 3:1-5; 5:17; Hebrews 5:4. Citing those very Scriptures, he wrote to the Ministers of Mompelgard:<sup>94</sup> øIf the authorities try to establish the practice of baptism by women, this must be resisted ó even unto blood!ö

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<sup>92</sup> *Harm. Pent.*, III pp. 5f.

<sup>93</sup> *Inst.* II:8:38.

<sup>94</sup> Cited in *Corpus Reformatorum* X:625. See too n. 131f below.

### Calvin on the Sixth Commandment (anent Human Life)

Next, under the Sixth Commandment<sup>95</sup> against murder (Exodus 20:13 and Deuteronomy 5:27), Calvin discusses Leviticus chapter 19. He then gives the *Ceremonial Supplements of the Sixth Commandment*.<sup>96</sup> There, he deals with ritual atonement for manslaughter (Deuteronomy chapter 21) and the forbidden drinking of blood (Deuteronomy chapter 12 and Leviticus chapter 17).

Then, in his *Political Supplements of the Sixth Commandment*<sup>97</sup> he deals with the different legal penalties for murder, manslaughter and wounding. Exodus chapter 21; Leviticus chapter 24; Deuteronomy chapter 17. He deals also with: injuries caused through negligence (Deuteronomy chapter 22); kidnapping (Deuteronomy chapter 24); the method of capital punishment (Deuteronomy chapter 21); and corporal punishment (Deuteronomy chapter 25). Indeed, he further deals with: personal responsibility (Deuteronomy chapter 24); rules of warfare (Deuteronomy chapter 20); oppression (Deuteronomy chapter 23); humane treatment of animals (Deuteronomy chapter 22 and Exodus chapter 23); and cities of refuge (Numbers chapter 35).

Explains Calvin:<sup>98</sup> "Man is...the image of God... We must hold the person of man sacred.... If you do not, according to your means and opportunity, study to defend his safety by that inhumanity, you violate the Law!"

This is why **kidnapping** children, as well as unrighteously and permanently **enslaving** unwilling freemen, should be regarded as capital crimes. Genesis 9:5-6; Exodus 21:16; Deuteronomy 24:7. Note that this prohibits slave-**trading** (Genesis 36:26f & Revelation 18:12f); but not the humane use of convict slave labour, wherever legal (Exodus 21:2-8 & Ephesians 6:5-9).

Especially in Numbers 35:10-30f, a very clear distinction is drawn by God between premeditated murder and involuntary manslaughter (and their respectively different punishments). There, Calvin comments that "God appointed the cities of refuge not only to make distinction between the sins of malice and [the different sins of] error but also lest **innocent blood** should rashly be shed.... He [God] would have **murder** severely punished!

"But...it would have by no means been just, that he who had not wilfully but **accidentally** killed his neighbour should be hurried away to the **same** punishment to which **wilful murderers** were subjected.... He who had killed another ignorantly and unintentionally, should escape the death penalty.

In such latter cases, lesser penalties are indicated. Such would also include adequate compensation of the manslaughterer's surviving family. Exodus 21:12-22; Numbers 35:22-25; Deuteronomy 19:4-5.

Yet, insists Calvin, **no voluntary murders are to be pardoned**.... God condemns to **death** every kind of **murderer**.... In crimes, the **will** and not [only] the result must

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<sup>95</sup> *Ib.* p. 20f.

<sup>96</sup> *Ib.* p. 25f & next n.

<sup>97</sup> *Ib.* p. 33f.

<sup>98</sup> *Inst.* II:8:40.

be regarded.... [However,] when God commanded that murderers should suffer death ó He required that they should be **condemned** by the **Judges**, after **due trial**....

ó**Wilful murderers**...He does not want to have spared ó but yet, not given over to punishment unless convicted by **legal proofs**.... No one should be condemned, unless he be **convicted lawfully**.... One witness would be insufficient.... No capital cause was to be decided, except at the mouth of two or three witnesses.... In referring to the condemnation of murderers, He [God] takes occasion to state that two witnesses are required.ö Numbers 35:30; Deuteronomy 17:6f; 19:15f; Matthew 18:16f; John 8:17f; Second Corinthians 13:1; First Timothy 5:19; Hebrews 10:28.

Calvin concludes: öBut whilst sure proof is required in...the punishment of guilt, so ó when the murder is **proved** ó God sternly requires and commands that it should not remain unpunished. He expressly forbids that the right of refuge should be purchasable.ö

### Calvin on abortion and miscarriage in terms of the Sixth Commandment

This is now an appropriate place to deal with **deliberate homicidal abortion**. That must, of course, be **contrasted** sharply with **miscarriage by accident**. The latter may or may not be culpable ó and that again either might, or might not, result in premature confinement. In the latter scenario, there are varying degrees of bodily harm ó either to the mother or to her unborn child (or to both).

Regarding the former ó **deliberate homicidal abortion** ó Calvin clearly teaches<sup>99</sup> that it is öa capital crime to put an end to the *foetus*.... For the *foetus*, though enclosed in the womb of its mother, is already a human being (*homo*).ö It is indeed öa **monstrous** crime to rob it of the **life** which it has not yet begun to **enjoy**.ö Hence, **wherever abortion does not try to save the life of both the mother and her prenatal child(ren) – it is the capital crime of murder**.

Calvin is here commenting on the Biblical passage Exodus 21:12-15,22-24. That teaches: öHe who smites a man so that he dies, shall surely be put to death.... If a man presumptuously comes upon his neighbour in order to slay him with guile...he shall surely be put to death.... If men who are fighting together hurt a pregnant woman so that her fruit departs from her but yet no mischief follows ó he shall surely be punished according as the woman's husband shall lay upon him, and he shall pay as the Judges determine. But if mischief should follow ó then you shall give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot.ö

Calvin here takes the above-mentioned word ömischiefö in Exodus 21:22's phrase öif mischief should followö ó to mean either **death** or otherwise **serious bodily injury**. He explains: öIt seems more horrible to kill a man **in his own house**, than in a field ó because a man's house is his place of most secure refuge.ö Exodus 22:2-7,26-31; Deuteronomy 21:1f; 23:15,24; 24:6. öIt surely ought to be deemed **more** atrocious to destroy a *foetus* in the womb ó before it has come **to light**. On these grounds, I am

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<sup>99</sup> *Harm. Pent.* III p. 41f.

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led to conclude **without hesitation** that the words "if death should follow" [in Exodus 21:23] "must be applied to the *foetus* as well as to the mother.

"If any mischief follow " then you shall give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot" etc. Exodus 21:23-24. "Mischief" may very well result from any intentional termination of a pregnancy.

That could then be **gross** mischief, such as death ("life for life"). Such could constitute either intended murder (as in intentional homicidal abortion), or unintended manslaughter (as might either culpably or non-culpably follow the intended emergency-removal of the *foetus* in order to save his or her *life* and/or that of his or her ailing mother). It could alternatively be a **lesser** mischief, such as the loss of an "eye" or a "hand" or a "foot" etc. Exodus 21:23f.

Either way, the "mischief" is committable not just against the mother but also against her unborn child. Significantly, the (270 B.C.) Greek Septuagint translation at Exodus 21:23 refers the mischief to that committed specifically against the already "shapen" **unborn child** (or *exeikonismenon*).

Note that Calvin here calls the unborn *foetus* neither a piece of fresh meat nor a septic appendix belonging to the mother alone. Instead, Calvin call the human *foetus* "a man" (alias a **human being**). He calls the unborn child housed within his or her mother "a man in his house."

That (hu)man is still only tiny. He or she is still just a very little (wo)man. He or she is indeed still blind, and does not yet have "light." Nevertheless, he or she does have **human life**, even though he or she might not yet have "begun to enjoy" it. So he or she certainly is a **human being**.

Consequently, maintains Calvin, to kill a blind **little** man "in his **own house** (alias within his mother's womb) " is quite atrocious. Indeed, it is even "more atrocious" than to murder a less defenceless **adult** blind man in his own bigger home (or wherever).

Calvin then adds: "It would **by no means be reasonable** that a father should **sell**, for a set sum, the life of his **son or daughter**.... It would be a **crime punishable with death** not only when the **mother** died from the effects of the abortion " but also if the infant should be killed, whether it should die from the wound abruptly or soon after its birth."

On the other hand, a pregnancy termination might well be **accidental** " as where a pregnant woman **unintentionally miscarries**. Exodus 21:13,18,19,22f. In certain circumstances, however " even **accidental pregnancy termination** could still be **culpable** and **punishable**. Thus, a pregnant woman might miscarry as a result of receiving a blow **aimed** at her **husband** " where that **intentional** blow **accidentally** missed him, but hit **her** instead. Such a blow would, of course, often bring on a **culpably-caused** premature confinement.

Here Calvin comments: "That premature confinement would **weaken** both the mother and her offspring. The husband is allowed to **demand** before the Judges a money-payment, at their discretion, in compensation.... God's command is only that

the money should be **paid before the Judges**.... He thus appoints **them** to settle the amount as **Arbitrators**....

öBy the...*lex talionis*...a just proportion is to be observed.... The **amount** of punishment is equally to be **regulated** ó whether as to a tooth or an eye.... For the purpose of preventing all violence, a **compensation** is to be paid ó in **proportion** to the **injury**.ö Exodus 21:19,22,24,30,32,34-36.

### Calvin on the Seventh Commandment (anent sexual purity)

The Seventh Commandment<sup>100</sup> concerns sexual purity. Exodus 20:14 & Deuteronomy 5:18. Here, after dealing with Leviticus chapter 18, Calvin adds *Political Supplements*.<sup>101</sup> These relate to: homosexuality and bestiality (Leviticus chapter 18 & Exodus chapter 22); prostitution (Leviticus chapter 19 & Deuteronomy chapter 23); adultery (Leviticus chapter 20 & Deuteronomy chapter 22); and seduction (Leviticus chapter 19).

Here, Calvin also discusses: marriage (Exodus chapter 21); dowries (Exodus chapter 22); and war brides (Deuteronomy chapter 24). He further explains: trial by ordeal for suspected unfaithfulness (Numbers chapter 5); virginity laws (Deuteronomy chapter 22); divorce (Deuteronomy chapter 23); and incest (Leviticus chapter 18).

Then Calvin deals with the **Judicial** or **Political** Supplements to this Commandment. There,<sup>102</sup> he includes penalties for incest (Leviticus chapter 20) and for breach of chaste conduct (Deuteronomy chapter 25) ó and also a requirement that clothing be modest (Deuteronomy chapter 22).

Explains Calvin:<sup>103</sup> öLet no man long for celibacy.... If he has not the power of subduing his passion, let him understand that the Lord has made it obligatory for him to marry.... While He forbids fornication, He at the same time forbids us to lay snares for our neighbour; chastity ó by lascivious attire, obscene gestures, and impure conversation.ö

Clearly, this also condemns immodest dress in public ó and, *a fortiori*, all pornography. Referring to Leviticus 18:6, Calvin comments that öPaul...sets before our eyes **the law of nature**.... He teaches that it is shameful and indecorous for women to appear **in public** without veils...; and finally adds that **nature itself** does not permit it. First Corinthians 11:14.ö Compare too First Timothy 2:8-9 and First Peter 3:3-5.

Commenting on First Timothy 2:9f, Calvin says of Paul: öIt was his intention to correct a fault to which women are almost always prone.... The fault is, excessive concern and eagerness about dress.... Luxury and extravagance come from a desire to make a display, which can spring only from **vanity** ó or **wantonness**.... It is **difficult** to lay down a certain permissible limit. **Magistrates may indeed make laws by which extravagant desires may to a certain extent be restrained**.... Any fashion in

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<sup>100</sup> *Ib.* p. 68f.

<sup>101</sup> *Ib.* p. 71f.

<sup>102</sup> *Ib.* p. 106f.

<sup>103</sup> *Inst.* II:8:43f.

clothes which is inconsistent with **modesty** and moderation, should be **disapproved**....

öIn the same way, all **men** should keep within the limits of **moderation**. Whatever is opposed to that, cannot be defended.... The **dress** of an honourable and godly **woman**, **ought** to be different from that of a **harlot**. These are marks of **distinction** that Paul here lays down.... **Godliness** should prove itself by good works. It should also be **visible**, in chaste and becoming **clothes**.ö

Calvin's further comment, on First Peter 3:3, is most instructive. Women, the Reformer says there, öare to adorn themselves sparingly and **modestly**.... It may now be asked whether the Apostle [Peter] is completely condemning the use of gold in adorning the body.... It would be an immoderate strictness simply to forbid neatness and elegance in clothing. If the material is **said** to be too sumptuous ö the Lord has created it. And we know that skill in art ö has proceeded from **Him**....

öTwo things are to be regarded in clothing ö usefulness and **decency**.... What decency requires, is moderation and **modesty**.... If a woman goes about with her hair **wantonly** curled and braided..., her vanity cannot be excused.... **Excessive** elegance and superfluous display...arise from a **corrupted mind**.ö

Also, on Deuteronomy 25:11f, Calvin comments that öthis law...shows how very pleasing to God is modesty ö whilst, on the other hand, **He abominates indecency**. For if in the **heat of a quarrel**...it was a crime...for a woman to take hold of the private parts of a man who was not her husband ö much less would God have her lasciviousness pardoned if a woman were impelled by **lust** to do anything of the sort.... **Judges**, in punishing **obscenity**, were bound to argue from the less to the greater.ö

Deuteronomy 22:12 concerns **fringes** to **cover** the four quarters of one's garments. Here Calvin comments: öThis also was a part of or accessory to **chastity** ö to have regard to **modesty in dress**.... A door was thus opened to many improprieties ö if the upper garments were not closed.... Many, as if by accident, would have abused this ö if it had been allowed ö as an incentive to licentiousness.... It is abundantly clear that not only were adulteries condemned, but whatever is repugnant to purity and chastity....

öGarments are not in themselves of so much importance. But as it is disgraceful for men to become effeminate and also for women to affect manliness in their dress and gestures, propriety and modesty are prescribed.... Therefore, decency in the **fashion of the clothes** is an excellent preservative of modesty.ö

### Calvin on the Eighth Commandment (anent private property)

The Eighth Commandment<sup>104</sup> defends private property. Exodus 20:15 & Deuteronomy 5:19. Hereunder Calvin opposes theft, fraud and oppression (Leviticus chapter 19 & Deuteronomy chapter 24) ö especially at the expense of resident aliens (Exodus chapter 22 & Leviticus chapter 19) and widows and orphans (Deuteronomy

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<sup>104</sup> *Ib.* p. 110f.

chapter 10). Similarly, he here also condemns: deceitful weights and measures (Leviticus chapter 19 & Deuteronomy chapter 19); cruel pledge arrangements (Exodus chapter 22 & Deuteronomy chapter 14); and usury or exorbitant rates of interest (Exodus chapter 22). He further castigates: the non-return of lost property (Exodus chapter 23 & Deuteronomy chapter 22); the neglecting of restitution (Numbers chapter 5); bribery (chapter Exodus 23); and injustice (Exodus chapter 23).

Still under the Eighth Commandment, Calvin further discusses: release from debts (Deuteronomy chapter 15); slavery laws (Exodus chapter 21, Leviticus chapter 25 and Deuteronomy chapter 15); and distress sales of future crops (Leviticus chapter 25). He then goes on to deal with: the care of trees (Deuteronomy chapter 20); marriage property and inheritance provisions (Deuteronomy chapter. 21); wartime production (Deuteronomy chapter 20); and Levirate property (Deuteronomy chapter 25).

Calvin also discusses the *Political Supplements*<sup>105</sup> to the Eighth Commandment. There, he deals with: penalties for theft (Exodus chapter 22 & Leviticus chapter 22); the remedy for property damage caused through negligence (Exodus chapter 21); and gleaning laws (Leviticus chapter 19 & Deuteronomy chapter 23).

Explains Calvin:<sup>106</sup> "We must render to every man his due.... The Commandment forbids us to long after other men's goods and accordingly requires every man to exert himself honestly in preserving his **own**. For we must consider that what each individual possesses, has not fallen to him by chance but by the distribution of the Sovereign Lord of all.... [Moreover,] none can pervert his [own] means to bad purposes without committing a fraud on a divine dispensation.

"There are very many kinds of theft. One consists of violence as when a man's goods are forcibly plundered and carried off; another, in malicious imposture as when they are fraudulently intercepted; a third, in the more hidden craft which takes possession of them with a semblance of justice; and a fourth, in sycophancy which wiles them away under the pretence of donation.... All the arts by which we obtain possession of the goods and money of our neighbours, instead of sincere affection or substituting an eagerness to deceive or injure them in any way are to be regarded as thefts....

"Nor is the violation of this Commandment confined to money or merchandise or lands but extends to every kind of right. For we defraud our neighbours to their hurt if we decline any of the duties which we are bound to perform towards them. If an agent or an indolent steward wastes the substance of his employer, or does not give due heed to the management of his property; if he unjustly squanders or luxuriously wastes the means intrusted to him; if a servant holds his master in derision, divulges his secrets, or in any way is treacherous to his life or his goods; if, on the other hand, a master cruelly torments his household or he is guilty of theft before God. Since every one who, in the exercise of his calling, performs not what he owes to others or keeps back or makes away with what does not belong to him.

"Let each of us consider how far he is bound in duty to others and in good faith pay what we owe.... Let the people pay all due honour to their rulers; submit patiently

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<sup>105</sup> *Ib.* p. 140f.

<sup>106</sup> *Inst.* II:8:45f.



to their authority; obey their laws and orders; and decline nothing which they can bear, without sacrificing the favour of God. Let rulers again take due charge of their people; preserve the public peace; protect the good, curb the bad, and conduct themselves throughout ó as those who must render an account of their office to God the Judge of all.... Let every one, I say, thus consider what in his own place he owes to his neighbours ó and pay what he owes. Moreover, we must always have a reference to the Lawgiver ó and so remember that the Law requiring us to promote and defend the interest and convenience of our fellow-men, applies equally to our **minds** and our **hands**.ö

### Calvin on the Ninth Commandment (anent true reporting)

Under the Ninth Commandment,<sup>107</sup> true reporting is required. Exodus 20:16 and Deuteronomy 5:10. Here Calvin, after discussing Exodus chapter 23 and Leviticus chapter 19 in his *Supplement to the Ninth Commandment*,<sup>108</sup> deals with the procedure and penalty for perjury. Deuteronomy 19:16-21.

Explains Calvin:<sup>109</sup> öBy evil-speaking, we understand not the rebuke which is administered with a view to correcting, nor accusation or judicial decision by which evil is sought to be remedied...; but the odious [re]crimination which springs from a malicious and petulant love of slander.... The Commandment extends so far as to include that scurrilous affected urbanity instinct with invective, by which the failings of others under an appearance of sportiveness are bitterly assailed ó as some are wont to do who court the praise of wit, though it should call forth a blush or inflict a bitter pang....

öIf we turn our eye to the Lawgiver Whose just authority extends over the ears and the mind as well as the tongue, we cannot fail to perceive ó that eagerness to listen to slander and an unbecoming proneness to censorious judgment are here forbidden.... As just interpreters of the words and actions of other men ó let us candidly maintain the honour due to them by our judgment, our ear, and our tongue.ö

Calvin comments on Exodus 20:16 that öif the **indulgence** of evil-speaking violates charity ó it is opposed to the Law of God.... We must also go further ó and not be suspicious or too curious in observing the defects of others.ö

Further, on Leviticus 19:16f, Calvin comments that ömany under the pretext of conscientiousness, are not only rigid censors of others ó but also burst out into the **open proclamation** of their defects. Moses seeks to prevent this preposterous zeal.... Those who labour under this disease of carping and vituperating, are wont to object that sins are nourished by silence.... But Moses points out...that they should **bring back** wanderers, into the way, by **private** rebukes ó and **not** by **publishing** their offences....

öWe are commanded to rebuke the **wandering** ó and **not** to regard our **brethren** as enemies. A **similar** course is prescribed by **Christ**. ÆIf your brother shall trespass

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<sup>107</sup> *Harm. Pent.* III p. 179f.

<sup>108</sup> *Ib.* p. 185f.

<sup>109</sup> *Inst.* II:8:48.

against you ó **go and tell him** his fault, between you and him **alone**. Then, if he heeds you ó you have **won back** your brother.ø Matthew 18:15. Thus Jesus, in Matthew 18:15b ó where *ekerdeesas* means: ÷you have gained; you have profited; you have won over.ø

### Calvin on the Tenth Commandment (anent uncovetous contentment)

Last, Calvin discusses the Tenth Commandment<sup>110</sup> against covetousness. Exodus 20:17 and Deuteronomy 5:21. Then he deals with ÷the Sum of the Lawö<sup>111</sup> ó in terms of Leviticus chapter 19 and Deuteronomy chapter 10. Finally, he explains the ÷Sanctions of the Law contained in the Promises and Threatsö<sup>112</sup> (of Leviticus chapters 18 & 26, and Deuteronomy chapters 4 & 7 and 11 to 12 and 27 to 30).

According to Calvin,<sup>110</sup> ÷this Commandment extends also to those [other Divine Commandments] that have preceded it... Whilst He enumerates oxen and asses and all other things as well as their wives and servants, it is very clear that His precept is directed to the same things but in a different way ó *viz.* in order to restrain all ungodly **desires**....

÷On the other hand, it must be remembered that although it was Godø design by the whole Law to arouse menø feelings to sincere obedience of it, yet such is their hypocrisy and indifference that it was necessary to stimulate them more sharply and to press them more closely ó lest they should seek for **subterfuges**.... Hence Paul gathers from this Commandment that the whole ÷Law is spiritual.ø Romans 7:7 and 7:14. Because God, by His condemnation of lust, sufficiently showed that He not only imposed obedience on our **hands** and **feet** but also put restraint upon our **minds** ó lest they should **desire** to do what is unlawful.ö

Calvin further explains:<sup>113</sup> ÷The purport is...that no thought be permitted to insinuate itself into our minds and influence them ó with a noxious concupiscence tending to our neighbourø loss.... In so far therefore as the mind is devoid of charity ó it must be under the influence of concupiscence. God therefore commands a strong and ardent affection ó an affection not to be impeded by any portion, however minute, of concupiscence. He requires a mind so admirably arranged ó as not to be prompted in the slightest degree contrary to the Law of Love.

÷Such, then, is the Second Table of the Law.... It were vain to inculcate the various duties taught in this Table, without placing your instructions on the fear and reverence to God ó as their proper foundation.... The sum of the whole Commandment therefore is that whatever each individual possesses ó [should] remain entire and secure not only from injury or the wish to injure, but also from the slightest feeling of **covetousness** which can spring to mind.... Our mind must be completely filled with love to God ó and then this love must forthwith flow out toward our neighbour.ö

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<sup>110</sup> *Harm. Pent.* III p. 186f.

<sup>111</sup> *Ib.* p. 190f.

<sup>112</sup> *Ib.* p. 201f.

<sup>113</sup> *Inst.* II:8:49f.

### Calvin's Summary of the Second Table in the Moral Law of God

States Calvin:<sup>114</sup> "Our Saviour having shown in the parable of the Samaritan (Luke 10:36) that the term **neighbour** comprehends the remotest stranger, there is no reason for limiting the precept of love to our own connections. I deny not that the **closer** the relation, the more frequently our offices of love should be. For the condition of humanity requires that there be more duties in common between those who are more nearly connected by the ties of **relationship** or **friendship** or **neighbourhood**. And this is done without offence to God & by Whose providence we are in a manner **impelled** to do it [Galatians 6:10 & First Timothy 5:8].

"But I say that the whole human race without exception is to be embraced with one feeling of charity.... Let a man be what he may, he is still to be loved & because God is loved.... Do we not meet in every page...of the Law...with commands which, in the strictest terms, require us to love our **enemies**? ... Proverbs 25:21 & Exodus 23:4.

"Let this then be our method of showing good-will and kindness & considering that, in regard to everything which God has bestowed upon us and by which we can aid our neighbour, we are His stewards and are bound to give account of our stewardship.... The only right mode of administration, is that which is regulated by love. In this way, we shall...unite the study of our neighbour's advantage & with a regard to our own....

"This is the law for daily administering **every** gift which we receive from God. He of old applied that Law & to the minutest expressions of His Own kindness. He commanded the first-fruits to be offered to Him & as an attestation by the people that it was impious to reap any advantage from goods not previously consecrated to Him. Exodus 22:29 & 23:19.

"The Lord enjoins us to do good to all, without exception & though the greater part, if estimated by their own merit, are most untrustworthy of it.... We are not to look to what men in themselves deserve & but to attend to the image of God, which exists in all, and to which we owe all honour and love. But in those who are of the household of faith [Galatians 6:10], the same rule is to be more carefully observed & inasmuch as that image is renewed and restored in them by the Spirit of Christ.

"Therefore, whoever be the man that is presented to you as needing your assistance & you have no ground for declining to give it to him.... If he not only merits no good, but has provoked you by injury and mischief & still, this is no good reason why you should not embrace him in love....

"Love those that hate us! Render good for evil and blessing for cursing, remembering that we are not to reflect on the wickedness of men but look to the image of God in them & an image which, covering and obliterating their faults, should by its beauty and dignity allure us to love and embrace them!

"We do not insult a diseased member when the rest of the body labours for its recovery.... A communication of offices between members is not regarded as at all gratuitous, but rather as the payment of that which & being due by the Law of Nature & it were monstrous to deny.... Every one should rather consider that, however great he

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<sup>114</sup> *Inst.* III:7:5f.

is ó he owes himself to his neighbours.... The only limit to his beneficence, is the failure of his means.ö Thus John Calvin.

### **Summary: The decalogical Anti-Romish Reformation of Luther, Zwingli & Calvin**

Summarizing, according to the great Reformer Rev. Dr. Martin Luther, the Bible predicts the destruction of Romanism. Daniel 7:25f; 8:11f; 9:26f; 12:1-11; Revelation 12:6-17; 13:1-18. Luther became increasingly aware that God was using him to demolish the Papacy, as he himself attempted to ground even secular law upon the Holy Scriptures. Indeed, the Lutheran Reformation stressed the importance of the Moral Law for the whole of human life.

Also Ulrich Zwingli developed a doctrine of civil government from the Bible ó in Switzerland, and around 1531 A.D. Indeed, by 1536, his colleague Bullinger and others had set out their view of Civil Government in the 1536 *First Swiss Confession*.

Calvin the Lawyer-Theologian was the greatest of all Protestant Reformers. He saw Natural Law as being rooted in God Himself. All recognize that the concept of righteousness really does exist ó because all men are created as God's image. Indeed, there is still an awareness of Natural Law by man ó also **after** his fall.

It is true that at Adam's fall and thereafter, man knowingly and deliberately declined from initial righteousness and justice. Yet the Law of Nature and Equity nevertheless operated (and still operates) even among the Pagans. However, even since man's total depravity ó produced by the fall ó there is an obvious need that the Law be inscripturated.

Calvin describes the institution of human governments after the flood, and further discusses the delegation of political functions even before Sinai ó Exodus 18:12-25 *cf.* Deuteronomy 1:13-17. He takes a strong view on the *Lex talionis* and on Theocracy ó and discusses both God's ancient provision of, as well as His restrictions upon, theocratic kings.

Having dealt with the predictions of Isaiah regarding Christ's Messianic Kingdom, Calvin goes on to discuss Daniel's predictions to Nebuchadnezzar anent the Messianic Rule of Christ. That would commence during the days of the pagan Roman Empire, the government and laws of which he then discusses. At least until it got christianized (if not also thereafter), there was a special need for the arbitration procedure laid down in First Corinthians 6:1-8 ó before the still-ongoing and increasable christianization of secular law.

For, according to Calvin, Daniel himself taught also the christianizability of pagan government. Christ would achieve World Conquest, through His post-ascensional Heavenly Rule (as outlined in Daniel 7:13-14). Christ's Kingdom would then demolish the Roman Empire ó even though its pagan Roman Law would get replaced by Papal Romish Law, to be followed by predicted centuries of papal oppression until the Reformation would destroy both Romish Law and the papal Antichrist.

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Meantime, Calvin discusses the usefulness of the law courts described in the Acts of the Apostles, and the courtroom trials of the Apostle Paul. He also deals with Paul's parenetic instruction regarding the Roman Law; Paul's legal advice to Titus and the Cretians; and Paul's advice to Timothy and the Ephesians anent the Law of God. To Calvin, the advance of Christ's Law is the way to success. Indeed, the nations are to be subjugated to the Law of God precisely through the Great Commission.

Calvin also discusses justification and the practice of righteousness, especially as regards the Law of God in the teaching of the book of James. The Reformer further deals with the First Table in the Law of God: the First Commandment (on serving only the Triune God); the Second Commandment (on the prescribed way of worship); the Third Commandment (on reverencing God's Name and works); and the Fourth Commandment (on sanctifying the Sabbath Day).

Finally, we saw how Calvin deals with the Fifth Commandment (on authority); the Sixth Commandment (on life, abortion and miscarriage); the Seventh Commandment (on sexual purity); the Eighth Commandment (on private property); the Ninth Commandment (on true reporting); and the Tenth Commandment (on uncovetous contentment). We then saw his summary of the Second Table of the Law of God.

As Calvin rightly remarks in his 1555*f Sermons on Deuteronomy* (27:26), "we ought to think of how St. James [2:8-11] says that He Who has forbidden to steal, has also forbidden to commit adultery; and that He Who has forbidden to murder, has also forbidden false witnessing.... He will be acknowledged in His Law throughout, in all points, and not just in part.... God has not enjoined in us a chopped-up obedience, but He will have us to receive His Law to the uttermost in all points without exception.... We must also show an accord and consent...in our lives ó by framing them after all His Commandments!ö

The important question remains as to the use of the Mosaic Laws in general. It is in our next chapter that we ourselves will present the views on that matter of Calvin and the early Calvinists.



## CH. 27: THE USE OF THE MOSAIC LAWS BY CALVIN, BULLINGER, BEZA & DE BRES

Previously, we have dealt with Calvin's emphasis on the Law of Nature ó both before the fall,<sup>1</sup> and between the fall and the flood.<sup>2</sup> We have also seen his treatment of the development of Law from the flood till Sinai.<sup>3</sup> We have further examined his understanding of that Sinai Decalogue<sup>4</sup> as to both the First and the Second Table of the Law ó both in Old and in New Testament times.

In this chapter, we propose to give considerable details of Calvin's understanding of the forensic laws ó alias the Mosaic judicials. We shall note how the Genius of Geneva understood their application in Ancient Israel ó and we shall also see how Calvin understood their general equity and its application to Christ's Messianic Kingdom, here and now, by the Church of all ages.

### Calvin on the Mosaic Law and the extent of its Abrogation

We need to note Calvin's principal<sup>5</sup> analysis of the Moral Law *in the light of the Mosaic legislation*. Under the First Commandment, he refers ó to Leviticus 19:2; Deuteronomy 7:6; 14:2; 26:18; *etc.*<sup>6</sup> Under the Second Commandment, he refers ó to Deuteronomy 4:15, *etc.*<sup>7</sup> Under the Third Commandment, he refers ó to Exodus 22:11 & Leviticus 19:12 *etc.*<sup>8</sup> Under the Fourth Commandment, he refers ó to Exodus 23:12; 31:13-17; Numbers 13:22; Deuteronomy 5:14; *etc.* Indeed, in discussing Exodus 23:12 and Deuteronomy 5:14 he even adds: "Who can deny that both are **equally applicable to us** as to the **Jews** [meaning the **Old Testament Israelites**]?"<sup>9</sup>

Under the Fifth Commandment, he refers ó to Exodus 21:17; Leviticus 20:9; Deuteronomy 21:18; *etc.*<sup>10</sup> Under the Sixth Commandment, he refers ó to Exodus 21:17; Leviticus 20:9; Deuteronomy 21:18; *etc.*<sup>11</sup> Under the Seventh Commandment, he refers ó to Leviticus 18:6; Numbers 25:9 [*cf.* First Corinthians 10:8]; Deuteronomy 22:5,12; *etc.*<sup>12</sup> Under the Eighth Commandment [*cf.* First Timothy 5:18], he refers ó to Exodus 22:25; Leviticus 19:9f,33,35; 24:33; 25:42; Deuteronomy 15:1,13; 23:24; 24:10,14; 19:14; 15:4; *etc.*<sup>13</sup> Under the Ninth Commandment, he refers ó to Exodus

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<sup>1</sup> Ch. 26, nn. 18f.

<sup>2</sup> Ch. 26, nn. 27f.

<sup>3</sup> Ch. 26, nn. 33f.

<sup>4</sup> Ch. 26, nn. 73f.

<sup>5</sup> Calvin's full contribution to the analysis of the Moral Law still awaits collation from his *Institutes*, his *Commentaries*, his *Catechism*, his *Sermons on Deuteronomy*, his *Tracts and Treatises*, his *Church Ordinances*, and his other writings elsewhere in his *Opera Omnia*.

<sup>6</sup> *Inst.* II:8:14.

<sup>7</sup> *Ib.* II:8:17.

<sup>8</sup> *Ib.* II:8:24f.

<sup>9</sup> *Ib.* II:8:29-32.

<sup>10</sup> *Harm. Pent.*, II, pp. 25f & 33f.

<sup>11</sup> *Inst.* II:8:36.

<sup>12</sup> *Harm. Pent.*, II, pp. 71f & 106f.

<sup>13</sup> *Ib.* pp. 110f & 140f.

23:1,7; Leviticus 19:16-17; *etc.*<sup>14</sup> And under the Tenth Commandment, he refers ó to Deuteronomy 5:21 [*cf.* Romans 7:7,13,14 and James 1:14-19 & 2:8-12 & 4:1-12] *etc.*<sup>15</sup>

In his work *The Secret Providence of God*, Calvin rightly states:<sup>16</sup> ðThe cruelty of that man is condemned who pierces the eyes of a crow, or kills a crane.... The virtue is praised of that judge who cleanses his hands by the execution of the wicked person....

ðThere will ever be praised among men that prince who shall by a just and legitimate war ó repel from his dominions violence, rapine and plunder. For this end, he [rightly] will hasten to arm thousands of soldiers who...[wrongly may] commit every act of licentiousness and violence ó for which deeds of wickedness they certainly will not deserve praise....

ðThe general under whose conduct and command the battle is fought, you absolve ó Calvin further explains. ðWhile you nevertheless condemn the soldiers who lend out their hands to murder their fellow-men.... Will you then rob God of the glory of His justice ó because He sometimes does His works by means of Satan?ö

Yet a sinner, no matter how much he might succeed in keeping these Ten Commandments, can never adequately **justify** himself in the eyes of the sinless Sovereign. As Calvin explains:<sup>17</sup> ðMoses delivers the precepts of the Law under a heavy sanction.... The prophets strongly urge and threaten transgressors, though they at the same time confess that men are wise only when an understanding heart is given them.... It is the proper work of God to circumcise the heart, and to change it from stone into flesh; to write His Law on their inward parts; in short, to renew souls so as to give efficacy to doctrine.ö

### Calvin on the triple use of the Law of God

Calvin further declares:<sup>18</sup> ðThe office and use of the Moral Law...seems to me to consist of three parts.... First, by exhibiting the righteousness of God...it admonishes everyone of his own unrighteousness...in order that man who is blind and intoxicated with self-love may be brought at once to know and to confess his weakness....

ðThe second office of the Law is...to curb those who, unless forced, have no regard for rectitude and justice.... They thoroughly detest the Law itself, and execrate the Lawgiver....

ðNevertheless, this forced and extorted righteousness is necessary for the good of society ó its peace being secured by a provision but for which all things would be thrown into tumult and confusion.... This office seems to be especially in the view of the Apostle.... He says ðthat the Law is not made for a righteous man but for the lawless and disobedient ó for the ungodly and for sinners, for unholy and profane, for

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<sup>14</sup> *Inst.* II:8:47; *Comm. Lev.* 19:17.

<sup>15</sup> *Harm. Pent.* III p. 182f.

<sup>16</sup> *Op. cit.*, pp. 249f.

<sup>17</sup> *Inst.* II:8:4.

<sup>18</sup> *Ib.* II:7:6-15.



murderers of fathers and murderers of mothers, for manslayers, for perjured persons... First Timothy 1:9f.

•The Law was our schoolmaster to bring us unto Christ. Galatians 3:24.... Those therefore whom He has destined to the inheritance of His Kingdom ó if He does not immediately regenerate ó He through the works of the Law preserves in fear, against the time of His visitation....

•The third use of the Law (being also the principal use and more closely connected with its proper end) has respect to believers in whose hearts the Spirit of God already flourishes and reigns.... The Law is written and engraven on their hearts by the finger of God.... It is the best instrument for enabling them daily to learn with greater truth and certainty what that will of the Lord is which they aspire to follow....

Calvin then enjoins Christians as the people of God: •Set your hearts unto all the words which I testify among you this day, which you shall command your children to observe to do ó all the words of this Law. For it is not a vain thing for you; because it is your life. Deuteronomy 32:46f.... It contains a perfect pattern of righteousness.... It must be impious to discard it!•

### Calvin on the place of God's Law in the life of believers

Calvin next continues: •In regard to believers, the Law has the force of exhortation ó not to bind their consciences with a curse, but by urging them from time to time to shake off sluggishness.... Many, when they would express this exemption from the curse, say that in regard to believers...the Moral Law is abrogated. **Not** that the things which it enjoins are no longer rightly to be observed, but **only** that it **is** not to **believers** what it **formerly** was. In other words, that it does **not** ó by terrifying and confounding their consciences ó **condemn** and destroy.

•Paul shows in clear terms that there is **such** an abrogation of the Law.... That the same was preached by our Lord, appears from this ó He would not have refuted the opinion of His destroying the Law, if it [that incorrect opinion regarding Christ's teachings] had not been prevalent among the Jews.... **But** lest we should stumble against the same stone, let us distinguish accurately between what has been abrogated in the Law and what **still remains in force**.

•When the Lord declares He came not to destroy the Law but to fulfil (Matthew 5:17) ó that until Heaven and Earth pass away, not one jot or tittle shall remain unfulfilled ó **He shows that His advent was not to derogate in any degree from the observance of the Law**.... The doctrine of the Law has not been infringed by Christ, but remains ó so that by teaching, admonishing, rebuking and correcting it may fit and prepare us for every good work....

•What Paul says as to the abrogation of the Law evidently applies not to the Law itself, but merely to its power of constraining the conscience.... He therefore shows that we must be freed from the fetters of the Law, if we would not perish miserably under them. But what fetters? Those of rigid and austere exaction which remits **not one iota** of the demand, and leaves no transgression unpunished.•

Calvin goes on:<sup>19</sup> "To our weakness, indeed everything **even to the minutest tittle of the Law**, is arduous.... It is His to give what He orders, and to order what He wills. That Christians are under the Law of Grace means not that they are to wander unrestrained without the Law, but that they are engrafted into Christ by Whose Grace they are freed from the curse of the Law, and by Whose Spirit they have the Law written in their hearts....

"All sin is mortal because it is rebellion against the will of God and necessarily provokes His anger, and because it is a violation of the Law against every violation of which...the judgment of God has been pronounced. The faults of the saints are indeed venial; not however in their own nature but because, through the mercy of God, they obtain pardon."

### Calvin on Matthew 5:17-27 in the Sermon on the Mount

Jesus Himself declared to His audience: "Do not even begin to think I have come to start demolishing either the Pentateuch or the Prophets! I have not come to start demolishing, but to finish building.... Even at the melting away of the Heaven and the Earth when all things have finished occurring ó not one jot or one tittle will ever melt away from the Law.

"Therefore, whosoever lets go of even one of the least of these Commandments and shall teach people so ó he shall be called the least as regards the Kingdom of Heaven. But whosoever shall do [or observe the Law] and teach thus ó he shall be called great as regards the Kingdom of Heaven. For I tell you, unless your righteousness shall exceed that of the Scribes and the Pharisees ó you too shall no way enter into the Kingdom of Heaven.

"You have heard that it was said to the ancient ones: 'You shall not murder'... You have heard that it was said to the ancient ones: 'You shall not commit adultery'... Therefore, you must be perfect ó even as your Father Who is in Heaven is perfect." Matthew 5:21-27 & 5:48.

We have already seen that when Christ came to fulfil the Law (in Matthew 5:17), Calvin insisted that at Christ's incarnation His advent was not to derogate in any degree from the observance of the Law ó as regards even "one iota" or the "minutest tittle" etc. In his *Harmony of the Gospels*, on Matthew 5:17-19 and Luke 16:17, Calvin adds that Christ's doctrine is so far from being at variance with **the Law** that it agrees perfectly with **the Law and the Prophets**, and...brings the complete fulfilment of them....

"Devout worshippers of God would never have embraced the Gospel, if it had been a revolt from **the Law**.... If a new kind of doctrine had been introduced, which would have destroyed the authority of **the Law and the Prophets**, religion would have sustained a dreadful injury.... Christ declared that **He had not come to destroy the Law**.... He immediately adds...that it is impossible for **even one point of the Law to fail** ó and pronounces a curse on those teachers who do not faithfully labour to maintain its authority....

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<sup>19</sup> *Ib.* II:8:57f.

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øWhile He invites and exhorts the Jews to receive the Gospel, He still retains them in obedience to **the Law**.... God had indeed promised a **new covenant** at the coming of Christ; but had at the same time showed that it would **not be different from the first**....

øWe must not imagine that the coming of Christ has freed us from the authority of the Law. For it is the eternal rule of a devout and holy life; and must therefore be as unchangeable as the justice of God which it embraced, is constant.... Let us therefore learn to maintain inviolable this sacred tie between the Law and the Gospel, which many improperly attempt to break....

øSooner shall Heaven fall to pieces and the whole frame of the World become a mass of confusion, than the stability of the Law shall give way.... There is nothing in the Law that is unimportant; nothing that was put there at random. And so it is impossible that a single letter shall perish....

øChrist here speaks **expressly of the Commandments of life or the Ten Words** [alias the **Decalogue**] which all the children of God ought to take as the rule of their life. He therefore declares that they are false and deceitful teachers who do not restrain their disciples without obedience to the Law, and that they are unworthy to occupy a place in the Church who weaken in the slightest degree the authority of the Law....

øOn the other hand, they are honest and faithful Ministers of God who recommend both by word and example the keeping of the Law.... Christ banishes from His **Kingdom** all who accustom men to any contempt of **the Law**.... Good and holy teachers...not only by words but chiefly by the example of life...exhort men to keep the Law....

øHe takes a passing notice of ~~the~~ **Scribes** who were labouring to throw a stain on the doctrine of the Gospel, as if it were to ruin the Law.... It is a mistake, however, to suppose that Christ raises His disciples to a higher degree of perfection.... Nothing was further from the design of Christ than to alter or innovate anything in the Commandments of the Law. There, God has once fixed the rule of life which He will never retract. But as the Law had been corrupted by false expositions and turned to a profane meaning, Christ vindicates it against such corruptions and points out its true meaning from which the Jews had departed....

øThat Christ...intended to make no correction in the precepts of the Law, is very clear from other passages. For to those who desire to enter into life by their good works, He gives no other injunction than to **keep the Commandments** of the Law. Matthew 19:17. From no other source do the Apostles as well as Christ Himself draw the rules for a devout and holy life.... We must not imagine Christ to be a new Legislator Who adds anything to the eternal righteousness of His Father. We must listen to Him [Christ] as a faithful Expounder, [so] that we may know what is the nature of the Law; what is its object; and what is its extent....

øThe Pharisees had changed the doctrine of the Law.... Hence it came that he who had not slain a man with his hand, was pronounced to be free from the guilt of murder; and he who had not polluted his body by adultery, was supposed to be pure

and chaste before God. This was an intolerable **profanation of the Law**.... Moses everywhere demands the spiritual worship of God....

Our Lord [in Matthew 5:21 and 5:27] quotes from the very words of the Law.... **Love is the fulfilling of the Law**. Romans 13:10.... Your neighbour is injured, when[ever] you act toward him otherwise than as a friend.... **His [Christ's] reply is not opposed to the command of Moses (Exodus 20:13 & Leviticus 24:21 & Numbers 35:16) – but to the [mis]interpretation usually put upon it by ‘the Scribes’....**

Thou shalt not commit adultery! Christ proceeds...and shows that **the Law of God** not only has authority over the life, in a political view, to form the outward manners; but that **it requires pure and holy affection of the heart**. We must remember what I have already stated ó that though **Christ quotes the very words of the Law**, it is the gross and false meaning which had been put upon it by dishonest interpreters that He blames. He had already told us that He did not come as a new Legislator, but as **the faithful Expounder of a Law which had already been given**.  
Matthew 5:17-27.

### Calvin on the Moral Law's perfection and man's need to obey it

Because the Law of God is altogether perfect (Psalms 19:7f & 111:7), it is positively evil for especially the Church to attempt the enactment of her own additional -Ecclesiastical Constitutionsø wherever they might be at variance with the Decalogue. Indeed, the enacting of lawsö by the Church, observes Calvin,<sup>20</sup> öoften constitutesö but so ömany deadly snares to miserable souls.ö For such -Ecclesiastical Constitutionsø ö often öadulterate the worship of God, and rob God Himself (Who is the only Lawgiver) of His right.ö

Now wherever such öhuman laws...are imposed for the purpose of forming a religious obligation,ö explains Calvin, öwe say that the restraint thus laid on the conscience is unlawful.ö Compare again Calvin's advice to the Pastors of Mompelgard that any injunction by the authorities öto establish the practice of baptism by women...must be resisted even unto blood.ö<sup>21</sup>

Here, Romanism defends its doctrine of ultra-biblical -Ecclesiastical Constitutionsø by retorting that öif we must obey **princes** not only from fear of punishment but -for conscience sakeø [Romans 13:5] ó it seems to follow that the laws of princes have dominion over the conscience. If this is true, the **same** thing must be affirmed of **ecclesiastical laws**.ö

Replies Calvin:<sup>22</sup> öI answer that the first thing to be done here, is to distinguish between the genus and the species. For though individual laws do not reach the conscience, yet we are bound by the general command of God which enjoins us to submit to Magistrates.... This is the point on which Paul's discussion turns ó viz. that Magistrates are to be honoured, because they are ordained by God (Romans 13:1).

<sup>20</sup> *Ib.* IV:10:1 & 5.

<sup>21</sup> J. Calvin: *Corpus Reformatorum*, X:625.

<sup>22</sup> *Inst.* IV:10:8f.

Meanwhile, he does not at all teach that the laws enacted by them reach to the internal government of the soul....

øVery different, however, is the case of those which prescribe a new form of worshipping God ó and introduce necessity into things that are free. Such, however, are what in the present day are called æEcclesiastical Constitutionsø by the Papacy.

øThe whole question depends on this. God being the only Lawgiver, it is unlawful for men to assume that honour to themselves.ø Yet this is precisely what the Romanists do, with their æEcclesiastical Constitutions.ø

For øwhen vindicating the transgression of the Divine Law with trivial satisfactions ó they visit the minutest violation of one of their decrees with no lighter punishment than imprisonment, exile, fire, or sword.... They would sooner see the whole Law of God subverted ó than one iota of what they call æthe Precepts of the Churchø infringed.

øThere is a grievous delinquency in this.... One contemns, judges and casts off his neighbour for trivial matters.... But now, as if this were a small evil, those æfrivolous elements of this Worldøó as Paul terms them in his Epistle to the Galatians (4:9) ó are deemed of more value than the heavenly oracles of God! He who is all but acquitted for adultery ó is judged in meat! ... He to whom whoredom is permitted ó is forbidden to marry!ø

### Calvin on the qualities of God's Law (and the Magistrates' need to obey it)

Three things now need saying about Calvin and the Ten Commandments. Firstly, he emphasizes the **spirituality** of God's Law. That does not, however, mean the øde-material-izationø or øde-concrete-tizationø or øin-visibil-izationø of the Law. It means man's **internal motivation** to keep the Law of God ó **outwardly too**. As Calvin states: øIn the Law, human life is instructed not merely in outward decency ó but in inward spiritual righteousness.ø<sup>23</sup>

Secondly, Calvin understands that the Decalogue needs to be interpreted by **positivization** and **synecdoche**. For øthere is always more in the requirements and prohibitions of the Law than is expressed in words.ø<sup>24</sup>

Thirdly, the interpretation of the Moral Law also needs **contrarization**. For øif this pleases God, its opposite displeases; if **that** displeases, its opposition pleases.ø<sup>24</sup>

Now ølet us observe,ø explains Calvin,<sup>25</sup> øthat in man ó government is twofold. The one, spiritual ó by which the conscience is trained to piety and divine worship; the other, civil ó by which the individual is instructed in those duties which, as men and citizens, we are bound to perform.ø

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<sup>23</sup> *Ib.* II:8:6f.

<sup>24</sup> *Ib.* II:8:8a.

<sup>25</sup> *Ib.* III:19:15f.

The latter, ðtemporal jurisdiction,ö obviously ðrelates to matters of the present life.ö Such relate ðnot only to food and clothing ó but to the enacting of laws which require a man to live among his fellows purely, honourably and modestly....

ðWe will not erroneously transfer the doctrine of the Gospel concerning spiritual liberty, to civil order ó as if in regard to external government Christians were less subject to human laws because their consciences are unbound before God.... Paul commands us to obey the magistrate ðnot only for wrath but also for conscience sake.ø Romans 13:1-5.... ðWhence it follows that civil laws also bind the conscience.... We ought to abstain from everything that produces offence ó but with a free conscience.... The Law, while binding the external act, leaves the conscience unbound.ö

Furthermore, ðthe office of the Magistratesö ó observes Calvin<sup>26</sup> ó ðextends to both Tables of the Law.... No one has discussed the office of Magistrates, the making of laws, and public welfare ó without beginning at religion and divine worship.... Those laws are preposterous which neglect Godø's right and provide only for men....

ðThe Moral Law,ö says Calvin,<sup>27</sup> is ðcontained under two heads.... The one...simply enjoins us to worship God with pure faith and piety.... The other [enjoins us] to embrace men with sincere affection.... The Moral Law...is the true and eternal rule of righteousness prescribed to the men of all nations and of all times who would frame their life agreeably to Godø's will.ö

Godø's Commandments were already ðexceedingly broadö ó also in their **Old Testament** applicability to human life. Psalm 119:96. But when Christ Himself came to Earth at His incarnation ó He would, in His Own practice, ðmagnify the Law.ö Isaiah 42:21 *cf.* Matthew 5:17-39*f.* Indeed, He would also **export** that Law to the very ends of the World. For all of the nations were and are **waiting** ó precisely for this. Isaiah 42:4 *cf.* Revelation 15:4.

Toward the end of his *Institutes*, Calvin rejects attempts to frame a commonwealthø's laws **solely** according to the Mosaic system pure and simple ó in those cases where the laws of a commonwealth have indeed **been** framed according to ðthe common law of nations.ö Yet there, he is only repudiating a legalistic fanaticism unnecessarily trying to revise the laws of a commonwealth **already** ðruled by the common law of nations.ö Indeed, that which the 1536 Calvin here terms the ðlaw of nationsö ó then included much that had been funnelled *via* Justinian from the Bible.

There, Calvin is not in any way discouraging the application of Mosaic Law to the customs of such **other** commonwealths as are **not** ðruled by the common law of nationsö ó which common law prohibits and punishes murder and rape *etc.* To the contrary, Calvin even here implicitly suggests that such commonwealths not ruled by the common law of nations ó should indeed conform either to the common law of nations or to the Mosaic Law.

For, in this part of his *Institutes*, Calvin is **approving**<sup>28</sup> precisely those situations where commonwealth laws indeed **have** been framed according to ðthe **common law**

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<sup>26</sup> *Inst.* IV:20:9.

<sup>27</sup> *Ib.* IV:20:15.

<sup>28</sup> *Ib.* IV:20:14 (ðThere are some who deny that any commonwealth is rightly framed which neglects the law of Moses, and is ruled by the common law of nations.ö) Note that Calvin is here defending the

of nations.ö Indeed, that -Common Lawø ó alias the -Law of Nationsø itself ó roots in the Law of Nature, alias Godø Moral Law.

Calvin is thus **not** there rejecting the careful application of Mosesø teaching, suitably updated. He is there certainly not rejecting its applicability to pagan societies, as a means of restructuring them. Indeed, he is there not even rejecting its application also to Christian societies ó as a means of improving them too, and yet more.

It is indeed true that Calvin in the very next paragraph states<sup>29</sup> that ðeach nation has been left at liberty to enact the laws which it judges to be beneficialö to it. But then, Calvin **immediately** adds: ðStill, these are **always** to be tested by the **rule of charity** ó so that while they vary in form, they must proceed on the same principle.ö

Note again especially Calvinø latter words that ðthe lawsö of ðeach nationö must ðalways be tested by the rule of charityö and that ðthey must proceed on the same principle.ö In this ðrule of charityö Jesus Himself requires we love God with all our heart and our neighbour as ourselvesö ó precisely in terms of ðall the Law and the Prophets.ö Matthew 22:36-40.

So Calvin concludes that ðeach nationö in its laws ðmust proceedö precisely ðon the same principleö of ðthe rule of charity.ö What, then, is that principle?

### Calvin on the principle of Equity in Law

Now Calvin clearly states that precisely the ðjudicial laws...delivered certain forms of **equity** and justice.ö Furthermore, he adds that it was and is the ðLaw of God which we call Moralö ó the Decalogue itself ó which constitutes ðthis **equity**ö in the judicials.

ðThe judicial lawö of the Israelites, Calvin explains,<sup>29</sup> was ðgiven them as a kind of polityö or constitution containing ðcertain forms of **equity**.ö The judicial form, ðthough it looked only to the best method of preserving that charity which is enjoined by the eternal Law of God, was still something distinct from the precept of [equity or] love itself.ö

Consequently, Calvin insists,<sup>29</sup> even ðwhen these judicial arrangements are removed ó the duties and **precepts** of charity...still **remain perpetual**.ö The ð**precepts**ö and the general ð**equity**ö also within the judicial laws of Israel are therefore **perpetual**. Thus Calvin on ðequity.ö<sup>29</sup>

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laws of ðany commonwealthö which is (indeed) ðruled by the common law of nationsö ó even if it is not ruled by the specifics of the Mosaic judicials. Calvin is here defending such commonwealths whose laws are ðruled by the common law of nationsö ó against fanatics who reject those laws simply because such a commonwealth thus far ðneglects the law of Mosesö as to all the specifics in those judicials. Calvin is not here speaking about those other commonwealths which are not ðruled by the common law of nations.ö In context, it seems clear he here wishes that such other commonwealths not so ruled ó rather were ruled either by the common law of nations or alternatively by the Mosaic Law.

<sup>29</sup> *Ib.* IV:20:15.

This general **equity** is **still** required; yes, still **required!** Thus Calvin. Thus also the Calvin-istic *Westminster Confession*.<sup>30</sup>

Careful note, explains Calvin,<sup>31</sup> should therefore be taken of two things connected with all laws ó viz. the **en-act-ment** of the law, and the **equity** on which the enactment is founded and rests.... The Law of God which we call ÆMoralø is nothing else than the testimony of Natural Law and of that conscience which God has engraven on the minds of men. The whole of this **equity** of which we now speak, is prescribed in it. Hence, it [this **equity**] alone ó ought to be the aim, the rule, and the end of all laws.ö

Here are some examples. Calvin's comment on Deuteronomy 13:5f is most instructive as regards the civil use of the Law of God. Says he:<sup>32</sup> öIn a well-constituted polity [or political commonwealth], profane men ó by whom religion is subverted ó are by no means to be tolerated. God commands to be put to death the false prophets who pluck up the foundations of religion and are the authors and leaders of rebellion....

öGod might, indeed, do without the assistance of the sword in defending religion. But such is not His will. And what wonder, if God should command Magistrates to be the avengers of His glory ó when He neither wills nor suffers that thefts, fornications and drunkenness should be exempt from punishment.... Capital punishment shall be decreed against adulterers.... It is superfluous to contend by argument, when God has once pronounced what is His will. For we must needs abide by His inviolable decree....

öIt is questioned [by some, as to] whether the Law pertains to the Kingdom of Christ.... But when human Judges consecrate their work to the promotion of Christ's Kingdom ó I deny that on this account its nature is changed.... He did not impose on Himself...that He should never bring Kings under His subjection.... Magistrates *at first* exercised tyranny *against* the Church ó **because the time had not yet come** when they should **kiss the Son** of God.ö Psalm 2:2,10,12.

At first ó at the **beginning** of the Christian era when Jesus was born ó the time had not yet come when Judges and Kings would begin to Ækiss the Son.ø However, that time **did** come ó at least in principle ó when Christ after His ascension into Heaven sat down as the Son of man on the throne of the Universe. Daniel 7:13-14.

That heavenly rule of Christ over the nations was even more powerfully manifested ó when the Briton Constantine became the first Christian Emperor of the Roman Empire, and christianized it at least nominally in A.D. 313 to 321f. And that rule of Christ **will** be displayed even much more undeniably ó also **in practice** ó when, as a result of the powerful outworkings of the preached and practised Gospel, **all nations will (yet) submit** to King Jesus and His Great Commission. Daniel 7:23-27 and Revelation 15:4.

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<sup>30</sup> *West. Conf.* 19:4g.

<sup>31</sup> *Inst.* IV:20:16.

<sup>32</sup> *Harm. Pent.* II pp. 75f.



For even at the **beginning** of the Christian era, explains Calvin,<sup>32</sup> the [then pagan] Magistrates were required to start laying aside their violence and to become the nursing fathers of the Church which they had assailed, according to Isaiah's prophecy which undoubtedly refers to the coming of Christ. Isaiah 49:6,23. Nor was it without cause that Paul, when he enjoins prayers to be made for kings and other worldly rulers, added the reason namely that **under them** we may lead a quiet and peaceable life in all **godliness and honesty.** First Timothy 2:2.

So judgment must be passed according to the Law of God... [Yet] this severity must not be extended to particular **errors** but [only] where impiety breaks forth even into **rebellion**.... Zeal will err, in **hastily** drawing the sword unless a **lawful examination** shall previously have been instituted.

### Calvin on equity in money-lending, conscription, retribution and incest

Calvin also discusses the principle of **money-lending** as set out in Exodus 22:25. There, he comments:<sup>33</sup> "The judicial law, however, which God prescribed to His ancient people is only so far abrogated as that which charity dictates should remain." Dear reader, right now re-read the last sentence above at least three times!

John Calvin also discusses the status of **conscriptees during warfare.** Deuteronomy 20:5. Here, he comments:<sup>34</sup> "We have said that the lazy and timid were sent home, so that the Israelites might learn that none were to be pressed beyond their ability.... This also depends upon that rule of equity which dictates that we should abstain from all unjust oppression."

Here, the French reads that "this is a part of that common **equity** to which the Eighth Commandment has reference."<sup>35</sup> Compare too the "general equity" **required** by the *Westminster Confession*.<sup>36</sup>

Today, humanistic lawyers and wayward theologians often suggest that criminals should be hospitalized rather than punished. Interestingly, even in Calvin's day, there were similar libertines. They, he declares,<sup>37</sup> "will have it that crimes ought not to be punished in their authors because they are not committed without the dispensation of God."

However, Calvin here replies: "I concede more that thieves and murderers and other evil-doers are instruments of Divine Providence, being employed by the Lord Himself to execute the judgments which He has resolved to inflict. But I deny that this forms any excuse for their misdeeds...."

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<sup>33</sup> *Ib.*, III, p. 128.

<sup>34</sup> *Ib.*, III, p. 176f.

<sup>35</sup> "Et cela est de l'equite' commune, `a laquelle se rapporte le Huitieme Commandement."

<sup>36</sup> *West. Conf.* 19:4g.

<sup>37</sup> *Inst.* I:17:5.

“They cannot exculpate themselves. For their own conscience condemns them.... The matter and guilt of wickedness belongs to the wicked man. Why should it be thought that God contracts any impurity in using it at pleasure, as His instrument?”

In dealing with the Seventh Commandment of the Decalogue, Calvin also discusses the Old Testament judicial laws against incest. These, he rightly regards as practically indispensable for both Church and Society also today. First Corinthians 5:1-13 certainly presupposes also the Levitical laws. For nowhere in the Bible is incest clearly defined except in Leviticus chapters 18 and 20.

As Calvin remarks:<sup>38</sup> “The [Ancient] Roman laws accord with the rule prescribed by God as if their authors had learnt from Moses what was decorous and agreeable to nature. Under divine inspiration, Moses in turn had derived these same principles from the Spirit-given laws of nature and nature’s God.

Calvin further explains: “Whatever is prescribed here [in Leviticus 18:6], is deduced from the Source of rectitude Himself and from the natural feelings implanted by Him in us.... It flows from the Fountain of nature’s Himself and is founded on the general principle of all laws, which is perpetual and inviolable....

“I do not see that under the pretext of its being a political law or French: under the pretext that the Law of Moses has ceased<sup>39</sup> or the purity of [the law of] nature can be abolished. From whence arises the distinction between the statutes of God and the abuses of the Gentiles.

“Hence, just and reasonable men will acknowledge that even amongst heathen nations, this Law was accounted indissoluble or as if implanted and engraved on the hearts of men [Romans 2:14-16]. On this ground Paul, more severely to reprove the incest of a step-son with his father’s wife, says that such an occurrence is not so much as named [even] among the Gentiles. First Corinthians 5:1.

“If it be objected that such marriages are **not prohibited** to us in the **New Testament** or I reply that the marriage of a father with his daughter is not forbidden [there].... But shall it **therefore** be lawful for those who are near of kin, to form promiscuous connexions?”

No! It was **already** prohibited in the **Old Testament**. There is **no** New Testament rescission thereof. So this law against incest **continues** to operate or throughout Post-Calvary history too.

This is why Calvin also wrote<sup>40</sup> “that an offspring is partly procreated by the seed of the **mother**. According to the common custom of nations, mothers are deemed progenitors.... With this, the Divine Law agrees or which could have had no ground to forbid the marriage of the uncle with the niece, if there was no consanguinity between them. See Leviticus 18:12f & 20:21f etc.

<sup>38</sup> Comm. on Lev. 18:6 (in *Harm. Pent.* III pp. 99).

<sup>39</sup> “Sous couverture que la Loy de Moysse a cesse”.

<sup>40</sup> *Inst.* II:13:3.

Thus the Moral Law, the Law of Nations, and the Law of Nature ó properly interpreted ó all re-inforce one another. Indeed, they do so precisely in a triune manner.

### Calvin on general equity in usury and in civil punishments

Moreover, while dealing with the Eighth Commandment of the Decalogue, the Genius of Geneva makes a most important comment on the judicial laws concerning desirable rates of interest. In that regard,<sup>41</sup> Calvin declares that as to whether it õe lawful to receive usury upon loans ó the **Law of Equity** will better prescribe.õ

Consequently, the Calvin-istic *Westminster Assembly* in the next century ó concerned *inter alia* precisely with equity ó condemned<sup>42</sup> in-iquit-ous [alias in-**equit-**able] õextortionõ and õusuryõ (alias exorbitant rates of interest). Indeed, it rejected them as **Decalogical** transgressions of the Eighth Commandment of God's Moral Law of Nature. Compare too: Matthew 23:35 with Ezekiel 22:12 & Psalm 15:5.

õThe Law of God,õ explains Calvin,<sup>43</sup> õforbids to steal. The punishment appointed for theft in the civil polity of the Jews may be seen in Exodus chapter 22. Very ancient laws of other nations punished theft by exacting the double of what was stolen.... Subsequent laws made a distinction between theft manifest ó and not manifest. Other laws went the length of punishing with exile, or with branding; while others made the punishment capital.

õAmong the Jews,õ continues Calvin, õthe punishment of the false witness was to do unto him as he had thought to have done with his brother.õDeuteronomy 19:19. In some countries, the punishment is infamy; in others, hanging; in others, crucifixion.

õAll laws alike avenge murder with blood; but the kinds of death are different. In some countries, adultery was punished more severely; in others, more leniently. Yet we see that amidst this diversity, they all tend to the same end. For they all with one mouth declare against those crimes which are condemned by the eternal Law of God.õ

### Calvin on the differences in punishments from one land to another

There are **differences** in the kinds and intensities of punishments inflicted ó differences between one country and another. There are also, says Calvin, differences with õregard to time and place and the condition of the peopleõ concerned. Yet all societies on Earth punish their members for transgressing the Moral Law of Nature (as each country understands it).

Very significantly, Calvin **never defends the imposition of punishments less lenient than those prescribed to the Ancient Israelites**. Yet, in certain countries and ages, he **does defend the imposition of even more severe punishments**.

<sup>41</sup> Comm. on Ex. 22:25 (in *Harm. Pent.* III p. 132).

<sup>42</sup> *West. Larg. Cat.* 142kl, compare *West. Conf.* 19:4g.

<sup>43</sup> *Inst.* IV:20:16.

As he explains: "There may be a country which, if murder were not visited with fearful punishments, would instantly become a prey to robbery and slaughter. There may be an age requiring that the severity of punishments should be **increased**. If the State is in troubled condition, those things from which disturbances usually arise must be corrected by new edicts.

"In time of **war**, civilization would disappear amid the noise of arms if we were not men overawed by an unwonted **severity** of punishment. In sterility [alias unfruitful times], in pestilence, were not **stricter** discipline employed if all things would grow worse. One nation might be more prone to a particular vice, were it not **most severely** repressed.

"How malignant it were, and invidious of the public good, to be offended at this diversity if which is admirably adapted to retain the observance of the Divine Law. The allegation that insult is offered to the Law of God enacted by Moses if where it is abrogated and where other new laws are "preferred" to it if is most absurd. Others are not "preferred" [absolutely] if when they are more approved (not absolutely), but from regard to time and place and the condition of the people if or when those things are abrogated which were never enacted for us.

"The Lord did not deliver it by the hand of Moses to be promulgated in all countries and to be enforced everywhere. But, having taken the Jewish nation under His special care, patronage and guardianship if He was pleased to be specially its Legislator. And, as became a wise Legislator if He had special regard to it, in enacting Laws."

In other words, those modern(ist) "Calvinists" (*sic*) who cite the above passages to try and **lessen** the penalties for Biblical crimes if are **twisting** Calvin. For those passages do not prescribe **less** than the death penalty for modern instances of capital crimes like kidnapping and murder and rape *etc.*

To the contrary. Those passages in Calvin clearly urge that in perilous places and times, "the severity of punishments should be **increased**." There should then be "severity of punishments" if and "stricter discipline" should then be "employed." For, Calvin insists, "a particular vice" should then be "most severely repressed" *etc.*

Thus, at certain times and among certain **pagan** or paganized or paganizing peoples if penalties more severe than the Mosaic Law may well be appropriate. As long as those pagan conditions last, not just multiple restitution but even death itself if might well be **the most appropriate punishment** even for crimes like non-fatal robbery and grand theft and attempted treason *etc.*

### **Calvin on crime and punishment: with Moses and with us**

The punishment should always fit the crime. Even the very method of executing the fitting penalty if should be rational. However, this is not always the case in many Islamic lands. Saudi Arabia, for instance, orders thieves' hands cut off; drunkards flogged; and rapists publically beheaded.

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CALVIN, BULLINGER, BEZA & DE BRES

Indeed, Kuwait and the United Arab Emirates have joined Saudi Arabia in spearheading Islamic banking. This eliminates interest on loans to strangers as levied by the Ancient Israelites according to the Old Testament, and as accordingly also charged in modern communities of both Christians and Jews. See too Matthew 25:16-27 & 21:33-43 and Luke 19:12-23f.

Egypt, predominantly Moslem, saw ten Ex-Moslems arrested in the year 1986 for despising Islam by converting to Christianity. The Pakistan National Assembly in Islamabad<sup>44</sup> the same year accepted a law prescribing the death penalty for the wrongful use of the name of **Mohammad**. Since then, the dire capital punishments wished by the Ayatollah Khomeini (and others) upon the Moslem Salman Rushdie for circulating his *Satanic Verses* anent Mohammad have rightly shocked the West.

One commends these Islamic societies for defying the pressures of international humanism and its insipid values. Yet most of the **harsh** penalties mentioned in the previous paragraphs, and especially the methods whereby they are carried out, are nevertheless excessive. Fortunately, there are still some modern lands especially those much influenced by the Bible whose various national codes prescribe the same **balanced** penalties for breaking God's Moral Law, as are found in the Mosaic legislation.

There would indeed be great merit today in constitutionally enacting legislative penalties more agreeable with those expressed in the judicial laws of Ancient Israel.<sup>45</sup> Here, **Exhibit A** should be the mandatory death penalty for all professional homuncicides or alias deliberate abortionists or murderers of unborn babies. How much better that would be according to the rules of the common law (thus the U.S.'s *Seventh Amendment*)<sup>46</sup> than the unjust mortal tortures or rather the cruel and unusual punishments (thus the U.S.'s *Eighth Amendment*)<sup>47</sup> currently being meted out by those mass-murderers upon the millions of unborn babies today criminally being aborted throughout the World.

So, as Calvin explains, the enforcement of the Mosaic Law and its penalties (or sometimes even harsher ones) was by far the best method of preserving that charity which is enjoined by the eternal Law of God.<sup>48</sup> Indeed, the latter will inevitably yet become generally acclaimed both nationally and internationally precisely in order to curb today's increasing breakdown of law and order.

### Calvin on the capital crime of adultery (as distinct from fornication)

Let us again hear Calvin at this point. He explains:<sup>49</sup> "It appears how greatly God abominates **adultery**, since He pronounces **capital punishment** against it. Before his marriage, if a man had broken faith with his [future] wife by having connexion with a harlot it was **not** a **capital** offence [for the man]. But if any man, though a

<sup>44</sup> Thus *Reformed Ecumenical Synod Newsletter* for August 5, 1986.

<sup>45</sup> *Inst.* IV:20:16.

<sup>46</sup> Cf. 1791 U.S. *Constitution: Bill of Rights*, Art. VII.

<sup>47</sup> *Ib.*, Art. VIII.

<sup>48</sup> *Inst.* IV:20:15.

<sup>49</sup> *Comm. on Deut. 22:22*; in *Harm Pent.*, III, p. 77f.

bachelor, had committed **adultery** with the **wife** of **another** ó he was to **die**.ö So too was she, for voluntary adultery ó as quite distinct from forced rape; and as also quite distinct from voluntary pre-marital fornication.

Says Calvin: öBy the **universal law** of the Gentiles, the punishment of **death** was **always** awarded to **adultery**.... It is all the baser and more shameful in Christians [in that respect] not to imitate at least the Heathen. Adultery is punished no less severely by the [pagan] Julian Law, than by that of God.ö Yet some of öthose who boast themselves of the Christian name are so tender and remiss ó that they visit this execrable offence with a very light reproof.ö

Both then and today, there are those who call themselves Christians whose view of sexual morality is grossly inferior to that of many Pagans. Indeed, the morals of many Antinomians are worse than those of many Atheists.

Those Christians who are reticent about advocating the proper punishment for adultery ó explains Calvin ó would, of course, not öabrogate God's Law without a **pretext**.ö So they öallege the example of Christ, Who **dismissed** the woman taken in adulteryö ó rather than demand her execution.

However, as Calvin further states: öShe **ought** to have been stonedö or collectively executed by society ó yet not without first being **found** guilty, by **due process of law**. However, the latter was not **Christ's** task then. For at that time, He did not then occupy the office of a **Judge**.

Explains Calvin: öIf we consider what the office was which the Father delegated to His only-begotten Son, we shall not be surprised that He was content with the limits of His vocation ó and did not discharge the duties of a Judge [during that time of His first advent]. But those who have been invested with the sword for the correction of crime, have [in that regard] absurdly imitated His example.... Thus, their relaxation of the penalty has flowed from gross ignorance.ö

It seems the Pharisees had maliciously omitted to bring the woman taken in adultery ó before the Judges. Instead, they had wrongfully dragged her ó before the then-Non-Judge Jesus Christ (during the time of His earthly sojourn).

As Calvin explains,<sup>50</sup> they did this ó simply öto lay a trap for Christ.... Their intention was to force Christ to give up His office of preaching grace ó so that He might seem fickle and unsteady....

öThey say plainly [and rightly] that adulteresses are condemned by Moses.... But Jesus cast down His eyes.ö Then He said: Ñhe that is without sin among you, let him first cast a stone at her!ø

Observes Calvin: öHe said this, according to the custom of the Law. For God commanded that [first] **the witnesses** should put malefactors and evildoers to death ó **with their own hands**.ö Deuteronomy 17:7.

Very significantly, neither Jesus nor Calvin ever said: ÑLet nobody ever cast stones at a condemned adulteress!ø To the contrary, both Jesus and Calvin implied that even

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<sup>50</sup> *Comm. on Jh. 8:3f.*

the very first stone **should** indeed be cast at a condemned adulteress (or adulterer) ó **provided** such person had been found guilty of adultery, by **due process of law**; and provided further that the one who then cast the first stone, was himself devoid of the similar sin of provable adultery.

õIn respect of that **particular** sin and the **degree** of guilt involved,õ continues Calvin, õhere Christ is demanding perfect **innocence** from the **witnesses [or executioners]** [as regards **that** kind of crime] ó so that **no man may** take it upon him[self] to **avenge [such] a crime** in another, **unless he himself** be pure and **free from all guilt** [in **such** kind of crime]... Whoever accuses another, should impose on himself a law of innocence [as regards the kind of crime specified in that accusation]. Otherwise, we are **not** attacking wicked **deeds** ó but are **against** menø **persons**....

õThis is not an absolute and simple prohibition, in which Christ forbids sinners to do their duty in correcting the sins of others.... He only reproves **hypocrites** ó who gently flatter themselves and their own vices, but are excessively severe and even savage judges of others [precisely in respect of the very same kind of vice].

õNone, then, must let his own sins stop him correcting the sins of [himself and of] others ó and even punishing them when necessary ó so long as he hates, both in himself and in others, what is to be condemned. More! Every man should begin by interrogating his own conscience, and be both witness and judge against himself ó before he comes to others. In this way, we shall wage war on sins ó without hating men....

õIt is **not** related that Christ simply **absolved** the woman ó but [it is related] that He let her go.... This is not surprising. For He did not wish to undertake anything that did not belong to His office....

õThose who deduce from this that adultery should not be punished by death must, on the same reasoning, admit that inheritances should not be divided ó since Christ refused to arbitrate between two brothers [Luke 12:13-14]. Indeed, every crime would be exempt from the penalties of the law ó if the punishment of adultery is remitted! For the door will then be thrown open to any kind of treachery ó and to poisoning, murder and robbery.

õMoreover, when an adulteress brings an illegitimate child into a family ó she not only steals the family name, but robs the legitimate issue of the right of inheritance and transfers it to strangers.... Yet **the popish theology is that in this passage [John chapter eight] Christ has brought in the ‘law of grace’ – by which adulterers may be freed from punishment....**

õWhat is this ó but that they may pollute with unbridled lust nearly every marriage bed with impunity? This is the result of that diabolical celibacy, so that those who are not allowed to have a lawful wife may fornicate indiscriminately. But let us hold that, although Christ remits menø sins ó He does not subvert the social order or abolish legal sentences and punishments!õ

## Calvin on capital punishment also for other capital crimes

In 1559, the mature Calvin ó with Chandieu ó wrote the *French Confession* alias the *Confessio Gallicana*. There, he declares that òGod put the sword in the hand of the State to resist not only sins against the Second but also against the First Table of the Law.ö<sup>51</sup>

Thus ó inside the city of Geneva itself ó Calvin certainly encouraged the punishment of witchcraft, murder, adultery and incest. Regarding witchcraft, it should always be remembered that witches and wizards were very often also adulteresses or adulterers and/or even poisoners. Frequently, they were in addition also ritual murderers.

On Exodus 22:18 Calvin comments<sup>52</sup> that God òdenounces capital punishment upon witches.ö Moreover, the passage Deuteronomy 18:10-12 condemns the sins of divination, astrology, casting spells, witchcrafts, working with charms, conducting seances, wizardry and necromancy. Precisely in terms of this, declares Calvin,<sup>53</sup> òPaul admonishes believers to seek diligently to avoid the sins which provoke God's wrath against the disobedient. Ephesians 5:6.ö

In his April 1545 *Letter to Farel*, **John Calvin** explains<sup>54</sup> why he himself **had favoured the execution – even after their repentance – of two Genevan witches** who previously poisoned people with their potions. òRene's...wife admitted that she poisoned eighteen people; and he himself, about four or five. At his capital punishment, the power of the Lord was wonderfully revealedö ó in their conversions!

They were of course not exonerated just because they finally got converted. To the contrary, in spite of those recent conversions, the death sentences against their previous capital crimes were still carried out. However, Calvin happily told Farel, òboth of them died joyfully ó in very great assurance of faith, and with clear evidence of repentance.ö

Calvin's *Sermons on Deuteronomy*<sup>55</sup> re-inforce this. There, on Deuteronomy 13:5's death penalty for false-prophets, he states: òLet us not think that this law is a special law for the Jews. But let us understand that God intended to deliver us a general rule, to which we must tie ourselves!ö

In his sermon on Deuteronomy 17:2-6, Calvin favours the death penalty for apostasy. In his sermon on Deuteronomy 17:12, he prescribes the same for those who refuse the decision of a judicial tribunal. Indeed, in his sermon on Deuteronomy 19:16-21, he requires the same penalty for æcapital perjuryø ó for such perjury as wilfully attempts to invoke the death penalty against an innocent accused.

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<sup>51</sup> Ch. 39.

<sup>52</sup> *Harm. Pent.*, II, p. 90.

<sup>53</sup> *Ib.*, I, p. 431.

<sup>54</sup> Cited in Schipper's *John Calvin*, Kok, Kampen, 1959, p. 92.

<sup>55</sup> *Op. cit.* (esp. the 89th, 103rd, 104th, 115th & 123rd Sermons).



Yet even rogues were entitled to a fair trial. So Calvin offered to lend even his arch-enemy ó the accused seditious heretic Michael Servetus ó valuable books for the preparation of his own legal defence.<sup>56</sup>

Deuteronomy 21:18-21 deals with the capital punishment prescribed for incorrigibly rebellious and violent teenagers. In his sermon on that passage, Calvin insists:<sup>57</sup> "Such a one is a monster.... Whatever is against nature, we ought to loathe and abhor.... Judges be here called by God ó yea, and expressly commanded by Him ó to punish the disobedience that is committed against earthly fathers and mothers."

Calvin further elaborates on this, in his sermon on the New Testament passage Ephesians 6:1-4. There, he states: "In honouring our fathers and mothers we yield God the service that He requires of us, and which we owe to Him.... If we despise our fathers and mothers...we break the Commandment of His Law.... There is such rigorous punishment in the Law against them that are rebels against their fathers and mothers. Whoever despised his father or mother, or uttered any curse against them, or did them any harm ó was to be stoned. Leviticus 20:9....

"God will have them despatched out of the World. For they are monsters, and an infection to pollute the whole Earth.... If the father and mother have once given their witness, "Behold this our child is incorrigible" ó immediately upon this, let him be stoned...and let the World be rid of such an infection! Deuteronomy 21:18-21."

### Calvin on the importance of not being cruel to animals

Striking too is the teaching in Calvin's sermon on Deuteronomy 22:6-7. That passage provides: "If a bird's nest chances to be before you on the road, in any tree or on the ground ó whether there be young ones or eggs, and the dam [or mother bird] sitting upon the young or upon the eggs ó **you shall not take the dam**, together with the young. But, while you take the young, you shall certainly **let the dam go** ó so that it may go well with **you**, and so that you may **prolong** your own days!"

Explains Calvin: "If a man find a bird's nest, he may take the young ones. But he must let the dam go, when she broods her eggs or her young ones. Why does God not rather say that if a man see a mother [bird] nursing her offspring, he shall not trouble her but rather succour her and help her ó and certainly beware that he not touch her? For that [troubling of her] would hurt the infant, which is a thoughtless innocent soul. Why does God not speak in that manner? What was the need to go on to say that a man should let a **bird** alone, when she broods her young?"

"By this, He meant to express the better how greatly He abhors all cruelty. For if He cannot bear with it when it extends but to the little birds ó shall a man escape unpunished, when he falls to hurting the image of God Himself; that is to say, when he offers wrong to another human being?"

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<sup>56</sup> Cf. Dixon and Jamieson: *op. cit.*, p. 13.

<sup>57</sup> R.D. Winter: *Twenty-Five Unbelievable Years*, Wm. Carey Library, South Pasadena, 1970, Appendix C.

“As I said before: God does not stand up...[only for] the birds, to put any great perfection in **them**. But He meant to teach us ó by an argument from the lesser to the greater ó after what manner we ought to behave ourselves towards our **neighbours**.... If a man disquiet a nurse or a mother in doing her duty towards her child ó surely, it is double cruelty!”

### Calvin on the death penalty for rape (but not for seduction)

As regards rape, Calvin rightly sees it as a capital crime ó just as serious as premeditated murder. Genesis 24:57-58 & 34:2-27 *cf.* Deuteronomy 22:25-27.

Thus, always the aggressive raper ó but certainly never the involuntary rapee ó **merits** the mandatory death penalty. Monstrous is the modern view that a raped (alias an unwillingly sex-forced) **un**-married woman, should feel obligated to marry her raper (if he is unmarried) ó just because she herself was not then married!

Even if the unmarried raper **repents** and wants to marry the unmarried girl he raped, and even if she then became willing to marry him ó such a marriage should never take place. Not even if she, previously engaged to another, had had her engagement broken as the result of the rape. Nor should she ever marry the raper, even if she became willing to marry him (especially if thus rendered pregnant by him). For, unlike voluntary pre-marital sexual intercourse by mutual consent even as a result of seduction (Exodus 22:16f), the aggressive rape of an engaged woman **requires** the mandatory death penalty.

“If a man find a betrothed damsel in the field, and the man **force** her and lie with her, then **only the man** who lay with her ó **shall die**.” Deuteronomy 22:25. For if a man sexually **force** himself on a woman, he **shall die**!”

Indeed, it seems that the same should be the case, even if the woman was never betrothed or engaged to another. In his sermon on Deuteronomy 22:25-27, Calvin therefore insists: “He who **ravishes** a maiden, is here likened to a thief.... The act, of itself, is beyond measure outrageous and intolerable.... God, to show the grievousness of the fault, says it is a kind of open thievery **and murder** ó if a man meet with a maid and deflower her **specifically by force**. This is an **unpardonable offence**.”

On the other hand, continues Calvin, “if a man find a **maiden without forcing** [her], and she **yield herself** ó he shall be quit by giving money for the marriage of the maid, **and** by taking her to wife.” Deuteronomy 22:28-29. In that case, by her previously yielding (unless she was under age) ó they had obviously both already given **implicit consent** to such a subsequent marriage. Compare: Genesis 24:57-58; First Corinthians 6:16-18; 7:2-5; First Thessalonians 4:3-8.

Both should themselves feel that they are ó **by the Law of Nature** alias the Law of natureø **God** ó obligated to marry one another. Indeed, the man should ó usually ó **be compelled** to marry the maid he deflowered. Yet, he **may only be allowed** to marry her **at all** ó if her **father is willing** for that non-raping seducer to marry his young daughter. Exodus 22:16-17.

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As Calvin explains:<sup>58</sup> "He who has corrupted a girl, should be **compelled to marry** her and **also** to give her a **dowry** from his own property.... But, **if the marriage should not please her father** the penalty imposed on her seducer, is that he should assign her a wedding **portion**."

### Calvin on the enactment of God's Law by Citizens' Compacts

It should be noted that Calvin was able to influence the "City Fathers" of Geneva to get her residents to **subscribe to God's Decalogue** as a condition of their citizenship there. The "City Fathers" became agreeable to this only precisely when the majority of the residents themselves had similarly become willing. Cf. Exodus 18:15-26; 19:3-8; 20:1-23; 21:1f; Deuteronomy 4:10-14; 5:1-27; 11:1-32; 27:1-26; 28:1-19f; 29:1-27; 30:2-20; 31:9-13; Joshua 8:30-35; 24:1-26; Second Kings 23:1-3; Nehemiah 8:1-3; Psalm 78:1-7; Malachi 4:1-6; Matthew 28:19:3-28; 28:18-20; Luke 3:10-17; Ephesians 6:1-11f; Revelation 11:15-18; 12:17; 14:12f; 15:3f; 19:1-5; 21:7f; 22:11-16.

Professor Harold Berman of Atlanta's Emory University Law School has addressed this matter. He points out, in his famous book *Law and Revolution*, that Calvin and his associates were able only in the latter phase of his own residence in Geneva only to require her citizens resolutely to promise that they would live by God's Decalogue, also in their public lives.

"Calvin," explains Berman,<sup>59</sup> asked "the entire people of Geneva to accept the *Confession of Faith* and to **take an oath to obey the Ten Commandments** only as well as to swear loyalty to the city. People were summoned in groups, by the police, to participate in the covenant."

Indeed, also New York's Union Theological Seminary Rev. Professor Dr. J.T. MacNeill has noted this only in his landmark book *The History and Character of Calvinism*.<sup>60</sup> There, he too observes that Calvin got the City Fathers to continue "requiring the acceptance of his own *Confession*" only by the **citizens** of Geneva.

Indeed, explains MacNeill, Calvin regarded "its rejection [as] a **violation** of the **resolution** of the people to live in accordance with Scripture. On pressure from him and Farel, the Little Council only in March, April and May 1557 only made repeated efforts to obtain the **assent** of all citizens. At the end of July, there was a gathering in St. Pierre at which groups of people only summoned by the police only gave their adherence."

### Calvin on the need for Public Officers to be godly

Calvin particularly urges suitably-qualified Christians to seek public office. He states<sup>61</sup> that Christians should "form our manners" by "civil justice." For he insists that they should "cherish common peace and tranquillity." Indeed, "civil government"

<sup>58</sup> *Comm. on Ex. 22:16f*, in *Harm. Pent.*, III, pp. 83f.

<sup>59</sup> *Op. cit.*, Harvard U.P., Cambridge Ma., 1983, p. 564, n. 27.

<sup>60</sup> Oxford U.P., New York, 1973 rep., p. 142.

<sup>61</sup> *Inst. IV:20:2-6*.

is so necessary ó holds Calvin ó that öit is perfect barbarism to think of exterminating it.ö

For it is altogether essential: öthat the public quiet be not disturbed; that every man's property be kept secure; that men may carry on innocent commerce with each other.ö As Calvin further explains: öI approve of civil order...to prevent the true religion, which is contained in the Law of God, from being isolated and polluted openly by public blasphemy with impunity.

öWith regard to the function of Magistrates, the Lord has...declared that He approves and is pleased with it.... Exodus 22:8-9; Psalm 82:1,6; John 10:34-35; Deuteronomy 1:16-17; Second Chronicles 19:6-7; Proverbs 8:15.... Those who bear the office of Magistrate, are called "gods".... It is thereby intimated that they have a commission from God [Romans 13:1-4 cf. Proverbs 8:15-16].... They are invested with divine authority and, in fact, **represent** the Person of God ó as Whose substitutes they, in a manner, act.

öThis is...the interpretation of Christ.... "Scripture," says He, "called them **gods** to whom the Word of God came" [John 10:35].... Business was committed to them by God ó to serve Him in their office, and (as Moses and Jehoshaphat said to the Judges whom they were appointing over each of the cities of Judah) to exercise judgment not for man but for God....

öSupreme power on Earth is lodged in kings and other governors...by Divine Providence and the holy decree of Him to Whom it has seemed good so to govern the affairs of men. Since He is present ó and also presides ó in enacting laws and exercising judicial equity.ö

Calvin continues: öPaul also...is speaking of Senates of grave men which...he calls *Kuberneseis* [or] "Governments." First Corinthians 12:28.ö Not just ecclesiastical governments but also öcivil power has the same end in view.... He is recommending **every kind** of just government.... He says that there is no power, but from God; that the powers that be, were ordained by God; and that rulers, the ministers of God, are not a terror to good works ó but to the evil.öRomans 13:1-3.

öTo this,ö explains Calvin, öwe may add the examples of saintsö or sanctified men. öSome of them held the office of Kings ó such as David, Josiah and Hezekiah. Others were Governors ó such as Joseph and Daniel. Others were Civil Magistrates among a free people ó such as Moses, Joshua, and the Judges.... Civil authority is, in the sight of God, not only sacred and lawful ó but **the most sacred** and by far **the most honourable of all stations** in mortal life.

öDavid says: "Be wise now therefore, O you kings...; kiss the Son!"ö Psalm 2:10-12. öHe does not order them to lay aside their authority...but to make the power with which they are invested subject to Christ ó so that He may rule overall. In like manner, when Isaiah [49:23] predicts of the Church [that] "kings shall be your nursing-fathers and their queens your nursing-mothers"ó he did not bid them abdicate their authority. He rather gives them the honourable appellation of **patrons** of the pious worshippers of God.ö

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Calvin concludes: "What zeal for integrity...ought to sway those who know that they have been appointed Ministers of divine justice.... They are vicegerents [and indeed also viceregents] of God. It behoves them to...exhibit a kind of image of Divine Providence, guardianship, goodness, benevolence and justice...."

"Moses and Jehoshaphat would urge their Judges to the discharge of duty [Deuteronomy 1:16 & Second Chronicles 19:6-7 *etc.*].... For if they sin in any respect it not only is injury done to the men whom they wickedly torment; but they also insult God Himself Whose sacred tribunals they pollute.... They are not engaged in profane occupations unbefitting a servant of God it but [they are engaged] in a most sacred office.... They are the ambassadors of God."

In the early centuries of our Christian era, explains Calvin,<sup>62</sup> "Magistrates were still strangers to **our** profession of religion." Yet even then, they nevertheless had it "the right of the sword to punish or restrain"; the "power to co-erce"; the ability to put into "prison"; and also to impose "other punishments which the Magistrate is wont to inflict...."

"Does anyone get intoxicated? In a well-ordered society, his punishment will be imprisonment! Has he committed whoredom? The punishment will be similar it or rather, more severe! Thus, satisfaction will be given it to the laws, the magistrates, and the external tribunal."

Later, however it "when Emperors and Magistrates began to assume the Christian name it spiritual jurisdiction [by the Church herself in respect of her own members] was not forthwith abolished, but was only so arranged as not in any respect to impair civil jurisdiction or be confounded with it.... This spiritual power be altogether distinct from the power of the sword...."

"Holy Bishops [or Overseers alias Church Elders] did not exercise their power by fire, imprisonment or other civil penalties it but (as became them) employed the Word of God only..., keeping back from the Communion of the Lord's Supper those who cannot be admitted without profaning this high ordinance.... This power...belonged to the Consistory of Elders."

### Calvin's implacable opposition to the antinomian Anabaptists

According to Calvin,<sup>63</sup> not just those who reject ecclesiastical authority should be rebuked. *A fortiori*, so too "those who inveigh against this sacred ministry" of **political government**, such as the anarchistic Anabaptists do. For they "speak evil of dignities." *Cf.* Jude 8. Furthermore, they "would not even have **God** to reign over them. First Samuel 8:7."

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<sup>62</sup> *Ib.* IV:11:3f.

<sup>63</sup> *Ib.* IV:20:7.

Calvin has nothing but opposition toward the political views of such Anabaptists. "Fanatics," he explains,<sup>64</sup> "insist and vociferate that...we [who are Christians] are dead by Christ to the elements of this world."

For the Anabaptists say it is unworthy of us and far beneath our dignity to be occupied with those "profane" and "impure" cares which relate to matters "alien" to a Christian man. To what end, they say, are laws "without courts and tribunals? But what [say they] has a Christian man to do with courts? Nay, [they add,] if it is unlawful to kill "what have we to do with laws and courts?"

"Much!" Calvin would reply. Especially in his *Treatise Against the Anabaptists*,<sup>65</sup> he spells out the importance of Christian involvement in politics. There, he rightly objects that "if this calling to fulfil the office of...temporal power is repugnant to the vocation of believers [as the Anabaptists alleged it was] "then how is it, that the Judges in the Old Testament...made use of it?" Indeed, he further asks, why was it then also made use of "especially by good Kings (like David, Hezekiah and Josiah) "and even a few Prophets (like Daniel)?"

Calvin then answers his own above-mentioned questions. "The Holy Spirit testifies on behalf of the Judges that God raised them up to deliver His people. Above all, this is true of Moses.... With regard to a faithful man walking in good conscience and being whole before God in both his vocation and in all his works "there exists a plain and complete guideline for it in the Law of Moses. We simply need to cling to that, if we want to follow the right path. Thus, whoever adds to or takes anything from it "exceeds the limits."

Continues Calvin: "We worship the same God that the fathers of old did.... It follows that we should not deny ourselves the vocation of civil justice "nor drive it outside the Christian Church.... It is written that Kings will come to worship and pay homage to Him [Jesus Christ]. It is not said that they will abdicate their positions in order to become Christians "but rather, being appointed with royal dignity, they will be subject to Jesus Christ as to their Sovereign Lord.

"Following this, David "exhorting them [both his own judges and also all foreign kings] to do their duty "does not command them to throw down their diadems or their sceptres." Instead, he exhorts them "solely to kiss the Son "that is to say, to pay homage to Him, in order to be subject to Him in His domination over others. Psalm 2:10-12. Without a doubt, he is speaking of the Kingdom of our Lord Jesus.

"Shepherds and plowmen," Calvin goes on, "manual labourers and all similar workers, ought to consider their calling holy "and let nothing obstruct them with respect to Christian perfection.... Princes [too, similarly,] are ministers of God.... The sword has been put in their hand by God, in order to protect the good and punish the wicked. Romans 13:1f. The office of princes...had become rejected and accursed "inasmuch as they [had] all persecuted the Gospel." But, in the decades following Calvary, also princes were slowly and steadily won for Christ.

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<sup>64</sup> *Ib.* IV:20:2.

<sup>65</sup> Grand Rapids: Baker, 1982 rep., ch. 3, pp. 76f.

### Calvin shows that Holy Scripture opposes the Anabaptists

However, asks Calvin: "If God will, to lead princes to the knowledge of truth, by what authority do Anabaptists repulse them? ... **They say** that the "ban" has replaced the temporal sword in the Christian Church. So much so, that in place of punishing a crime by death as was formerly done, today we must punish the delinquent by depriving him of the fellowship of believers....

**I ask them:** How do they excuse Jesus Christ for what He has done? For **He did not observe** their rule [*cf.* Matthew 5:22-26].... To mete out corporal punishments, was **not His task**. But He **leaves these** to those to whose authority it belongs, and to whom the charge has been commissioned according to what He says in another text: "Render to Caesar **the things that are Caesar's!**" Matthew 22:21.

Thus, continues Calvin, "let Kings keep within their limits, and let spiritual Pastors similarly be content to perform their office, without usurping what doesn't pertain to them.... Our Lord Jesus will approve both.... Paul granted Christians superiority and rule over their serfs, who were at that time like slaves, and did not command them to surrender this right but only to use it moderately (Ephesians 6:9 & Colossians 4:1) and treating their serfs with affection and humanity."

Calvin goes on: "I thus put in opposition to the Anabaptists, Moses, David, Hezekiah, Josiah, Joseph, Daniel and all the Kings and Judges of Israel.... See if they [the Anabaptists] can support their cause, by asking whether these Kings were banished from the Kingdom of God for having had charge of the sword in this world?... Isaiah [60:3] certainly contradicts them, promising that earthly Kings will serve in the heavenly and spiritual Kingdom of Jesus Christ....

Saint Paul also says the same, exhorting us to offer prayers for those who hold positions of authority, in order that we might lead a peaceful life under them, in the fear of God and in holiness. First Timothy 2:2. Therein, he shows that the chief end of Magistrates is not to maintain the peace of their subjects according to the flesh, but rather to ensure that God is served and honoured in their countries, and that each person leads a good and honest life."

Calvin then concludes: "Thus we see with respect to this matter how false and perverse the Anabaptist allegations are, by which they condemn the vocation of Magistrates which God has so highly approved.... For they make war against God, in wanting to revile what He has exalted. And we could not imagine a better way of trying to ruin the World and ushering in brigandage everywhere, than in seeking to abolish the civil government or the power of the sword. Which indeed is thrown down, if it is not lawful for a Christian man to exercise it."

### Calvin's disapproval of the Anabaptists' fanaticism

Calvin further states<sup>66</sup> that "some Anabaptists in the present age mistake some indescribable sort of frenzied excess for the regeneration of the Spirit, holding that the children of God...need give themselves no anxiety about curbing the lust of the

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<sup>66</sup> *Inst.* III:3:14.

flesh; that they have the Spirit for their guide; and, under His agency, never err.... [To those Anabaptists,] there will be no difference, then, between ó whoredom and chastity; sincerity and craft; truth and falsehood; justice and robbery. ÷Away with vain fear!øó they say ó ÷the Spirit will not bid you do anything that is wrong, provided you sincerely and boldly leave yourself to His agency.ø

øWhat kind of ÷spiritø do they belch forth? **We** [Calvinists] acknowledge one Christ, and His one [Holy] Spirit ó Whom the Prophets foretold, and [Whom] the Gospel proclaims as actually manifested. But [from these Anabaptists] we hear nothing of **this** kind respecting Him.

**That Spirit** [of the Living God] is not the patron of murder, adultery, drunkenness, pride, contention, avarice, and fraud.... He is not a spirit of giddiness, rushing rashly and precipitately, without regard to right and wrong ó but full of wisdom and understanding, by which He can duly distinguish between justice and injustice. He instigates not to lawless and unrestrained licentiousness, but ó discriminating between lawful and unlawful ó teaches temperance and moderation.

øTo Christians, the Spirit of the Lord is not a turbulent phantom which they themselves have produced ó by dreaming.... They religiously seek the knowledge of Him ó **from Scripture**. There, two things are taught concerning Him: **first**, that He is given to us for sanctification, so that He may purge us from all iniquity and defilement and bring us to the obedience of divine righteousness...; **secondly**, that though purged by His sanctification, we are still beset by many vices and much weakness ó so long as we are enclosed in...the body.ö

The 1559 *French Confession* of Calvin (and Chandieu) summarizes<sup>67</sup> the above beautifully. It states that øGod wishes to rule the World through laws and governments. Exodus 18:20-21; Matthew 17:24-25; Romans 13:1-7. For this purpose, He has ordained kingdoms, republics, and all other forms of government.... He has put the sword into the hand of government, to restrain sins against not only the Second but also against the First Table of the Law of God....

øWhen it [the government] erects duties, taxes, and other imposts ó its laws and ordinances are to be obeyed. The yoke of obedience is to be borne cheerfully, even when the government is unbelieving (Matthew 17:24) ó as long as Godø independent Kingdom remains unharmed. Acts 4:17-19. Therefore, we reject those who reject government, and who desire ÷community and confusion of propertyøó and who want to overthrow the ordinances of law.ö

### **Calvin's admonitions to his own King Francis of France**

To the persecuting Roman Catholic King Francis of France ó Calvinø birthplace ó the Reformer sent a *Prefatory Address* to his own *Institutes of the Christian Religion*. In that address, Calvin repudiates the wicked lie that reformatory Calvinists were revolutionary Anabaptists.

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<sup>67</sup> Arts. 39-40.



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Indeed, he reminds Francis of the necessity to uphold the Common Law adage: "innocent till **proven** guilty." Calvin also reminds the King of the great importance of the due process of **law**. As the Hebrew ruler Nicodemus rightly objected to the Pharisees: "Does our law judge anybody before it **hears him**, and learns what he is doing?" John 7:51 *cf.* 7:29. See too: Exodus 23:1-7; Leviticus 19:15; Deuteronomy 1:16-17 & 19:15-17; Proverbs 18:17; and Acts 25:6.

Thus, Calvin complains<sup>68</sup> to King Francis about the unsubstantiated accusations the former's opponents had levelled against Calvin and his fellow Calvinist Reformers. Says Calvin: "I am aware how in order to render our cause as hateful to your Majesty as possible they have filled your ears and mind with atrocious insinuations. But you will be pleased...to reflect that neither in word nor deed could there be any innocence were it sufficient merely to accuse!"

"This doctrine, of which I am endeavouring to give your Majesty an account, has [indeed] been condemned by the suffrages of all the estates or alias by the majority vote of all of the various classes which then had the franchise. This doctrine...was [indeed] long ago stabbed again and again by [un-**im**-]partial sentences of Courts of Law.... When anyone with a view to inciting prejudice observes that this doctrine [of ours]...has been condemned..., he undoubtedly says nothing more than that it has sometimes been violently oppressed by the power and faction of adversaries."

Indeed, such a prejudiced incitement unintentionally demonstrates that Calvin's doctrine had "sometimes been...fraudulently and insidiously overwhelmed by lies, cavils and calumny." However, as long as or while a cause is unheard it is violence to pass sanguinary sentences against it. It is a fraud to charge it, contrary to its deserts, with seditions and mischief."

Calvin continues: "Justice then, most invincible Sovereign, entitles me to demand that you will undertake a thorough investigation of this cause." For it "has hitherto been tossed about in any kind of way, and handled in the most irregular manner **without any order of law** and with passionate heart rather than judicial gravity.... Meanwhile, no man comes forth to offer his protection against such furies...."

"Your duty, most serene Prince, is not to shut either your ears or mind against a case involving such mighty interests as these: how the glory of God is to be maintained on the Earth inviolate; how the truth of God is to preserve its dignity; how the Kingdom of Christ is to continue among us, compact and secure. The cause is worthy of your ear; worthy of your investigation; worthy of your throne!"

"The characteristic of a true Sovereign is to acknowledge that, in the administration of his kingdom, he is a Minister of God. He who does not make his reign subservient to the Divine Glory, acts the part not of a king but a robber. He, moreover, deceives himself who anticipates long prosperity to any kingdom which is not ruled by the sceptre of God that is, by His Divine Word. For the Heavenly Oracle is infallible which has declared that "where there is no vision, the people perish." Proverbs 29:18."

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<sup>68</sup> *Inst.*, Beveridge ed., Jas. Clarke, London, 1957, I, pp. 4f.

Yet, even without the franchise and without receiving justice from the non-impartial Law Courts of the day ó the Calvinists were still certain to triumph, in the end. For, as Calvin reminded King Francis: **“Our doctrine** must stand sublime above all the glory of the World, and **invincible** by all its power.... It is not ours, but that of the living God and His Anointed ó Whom the Father has appointed King, **so that He may rule** from sea to sea and from the rivers **even to the ends of the Earth...**according to the magnificent **predictions** of the Prophets respecting His Kingdom. Daniel 2:34; Isaiah 11:4; Psalm 2:9.ö

Meanwhile, Calvin knew that Calvinism would ó in the short term ó be disadvantaged not only by Romanists but also by both Anabaptists and Catabaptists. Both of the latter were revolutionary. The Anabaptists rejected all infant baptisms (and often even all mundane governments). The Catabaptists rejected all baptisms performed in the Romish Church (and often also rejected much of all previous church history).

Thus, Calvin observes:<sup>69</sup> **“It** is one of the characteristics of the Divine Word that, whenever it appears ó Satan ceases to slumber and sleep.... He has turned to snares, exciting dissensions and disputes...by means of his Catabaptists and other portentous miscreants ó so that he might thus observe and at length [endeavour to] extinguish the truth.ö

Therefore Calvin finally told King Francis of France that it was not the exiled French Calvinists **“who** disseminate errors or stir up tumults ó but they who resist the mighty power of God.... Our God is not the Author of division, but of peace.... The Son of God, Who came to destroy the works of the devil, is not the minister of sin. We too are undeservedly charged with desires of a kind for which we have never given even the smallest suspicion.... Now, when exiled from home, we nevertheless cease not to pray ó for all prosperity to your person and kingdom....

**öBut** if any under pretext of the gospel excite tumults..., there are laws and legal punishments by which they may be punished ó up to the measure of their deserts.... Most illustrious king! May the Lord, the King of kings ó **establish** your throne in **righteousness**, and your sceptre in **equity!**ö

### **Calvin’s many letters to other Countries’ Monarchs in Europe**

Very illuminating are Calvin’s attempts to encourage many of the important political leaders in Europe to implement the Law of God ó each in his or her own land. Calvin often wrote to royal rulers ó such as the Protestant Princess Renee of Ferrara in Italy, and the Christian Reformed Basque Queen of Navarre in the Pyrenees. In addition, he dedicated many of his Bible commentaries to influential political leaders.

Thus, Calvin dedicated his commentaries on First and Second Timothy to the Lord Protector of England ó uncle to the young King Edward VI. He dedicated his commentaries on Paul’s Minor Epistles, to the Duke of Wurtemberg. His work on Hosea he dedicated to King Gustav of Sweden. The first edition of his volume on the

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<sup>69</sup> *Ib.* p. 17f.

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first part of the book of Acts, he presented to the King of Denmark; and the second edition to the Prince of Lithuania.

Calvin dedicated his *Commentary on Hebrews* to the King of Poland. That on the Catholic Epistles, he dedicated to King Edward VI of England. To Edward he also dedicated the first edition of his *Commentary on Isaiah* ó and the second edition to his sister, the later Queen Elizabeth I.

Sadly, that godly Calvinist the Basquish Queen of Navarre had a great sorrow. Her husband, the King of Navarre (then located between Spain and France), was a backslidden Romanizer. So Calvin sternly rebuked him in 1561.

Challenged Calvin:<sup>70</sup> õIf any man in a poor and humble condition appears to consent to having the Name of God blasphemed, religion disgraced, and the poor Church trodden under foot ó he cannot avoid condemning himself for not having the Word of truth in his mouth. What then shall we say of you, Sire ó raised to such dignity, honour and authority ó if...you were called to give an account to Him from Whom you hold all?

õWe entreat you henceforth **to bear yourself more manfully** in making an upright and pure profession of true Christianity.... Nothing can be more reasonable than...to serve Him to Whom all is due.... Even if every door should be shut against you, Sire ó still it is your duty in this circumstance to apply to yourself what David says: God enables His children to leap over the highest walls.... Strive [so] that God be glorified ó by resisting openly all superstition and idolatry!ö

To the famous King Gustav of Sweden, who had in 1523 abolished Popery and embraced the Lutheran Reformation, Calvin dedicated his *Commentary on Hosea*. õMost valiant king,ö writes the Swiss Reformer,<sup>71</sup> whoever õknows your prudence and equity in managing public affairs, your moral habits, your whole character and virtues ó will not wonder that I have resolved to dedicate to you this work.... God tried you in a wonderful manner, before He raised you to the throne for the purpose...of setting forth to our age as well as to posterity an illustrious example of a steady perseverance in a right course.

õIt was given you from above...that, having set the kingdom in order, you might publicly and privately enjoy a cheerful tranquillity.... All venerate your authority, and show their esteem by love as well as by commendations.... Your eldest son Heric...is not only of a generous disposition, but also adorned with mature virtues....

õHardly anyone more fit [than Prince Heric]...could the people have chosen for themselves.... He has made so much progress in the liberal sciences, that he occupies a high station among the learned.... He is not tired with diligent application to them.... He has consecrated in his palace a sanctuary...also to celestial philosophy.... These commentaries [of Calvin]...he will find to have been written according to the rule of true religion, and will perceive to be calculated of some small help to himself.ö

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<sup>70</sup> In *Sel. Works of John Calvin*, VII, pp. 249f.

<sup>71</sup> Calvin: *Commentaries on the Twelve Minor Prophets*, Eerdmans, Grand Rapids, 1948f, I, pp. xixf.

To the Lutheran King Christian of Denmark, Calvin dedicated the first edition of his *Commentary on Acts [I]*. He wrote as follows:<sup>72</sup> “Most excellent king! When, long ago, according to the Law’s regulation the sacred trumpets sounded for the Jews as they went forth to battle ó I understand that it was done not only [so] that the people might not dare to undertake any war or carry on those that they started without the auspices of God, but also so that forgetfulness of God (which is especially fatal at that time) might not steal upon minds terrorized by the clash of arms.” Calvin then urged King Christian to do likewise.

The second edition, Calvin dedicated to the Prince of Lithuania. There, the Reformer recalls<sup>73</sup> the recent time “when the power of the whole World was in opposition ó and all the men who had control of affairs then, were in arms to crush the Gospel. [Yet then,] a few men ó obscure, unarmed and contemptible ó relying on the support of the truth and the Spirit alone, laboured so strenuously in spreading the faith of Christ...until at last they emerged **victors**.”

“Accordingly, there is no excuse for [the sluggishness of] Christian princes ó distinguished as they are by a certain authority.... God has provided them with the sword ó **for the defence of the Kingdom of His Son**.... Most illustrious prince, again I must ask you...to yield yourself completely to the sovereignty of Christ, in accordance with the auspicious beginnings you made before ó and to be...a standard-bearer in advancing the Kingdom of Christ among so many noblemen!”

### Calvin’s letters to the Polish King & Grand Duke of Lithuania, Russia & Prussia

Calvin dedicated his *Commentary on the Epistle to the Hebrews* ó to “the most mighty and serene Prince Sigismund Augustus, by the Grace of God King of Poland ó and “Grand Duke of Lithuania, Russia, and Prussia.” There, Calvin writes<sup>74</sup> that the fame of that Polish king’s “piety alone...reached to almost all who are zealous for the true doctrine of Christ.”

Calvin adds: “You are already concerned for the restoration of the Kingdom of Christ, and to many who live under your sovereignty to take it up. You have a kingdom which is extensive and renowned, and which contains many glories. But its happiness will only have a firm foundation, if it takes Christ as its Supreme Governor ó to be defended by His faith and protection.... What would be less becoming to Kings[!] ó than to show themselves ungrateful to the Son of God by Whom they have been raised to the highest point of honour?”

Continues Calvin: “The fact that you recognize, your Majesty, that for Christ to take full possession of His Kingdom there must needs be a complete purge of all superstitions ó is a mark of your singular wisdom.... You undertake and attempt what you thus judge to be really necessary for this end.... You are divinely chosen to be the image of another Hezekiah or Josiah ó soon to restore in the kingdom of Poland the

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<sup>72</sup> Calvin: *The Acts of the Apostles 1 - 13*, Eerdmans, Grand Rapids, 1948f, I, pp. 9f.

<sup>73</sup> *Ib.* pp. 4f.

<sup>74</sup> Calvin: *The Epistle of Paul the Apostle to the Hebrews*, Eerdmans, Grand Rapids, 1948f, pp. ix f.

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purser teaching of the Gospel which has been spoiled throughout the whole World by the craft of Satan....

öIt was through the clemency and gentleness of King Sigismund of happy memory ö your Majesty's father ö that...he kept his hands pure.... Some of your excellent princes are not only readily admitting Christ.... I see also that [the great Polish Reformer] John a Lasco...has carried the torch to other nations also.... [In Christ,] we have a Leader so invincible, that **the more battles** He fights ö **the more triumphs and victories** He gains.ö

Five years later, in 1554, Calvin again wrote to the King of Poland. This time the Reformer declared<sup>75</sup> that godly ökings according to the precept of David [in Psalm 2:10-12] kiss the Prince and Chief of all kingdoms ö while they listen to Him speaking by the mouth of those whom He has appointed to teach.... Remember then, most excellent king, a light has been divinely kindled up for the whole of Poland ö which cannot be kept hidden any longer, without your incurring serious blame.

öLet this therefore be your first care, your principal study ö to assembly the powers subject to you, called from the shameful dispersion of Popery to the obedience of Christ.... The battle that is to be fought here, is for the glory of God in the Kingdom of Christ ö for the purity of religious worship, for the salvation of the human race.... When God asserts that it is His Own work to restore His ruined Church of which He is the only Founder ö we may conclude with certainty that He will by no means desert us in the moment of need.ö

One year later, Calvin again wrote to the King of Poland:<sup>76</sup> öYour Majesty perfectly comprehends the import of that heavenly edict by which all kings are commanded to embrace the Son of God.... In Poland, true religion has already begun to dawn on the darkness of Popery ö since many pious and wise men, having cast aside impious superstitions, voluntarily aspire after the pure worship of God....

öI, whom the King of kings has appointed a Preacher of His Gospel and a Minister of His Church, call upon your Majesty ö in His Name ö to make this work above all others your especial care.... Poland, up to this time defiled by the corruptions of Popery and a polluted and perverted worship of God, has gone astray after human devices.... **Ought kings then to loiter**, whom God has set on high for this very purpose ö that from their elevation, they might send forth their light to all people?

öYour Majesty has far less difficulty to struggle with, than of old the pious princes Hezekiah and Josiah.... **You should bestir every member**, to proceed in so excellent a work ö and especially since things now seem **ripe for action**. For if the opportunity offered by God is neglected ö you may afterwards have to stand, in vain, before a door that is closed.ö

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<sup>75</sup> In *Sel. Works of John Calvin*, VI, pp. 100f.

<sup>76</sup> In *Ib.*, VI, pp. 245f.

## Calvin's letters to England's Regent the Duke of Somerset

However, of all nations on the face of the Earth, the Frenchman Calvin regarded Britain as probably the most crucial. Consider the following strenuous attempts he repeatedly made to win that strategic land ó all the way back to Biblical Christianity.

Calvin addressed an important epistle<sup>77</sup> õto the most illustrious and truly Christian Prince, the Lord Edward Duke of Somerset, Earl of Hertford, Protector of England & Ireland, Tutor to the Kingö (the young Edward VI). In that epistle ó appropriately, in the light of First Timothy 2:1-4 ó Calvin dedicates to Somerset his *Commentary on Paul's First Epistle to Timothy*.

There, Calvin assures Somerset that õthe Gospel is as profitable to the public welfare of a kingdom as it is befitting for a prince. The prosperity of kingdoms can be assured, and those who guard them found faithful, only when He on Whom they were founded and by Whom they are preserved ó the Son of God Himself ó rules over them.

õThus, there is no way that you could more firmly establish the kingdom of England than by **banishing idols and setting up there the true worship of God**. For it was necessary to restore the genuine doctrine of godliness, which had been so long crushed and oppressed by the sacrilegious tyranny of the Roman Antichrist. To restore it, is indeed **to place Christ on His throne**.ö

Calvin continues: õIt has pleased God to make me one of those by whose toil and labour He is today restoring to the World the purer doctrine of the Gospel.... Paul advises his beloved Timothy...not to yield in face of any difficulty, [but] to overcome all crises by his courage.... May the Lord, in Whose hands are the ends of the Earth, long uphold the safety and prosperity of England, adorn its excellent king with the royal spirit, bestow on him an ample share of every blessing, and grant you **good progress** in your noble career ó [so] that through you His Name may widely **more and more** be glorified!ö

Four months later, in October 1548, Calvin again reminded Somerset in another letter:<sup>78</sup> õGod has endowed you with singular prudence.... You deem me to be a servant of His Son Whom you desire above all else to obey.... I have no other end in view, save only that in **following out yet more and more** what you have begun, **you may advance His honour** ó until you have established His Kingdom in as great perfection as is to be looked for in the World....

õCall to mind what the sacred history relates of good King Hezekiah! Second Chronicles [chapter] 32.... Isaiah [2:4] has said...that when **Jesus Christ shall rule** in the midst of us by His doctrine ó **the swords shall be turned into ploughshares** and the spears into pruning-hooks.ö

Indeed, in 1550 Calvin added in yet another letter to Somerset:<sup>79</sup> õYour duty is to **strive to the uttermost and with all your energy** ó so that so holy a work as that

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<sup>77</sup> Calvin: *The Second Epistle of Paul to the Corinthians; and the Epistles to Timothy, Titus and Philemon*, Eerdmans, Grand Rapids, 1948f, pp. 181f.

<sup>78</sup> In *Sel. Works of John Calvin*, V, pp. 182f.

<sup>79</sup> In *Ib.*, V, pp. 260f.

which He has begun by you, may be carried **forward**... That promise can **never fail** ó  
-Those who honour Me, I will render honourable!ø First Samuel 2:30.

### Calvin's letters to England's Edward VI and Elizabeth I

Also in 1550, Calvin dedicated the first edition of his *Commentary on Isaiah* to the young King Edward VI of England himself. There, Calvin urged<sup>80</sup> that ömost illustrious kingö to öselect for imitationö the example of the godly King Hezekiah. That ó Calvin assures Edward ó öyou show that you are already sufficiently willing to do....

öGod has raised you up and endowed you with such excellent abilities and dispositions for **defending the cause of godliness**.... Your piety especially is...highly applauded.... I expressly call upon you, most excellent king..., **charging you to proceed** to the utmost of your ability and power in **carrying forward the restoration of the Church** which has been so successfully begun in your kingdom.... To you the Lord has not only given adoption, but has likewise assigned a distinguished place among His sons.ö

The next year (January 1551), Calvin dedicated his *Commentary on the Petrine Epistles* to Edward. After there castigating öthe Roman Antichrist,ö<sup>81</sup> Calvin reminded the English monarch: öAs interpreters of Scripture according to their ability supply weapons to fight against Antichrist...it is a **duty which belongs to your Majesty to vindicate** from unworthy calumnies the true and genuine interpretation of Scripture ó **so that true religion may flourish**....

öGod commanded by Moses, that as soon as a king was appointed over his people he was to **take care to have a copy of the Law written out for himself** [Deuteronomy 17:18f].... In order that kings might know that they themselves need this remarkable doctrine, and that it is their *special duty to defend and maintain it* ó the Lord assigns to His Law a sacred habitation in their palaces.ö

Calvin also wrote to Edward:<sup>82</sup> öHolding me to be among the number of those who are zealous for the advancement of the Kingdom of the Son of God, you have not disdained to read what I did...present to your Majesty [*viz.* Calvin's commentaries on Isaiah and on the Petrine Epistles].... I shall not hesitate to pray and beseech you, in the Name of Him to Whom you ascribe all authority and power, to **take courage in following out what you have so well and happily begun**, as well in your own person as in the state of your kingdom ó namely, **the consecration of all to God** and to our Blessed Saviour....

öIt would be very difficult to purge in a day such an abyss of superstition as there is in the Papacy.... We see how, in the time of the good king Josiah ó who had the special testimony of the Holy Spirit ó that he [ap]proved himself a prince excellent in faith, in zeal, and in all godliness. Nevertheless, the prophet Zephaniah shows that

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<sup>80</sup> Calvin: *Commentary on the Book of the Prophet Isaiah*, Eerdmans, Grand Rapids, 1948f, I, pp. xixf.

<sup>81</sup> Calvin: *Commentary on the Epistle of Paul the Apostle to the Hebrews and the First and Second Epistles of St Peter*, pp. 219f.

<sup>82</sup> In *Sel. Works of John Calvin*, V, pp. 300f.

there was still some remainder of bygone superstitions...even in the city of Jerusalem.... **Let me entreat you then, Sire, to reach forward to the mark which is set before you** in the example of this godly king.ö

Calvin wrote his last letter to Edward<sup>83</sup> in 1552. There, he explained: öIt is indeed a great thing to be a king ó and yet more, over such a country [as England]. Nevertheless, I have no doubt that you reckon it beyond comparison better to be a Christian.

öIt is therefore an invaluable privilege that God has vouchsafed you, Sire, **to be a Christian king** ó to **serve** as His lieutenant in ordering and maintaining the Kingdom of Jesus Christ in England.... You ought to be stirred up to employ all your energies to His honour and service, setting to your subjects an example of homage to this great King [Jesus Christ] ó to Whom your Majesty is not ashamed to submit yourself with all humility and reverence beneath the spiritual sceptre of His Gospel.ö

Finally, after the death of Edward and during the reign of his royal sister, Calvin dedicated the second edition of his *Commentary on Isaiah* to Elizabeth I of England (alias ‘Good Queen Bessö). First, he reminds her<sup>84</sup> that her öbrother King Edward...greatly excelled the men of his ageö *etc.*

However, Calvin also assures Elizabeth herself: öYour own name...is regarded by all good men with not less esteem and satisfaction.... God has given you large and abundantö assurances ó öby confirming you to the image of His Son.ö

Calvin then challenged Elizabeth: ö**Acknowledge your obligation to your Protector and Redeemer...**, by a sacred regard to duty! ... This duty you ought to discharge..., **by removing the filth of Popery...** This will be the crowning proof of your gratitude to God.... May the Lord guide you, most illustrious queen, by the Spirit of wisdom; uphold you with invincible courage; [and] protect and enrich your Highness with every kind of blessing!ö

### Calvin on the best system of Civil Government

Calvin does not neglect to make valuable observations not only about **good government**, but also about **the best** kind of government. He declares:<sup>85</sup> öIf you fix your eyes not on one State merely, but look around the World ó or at least direct your view to regions widely separated from each other ó you will perceive that Divine Providence has not, without good cause, arranged that different countries should be governed by different forms of polity.... The will of God is sufficient reason....

öIf you compare the different States with each other, without regard to circumstances ó it is not easy to determine which of these has the advantage.... There are three kinds of civil government.... **Monarchy**...is the domination of one only ó whether he be called king, or duke, or otherwise.ö Secondly, there is ö**aristocracy** ó which is a government composed of the chiefs and people of note.ö Thirdly, there is ö**democracy** ó which is a popular government in which each of the people has power.

<sup>83</sup> *Ib.*, V, p. 355.

<sup>84</sup> Calvin: *Commentary on...Isaiah*, I, pp. xvf.

<sup>85</sup> *Inst.* IV:20:8.



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“**Monarchy** is prone to tyranny. In an **aristocracy**, again, the tendency is not less to the faction of a few. While in popular ascendancy [alias **democracy**], there is the **strongest** tendency to sedition.”

Calvin had previously suffered under the absolutistic Romish French Monarchy. He was now living in relative peace, inside the Christian Swiss Republic. So it is not surprising that he “just like the Swiss Ulrich Zwingli before him” favoured government *hois aristois* alias by “the best citizens. These were those qualified under the selective franchise of a “Representative Republic” such as Christian Switzerland then was.

Observes the great Genevan: “The form which greatly surpasses the others, is aristocracy either pure, or modified by popular government. It very rarely happens that kings so rule themselves as never to dissent from what is just and right.... Owing, therefore, to the vices or defects of men it is safer and more tolerable when **several** bear rule.” Cf. Proverbs 11:14 & 15:22 & 24:6. In that way, “they may thus mutually assist, instruct and admonish each other.” Cf. Proverbs 27:17. Then, “should anyone be disposed to go too far it the others are censors and masters to curb his excess.” Cf. Matthew 20:20-27 & Acts 1:13-26.

“This has already been proved by experience, and confirmed also by the authority of the Lord Himself... He established an aristocracy bordering on popular government among the Israelites, keeping them under that as the best form.” Cf. Deuteronomy 1:12-16 with Acts 6:3-6 & 14:23.

“There is no kind of government happier, than where liberty is framed with becoming moderation it and duly constituted so as to be durable.... I deem those very happy who are permitted to enjoy that form.... They do nothing at variance with their duty, when they strenuously and constantly labour to preserve and maintain it.”

Calvin continues: “Even Magistrates ought to do their utmost to prevent that liberty, of which they have been appointed guardians, from being impaired.... If in this they are sluggish or little careful, they are perfidious traitors to their office and their country.... It has pleased Him [viz. God] to appoint **kings over kingdoms, and senates over free states**. Whatever be the form which He has appointed in the places in which we live it our duty is to obey and submit.”

Significantly, Calvin’s Geneva had earlier been a “Romish Democracy” (under a ducal figurehead) it from the fourteenth century onward. After winning its full independence from the Romish Duke of Savoy, Geneva too had joined the “Swiss Confederation” in 1531. It then nominally accepted the Reformed religion in 1535; became a Republic in 1536; and ended up practically as a representative Christocracy (from 1555 onward).

Calvin warmly supported the Genevan Government during the last period of his residency in that city-state it from 1541 onward. Indeed, he became a citizen when it was a Christian Republic it in 1559. That was five years before his death in 1564. He died two years after some of his French Reformed brethren had established settlements in Florida and the Carolinas it and others of them had received a patent

from King Henry IV of France, giving French Calvinists sovereignty from Philadelphia to Montreal.<sup>86</sup>

The Australian Presbyterians Dixon and Jamieson have made shrewd observations in their book *John Calvin and the Modern World*. As they remark,<sup>87</sup> no democracy is worth having which is not also in a very real sense an aristocracy ó that is, a government by the best (yet tempered by popular representation).

The Presbyterian Church might be described as an aristocracy of this latter type. Every member of it, is ideally an aristocrat, and respected and educated as such ó one of God's elect. The government is aristocratic, in being entrusted to men specially selected and trained, who ó elected by the people ó are ordained by those already in Office and who have a God-given authority over the people.

France failed, generally, to become Calvin-istic. Had France listened, as she ought, to her impassioned son John Calvin ó she would have become beyond all question the foremost nation in Europe. There would then have been no dreadful French Revolution of 1789. Thus Dixon and Jamieson.

### Calvin on the duties of Public Office

Calvin clearly outlines<sup>88</sup> the duties of public office. "The duty of Magistrates...extends to both Tables of the Law," he insists ó "beginning with religion and divine worship.... No polity can be established successfully, unless piety be its first care.... In Scripture, holy kings are especially praised for restoring the worship of God when corrupted or overthrown; or for taking care that religion flourished under them in purity and safety.... Judges 21:25.

"In regard to the Second Table of the Law, Jeremiah addresses rulers. "This is what the Lord says: You must execute judgment and righteousness, and deliver those despoiled from the hand of the oppressor.... Do no wrong; do no violence to the stranger, the fatherless, nor the widow; neither shed innocent blood!" Jeremiah 22:3.

"To the same effect is the exhortation in the Psalm [72:3-4]. "Defend the poor and fatherless! Do justice to the afflicted and needy! Deliver the poor and needy! Rid them from the hand of the wicked!"

"Moses also declared to the princes whom he had substituted for himself: "Hear the causes between your brethren, and judge righteously between every man and his brother and the stranger that is with him. You shall not respect persons in judgment. But you shall hear the small, as well as the great! You shall not be afraid of the face of man! For God's is the judgment." Deuteronomy 1:16.

"I say nothing of such passages as these: "He [the king] shall not multiply horses for himself.... Neither shall he multiply wives for himself. Neither shall he greatly multiply silver and gold for himself. He shall, for himself ó write a copy of this Law.... He shall read it all the days of his life ó so that he may learn to fear the Lord

<sup>86</sup> Thus J. Heron: *A Short History of Puritanism*, Clark, Edinburgh, 1908, p. 195.

<sup>87</sup> Presbyterian Board of Religious Education, Melbourne, n.d., pp. 28 & 19f.

<sup>88</sup> *Inst.* IV:20:9.

his God.... His heart shall not be lifted up above his brethren.ø Cf. thus, Deuteronomy 17:16-20.ö

God Himself declares: öWhosoever secretly slanders his neighbour, I will cut off.ö Psalm 101:4f. Calvin here rightly observes that God often so cuts off ó through godly magistrates. However, örulers cannot do this ó unless they protect the good against the injuries of the bad, and give aid and protection to the oppressed. They are armed with power ó to curb manifest evil-doers and criminals.... All public matters depend on reward and punishment.... Where these are wanting, the whole discipline of States totters and falls to pieces....

öThe Prophet...enjoins Kings and other Rulers to execute judgment and righteousness.ø Jeremiah 21:12 & 22:3. It is righteousness (justice) to take charge of the innocent ó to defend and avenge them, and set them free. It is judgment to withstand the audacity of the wicked ó to repress their violence, and punish their faults.ö

### Calvin on violence executed by Magistrates

öBut here,ö continues Calvin,<sup>89</sup> öa difficult...question arises. **If** all Christians are forbidden to kill, and the prophet (Isaiah 11:9 & 65:25) predicts concerning the holy mountain of the Lord, that is the Church, ñthey shall not hurt or destroyø ó how can Magistrates be at once pious and yet shedders of blood? **But if** we understand that the Magistrate, in inflicting punishment, acts not of himself but executes the very judgments of God ó we shall be disencumbered of every doubt.

öThe Law of the Lord forbids to kill. But that murder may not go unpunished ó the Lawgiver Himself puts the sword into the hands of His servants [the Magistrates], so that they may employ it against all murderers. It belongs not to the pious [**Non-Magistrate**] to afflict and hurt. But [for the godly or even the ungodly **Magistrate**] to avenge the afflictions of the pious, at the command of God ó is neither to afflict nor hurt....

öIn **this** respect, they [the magistrates] are not subject to **the Common Law** by which ó although the Lord ties the hands of all men [who are **not** magistrates] ó still He ties not His justice, which He exercises by the hands of **Magistrates**. Just as when a prince forbids all his subjects to beat or hurt anyone ó he nevertheless does not prohibit his officers from executing the justice which he has specially committed to them.

öHe does not bear the sword in vain,ø says Paul [of the Magistrate]. ñFor he is a servant of God, a revenger to execute wrath on him that does evil.ø Romans 13:4. Therefore, if Princes and other Rulers know that nothing will be more acceptable to God than their obedience ó let them give themselves to their service, if they are desirous to improve their piety [and] justice and integrity to God! This was the feeling of Moses when, recognizing himself as destined to deliver his people by the power of the Law, he laid violent hands on the Egyptian ó and afterwards took vengeance on

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<sup>89</sup> *Ib.* IV:20:10.

the people for [their] sacrilege, by slaying three thousand of them in one day. Exodus 2:12f; 32:26; First Kings 21:5; Psalms 45:8; 101:8.

“This was the feeling of David also,” explains Calvin, “when towards the end of his life he ordered his son Solomon to put Joab and Shimei to death. Hence also, in an enumeration of the virtues of a King ó one [of those virtues] is to cut off the wicked from the Earth, and banish all workers of iniquity from the city of God. To the same effect is the praise which is bestowed on Solomon. “You love righteousness, and hate wickedness.”

Solomon says: “It is an abomination to Kings to commit wickedness... “A King that sits [properly] on the throne of judgment, scatters away all evil... “A wise King scatters the wicked, and brings the wheel over him... “Take away wicked men from before the King ó and his throne shall be established in righteousness... “He that justifies the wicked and he that condemns the just ó even they both are an abomination to the Lord... “He that says to the wicked, “you are righteous!” ó him shall the people curse; nations shall abhor him.” Proverbs 16:12; 17:14-15; 20:26-28; 24:24; 25:4-5.

“It is true justice in them [the Magistrates] to pursue the guilty and the impious with drawn sword. To sheathe the sword and keep their hands pure from blood while nefarious men wade through murder and slaughter, so far from redounding to the praise of their goodness and justice ó would be [for them] to incur the guilt of the greatest impiety. Provided always that they [the Magistrates] eschew reckless and cruel asperity.”

Further:<sup>90</sup> “It is sometimes necessary for Kings and States to take up arms, in order to execute public vengeance.... Power has been given them ó to maintain the tranquillity of their subjects; repress the seditious movement of the turbulent; assist those who are violently oppressed.... Can they use it more opportunely ó than in repressing the fury of him who disturbs both the ease of individuals and the common tranquillity of all? ... They must repress the attempts of all alike, by whose criminal conduct the discipline of the laws is impaired.

“If they justly punish those robbers whose injuries [to others] have been afflicted only on a few ó will they allow the whole country to be robbed and devastated with impunity?” Psalm 144:1f; Daniel 11:14f; Luke 3:14. “Natural **equity** and duty therefore demand that Princes be armed not only to repress private crimes by judicial inflictions, but to defend the subjects committed to their guardianship whenever they are hostilely assailed.”

This implies, continues Calvin,<sup>91</sup> that even “war is lawful for Christians.... When the soldiers asked counsel..., it was said (Luke 3:14), “Concuss [or bludgeon] no one; do injury [or unrighteousness] to no one; be contented with your pay!” Those whom he [John the baptizer] orders to be contented with their pay, he certainly does not forbid to serve as soldiers. Yet “all other means must be tried ó before having recourse to arms....

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<sup>90</sup> *Ib.* IV:20:11.

<sup>91</sup> *Ib.* IV:20:12-13.

“Taxes and imposts are the legitimate revenues of princes.... Thus we see that David, Hezekiah, Josiah, Jehoshaphat and other holy kings ó Joseph also and Daniel, in proportion to the office which they sustained ó without offending piety, expended liberally of the public funds.... Princes, however, must remember...that their revenues are not so much private chests, as treasures of the whole people ó this Paul testifies (Romans 13:6) ó which they cannot without manifest injustice squander or dilapidate....

“They should also consider that their levies and contributions and other kinds of taxes are merely subsidies of the public necessity, and that it is tyrannical rapacity to harass the poor people with them ó without cause.... Nor is this doctrine superfluous to private individuals. They may not rashly and petulantly stigmatize the expenditure of princes ó [even] **though** it should exceed the ordinary limits.ö

Also:<sup>92</sup> “In States, the thing next in importance to the Magistrates is laws ó the strongest sinews of government.... Without these, the office of magistrate cannot exist.... The Law is a dumb Magistrate; the Magistrate, a living Law.... **Any Commonwealth is rightly framed which...is ruled by the ‘Common Law’ of Nations....**

“The Moral Law...is the true and eternal rule of righteousness prescribed to the men of all nations and of all times.... As constitutions have some [particular] circumstances on which they partly depend, there is nothing to prevent their diversity ó provided they all alike **aim at equity** as their end.ö And that **general equity**, be it noted, is derived from the Law of nature ó *cf.* “the “Common Law” of Nations” ó as reflected in **the Ten Commandments**.

### **Calvin on the Perversion of Justice by Judges and Magistrates**

John Calvin was rightly very aware of the possibility of human miscarriages of justice in the court room. He was particularly concerned that the poor should not be favoured above the rich ó any more than that the rich should be allowed to bribe Judges to decide against the poor. As such, Calvin was implacably opposed not only to the forensic power of cartels and megacompanies ó but also to the unrighteous procedures now called “Equal Opportunity” and “Affirmative Action.”

In Exodus 22:2-8, God says: “You shall not...speak in a legal case, to follow many in wresting judgment. Neither shall you countenance a poor man in his case.... You shall not wrest the judgment of your poor, in his case. Keep yourself far from a false matter, and do not slay the innocent and the righteous. For I will not justify the wicked. So you must not take bribes. For a bribe blinds the wise, and perverts the words of the righteous.ö

In his *Harmony on the Pentateuch*, Calvin comments on the above passage (and also on the parallel passages Leviticus 19:15 and Deuteronomy 16:19f). Observes Calvin: “Since laws are enacted to repress the vices which are of frequent occurrence, no wonder that God should put forward the case of the poor.... Justly, then, is

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<sup>92</sup> *Ib.* IV:20:14-15.

provision made for their inferiority ó lest the iniquity of Judges should rob them of the little they possess.ö

Yet the unrich Calvin did not believe with Ron Sider that God has a special love for the poor. Nor did he believe with Mother Teresaøthat Christ shines forth from the face of every Christless pagan orphan. To the contrary, though somewhat poor himself, Calvin rigorously and rightly believed öthat Judges should not favour the poor....

öAmbition,ö explains Calvin, öwill sometimes impel a Judge to misplaced compassion ó so that he is liberal, at anotherø expense. And this temptation is all the more dangerous, because injustice is [then] done under the cloak of virtue. For if a Judge directs his attention only to the poverty of the litigant, a foolish fear will at the same time insinuate itself ó lest his sentence should ruin the man whom he would wish to save....

öSometimes the temerity, audacity and obstinacy of the poor in commencing and prosecuting suits is greater than that of the rich; and when they despair of their cause they are sure to have recourse to tears and lamentations. Thereby they deceive incautious Judges who...make no scruple of declining from equity in favour of the poor.... God is offended greatly by the oppression of the poor.... [Yet] He will not have even them befriended, to the injury of the rich.ö Sider and Teresa ó listen to Calvin!

öJudges are appointed to repress all wrongs and offences. If therefore they shew favour to the wicked, they are harbourers of thieves.... Judges should withhold their hands from every gift. For there is no more fatal poison for the extinction of all uprightness, than when a Judge suffer himself to be cajoled by gifts....

öIn the passage from Deuteronomy 16[:19f], before God speaks of gifts He forbids that justice should be wrested or menø persons respected.... It must be observed on the passage from Leviticus [19:15], that to **judge in righteousness** is contrasted with **respecting the person**.... Consequently, as soon as the judge turns away his eyes ever so little from the cause itself ó he forgets equity.... By an emphatic repetition, God inculcates ó that Judges should study equity with inflexible constancy!ö

### Calvin on the requirement and right to resist tyranny

Calvin further describes also the **duty and right to resist tyranny**. His basic position is reformatory, and therefore anti-revolutionary.

He says<sup>93</sup> öthe first duty of subjects towards their rulers, is to entertain the most honourable views of their office, recognizing it as a delegated jurisdiction from God.ö First Peter 2:17; Proverbs 24:21; Romans 13:5.

öA second consequence is that we must with ready minds prove our obedience to them ó whether in complying with edicts, or in paying tribute.ö Romans 13:1-8; Titus 3:1; First Peter 2:13; First Timothy 2:1-2.

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<sup>93</sup> *Ib.* IV:20:22-30.

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ōThe natural feeling of the human mind has always been not less to assail tyrants with hatred and execration, than to look up to just Kings with love and veneration.... The Word of God...will lead us further and will make us subject not only to the authority of those Princes who honestly and faithfully perform their duty toward us, but [to] all Princes ó by whatsoever means they have so become....

ōThose indeed who rule for the public good, are true exemplars and specimens of His beneficence; while those who domineer unjustly and tyrannically, are raised up by Him to punish the people for their iniquity. Still, all alike possess that sacred majesty with which He has invested lawful power.... Job 34:30; Isaiah 3:4; 10:5; Deuteronomy 28:29.ö

ōDivine Providence...is so often set before us in Scripture..., distributing kingdoms and setting up as Kings whomsoever He pleases.ö Daniel 2:21,37-38; 4:17,25; 5:18-19; Jeremiah 27:5-8,12; 29:7; First Samuel 24:6-11. öPiety we owe to the utmost ó to all our Rulers, be their characters what they may.... By the will of the Lord, they sustain a character on which He has impressed and engraven inviolable majesty.

ōBut Rulers...owe mutual duties to those under them. This I have already confessed. But if from this you conclude that obedience is to be returned to none but just Governors ó you reason absurdly.... If, in short, we are persecuted for righteousnessø sake by an impious and sacrilegious Prince ó let us first call up to remembrance our faults, which doubtless the Lord is chastening by such scourges.... It belongs not to us to curb these evils.ö

Continues Calvin: öAll that remains for us, is to implore the help of the Lord in Whose hands are the hearts of Kings and inclinations of kingdoms. Daniel 9:7; Proverbs 21:1; Psalms 82:1; 2:10; Isaiah 10:1.... Before His face, shall fall and be crushed all Kings and Judges of the Earth who have not kissed His Anointed; who have enacted unjust laws to oppress the poor in judgment; and do violence to the cause of the humble, to make widows a prey and plunder the fatherless.

ōAt one time, He raises up manifest avengers from among His Own servants, and gives them His command to punish accursed tyranny and deliver His people.... Thus, He rescued His people Israel from the tyranny of Pharaoh by Moses; from the violence of Chusa King of Syria by Othniel; and from other bondage by other Kings and Judges.... Deliverers being brought forward by the lawful call of God to perform such deeds ó when they took up arms against Kings, [they] did not at all violate that majesty with which Kings are invested by divine appointment.ö

Calvin concludes:<sup>94</sup> öLet Princes hear and be afraid; but let us at the same time guard most carefully against spurning or violating the venerable and majestic authority of Rulers ó an authority which God has sanctioned by the surest edicts, although those invested with it should be the most unworthy.... Although the Lord takes vengeance on unbridled dominations ó let us not therefore suppose that vengeance is committed to **us** [private citizens or residents], to whom no command has been given but to obey and suffer.

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<sup>94</sup> *Ib.* IV:20:31-32.

øI speak only of private men. For when popular Magistrates have been appointed to curb the tyranny of Kings [*cf.* Romans 13:1]..., if they connive at Kings when they [the Kings] tyrannize..., I affirm that their [the Magistrates] dissimulation ó is not free from nefarious perfidy!ö Thus, **not the private citizens but indeed the lesser Magistrates are to check** both the aggrandisement and the tyranny of one or more of their own number (or even of their superiors).

øWe are subject to the men who rule over us; but subject only in the Lord. If they command anything against Him, let us not pay the least regard to it.ö Daniel 6:22; Hosea 5:11; Acts 5:29. øWe were redeemed by Christ at the great price which our redemption cost Him [First Corinthians 7:23], in order that we might not yield a slavish obedience to the depraved wishes of men ó far less do homage to their impiety.ö

### **Calvin's conclusion: 'Thy Kingdom come – here and now on Earth, as in Heaven!'**

Jesus taught His disciples to pray to God the Father daily: øThy Kingdom come! Thy will be done here on Earth, as it is in Heaven!ö Matthew 6:10f.

What does that latter text mean? Calvin explains<sup>95</sup> its meaning as follows. He says that øthe reign of God, is God guiding and governing His Own by His Holy Spirit ó in order to manifest in all **their** works the riches of His goodness...and, on the contrary, ruining and confounding the reprobate who are unwilling to be subject to His domination....

øWe pray, therefore, that God's reign may come ó that is to say, that the Lord may **from day to day multiply** the number of His faithful believers...and that He may continually spread on them **more largely** the affluence of His graces.... Similarly, we ask that from day to day He may through **new growths** spread His light and enlighten His truth ó so that Satan and the lies and the darkness of his reign may be dissipated and abolished....

øThy will be doneø.. By this petition, we ask that...also on **Earth** He may rule and guide everything according to His good will.... We ask that He not only make vain...those desires of ours that are contrary to His will, but even more that He may create in us new spirits and new hearts...so that no movement of greed may arise in us but only a pure consent to His will.ö

Calvin explains further:<sup>96</sup> øThe Word of God is like His royal sceptre. We are here enjoined to pray that He would subdue all minds and hearts to voluntary obedience.... God therefore sets up His Kingdom, by humbling the whole World.... We should desire this to be done every day, in order that God may gather churches to Himself from all quarters of the World, may **extend and increase their numbers**, may **enrich them with His gifts**...[and] **beat down all the enemies** of our doctrine and religion....

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<sup>95</sup> *Instruction in Faith* (1537), Lutterworth, London, 1949, pp. 61f.

<sup>96</sup> *Inst.* III:20:42f.



There is good ground for the precept which enjoins daily progress. For human affairs are never so prosperous, as when the impurities of vice are purged away and integrity flourishes in full vigour.... He protects His people, guides them aright by the agency of His Spirit, and confirms them in perseverance.... On the other, hand, He frustrates the impious conspiracies of His enemies, dissipates their wiles and frauds, prevents their malice, and curbs their petulance until **at length He consumes Antichrist** with the Spirit of His mouth [Second Thessalonians 2:8].... **God will be King in the World.... All shall subject themselves to His will!**

### The ongoing influence of Calvin on later Calvinists (and on Bullinger)

In his important paper *Religious Foundations of Law in the West: An Historical Perspective*<sup>97</sup> the Ex-Harvard Professor of Law Dr. H.J. Berman of Atlanta rightly distinguishes the views of Calvin from those of Luther. Calvinism, explains Berman, could not accept the principle *cuius regio eius religio*.

In England, active Puritan congregations bent on reforming the World were ready to defy the highest powers of Church and State. They did so on grounds of individual conscience, supported by natural laws as reflected in the Bible, as well as in *Magna Carta* and other precedents of English legal history.

Calvinist doctrine was congenial to codification of law. Calvinism in England and America was the last great movement within the institutional Church to influence the development of Western law in any fundamental sense.

The Calvin-istic *Westminster Larger Catechism* succinctly summarizes the above. In the second petition (which is Thy Kingdom come!) it declares of the Lord's Prayer<sup>98</sup> we pray that the kingdom of sin and Satan may be destroyed; **the Gospel propagated throughout the World**, the Jews called, **the fulness of the Gentiles brought in**; the Church...purged from corruption, countenanced and **maintained by the civil magistrate**....

We pray that God would by His Spirit take away from ourselves and others all blindness, weakness, indisposedness and perverseness of heart; and by His grace make us able and willing to know, do, and **submit to His will in all things**. Psalm 119:1,8,35f.... We pray that God would so over-rule the World and all in it...that our sanctification and salvation may be perfect; **Satan trodden under our feet**; and we fully freed from sin, temptation and all evil for ever! Thus the later influence on England of Calvin himself.

Only in the following chapter will we deal with Calvin's Scottish student John Knox and his socio-political influence on Britain. Here, however, we would refer immediately to some of Calvin's various other associates on the Continent and to their socio-political influences (both in Europe and in the British Isles). Specifically, we will mention: Calvin's German-Swiss colleague, Heinrich Bullinger; Calvin's own

<sup>97</sup> H.J. Berman's *Religious Foundations of Law in the West: An Historical Perspective*, I:1, Summer 1983, pp. 32f & 36f.

<sup>98</sup> *West. Larg. Cat.* 191-95.

successor, the French-Swiss Reformer Theodore Beza; and their famous Belgian contemporary, Guido de Bres. We begin with Calvin's friend Bullinger, Zwingli's successor in Zurich, whose influence in Britain even on Early Anglicans was very profound.

In Switzerland, already in 1541 Heinrich Bullinger was writing:<sup>99</sup> "There is much written also in the [Mosaic] Law concerning civil polity...; to live peaceably and well in city and land; of buying and selling; of war and peace; of inheritance and properties; of laws matrimonial; of the punishment of the wicked; of the judgment and council; of lending and borrowing, *etc.* It is no news at all, and serveth altogether for the declaration of the six commandments of the Second Table....

Such laws and rules to live in peace in a civil order and virtue do have also the good holy fathers had from the beginning of the World, written in their hearts by God Himself. Now hath God also caused all to be comprehended in writing by Moses do to the intent that the World might have all more clearly and perfectly, and that no man might excuse himself of [or from] ignorance.... The substance of God's judicial laws is not taken or abolished; but...the ordering and limitation of them is placed in the arbitrement of good Christian Princes."

### **The socio-political importance of Bullinger's *Second Helvetic Confession***

Bullinger's 1566 *Second Helvetic Confession* states:<sup>100</sup> "The **will of God** is set down unto us in the **Law of God**.... The Law is good and holy (Romans 7:12).... This Law, by the finger of God, is either "written in the hearts of men" (Romans 2:15) and so is called the Law of Nature do or engraven in the two tables of stone and more largely expounded in the books of Moses (Exodus 20:1-17 & Deuteronomy 5:22).... We divide it into the Moral Law, which is contained in the Commandments, or the two tables expounded in the books of Moses; into the ceremonial, which doth appoint ceremonies and the worship of God; and into the judicial law, which is occupied about political and domestic affairs.

"We believe that **the whole will of God** and all necessary precepts, for every part of this life, are **fully delivered in this Law**. For otherwise the Lord would not have forbidden that "any thing should be either added to or taken away from this Law" (Deuteronomy 4:2 & 12:32). Neither would He have commanded us to go straight forward in this, and "not to decline out of the way, either to the right hand or to the left" (Joshua 1:7)."

The *Confession* further states that "the Magistracy, of what sort soever it be, is ordained of God Himself for the peace and quietness of mankind.... He should have the **chief** place in the World. If the Magistrate is opposed to the Church, he can hinder and disturb it very much. But if he is a friend and even a member of the Church do he is a most useful and excellent member of it, who is able to benefit it greatly....

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<sup>99</sup> H. Bullinger: *The Ancient and True Faith*, transl. Coverdale, Cambridge Univ. Press, ed. 1884, p. 47f; cf. his 1587 *Decades*, Cambridge Univ. Press, ed. 1843, p. 282.

<sup>100</sup> H. Bullinger: *Second Helvetic Confession*, 1566, chs. 12 & 30.

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øThe chief duty of the Magistrate is to secure and preserve peace.... He will never do this more successfully than when he is truly God-fearing and religious ó that is to say, when...he promotes the preaching of the truth and sincere faith, [and] roots out lies and all superstition together with all impurity and idolatry, and shall defend the Church of God....

øLet him therefore hold the Word of God in his hands, and look that nothing be taught contrary thereunto. In like manner, let him govern the people committed to him by God, with good laws made according to the Word of God in his hands ó and look that nothing be taught contrary thereunto.... Let him exercise judgment, by judging uprightly. Let him not respect any man's person, or receive bribes. Let him protect widows, orphans, and those that be afflicted ó against wrong. Let him repress ó yea, and cut off ó such as are unjust, whether in deceit or violence. For he hath not received the sword of God in vain (Romans 13:4)....

øTherefore, let him draw this sword of God against all malefactors, seditious persons, thieves, murderers, oppressors, blasphemers, perjured persons, and all those whom God has commanded him to punish ó and even to execute. Let him suppress stubborn heretics (who are truly heretics) who do not cease to blaspheme the majesty of God and to trouble and even to destroy the Church of God. And if it is necessary to preserve the safety of the people by war ó let him wage war in the Name of God ó provided he has first sought peace by all means possible....

øWhen the Magistrate does these things in faith, he serves God by those very works which are truly good, and receives a blessing from the Lord (Deuteronomy 17:18f & Second Chronicles 19:6).... We condemn the Anabaptists who, as they deny that a Christian man should bear the office of a Magistrate, deny also that any man can justly be put to death by the Magistrate, or that the Magistrate may make war, or that oaths should be administered by the Magistrates, and suchlike things....

øAll subjects are commanded to...honour and reverence the Magistrate as the servant of God. Let them love him, favour him, and pray for him as their father; and let them obey all his just and fair commands.... And if the public safety of the country and justice require it, and the Magistrate of necessity wages war ó let them even lay down their life and pour out their blood for the public safety, and that of the Magistrate.ø

### **Beza's Concerning the Rights of Rulers Over Their Subjects**

In Calvin's successor Beza, there is an emphasis not just on the duties but also on the rights of citizens. We find this emphasis especially in his 1573 book *Concerning the Rights of Rulers Over Their Subjects and the Duties of Subjects Toward Their Rulers*. The ideas in this important work grew out of Beza's lectures on the Fifth Commandment (Honour your father and your mother...in the land).

Beza forms the bridge from Calvin's *Institutes* (Book IV chapter 20) on the Civil Magistrate ó to the Huguenots/alias the French Calvinists in their fight for liberty in France. Indeed, those ideas of the French Calvinists Francois Hotman (in his *Franco-Gallica*) and Duplessis Mornay or Hubert Languet alias Junius Brutus (in his *Vindications Against Tyrants*) ó were very influential. For they greatly encouraged

even George Washington at the later time of the American *Declaration of Independence*.

Beza's works were quoted by Cudworth, Hooker, Selden and Milton. They were relished by Englishmen, Scotsmen, Frenchmen, Dutchmen, Germans, Hungarians and also by the North American Colonists. According to the *American Historical Review* of 1916, Beza's *Testament* appeared annually for a century, and had already reached eighty-eight editions even by as early as A.D. 1640.

Beza opposed absolute monarchy. He taught that the Prince is there both to rule and to serve his people and that royal power is limited. He wrote that one should distinguish conquest by a foreign power (*cf.* Genesis 10:18), from home-grown rulers who turn into dictators. He said that where they squander taxes arbitrarily, with cavalier disregard of the people's representatives and rulers should be regarded as having become dictators, and as being in breach of contract.

He argued that such a dictator should be regarded as having broken not merely a social agreement but indeed even a divine contract with the people. *Cf.*: First Samuel 4:11; 10:11-23; Second Samuel 2:1-2; 5:1f; First Kings 11:6-11; Second Kings 11:4,15-20; First Chronicles 29:22; Second Chronicles 15:1-16; First Corinthians 7:15f.

Indeed, Beza also taught that the local Lesser Magistrates or Inferior Rulers have the duty: of maintaining the balance of power; of resisting dictators; and of urging also the citizens themselves to obey the Inferior Magistrates, in the latter's efforts to check dictators. Joshua 22:11-12; Judges chapter 20; First Samuel 23:9-13; Second Chronicles 21:10; 25:27.

### Beza on civil government in his work *The Christian Faith*

Here are pertinent quotes from Beza's other book *The Christian Faith* (1558). He writes:<sup>101</sup> "We do not distinguish between the Princes of this World and the Ministers of the Word to the point of totally separating the Princes, and setting them apart as profane people.... David, Solomon, Hezekiah, Josiah proceeded...with the Elders of the Church of Israel....

"Never has it been accepted in the Christian churches already raised up and established, that anyone be introduced into any ecclesiastical charge whatever and without having been elected freely and lawfully by the Church concerned (Acts 14:23).... But [sadly,] often the multitude is ignorant and ill-fitted to govern. Nearly always, the greater part overcomes the better part.

"Even in the republics where the people rule and have a sovereign power – if the government is well-managed, the inconstant populace does not hold the reins.... It will be the duty of the Elders...[to] guard the state of the Church so that...it does not become mob-confusion....

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<sup>101</sup> T. Beza's *Christian Faith* (1558), Focus, Lewes, Sussex, 1992, pp. 79f,102f,113f,117,121.

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ōIn the Early Church, men first of all prepared themselves by fastings and prayers ó before proceeding to ecclesiastical elections (Acts 13:3). Then, having made careful examination of the knowledge and morals of those put forward (First Timothy 3:10), each gives his vote in great fear and in reverence of the Lord ó according to the manner which was most in use and least subject to calumnies... The Christians of Asia [Minor] gave their votes by lifting up their hands. Acts 14:23, *cheirotoneo*....

ōIt remains for us to speak of the Christian Magistrate.... His office is to show himself protector of the peace and public tranquillity (First Timothy 2:2). This cannot be done justly, without firstly re-establishing the true worship of God.... No greater commendation can be given to Christian Magistrates, than to have a well-ordered Church.... They will follow the example of David, Solomon, Hezekiah, Josiah ó in short, of all the holy Kings and Princes. Deuteronomy 17:18; Isaiah 49:23; Psalm 101:8; 75:10; First Kings 2:27; Second Chronicles 14,15 & 17; Second Kings 10:25; 18:3; 23:20....

ōThere is no question here of giving ground to those who...would exempt false prophets and heretics from the sword of Christian Princes. On the contrary, there are no other persons whom the Magistrate must suppress with greater severity than these. The Word of God expressly commands it, and faithful Princes have always done it. Exodus 22:20; Deuteronomy chapter 13; Exodus 31:14; Leviticus 24:15; Numbers 15:30.

ōYet, we say that in this matter three points must carefully be noted. Firstly, heretics must be discerned by the Word of God and by judicial examination of the cause ó for fear that good men may be punished in place of the wicked. Secondly, that a distinction be made between those who err simply by ignorance and misapprehension, and those who sin through malice or arrogance.... Finally..., it will be necessary also to take great care not to use foolish softness and thus spare the wolves....

ōThe Magistrate must also attend to the affairs which properly concern this life ó be it disputes and lawsuits; common order and public honesty; or the quelling of public violence. There must therefore be laws established which are righteous and conformed to the Word of God as the general rule, according to the varying circumstances of time and place; and so that justice be administered without corruption according to such laws (Psalm 82 & Romans 13:3-4), that their authority be maintained, that those who do evil be punished, that force be not used except for very just and necessary reasons, and that war be conducted with great integrity and pure conscience (Luke 3:14). In short, that all things concerning the public peace and the glory of God be done with great reverence of God (First Timothy 2:2); and that to this end sufficient taxes and tribute be gathered to sustain these public offices (Matthew 22:21; 17:27; Romans 13:6-7)....

ōThe fanatical Anabaptists...abolish completely the authority of Magistrates, abolish the use of and reverence for oaths, and declare that trials and wars are unlawful things.... No one can fail to see how far we [Calvin-ists] are from these strange and pernicious fantasies..... Contrary to the Word of God, they [the Anabaptists] set themselves above kingdoms and Kings.... There is no kind of person more rebellious to Magistrates than they are....

ōIn the Name of God, we exhort all those who have heretofore persecuted the everlasting Gospel of the Son of God henceforth to concern themselves with their salvation and with the judgement to come. Thus, let Kings and Princes henceforth watch to be more attentive ó to hear Him speak from Whom they claim to have received their kingdoms and empires.... Let Judges and other Magistrates think well on what they shall answer before the Sovereign Judge, if they continue to put the sword in the hands of executioners to shed the blood of believers....

ōAs long as we are living here below, we shall not cease to advance the Kingdom of God.... By our endurance, God helping, we shall fight ó beat down and overcome all their barbarous cruelty. And these wretches shall see, with their own eyes, the Truth triumphing in the end – and their reign overthrown. For it must come to pass ó whether they wish it or not ó that this word uttered by the Son of God be fulfilled: -Every plant which My heavenly Father has not planted, shall be uprooted!ø Matthew 15:13. Such is our faith; such is our hope.... Praise be to God!ö

### **The Calvin-istic *Belgic Confession* on civil government**

The various Reformed Confessions of Faith say much about political government. This is seen first and foremost in the *Belgic Confession* of Guido de Bres (adopted by the Dutch Reformed Churches).

The 1562 *Confessio Belgica* declares<sup>102</sup> to the nation of the Netherlands (and indeed to the whole World): öWe confess that this Word of God was not sent nor delivered by the will of manö but by God. öHe Himself wrote, with His Own finger, the two tables of the Law.... We believe that...we still use the testimonies taken out of the Law and the Prophets...to regulate our life in all honesty to the glory of God according to His will.ö Indeed, the ötruth and substanceö of these fulfilled laws still öremain with usö Christians.

This means, as many twentieth-century Dutch Reformed theologians have declared,<sup>103</sup> that öthe spirit of the civil laws of Moses as declared by Christ is of permanent validity. For even though the Old Testament ordinances strictly speaking referred to quite different situations and relationships (*cf.* Exodus 22:21-27 & 23:1-22 and Deuteronomy 15:1-11 *etc.*) ó a mighty message is still preached by their concrete application of the commandment of love especially as regards problems relating to property and social relationships, over against all kinds of neo-liberalistic and neo-socialistic influences.ö

Moreover, the *Belgic Confession* also states<sup>104</sup> that öGod ó because of the depravity of mankind ó has appointed Kings, Princes and Magistrates. He wills that the World should be governed by certain laws and policies, to the end that the dissoluteness of men might be restrained and all things carried on among them with good order.

öFor this purpose, to punish evildoers and to protect the pious, He has placed the sword in the hand of the Magistrates [Romans 13:1-7]. Their office is not only to have

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<sup>102</sup> *Belgic Confession*, arts. 3 & 25.

<sup>103</sup> (Ed.) F.L. Bosø *True Christian Confession of the Churches of Holland*, Kok, Kampen, 1957, p. 129.

<sup>104</sup> Art. 36.

regard unto and watch for the welfare of the Civil State; but that they protect the Sacred Ministry, and thus may remove and prevent all idolatry and false worship [so] that the kingdom of Antichrist may thus be destroyed, and the Kingdom of Christ promoted. They must also diligently countenance the preaching of the Word of the Gospel everywhere, [so] that God may be honoured and worshipped by everyone, as He commands in His Word.

Moreover, it is the bounden duty of everyone to subject himself to the Magistrates; to pay tribute [tax]; to show due honour and respect to them, and to obey them in all things which are not repugnant to the Word of God... **We detest the Anabaptists and other seditious people and in general all those who reject the higher powers and Magistrates – and [who] would subvert justice, introduce a community of goods, and confound that decency and good order which God hath established among men.**

### Other early Calvin-istic Confessions of Faith on civil government

We should note that similar views of the obligation of all nations to submit to the political teaching of the Bible, are found also in other Reformed Confessions and theological writings. Thus too, the *Waldensian Confession* and the *Bohemian Confession* as well as those of Saxony and of the English Congregation in Geneva.

Significantly, also the *Heidelberg Catechism* not only declares<sup>105</sup> that the authorities are armed with the means to prevent murder in terms of the Sixth Commandment. It also, in its exposition of the Third Commandment,<sup>106</sup> states it is so great a sin to blaspheme God's Name by cursing and swearing that...He commanded it to be punished with death. Compare also the views of the Reformed theologians Rivetus, Walaeus, and Vitringa.

Even the distinguished Anglican Mark Pattison declares<sup>107</sup> that the Protestant movement was saved chiefly by the new moral direction given it at Geneva. The religious instinct of Calvin discerned the crying need of human nature for social discipline. It was an attempt to combine individual and equal freedom with strict, self-imposed law.

The policy of Calvin was a vigorous effort to supply a positive education of the individual soul. The power thus generated, was too expansive to be confined to Geneva. It went forth into all countries.

This and this alone enabled the Reformation to make headway against the terrible repressive forces brought to bear by Spain, the Inquisition, and the Jesuits. Sparta against Persia was not so much at odds as Geneva was against Spain. It was Calvinism that saved Europe. Thus Pattison.

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<sup>105</sup> *Heid. Cat.*, Q. 105.

<sup>106</sup> *Ib.*, Q. 100.

<sup>107</sup> Cited in Dixon and Jamieson: *John Calvin and the Modern World*, Presbyterian Board of Religious Education, Melbourne, 1936, p. 18. See too Rev. Prof. Dr. James Heron's *Short History of Puritanism*, Clark, Edinburgh, 1908 ed., pp. 5f.

## The great German Jurist Althusius: pioneer of sphere-sovereignty

Calvin's views were worked out in some detail by the great A.D. 1610 German jurist, Professor Dr. Johann Althusius. See especially our Addendum 49. His great work *Politics Methodically Set Forth* has been described by Skinner<sup>108</sup> as a massive treatise and as the most systematic treatment of Calvinist political thought.

Althusius pioneered the covenantal and indeed the anti-totalitarian doctrine of political sphere-sovereignty. This can be seen from the following of his many famous remarks:<sup>109</sup>

“Every type of social relationship has its proper laws, peculiar to it, by which it is ruled.... These laws are different and divergent in each kind of social relationship, according to the requirement of the inner nature of each of them....

“I do not call discrete human beings, or families, or colleges according to their particular and public association members of the State (nor of the universal symbiotic community). Nor do I thus call the families; nor even the colleges. For they have all been constituted into a particular private or public association.”

To Althusius, even a State is a number of provinces and districts which **agree**. These provinces and districts then form precisely a **confederation**. For they thus agree precisely to confederate by their mutual conjunctions and communication to form one whole body.”

Althusius believed Scripture teaches that all our rights are initially given by God. Only secondarily do some rights then proceed further, *via* the people, to the many different kinds of governments (be the latter variously of a political or of a non-political nature). The different kinds of governments such as those in the family, in commerce, in church, in school, and in politics all co-exist alongside of one another in any country.

They then all interlock with one another solely in terms of a **confederate** association. This is true even of the interrelationship between lesser and greater authorities: such as that between a session and a presbytery and a general assembly in ecclesiastical affairs or that between a town council and a provincial government and a central parliament in politics. There can be no question of any one of these creatures dominating the others. For each of them is grounded only in the great **Confederacy of the (Uncreated) Trinity**, and is therefore relatively sovereign in its own sphere over against all other created associations.

Holland's great modern philosopher Professor Dr. Herman Dooyeweerd rightly comments<sup>110</sup> it is no accident that it was a Calvinistic thinker who broke with the universalistic conception of the State. Johann Althusius in his *Politica* clearly contradicted the Aristotelian teleological conception of the State's parts. This utterance may be considered the first modern formulation of the principle of internal sphere-sovereignty in societal relationships.

<sup>108</sup> Q. Skinner: *Foundations of Modern Political Thought*, Univ. Press, Cambridge, 1978, p. 341.

<sup>109</sup> J. Althusius: *Politica*, Groningen, 1610. chs. I & IX (p. 115).

<sup>110</sup> H. Dooyeweerd: *A New Critique of Theoretical Thought*, Presbyterian & Reformed Pub. Co., Philadelphia, 1957, III, pp. 662f.



CH. 27: THE USE OF THE MOSAIC LAWS BY  
CALVIN, BULLINGER, BEZA & DE BRES

It was this concept that lay at the root of the confederation between Henry VIII's 1536 *Act of Union* between England and Wales into Great Britain; the 1707 Union between Great Britain and Scotland as the United Kingdom; and the 1801 confederation of Britain and Ireland in the British Isles under the Union Jack. It was also this concept that lay at the root of the 1787 confederation of thirteen colonies in North America into the United States and at the root of the 1861 alliance of the Southern States into the Confederate States of America.

Very significantly, even the Arminian Christians and themselves holding to a degenerated form of Calvinism and saw the need to apply God's Law in politics. Thus the great Jurist Hugo Grotius and the so-called "father of International Law" and in his famous 1625 work *The Law of War and Peace*.

As Viscount Haldane declares,<sup>111</sup> Grotius concludes his great book on *War and Peace* with a noble prayer: "May God write...these lessons and He Who alone can and on the hearts of all who have the affairs of Christendom in their hands. And may He give to these persons a mind fitted to understand and to respect rights and human and divine."

**Summary: How Calvin, Bullinger, Beza, De Bres  
and others used the Mosaic Law**

We summarize. There was relative purity in the pre-papal Christian Common Law systems, especially in Britain. The Papacy deformed Christian Common Law particularly in Western Europe, reaching its zenith about 1300 A.D. The deformation of British Law even then, however, was only slight.

The late-mediaeval period led directly to the Protestant Reformation. Luther was strongly anti-papal, and grounded secular law firmly in Scripture. Zwingli did much the same. So too did the *First Swiss Confession* of 1536.

That greatest of all Protestant Reformers, John Calvin, stressed the interrelationship of Natural Law, Revealed Law, the Moral Law, and the Judicial Law. He had a high regard for public office, and taught Christians to resist tyranny in a constitutional way. His students Knox and Beza championed political freedom. The *French Confession*, the *Belgic Confession*, and the *Second Swiss Confession* all did likewise. So too and as we shall see in a subsequent chapter and did the 1560 *Scots Confession*.

While agreeing that there is a sense in which especially the ceremonial but even the juridical aspect of the Mosaic Law had indeed been fulfilled, Calvin clearly held to the triple use of the Law of God in the life of believers. God's Law is perfect, so man needs to obey it. It is comprehensive and spiritual, and magistrates need to enforce it. It embraces a principle of general equity. This should be seen in cases of money-lending, conscription, retribution and incest and as well as in usury and in civil punishments (and in spite of differences from one land to another).

On punishments (with Moses and with us) Calvin discusses the capital crimes of murder, abortion, adultery and rape. He condemns cruelty even to animals. He

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<sup>111</sup> See his *Higher Nationality: A Study of Law and Ethics*, Murray, London, 1913, p. 36.

suggests the enactment of God's Law by citizens' compacts. He also emphasizes the need for public officers to be godly. Calvin further implacably opposes the antinomian Anabaptists, and shows them to be not only fanatical but also at variance with Holy Scripture.

We next noted Calvin's admonitions to his own King Francis of France, and his many letters to other countries' Monarchs in Europe (such as the Kings of Navarre, Sweden, Denmark, and Poland). Of particular importance are his letters to England's Regent Somerset, to Edward VI, and Elizabeth I.

Discussing the best system of Civil Government, Calvin reflects: on the duties of public office; on violence executed by Magistrates; and on the right to resist tyranny. For Calvin lived by the Lord's prayer: "Thy Kingdom come, here and now on Earth, as in Heaven!"

Finally, we noted the ongoing influence of Calvin on civil government: in Calvin's associates and disciples (and on Bullinger); in Bullinger's *Second Helvetic Confession*; in Calvin's successor Beza's *Concerning the Rights of Rulers Over Their Subjects* and his other work *The Christian Faith*; in the Calvin-istic *Belgic Confession*; and in other early Calvin-istic documents and thinkers. Through the Calvinistic Jurist Dr. Johann Althusius and his doctrine of **confederating covenantism**, this anti-totalitarian view of political sphere-sovereignty later filtered down into the production of the United Kingdom of Great(er) Britain and Ireland, and into the *Constitutions* of the original United States and the Confederate States of America.

It also filtered down into the thought of the Dutchmen Kuyper and Dooyeweerd. No wonder, then, that the great Calvinist and Dutch Prime Minister Rev. Professor Dr. Abraham Kuyper (1837-1920) could title<sup>112</sup> his own monograph "Calvinism: The Origin and Guarantee of Our Constitutional Freedoms!"

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<sup>112</sup> Van der Land, Amsterdam, 1874.

## CH. 28: THE PROTESTANTIZATION OF TUDOR ENGLAND (1531 TO 1603)

The Protestant Reformation soon found a small following in Scotland ó perhaps even earlier than it did in England. Yet it was in England under Henry VIII, and from about 1530 onward ó rather than in Scotland under James V (d. 1542) ó that the Reformation was first embraced by both Church and Nation. Only from after the middle of the sixteenth century onward, was the Reformation received in Scotland to any really significant extent.

However, already in 1526 the Scottish Protestant martyr Patrick Hamilton had composed his work *Places* (alias *Loci* in Latin). While at Marburg University in Germany, Patrick's *Places* were totally Lutheran. Yet they indeed stimulated some reform in Scotland, when later translated into Scots-English.

It was the second great Scottish Protestant martyr George Wishart who ó while a refugee in Switzerland ó came into contact with the Reformed Faith. What he there encountered, however, was not Calvinism but Zwinglianism. So, around 1540, he translated the *First Helvetic Confession* and later the *Zurich Communion Office* into English.

As Rev. James Mackenzie writes in his *History of Scotland*,<sup>1</sup> òthere were now a few bold and faithful men who openly preached the doctrines of the Gospel in North Britain. William Harlaw preached publicly in Edinburgh. There, also John Willock had a little congregation of nobility, barons and gentlemen.ö

Only in 1560 did Calvin's exiled friend John Knox return from Switzerland to Scotland. The Protestant gentlemen of every country, now in Scotland, then accompanied their preachers to appear before the Queen Regent. It was then, at the demand of the Scottish Parliament, that Knox drew up the Calvinistic (or rather the -Knoxian) *Scots Confession*. This document (more than any other) is what established the Reformed Faith ó -Knoxian Calvinismø ó as the National Religion of Scotland.

Knox then insisted<sup>2</sup> that òthe eternall God in His Parliament has pronounced death to be the punishment for adultery and for blasphemy.... Committers of adultery should be punished according to the Law of God and the Acts of Parliament.... Idolatry ought not [only] to be suppressed, but the idolater ought to die the death.... -The idolater shall die the deathø[cf. Deuteronomy 13:9] is perpetual.ö Thus Knox.

Yet it was in England rather than in Scotland that the Protestant Reformation **first** got rooted in Britain. In Pre-Reformational England, Biblical scholarship had been strong even since the A.D. 1360f Wycliffe of Greater Cumbria ó if not even prior thereto (ever since Meric, Coill, Llew alias Lucius, Helena, Constantine, Ninian, Patrick, Gildas and Kentigern). After King Henry's break with Rome, however, it was

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<sup>1</sup> *Op. cit.*, pp. 316 & 321.

<sup>2</sup> *Works of John Knox*, ed. D. Laing, Edinburgh, 1846, II, pp. 339f & 475 & 441 & 447.

from England that the Protestant Reformation soon spread into the rest of the British Isles. It so spread: first into Wales; later into Scotland; and finally into Ireland.

### The revival of Wycliffite Lollardry in Henry VIII's England

Professor J.R. Green, in his famous *History of the English People*, well describes<sup>3</sup> the interrelationship between the publication and dissemination of the great Dutch Renaissance scholar Erasmus's A.D. 1516 *Greek New Testament* and the 1517 Protestant Reformation especially in Britain. For Erasmus had studied with the best scholars in Britain (1508-11). While there, he had soon become a personal friend of King Henry VIII of England (who reigned from 1509 to 1547). Indeed, it was precisely in England that the principles of Erasmus's New Testament first took root.

Green further claims<sup>4</sup> that the principles were urged in a work which laid the foundation of the future Reformation and the 1516 edition of the Greek Testament on which Erasmus had been engaged at Cambridge. Its production was almost wholly due to the encouragement and assistance he received from English scholars.

Erasmus boldly avowed his wish for a Bible open and intelligible to all. "I wish that even the weakest woman might read the Gospels," he remarked. "I wish that they were translated into all languages so as to be read and understood not only by Scots and Irishmen [as was even then somewhat the case], but even by Saracens and Turks (which even today still needs to be achieved).

Green then goes on to make a further very significant statement. He explains<sup>5</sup> that Henry the Eighth had hardly completed his eighteenth year of age, when he mounted the throne in 1509. His sympathies were known to be heartily with the new learning. For Henry was not only himself a fair scholar and but, even in boyhood, had roused (by his wit and attainments) the wonder of Erasmus.

Now it will be recalled that the A.D. 1360 Proto-Protestant John Wycliffe and his later "Lollards" (or "Field-Preachers") were still very popular among all classes of Englishmen and even as late as 1399. See Daniel 12:1-11 & Revelation 14:6. Those views became proscribed in England only in 1401 and by the papalizing statute *De Haeretico Comburendo*, providing for the burning of heretics.

Thenceforth, Wycliffe's views went underground in England. Yet they never disappeared there. Indeed, these views then spread to Scotland, and also to Europe.

Fortunately, Wycliffe's views then took root deeply in Bohemia and with Jerome of Prague and Matthias of Janow and especially John Huss and from 1405 onward. See Daniel 12:12 & Revelation 14:8. From there, they finally ignited Luther in adjacent Germany and in 1517. See Revelation 14:9 & 16:10f.

Sadly, however and particularly from 1431 onward and in England itself the proscribed Wycliffite doctrines were suppressed very greatly. Yet, even there and they were never extinguished. *Nec tamen consumebatur!* For also after 1431, they smouldered on in

<sup>3</sup> *Op. cit.*, pp. 309f; compare the art. *Erasmus* in 14th ed. of the *Encyclopaedia Britannica*.

<sup>4</sup> *Op. cit.*, pp. 303f & 313f.

<sup>5</sup> *Ib.*, pp. 308f.

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England too ó until re-ignited under the reign of Henry VIII, precisely one century later.

Dr. Gairdner writes in the *Historians' History*<sup>6</sup> that the Reformation movement in England was neither aristocratic nor highly intellectual ó but was merely a flood of long-suppressed Lollardy. It was clear that Rome could no longer hold the World within her spiritual grasp. The free spirit of navigation too, tended in the same direction. For what right had the Pope, as if lord of all the Earth, to hand over the whole of a newly-discovered ðNew Worldøó with the lands and streams the extent of which could not yet be estimated ó to the sole dominion of the Spanish King?

Also Professor J.R. Green observes<sup>7</sup> that though the life of Lollardy in England from 1431 onward was indeed weak and fitful, the prosecutions thereof failed wholly to kill it. We see groups meeting here and there, to read chapters of the Evangelists in English ó while transcripts of Wycliffe's tracts passed from hand to hand. The smouldering embers needed but a breath, to fan them into flame.

That breath came from William Tyndale. He had passed from Oxford to Cambridge ó to feel the full impulse given by the appearance there of the New Testament of Erasmus. Consequently, early in the 1547f reign of Henry VIII's Calvinistic son Edward VI, the legal prohibitions of Lollardy were removed.<sup>8</sup>

Green further explains<sup>9</sup> of Tyndale that from this moment onward, only one thought was at his heart. ðIf God spare my life,ö Tyndale said to a learned controversialist ó ðere many years, I will cause a boy that driveth the plough to know more of the Scripture than thou dost!ö

In 1525, Erasmus completed his version of the New Testament. It came as a part of the Lutheran movement. It came too in company with Luther's bitter invectives, and reprints of the tracts of Wycliffe. It was denounced as heretical. Bibles and pamphlets, however, were smuggled over to England and circulated among the poor and among the trading classes ó through the agency of an association of ðChristian Brethrenø whose Missionaries spread over the country at large.

### Henry VIII's 1531 break with Rome and Edward VI's consolidation thereof

By 1531, also the King of England ó Henry VIII ó had broken with Rome. By 1538, the **commanded introduction of the English Bible** into churches throughout England ó had greatly boosted Protestantism.

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<sup>6</sup> *Op. cit.*, 19:7f.

<sup>7</sup> *Op. cit.*, pp. 350.

<sup>8</sup> *Ib.*, p. 358.

<sup>9</sup> *Ib.*, pp. 350.

Priests now broke with celibacy. Henry VIII himself remarked<sup>10</sup> that the Holy Scriptures were "disputed, rhymed, sung and jangled in every tavern and alehouse in England."

By 1539, Calvin himself<sup>11</sup> was writing about Henry to his friend Farel: "The English king has courteously entertained the ambassadors of our princes. What more can I say? Never was there a time of greater preparedness for the reception of the Gospel!"

Later, Calvin sadly had to express to Farel his disappointment in Henry's subsequent behaviour. However, Calvin's hopes for England flared up again during the reign of Henry's young son Edward.

Throughout the 1547-53 reign of the Calvinistic King Edward VI of England, Calvin<sup>12</sup> wrote<sup>13</sup> both to him and to his regent (Lord Somerset). Indeed, in March 1552, Thomas Cranmer (the Archbishop of Canterbury) wrote to Calvin. Cranmer called Calvin his "very dear brother in Christ" and urged that an international Anti-Tridentine Protestant Synod be held against the "errors and the idolatry of the Roman Church."<sup>14</sup>

By April 1552, Calvin was replying to that "very distinguished Archbishop" and referring to "the rare piety of the English King [Edward VI], as well as [to] his noble disposition." Calvin was especially pleased that Edward VI "entertains the pious design of holding a Convention of international Protestantism" and offers a place for it also in his own kingdom. "Indeed," added Calvin, "could I be of any service I would not grudge to cross even ten seas, if need were, on account of it."<sup>14</sup>

As Barrister-at-law Owen Flintoff remarks,<sup>15</sup> Britain received the Reformation of religion under Henry VIII [1509-1547] and his children [Edward VI and Elizabeth I]. The power usurped by the Pope was now for ever routed and destroyed. The incorporation of Wales with England [in 1536] would ever make the administration of Henry VIII a very distinguished era in the annals of juridical history.

Ireland "although only since the dethronement of Proto-Protestant Culdee Christianity there during the twelfth century" had by 1500 "become a stronghold of Romanism. Yet Henry VIII now proceeded to (re-)establish the Reformed Faith also among the Irish."

Already in 1543, the Parliament of England had legalized the reading of the Scriptures in English. Protestantism grew everywhere in that country and thereafter also elsewhere in the British Isles. Here is how it all came about.

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<sup>10</sup> Thus in J.R. Green's *op. cit.*, p. 355.

<sup>11</sup> *Selected Works of John Calvin: Tracts and Letters*, 1983 rep. I, p. 165. Sadly, by 1540, however, Calvin had to write differently to Farel again about the King of England. This time, Calvin bemoaned Henry VIII's "arrogance." Indeed, Calvin then added of Henry, "in the cause of the Lord he does not deal very favourably of late." *Ib.*, p. 190.

<sup>12</sup> *Ib.*, II pp. 182f, 257f, 345f, 356f & 398.

<sup>13</sup> *Ib.*, II, p. 345f, n. 2.

<sup>14</sup> *Ib.*, II, pp. 347f.

<sup>15</sup> *Op. cit.*, p. 190.

### Dr. James Gairdner on the beginning of the reign of Henry VIII

Dr. James Gairdner (C.B., LL.D.) ó in his important work *Characterization of the Tudor and Stuart Periods* ó rightly states<sup>16</sup> that the great revolution of Henry's reign was what is called the Reformation. This assuredly dominates the whole constitutional history of the period.

Henry VIII forced from the clergy a reluctant a qualified admission that he was supreme head of the Church in England, and then got the title confirmed. He decreed that the Pontiff should no longer be called "Pope" ó but only "Bishop of Rome." ø His Parliament made it treason to recognize the Pope's authority.

After the death of King Henry VII, when the young prince ascended the throne of England as Henry VIII in 1509 ó he was certainly a king according to the people's heart. Strong, learned and patriotic ó Dr. Gairdner insists<sup>17</sup> regarding Henry VIII that at first all good men were delighted with the excellence and purity of his private life. Ere long, he raised England from a third-rate position to being level with the greatest powers of Europe ó and for twenty years nothing serious occurred to break the harmony of his reign. Accordingly, one cannot be surprised that Henry was a most popular king.

Indeed, in 1519, even Giustiniani (the Venetian Ambassador to England) commented:<sup>18</sup> øHis majesty is twenty-nine years old.... He is much handsomer than any other sovereign of Christendom.... He is very accomplished; a good musician; composes well; and is a most capital horseman. He is also a fine joustier; speaks good French, Latin and Spanish; and is very religious.ö

Now the new young king (1509) was still unmarried. Many urged upon him the advantages of securing the alliance of Spain against hostile France ó by marrying Princess Katherine of Aragon, toward whom Henry then felt drawn. However, Katherine had previously been married<sup>19</sup> to Henry's own brother Arthur ó who had died in 1502.

The possibility was then mooted regarding the possible marriage of the nineteen-year-old Henry to his deceased brother's widow Katherine (then twenty-six years of age). Even **the Pope himself agreed** to grant a special dispensation ó **against** the degree of affinity apparently prohibited by Canon Law. See too Leviticus 18:16 & 20:21. Thus, Henry and Katherine were papally "permitted" to marry one another.

But quite apart from that papal permission, Katherine herself (and others) alleged that her former nuptials with her deceased husband (Henry's brother Arthur) ó throughout their year-long previous marriage ó had never been consummated. Consequently, with the unanimous consent also of his own Parliament, Henry was

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<sup>16</sup> J. Gairdner: *Characterization of the Tudor and Stuart Periods* (in *Historians' History* XIX:1f).

<sup>17</sup> *Historians' History*, 19:55.

<sup>18</sup> *Id.*

<sup>19</sup> See art. *Katherine of Aragon*, in *NICE*, 12:3632.

publicly married to Princess Katherine on June 3rd 1509 ó by the Romish Archbishop of Canterbury.<sup>20</sup>

It should be noted that Henry VIII ó just like the John Calvin himself ó early and long resisted<sup>21</sup> the Protestant Reformation. Luther had quarrelled with Henry in 1521. So Henry then wrote a work against Luther ó and in return received the title of -Defender of the Faithø from the Pope.<sup>22</sup>

Henry married Katherine, seven years his senior. All five of their children died in infancy ó except their daughter Mary, who later became Queen of England (from 1553-58). These infant deaths left Henry with no male heir. Much later, after eighteen years of marriage to Katherine ó Henry was in 1527 attracted toward Anne Boleyn of France. In addition, he then also desired to make an alliance with her country too.<sup>23</sup>

### **Rome assists Henry to annul his consummated marriage of eighteen years**

King Henry now began to express the concern that he had been living incestuously for eighteen years with his deceased brotherø's wife Katherine, and that an annulment should be granted. He consulted the various universities of Europe as to the legality of his marriage, but obtained only an indecisive result.

The Romanist re-action to this proposal, is indeed fascinating. It is perhaps the most fairly given by the celebrated papal theologian Dupin.

Dupin explains that those of King Henry VIIIø's party sought the dissolution of the marriage. Thus, they made the following allegations.

First. The laws of Moses which concerned marriage, were not intended for the Jews exclusively but were for all times and all nations. The prohibition to marry a brotherø's wife, also under the New Testament, was not less strict ó than that of marrying within the degrees of consanguinity and affinity set down in Leviticus. 18:16 & 20:21 *etc.*

Second. The law was never repealed nor explained by Jesus Christ or His Apostles. Matthew 22:24f; Mark 12:19f; Luke 20:28f *cf.* First Corinthians 5:1f.

Third. Nevertheless, John the Baptist had sharply reproved Herod for marrying his brotherø's wife. Matthew 14:3f; Mark 6:17f; Luke 3:1,19f.

Fourth. The first Christians always accounted the laws of Leviticus to be inviolable. Compare Clement of Alexandriaø's *Instructor* II:10, and his *Miscellanies* II:10,23. See too Tertullianø's *Against Marcion* I:29 & V:7, his *On Monogamy* ch. 6, and his *Exhortation to Chastity* chapter 10; *etc.*

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<sup>20</sup> *Historians' History*, 19:55f.

<sup>21</sup> *Ib.*, p. 97.

<sup>22</sup> See *ib.*, p. 636.

<sup>23</sup> *Ib.*, pp. 71,95,100f.



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On the other hand, the writers of Queen Katherine of Aragon's party sought the preservation of her marriage with Henry. So they made the following counterclaims.

First. The prohibition in Leviticus to marry a brother's wife, was not a law of nature but only a positive law. This Moses had sufficiently shown in Deuteronomy 25:5f by authorizing a man to marry the widow of his own brother when the latter had died without children and thus demonstrating by this exception that the law admitted of dispensation and consequently was not a law of nature. Before Moses, this law was of no force and because the patriarch Jacob had not refused to marry the two sisters Leah and Rachel (Genesis 29:18-28); and because the patriarch Judah, after he had married two of his sons to Tamar, promised her the third (Genesis 38:1-11).

Second. In the New Testament, Jesus Christ approved of the exception in Deuteronomy and in answer to the Sadducees who had proposed that law to Him. Matthew 22:24f.

Third. John the Baptist reproved Herod for marrying his brother's wife (Luke 3:1-19f) either because his brother was yet living or because if he was dead he had left children. Thus Tertullian: *Against Marcion* IV:34.

Fourth. The Fathers always looked upon the law of Deuteronomy 25:5f as an exception to that of Leviticus 18:16 & 20:21. Compare Tertullian's *On Monogamy*, ch. 8.

The latter reasoning seems to assume, quite erroneously, that bigamy accords with the Law of Nature and but the levirate not. However, if anything and the reverse is obviously true. For God (temporarily) tolerated non-monogamous bigamy and but never ordained it. Yet God would hardly have ordained the (monogamous) levirate even temporarily in the way He did and if it too had indeed been contrary to His Own Law of Nature.

In light of the above, there seems little doubt that Henry should never have married Katherine. This is obvious, for at least three reasons.

First. The difficult-to-rebut presumption must remain, that Katherine should indeed have consummated and therefore presumably did so consummate and her first marriage (to Henry's brother Arthur). Consequently, that marriage should rebuttably be presumed to have been a non-annullable true union and not just an illegal cohabitation which produced no offspring. Exodus 21:10; Deuteronomy 20:7f & 22:13f & 24:5; First Corinthians 7:2-5.

Second. Even if after Calvary and/or after the A.D. 70 cessation of the Jewish State (compare *Westminster Confession of Faith* 19:4), the levirate should still obtain under the New Testament administration (*per contra* Tertullian) and it had no applicability to Henry and Catherine. For Henry VIII certainly did not marry Catherine intending a levirate in order to raise up children by her for her deceased husband his own brother Arthur. Deuteronomy 25:5.

Third. Both Henry and Katherine therefore well merited that the curse of heirlessness should have proceeded from their own union. Leviticus 20:21. In point of fact, their sole surviving child and the later *de facto* 1553-58 English Tudor Queen alias

-Bloody Maryø ó herself died without issue. Thereby, that cursed line indeed did die out.

### **The Romish Church's analogous but quite pragmatic precedents and procedures**

Now the Romish Church's handling of similar situations both before and after the Protestant Reformation, was often thoroughly cowardly and pragmatic. As Dr. Gairdner rightly observes,<sup>24</sup> before the Protestant Reformation ó under the Catholic theory that marriage is a sacrament and therefore indissoluble ó divorce as now understood was impossible (*sic*). But human ingenuity had learned how to bend the law, without breaking it. It was only necessary to secure a ãrulingø ó on some or other pretext that the marriage had never been valid.

Professor Brewer<sup>25</sup> cites the case of Brandon, the Duke of Suffolk. He committed bigamy twice; was three times freed from the marriage bond; and included among his wives his aunt, and his daughter-in-law. As the *New Illustrated Columbia Encyclopedia* explains,<sup>26</sup> in 1515 Suffolk married Mary of England, widow of Louis XII of France and sister of Henry VIII. This ambitious marriage was complicated by the fact that one of Brandon's two former wives was still living. Yet all this occurred two years **before** the Protestant Reformation.

An even more famous example, is that of the relationship between the 1492-1503 Pope Alexander VI and Cesare Borgia and Lucrezia Borgia ó two of his four illegitimate children by the Romanist Vannozza of Rome. As Pope, Alexander not only carved up the New World into Spanish and Portuguese spheres of influence. He also got his murderous son Cesare appointed a Cardinal ó before he later married the sister of the King of Navarre.

Alexander further arranged the marriages of his daughter Lucrezia: first, to Sforza in 1492 (until annulled in 1497); next, to the illegitimate son of Alfonso II of Naples (until her brother had him murdered in 1500); and finally to d'Este the Duke of Ferrara. There are also rumours of her own participation in her family's many poison plots, and of her incestuous relations with both her father Pope Alexander as well as her brother Cardinal Cesare.<sup>27</sup>

Professor Brewer himself, in his own revision of Hume's *History of England*,<sup>28</sup> observes that Henry VIII's brother's widow ó Henry's own wife Katherine of Aragon ó bore Henry several children. Yet they all died in early infancy ó except one daughter (Mary). Henry professed to be the more struck with this misfortune ó because the curse of being childless is the very threat contained in the Mosaic Law against those who espouse their brother's widow. See Leviticus 20:21. He urged that the succession

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<sup>24</sup> *Historians' History*, 19:103.

<sup>25</sup> Quoted in T. Kirkup's *Enc. Brit.* art. on *Henry VIII*, as cited in the *Historian's History* (Vol. 19 p. 101 n. 2, & p. 630 ch. III n. b & f).

<sup>26</sup> *Op. cit.*, 21:6536, art. *Suffolk, Charles Brandon*.

<sup>27</sup> See arts. *Alexander VI and Borgia, Cesare and Borgia, Lucrezia* ó in *New Illustrated Columbia Encyclopedia* 1:165 & 3:878f.

<sup>28</sup> *Op. cit.*, p. 251.

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to the crown was in danger; and that doubts of Mary's legitimacy might hereafter throw the kingdom into confusion.

Be it noted that **Henry VIII was yet a Roman Catholic** and indeed still also an **Anti-Lutheran**.<sup>29</sup> So Pope Clement, at first, sought to oblige Henry. Indeed, it seemed the still-Romish Henry with the full blessing of the Roman Church would now be enabled to go ahead and marry Anne Boleyn or whosoever **even during the lifetime of Katherine**.

An Englishman called Knight was at that time the Royal Agent of the King of England in Italy. Envoys from Henry now presented to the Pope, for his signature, two instruments.

By the first, explains the *Historians' History*,<sup>30</sup> the Pope would empower his own ecclesiastical representative in England (Cardinal Wolsey) to hear and decide the case of Henry's impending divorce from Katherine. By the second, the Pope would grant to Henry a dispensation to marry, in the place of Katherine, any other woman whomsoever even if she were already promised to another, or even if she were related to himself within the first degree of affinity.

This dispensation was thought necessary to secure the intended marriage with Anne Boleyn from two objections which might afterwards be brought against it. Firstly, a suspicion was entertained that she had actually been contracted to Lord Percy, and was therefore his lawful wife. Secondly, Anne's sister Mary Boleyn had been Henry's mistress. It was this latter factor which finally raised Rome's resistance.

For the relationship between sister and sister is as near as the relationship between brother and brother. Hence it was argued by Rome from this time onward that if Henry, as he himself contended, could not previously contract a valid marriage with Katherine (on the supposition that she had been known carnally by her previous husband Henry's brother Arthur) then neither could Anne validly marry Henry (because he had carnally known her sister Mary).

In delivering these instruments to England's Royal Agent (Knight), the Pope observed that he had sacrificed the considerations of prudence to those of gratitude. His own respectability now depended on the generosity of the King of England.

### **The gathering storm between Henry VIII and the Pope of Rome**

Now Luther had renounced Romanism around 1517*f*. He then urged also the German nobility to reject even the political claims of the Pope. Over the next decade, political leaders in many countries began to repudiate the secular claims of the Pontiff. Significantly, the British King (Henry VIII) in 1529*f* started promoting the protestantizing Thomas Cranmer toward becoming Archbishop of Canterbury.

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<sup>29</sup> *Ib.*, pp. 264*f*; compare *Historians' History* 19:97-100 & 184 n. 1.

<sup>30</sup> *Op. cit.*, 19:106*f*.

As the *Historians' History* remarks,<sup>31</sup> on every side there were the evidences of the vast endowments of the Romish Church in England ó splendid cathedrals; rich abbeys; shrines of inestimable value; bishops and abbots surrounded with baronial splendour; and ample provision for the working clergy. And yet, all the wealth of this Church in England ó acknowledged to be greater than that of this Romish Church in any other land ó could not protect the people from the irritating demands which were made at the season of family affliction. Indeed, this Church pressed too often upon the widow and the fatherless.

These oppressions were more keenly felt because there was a doubt, very widespread, about the infallibility of the Church. Many copies of Tyndale's A.D. 1525 translation of the Bible into English had been brought into the country even as early as 1526. Those books which the clergy would not admit, the common people used and daily read in private.

The clergy punished with great extremity such persons as had read, studied or taught those books. Cardinal Wolsey made strenuous efforts to restrain the printing of the Scriptures in the people's tongue ó as one learns from a most interesting letter of Anne Boleyn to Wolsey's lackey Thomas Cromwell, after she became queen in 1533.

After much manouevring and manipulating, the Pope finally decided to oppose Henry's plans to terminate his "cursed because heirless and incestuous" union with Katherine of Aragon and then to marry Anne Boleyn. **Pope Clement himself wrote on September 27th 1530 that he had pushed his indulgence for King Henry VIII beyond the bounds of law and equity!** Nevertheless, the Pontiff indicated shortly thereafter that he would stay the proceedings in the Roman court for a further three weeks.<sup>32</sup>

Wolsey's lackey, Thomas Cromwell, now tried to save the situation all on his own ó and ended up embarrassing Wolsey. The learned and the universities throughout England, said Cromwell, had pronounced in favour of the divorce from Katherine. This they had done ó not only because of the incestuous nature of Henry's union with Katherine, but also because of the heirless condition of that union (with all of its alarming political implications as regards the succession to the throne).

Argued Cromwell: "Was Henry to forego his right? Let him rather imitate the [Lutheran] Princes of Germany who had thrown off the yoke of Rome! Let him, with the authority of Parliament, declare himself the head of the Church (within his own earthly realm)! At present, England was a monster with two heads [Pope Clement and King Henry]. But were the king to take into his own hands the authority now usurped by the Pontiff ó every anomaly would be rectified."ó<sup>33</sup>

The Pope's cardinal in England, Wolsey, loved England well ó but Rome better. Thus J.A. Froude. Henry had Wolsey arrested and convicted. The king then summoned Parliament, which immediately attacked the many abuses of the Romish Church in England.

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<sup>31</sup> *Op. cit.*, 19:123.

<sup>32</sup> *Historians' History*, 19:128f.

<sup>33</sup> *Historians' History*, 19:129f.

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At the commencement of all this ó Wolsey died. Henry, dissatisfied with the Romish Church in England, now allied himself with the nationalists who sought to make England ecclesiastically independent from Rome.

### Henry invokes *Praemunire* to smash the Papacy in England

In December 1529, Parliament regulated the status of the English clergy. By 1530, Henry was demanding the clergy recognize him as "Supreme Head of the Church in England on this Earth.

The Attorney-General was instructed to file an information against the whole body of Romish clergy which had supported Wolsey in the Court of King's Bench. The clergy convoked, and offered to grant Henry one hundred thousand pounds if he would but pardon them.

Henry refused the offer, unless at the beginning of the written grant a clause was inserted acknowledging the King of England "to be the Protector and only Supreme Head of the Church and Clergy in England." After three days of wrangling, the following further words were inserted: "of which Church and clergy we acknowledge his Majesty to be the Chief Protector, the only and Supreme Lord and, as far as the Law of Christ will allow, the Supreme Head."<sup>34</sup>

By 1531, the clergy ó faced with the penalty of *praemunire* ó submitted to Henry. They now agreed to call him "Head of the Church [in England], as far as the law of Christ will allow." The payment of annates to the Pope was abolished. Protestantism spread. Many now embraced Luther's doctrine of justification by faith.

Parliament next continued its attacks against Rome. The *Mortmain Act* forbade corporations from leaving property to the clergy. The "spiritual courts" were ordered to be reformed. Henry appealed from the Pope to a General Council. This in turn heralded a whole series of royal laws and English ecclesiastical laws against Rome<sup>35</sup> ó from 1532 to 1538.

Already then, Sir Anthony Fitzherbert (Justice of the Court of Common Pleas till his death in 1538) had finished authoring *The Grand Abridgment* (alias a digest of important legal cases). He also compiled *The Office and Authority of Justices of the Peace* ó and other legal works too.

In 1532, Henry's Parliament passed the *Submission of the Clergy Act*.<sup>36</sup> Already in 1531, Henry had fined the convocations for breaching the 1353 *Statute of Praemunire* ó when they accepted the authority of the papal legate Wolsey. Now, in 1532, the English clergy pledged to their king "to stand with God's laws, and the laws of your realm" ó and not with those of Rome.

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<sup>34</sup> See *ib.*, 19:130f.

<sup>35</sup> See Bettenson: *op. cit.*, pp. 305-26.

<sup>36</sup> S.P. Henry VIII, v. No. 1023.i.

Wolsey's successor was Sir Thomas More. However, as the *Historians' History* rightly observes,<sup>37</sup> though a rigid Catholic in doctrine and discipline — More was too wise and honest not to see that the rapacity of the officials of the Romish Church were shaking the foundations of ecclesiastical authority even more than the covert hostility of the dreaded Lutherans. It is undoubtedly with More's sanction that three important statutes were passed in the Parliament of 1530. The Protestant Reformation in Great Britain had now formally begun.

The statutes themselves furnish a sufficient evidence of their necessity. *An Act concerning Fines and Sums of Money to be taken by the Ministers of Bishops and other Ordinaries of the Holy Church for the Probate of Testament* — declared — that the said unlawful exactions of the said ordinaries and their ministers [had] be[en] nothing reformed nor amended, but greatly augmented and increased.

This was a grievance which touched every owner of property. It was objected that [clergy alias] — spiritual persons — (*sic*) occupied farms; bought and sold at profit various kinds of produce; and kept tan-houses and breweries — all of which practices were declared unlawful.

Next, there was the *Annates Act*. Thereby, Parliament enacted the abolition of the ongoing payment of all first-fruits to the Pope. Those — annates — or annual first-fruits — were then being paid to the Vatican by most lands in Europe. They constituted the chief fund supporting the cardinals who surrounded the Pope. Parliament now passed an Act abolishing this ecclesiastical tax to a foreign power.

The Preamble to the Act stated that the — annates — had originally been inaugurated to defend Christendom against Mohammadan infidels. Now, however, they were being used for a totally different purpose — and were a constant drain on the nation.

The Pope was furious. Katherine had long since ceased cohabiting with Henry (just as she had long denied ever cohabiting with her former husband Arthur). Yet, though Katherine had thus broken the Seventh Commandment negatively, the Pope now tried to excommunicate not her but her husband Henry.

As the *Historians' History* relates,<sup>38</sup> the Pope now signed a letter complaining that — in defiance of public decency — King Henry VIII continued to cohabit with his — mistress — Anne Boleyn. Indeed, the Pope went on to declare both of them excommunicated — unless they should separate within a month after the receipt of the present letter; and, in case they should presume to marry, by pronouncing such marriage invalid.

On the 1532 death of that inveterate Romish Archbishop, Warham of Canterbury, Henry had resolved to raise Thomas Cranmer to that See. Henry now proceeded to divorce Katherine. Finally, an Act of Parliament was passed forbidding, under penalty of *praemunire*, all appeals from the — spiritual judges — in England to the Pope. Compare this with the former 1351 *Statute of Provisors* and 1353 *Statute of Praemunire* in the early days of Wycliffe.

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<sup>37</sup> *Op. cit.*, 19:122f.

<sup>38</sup> *Ib.*, 19:131-33.

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The English theologians were then asked **whether the Pope could ever rightly authorize** a brother (Henry) to marry the widow (Katherine) of his own deceased brother (Arthur); and whether various **depositions already taken, established that the first marriage between Arthur and Katherine had indeed been consummated.** Overwhelmingly, the theologians answered **no** to the first and **yes** to the second questions.

Cranmer then announced that the marriage between Katherine and Henry was null and invalid from the very beginning **ó having been contracted and consummated in defiance of the divine prohibition.** Leviticus 18:16 & 20:21. This was communicated, in writing, by this archbishop to King Henry **ó** who was gravely exhorted to **submit to the Law of God**, by seceding forthwith from that illicit and incestuous union.

This Henry then did forthwith **ó** indeed, had already done even earlier. Finally, the *Historians' History* also relates<sup>39</sup> that Henry then married Anne Boleyn. She was crowned Queen of England, and some time later their daughter Princess Elizabeth [the later Queen] was born **ó** in 1533 A.D.<sup>40</sup>

### Henry's Parliament passes the 1533 *Restraint of Appeals Act*

In 1533, Parliament passed the *Restraint of Appeals Act*.<sup>41</sup> By the 1533 *Statute of Praemunire*, appeals to Rome had been prohibited when made without the consent of the English King. Now, in 1533 **ó** to be repeated again in 1534, and again under Queen Elizabeth I **ó** they were totally prohibited.

In the same year, all forms of tribute from England to Rome were abolished. The Pope's authority in this regard, was transferred to the crown.

As Hume and Brewer declare,<sup>42</sup> the quarrel between Henry and the Pope was now irreconcilable. The year 1534 may be considered as the era of the separation of the English Church from Rome. By several Acts of Parliament passed in that year, the papal authority in England was annulled.

The *Historians' History* adds<sup>43</sup> that in the same Parliament which proclaimed the spiritual independence of England from Rome, the marriage between Henry and Anne Boleyn was fully established as lawful. Princess Mary (the later English Queen -Bloody Mary) **ó** the daughter of Katherine **ó** was set aside as illegitimate. The succession was vested in the children of Queen Anne (Boleyn). Furthermore, the 1534 Statute of Henry VIII declared that speaking against the Pope or his decrees is not heresy.

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<sup>39</sup> *Ib.*, 19:135f.

<sup>40</sup> *Ib.*, 19:134-42.

<sup>41</sup> 24 Henry VIII, cap. 12: *Statutes of the Realm*, iii. 427.

<sup>42</sup> Brewer: *op. cit.*, p. 257.

<sup>43</sup> *Op. cit.*, 19:144f.

## Henry's Parliament passes the 1534 *Dispensations Act*

Also in 1534, the *Dispensations Act* was passed. In addressing King Henry, it began<sup>44</sup> by "most humbly beseeching your most royal Majesty etc. This beseeching was done by your obedient and faithful subjects." Indeed, it was further done specifically by "the Commons of this your present Parliament assembled."

The *Act* then indicated that Englishmen for "many years past have been, and yet be, greatly decayed and impoverished by such intolerable exactions of great sums of money as have been claimed and taken...out of this your realm...by the Bishop of Rome called the Pope." That had been done "in pensions, censures, Peter-pence, procurations, fruits, [and] suits for provisions."

The *Dispensations Act* then further enjoined: "It may therefore please your most noble Majesty, for the honour of Almighty God...and Commons, in this your present Parliament assembled, and by authority of the same, that no person or persons of this your realm...shall from henceforth pay any pensions, censures, portions, Peter-pence or any other impositions to the use of the said Bishop or the See of Rome...by usurpation of the said Bishop of Rome and his predecessors."<sup>45</sup>

The *Act* then continued: "Be it further enacted by the authority aforesaid, that neither your highness, your heirs nor successors (kings of this realm) nor any your subjects of this realm...shall from henceforth sue to [or woo] the said Bishop of Rome called the Pope, or to the See of Rome, or to any person or persons having or pretending any authority by the same, for licences, dispensations, compositions, faculties, grants, rescripts, delegacies, or any other instruments or writings of what kind, name, nature, or quality soever they be.... The [by then Protestant] Archbishop of Canterbury...shall have power...to give...unto your Majesty...for causes not being contrary or repugnant to the Holy Scriptures and Laws of God..., all other licenses...and other writings in...this your realm so that the said Archbishop...in no manner wise shall grant any dispensation...for any cause or matter repugnant to the Law of Almighty God."

In the same year, 1534, the English clergy themselves undertook the "Abjuration of Papal Supremacy" by both "the Convocation of Canterbury" and also the "Convocation of York." They did so by denying that "the Roman Pontiff has any greater jurisdiction bestowed on him by God in the Holy Scriptures in this realm of England, than any other foreign Bishop."

## The Pope's 1535 excommunication of Henry – and the latter's response

The Pope's own response came in 1535. The *Historians' History* explains<sup>46</sup> that Henry had shown by many other measures he was determined to keep no terms with the Papacy. On the 30th of August, Pope Paul III put his hand to a Bull which allowed

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<sup>44</sup> 25 Henry VIII, cap. 21.

<sup>45</sup> Cited in Bettenson's *op. cit.*, pp. 312f.

<sup>46</sup> *Op. cit.*, 19:156.



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Henry ninety days to repent and appear at Rome in person, or by proxy. In case of default, the Pope pronounced Henry and all his faultors and abettors excommunicated ó declared him to have forfeited his crown, and his children by Anne Boleyn and their children to be incapable of inheriting it.

Going still further, the Pope enjoined all Christian priests and monks whatsoever to quit Henry's dominions; absolved Henry's subjects from their oaths of allegiance to him; and commanded them to take up arms against him. The Pope also dissolved all Henry's treaties and alliances with Christian princes; prohibited all Christian nations from trading with England; and exhorted them to make war upon him ó until he should cease his schism and rebellion against the Church of Rome.

King Henry, proclaimed the Pope, ðhas incurred the penalty of deprivation of his kingdom.... They [King Henry and his kingdom] have been sundered for ever from all faithful Christians and their goods.... If meanwhile he [Henry] depart from this life, we decree and declare...that he ought to be deprived of church burial; and we smite them [Henry and his kingdom] with the sword of anathema, malediction, and eternal damnation.... Let the sons of King Henry, his accomplices, abettors, *etc.* be partakers of the punishment!ö

But Henry was not to be deterred by such astonishing threats from the Vatican. In his 1536 *Royal Injunctions*, his Lutheranistic Vicar-General Thomas Crumwell declared: ðIn the name of God, Amen! In the year of our Lord God 1536, and of the most noble reign of our sovereign lord Henry VIII, King of England and of France, the twenty-eighth year and the \_\_\_ day of \_\_\_\_, I, Thomas Crumwell..., Keeper of the Privy Seal..., have, to the glory of Almighty God...appointed and assigned these injunctions ensuing.... The dean, parsons, vicars, and others having cure of souls anywhere within this deanery, shall faithfully...cause to be observed...all and singular laws and statutes of this realm made for the **abolishing and extirpation of the Bishop of Rome's pretended and usurped power and jurisdiction within this realm.**ö

The words ðthis realmö here mean not only England, but also Wales. For 1536 was also the year of union between the Celto-Brythonic Kingdom or Principality of Wales and the Anglo-British Kingdom of England ó into the United Kingdom of South Britain.

In this way ó and also through the 1539 papal excommunications of Henry VIII and his supporters, as well as through Henry's 1536 *Royal Injunctions* ó the sovereign political independence of Britain over against Rome before A.D. 43 and after the Roman withdrawal in A.D. 397, was again re-asserted against all subsequent re-encroachments by Rome.

As S.R. Gardiner has remarked in his *Introduction to English History*:<sup>47</sup> ðThe separation from Rome was effected.... Henry threw off the authority of the Pope.... The moment the thing was done, he justified his acts to himself ó in reforming the church according to the ideas of the better men around him.ö Proverbs 16:1-2,9,33 *cf.* Philippians 1:12-18.

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<sup>47</sup> Cited in *Historians' History*, XIX pp. 157 & 630b.

It is true that some of the motives for Henry's actions, both previously and subsequently in respect of a whole range of issues must remain suspect. Yet the final result of them, in the Providence of Almighty God, was blessedly to promote the Reformation in Britain as the most ancient Christian country in the World and in England-Wales as the World's first re-formed Protestant land.

So now, the Romish monasteries and those cesspools of carnal concubinage were dissolved throughout England (1535-36). In 1536, the *Ten Articles* were drawn up. They aimed at unifying belief in England and, according to Gardiner, showed a distinct advance toward Lutheranism.<sup>48</sup>

In 1537, Cranmer wrote to Cromwell and urged him to show to Henry a Bible in English of a new translation and a new print. At this time both Coverdale's and Matthew's Bible appeared and hot on the heels of Tyndale's. Each church in the realm was then supplied with a copy of the English Bible and till then forbidden. In 1538, the pope **published** his *Bull* against Henry, and publicly delivered his soul over to the devil and his country to the first invader.<sup>49</sup>

In response, a 1539 statute of the English Parliament entitled *An Act for Dissolution of Abbeys* swept the whole monastic system away. The Act recited that various heads of religious houses in England had voluntarily handed over their possessions to the crown.

As the *Historians' History* concedes,<sup>50</sup> it was a necessary step in the establishment of pure worship, that the system of deceit should thoroughly be exposed. The Commissioners went to the Abbey of Hales in Gloucestershire, and reported of their finding jewels, plate, ornaments and money and besides the garnishing of a small shrine wherein was reposed the counterfeit relic in times past.

This counterfeit relic was alleged to be the blood of Hales (the A.D. 1170-1245 Alexander of Hales). The great Protestant Bishop Latimer made it famous, by preaching at Paul's Cross that it was not blood but honey clarified and coloured with saffron.

The Parliament which was summoned to assemble at Westminster on the 28th of April 1539, met for accomplishing the forms of representative government. In the Parliament of 1539, there were seventeen abbots present. Unwillingly the abbots must have come. There could be no doubt that they were about to pass away from their high position in the State. No more would the mitred lords of Tewkesbury and St. Albans, of St. Edmundsbury and Tavistock, of Colchester and Malmesbury, ride to Westminster with their armed and liveried servants and with crowds on the highways kneeling for their blessing.

In 1541, Henry ordered a copy of Cranmer's Bible to be installed in all parish churches.<sup>51</sup> In 1544, Cranmer's *Litany* appeared and the foundation of the future *Book of Common Prayer*. In public services and the Creed, the Lord's Prayer, and the **Ten**

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<sup>48</sup> Thus in *ib.*, 19:184 n. 1.

<sup>49</sup> Hume: *op. cit.*, p. 264.

<sup>50</sup> *Op. cit.*, 19:182.

<sup>51</sup> Hume: *op. cit.*, p. 265.

**Commandments** were henceforth all to be in English. So, in 1545, Henry set forth a *Church Primer* and a *Litany* in English ó to be used morning and evening.<sup>52</sup>

The further marriages of King Henry VIII are not germane to this present thesis. Significantly, however, Henry's last wife ó Catherine of Parr ó did incline toward the Reformers. Yet even more significantly ó Henry himself admired her theological knowledge.<sup>53</sup>

### Henry and his Parliament firm up the Protestant Reformation in South Britain

In the above ways, Henry got either his Parliament ó or Cromwell his Vicar-General to guide Parliament ó to enact laws removing England from Rome's control. Indeed, Henry also encouraged the study of Scripture throughout the country ó and he got himself proclaimed earthly -Head of the Church of England (in the place of the Pope).

Henry also removed the Papacy from lording it over Brythonic Wales. Indeed, it was precisely under the **Welsh** Tudor Kings that he in 1536 got England and Wales united. Significantly, that union was not called -Great[er] England ó but precisely: -Great **Britain**.<sup>54</sup>

Meantime, however, things had been going from bad to worse in Scotland. As the *Historians' History* observes,<sup>54</sup> the minority of James V of Scotland was a disastrous period for his country. The regency was a constant object of contention between the factious nobles. The spiritual and temporal dominion appeared consolidated in favour of Romanism, when David Beaton was appointed Lord Privy Seal. Patrick Hamilton, the first Scottish Reformer, was burned by this persecuting Prelate ó at St. Andrews, in 1528. Beaton, now a Cardinal, had been to Rome in 1541 on a secret embassy.

Some Scots, such as the great Protestant preacher Wishart, had even then made substantial contributions to political freedom especially in Britain. However, the fanatical Romanist Mary Stuart became Queen of Scots in 1542. She consistently persecuted Scottish Protestants, until her death in 1567.

This led to great friction between Romish Scotland and Protestant Britain ó almost throughout the Scottish Mary's reign. Thus, when the Scottish Romanist Cardinal Beaton was assassinated after the latter had directed the burning of the zealous Wishart ó Henry offered Beaton's slayers asylum in England. Nevertheless, even during Knox's 1547-59 exile from Romish Scotland (as Calvin's student in Switzerland)<sup>55</sup> ó a tremendous reaction against Romanism took place both there as well as in England itself.

Thus, at Cranmer's behest, King Henry suppressed popular superstitions ó such as: ringing bells and keeping watch all night before All Saints Day (Hallow E'en); veiling

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<sup>52</sup> *Ib.*, p. 269.

<sup>53</sup> *Ib.*, p. 270.

<sup>54</sup> *Op. cit.*, 19:194.

<sup>55</sup> Gaustad: *Op. cit.*, p. 48.

the cross and the images in churches throughout Lent, and unveiling them on Palm Sunday and then kneeling before the cross; and creeping toward the cross to adore it. Throughout England, laymen now censured the conduct of the clergy, and themselves debated about the true meaning of Scripture.<sup>56</sup>

More importantly yet, from the legal viewpoint, were the successive Acts of Parliament by which ecclesiastical courts were rightly deprived of their powers to impose capital punishment. For the civil courts of Common Law were now given power to punish certain serious offences previously under the exclusive jurisdiction of the church courts. Consequently: offences like blasphemy, witchcraft, sodomy, bigamy, perjury and incest were now judged to be crimes ó even by the civil courts of Common Law themselves.<sup>57</sup>

### Assessment of the value of the reign of King Henry VIII

One should strive to assess accurately the reign of King Henry VIII overall. To do so, we now give the estimates of the historians T. Keightley, D. Hume, and J.A. Froude.<sup>58</sup>

We may, argues Keightley in his *History of England*, allow Henry to have been a bad man ó and yet regard the Reformation of which he was an instrument as a benefit to mankind. It is weak of Romanists to charge the Reformation with the vices of Henry ó when they do not impute to their religion the atrocities of Pope Alexander VI and his children Cardinal Cesare Borgia and Duchess Lucrezia Borgia. Indeed, Henry was popular with the English people throughout his reign ó and remained a constant friend of that dedicated Protestant, Archbishop Cranmer.

In Hume's *History of England*, we are reminded that as long as Roman Catholic superstition subsisted in England ó there was no possibility of the State punishing any crimes committed by the clergy. The Church would not permit magistrates to try them, nor could she herself inflict any civil penalties.

**However, Henry now restrained these immoral immunities. His Parliament declared: first, that no sanctuaries were to be allowed in cases of high treason; next, in cases of murder, felonies, rapes, burglaries, and petty treason; and finally, it limited these sanctuaries in other particulars too.** In short, the ongoing progress of the Reformation in England removed all distinction in law between the clergy and other residents of the realm.

Finally, Froude, in his *History of England* ó while admitting Henry's faults ó nevertheless much appreciates the great blessings of his reign, and its remaining results throughout the British Isles. Beyond and besides the Reformation, the *Constitution* of these Islands now rests in large measure on foundations laid in this reign. Henry brought Ireland within the reach of English civilization. He absorbed Wales and the Palatinates into the general English system. He it was who raised the House of Commons. His personal faults were great ó and he shared, besides them, in

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<sup>56</sup> *Historians' History*, 19:198f.

<sup>57</sup> See G. Booth: *Our Christian Heritage*, in ed. McLennan's *Understanding our Christian Heritage*, Christian History Research Institute, Orange NSW, n.d., pp. 31f.

<sup>58</sup> See in *Historians' History*, 19:202f & 630.

the errors of his age. But [even] far deeper blemishes ó would be but as scars upon the features of a sovereign who, in trying times, sustained nobly the honour of the English name, and carried the Commonwealth securely through the crisis of its history.

### **The regency of the Calvinist Somerset during the reign of Edward VI**

After Henry's death in 1547, both his young son Prince Edward (by Queen Jane Seymour) as well as Prince Edward's Lord Protector and uncle (the Duke of Somerset Sir Edward Seymour), were much in contact with the great Swiss Protestant Reformer John Calvin. Indeed, until the untimely later death of Prince Edward (when King Edward VI) ó both the Lord Protector Sir Edward Seymour and King Edward VI himself consciously steered England specifically toward Calvinism.

The great Elizabethan chronicler and historian Raphael Holinshed writes<sup>59</sup> that shortly after his coronation, King Edward was advised by his uncle the Lord Protector ó and also by others of his Privy Council. He was reminded first of all to seek God's honour and glory ó and thereupon to intend a reformation.

Hence, the young King Edward not only set forth by certain commissioners sundry injunctions for the removing of images out of all churches, in order to suppress and avoid idolatry and superstition within his realms and dominions. But he also caused certain homilies or sermons to be drawn up by sundry godly and learned men ó so that the same might be read in churches to the people.

As the *Historians' History* explains,<sup>60</sup> the Reformers needed the acquisition of one great State ó for the stability and solidity of their projects. They gained England. The Reformation was established. Indeed, just eleven months before the decease of the English monarch (Henry VIII in 1547) ó Luther himself had breathed his last.

Yet bold enquiry and active curiosity awakened reason and youthful enthusiasm ó throughout every country in Europe. It secretly cherished a Lutheran spirit. The King of England, Henry VIII, was impelled by a singular combination of circumstances to prepare the way in England for embodying this spirit ó in a civil establishment. When King Henry lay on his death-bed, the royal will had been executed ó in the hands of Sir Edward Seymour, Queen Catherine Parr, and Archbishop Thomas Cranmer.

All of them were favourable to the Protestant Reformation, and Seymour (alias Lord Somerset) was soon to act as the Calvinist Regent of all England. Indeed, he would then see to it that almost all of the new young king's Cabinet Ministers ó were consistent Protestants.

Thus, in 1547, Protector Somerset sent out a visitation of all dioceses in England. This was to ensure that clerical immorality was corrected; that images and pictures were removed from churches; and that English replaced Latin as the liturgical tongue.

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<sup>59</sup> *Op. cit.*, III:865f.

<sup>60</sup> *Op. cit.*, 19:206f.

The *Historians' History* explains<sup>61</sup> that the populace now began to destroy the images in churches which Luther had tolerated as aids to devotion ó and of which even Cranmer had vindicated the moderate use. The political government, almost entirely Protestant, proceeded to the object of completing the religious revolution ó and of establishing a Church not only independent of the See of Rome, but dissenting from many doctrines which had been held sacred for ages.

Preaching, which had been so rare in Catholic times that it would have been impossible to impose it on an untrained clergy ó was in some measure supplied through homilies composed by Cranmer. These the parish priests were directed to read to their congregations. Four sermons in the year were to be preached in every church ó against the papal authority. Sermons were to be directed also against the worship of images.

Parliament was assembled, and several bills passed to promote and enlarge the Reformation. The Communion was appointed to be received in both kinds ó by the laity as well as by the clergy.

By another Act, the statutes against the Lollards were repealed in 1548. Indeed, all private masses were abolished by law.

Further, in 1549, Parliament set forth the first *Book of Common Prayer* in English ó and enacted a law permitting priests (alias presbyters) to marry for the first time since the eclipse of the earlier British Culdees. Historian Brewer declared that now, in the time of Edward VI, the principal tenets and practices of the Romish religion were abolished. Indeed, the Reformation was then almost entirely completed in England.<sup>62</sup>

Already by 1547, observed the English History Professor J.R. Green,<sup>63</sup> Archbishop Cranmer had drifted into a purely Protestant position. His open break with the older system, followed quickly.

Cranmer and his colleagues advanced yet more boldly. A new *Catechism* embodied the doctrines of the Reformers. A *Book of Homilies*, which enforced the chief Protestant tenets, was appointed to be read in churches. Indeed, a crowning defiance was given to the doctrine of the mass ó by an order to demolish the stone ó altars and replace them by wooden tables.

A revised *Prayer Book* was issued, and every change made in it leaned directly toward the extreme Protestantism which was at this time finding a home at Geneva. A new *Code of Ecclesiastical Laws* was ordered to be drawn up by a Board of Commissioners ó as a substitute for the Canon Law of the Catholic Church. Although it shrank from the penalty of death, it attached that of perpetual imprisonment or exile ó to the crimes of heresy, blasphemy and adultery.

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<sup>61</sup> *Op cit.*, 19:208f.

<sup>62</sup> *Op. cit.*, pp. 274f.

<sup>63</sup> *Op. cit.*, pp. 358f.

### The blessed reign of the Calvinistic King of Britain Edward VI

At this time, there had unfortunately been quite a lot of friction between England and Scotland. So, through his agent the English Regent Somerset, King Edward VI now pointed out to the people of Scotland that both his own nation and theirs lived in one and the same Island. They both spoke the same language (English), and were alike in their manners and conditions. Therefore he suggested<sup>64</sup> it was ðnneet, unnatural and unchristian that there should be betwixt us so mortal a war ó [between us] who, in respect of all other nations, be and should be like two brethren.ð

In the name of King Edward, Lord Protector Somerset then suggested to the Scots that the two nations make peace with one another ó and enter into a Union in which England was ready ðto take the indifferent old name of ðBritainøagain.... We seek not to take from you your laws nor customs,ð he added, ðbut we seek to redress your oppressions....

ðIf we two (being made one by amity; be most able to defend us against all nations; and having the sea for a wall, mutual love for a garrison, and God for a defence) should make so noble and well-agreeing a monarchy that neither in peace we may be ashamed nor in war afraid of any worldly or foreign power ó why should not you [Scots] be as desirous of the same, and have as much cause to rejoice at it as we [English]?ð

According to the Elizabethan chronicler and historian Holinshed,<sup>65</sup> the government of Tudor England was already Protestant. Indeed, not just Protestant, but even overwhelmingly Calvinistic ó under the young King Edward VI (1547-53), as well as through his regent the Duke of Somerset. The government of Scotland, however, was still under that fanatical Romanist the Dowager Queen Mary of Guise (1538-60) ó the mother of her equally bigoted-successor Mary Stuart, Queen of Scots (1561-67).

Scotland was, however, even before the English king's death (in 1553) ó rapidly moving toward Protestantism, and even toward Calvinism. This was occurring under the ever-increasing political pressure of those Protestant religious reformers in Scotland who would soon (from 1557 onward) governmentally form the ðLords of the Congregation.ø

In the 1549 Session of the English Parliament, notes the *Historians' History*,<sup>66</sup> the uniformity of public worship was established in which all Ministers were enjoined to use only the *Book of Common Prayer*. This liturgy is not essentially different from that of the present day. It was based upon the Ancient [Non-Roman] Catholic services ó which had been handed down from the primitive ages of the Church and which the English people had for generations heard sung or said. In the same Session of Parliament, an Act emancipating the English clergy from compulsory celibacy next followed.

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<sup>64</sup> Cited in *Historians' History*, 19:219.

<sup>65</sup> *Op. cit.*, III:916f.

<sup>66</sup> *Op. cit.*, 19:210.

At the request of Archbishop Cranmer, Calvin's friend Martin Bucer became Professor of Theology at Cambridge in 1549. The next year, he wrote his work *On the Reign of Christ* ó dedicating it to King Edward VI.

There, he advised the young king:<sup>67</sup> óIn every State sanctified to God, capital punishment must be ordered for all who have dared to injure religion...by calling people away from the true worship of God (Deuteronomy 13:6-10 & 17:2-5); for all who blaspheme the name of God and His solemn services (Leviticus 24:15-16); who violate the Sabbath (Exodus 31:14-15 & 35:2 and Numbers 15:32-36); who rebelliously despise the authority of parents and live their own life wickedly (Deuteronomy 21:18-21); who are unwilling to submit to the sentence of a supreme tribunal (Deuteronomy 17:8-12); who have committed bloodshed (Exodus 21:12; Leviticus 24:17; Deuteronomy 19:11-13), adultery (Leviticus 20:10), rape (Deuteronomy 22:20-25), kidnapping (Deuteronomy 24:7); [and] who have given false testimony in a capital case (Deuteronomy 19:16-21)....

óBy the responsible co-operation of all good men, these pests are therefore to be exterminated from human society ó no less than fierce wolves, lions, tigers, dragons and crocodiles which occasionally attack men in order to tear them to pieces [Genesis 9:5-6].... There can be no dangerous beasts as harmful to the Commonwealth ó as men who are plainly godless, empty of God, sons of the devil.... All the sons of God must exert their utmost concern, and all their strength, to purify the Commonwealth of such pests....

óIn every Commonwealth consecrated to Christ the Lord, there should be the penalty of capital punishment for everyone apprehended in violating the Sixth and Ninth Commandments [Exodus 20:13-16], by bloodshed or false testimony or calumnious accusation, either personally or through others; or the Seventh Commandment by the ravishing of anyone's wife, fiancée or daughter [Exodus 20:14]; or the Eighth by stealing from one of the brethren [Exodus 20:15].ó

According to English History Professor J.R. Green,<sup>68</sup> swift action was also taken especially against the excesses of the more extreme Anabaptists. They had questioned faith and morality. Indeed, they advocated polygamy; denounced oaths as unlawful; raised community of goods into a sacred obligation; and denied the very Godhead of the Founder of Christianity.

The repeal of the "Statute of Heresy" [formerly enacted by Romanists against Protestantism], **left the powers of the Common Law** intact. So Cranmer availed himself of these powers ó to send heretics of the extreme Anabaptist class, without mercy, to the stake.

Hooper, who had been named Bishop of Gloucester, refused to wear the episcopal habits ó and denounced them as the livery of the "harlot of Babylon."óThis was a name for the Papacy taken from Revelation 17:5.

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<sup>67</sup> *Journal of Christian Reconstruction*, V:2, 1979, pp. 9f.

<sup>68</sup> *Op. cit.*, p. 360. Cf. too J. Hooper's *Declaration of the Ten Commandments*, Cambridge, University Press, 1843, p. 376. H. Latimer's *Sermons*, Cambridge, Univ. Press, 1844 ed., p. 84 (and as cited in J.W. Blenck's *Preaching in England in the late Fifteenth and Sixteenth Centuries*). See too: T. Becon's *Catechism*, Cambridge, Univ. Press, 1844 ed., p. 310.



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Yet Hooper was anything but an antinomian. Thus, in his *Declaration of the Ten Commandments*, he declared that "this commandment 'commit no adultery'..forbiddeth not only to abstain from another man's wife." Hooper also added regarding **adultery** that "both God's laws and man's laws ó Christians' and Gentiles' **punisheth with death**. Deuteronomy 22[20f] & Leviticus 20[:10f]."

Hooper's colleague Bishop Hugh Latimer expressed similar thoughts. He exclaimed: "I wish that Moses' law were restored for punishment of lechery.... There is no king, emperor, magistrate and ruler of what state soever they be ó but are bound to obey this God and to give credence unto His Holy Word in directing their steps ordinately according to the same Word.... The temporal sword rests in the hands of kings, magistrates and rulers under Him ó whereunto all subjects as well as the clergy be subject and punishable for any offence contrary to the same book."

A similar position was taken by Latimer's student Thomas Becon, who became the chaplain of Archbishop Cranmer. In his *Catechism*, Becon upheld the Mosaic penal laws as exemplary for magistrates everywhere. "We have," he explains, "an expressed commandment to kill and put out of the way all idolaters and false prophets."

Yet the English Anabaptists were sent to the stake not for their liturgy, but solely for their revolutionary sedition. For the rest, England was now almost a model Protestant State.

In 1552f, a revised prayer-book was issued by Parliament, composed under the influence of the Swiss Reformers. The *Forty-Two Articles*, with their Calvinistic colouring, were published. England became a refuge for persecuted Protestants from many other lands.

The *Historians' History* observes<sup>69</sup> that the reign of Edward was the most pure from religious persecution of any administration of the same length in any great country of Europe since Christendom had been divided between Catholics and Protestants. As the Catholic writer Charles Dodd declares in his *Church History of England*: "Edward did not shed blood on that account. No sanguinary but only penal laws were executed on those who stood off."

It is praise enough for Edward that his gentleness disposed him not to shed blood. The fact, however, that the blood of no Roman Catholic was spilled on account of religion in Edward's reign ó is indisputable.

In his book *The Commonwealth of England*, Sir Thomas Smith ó a lawyer and a philosopher who held the office of Principal Secretary to Edward VI (and thereafter also to Elizabeth I) ó wrote the following: "The most high and absolute power of the realm of England, consisteth in the Parliament. Upon mature deliberation, every bill or law, being thrice read and disputed upon in either House ó the other two parts, first each apart, and after the prince himself in presence of both the parties [Lords and Commons] doth consent unto and alloweth that it is the prince's and whole realm's

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<sup>69</sup> *Op. cit.*, 19:224.

deed. Whereupon, justly, no man can complain ó but must accommodate himself to find it good, and obey it. That which is done by this consent, is taken for law.<sup>70</sup>

### **Political and legal implications of the Edwardine *Catechism* and *Articles***

The *Forty-two Articles* were begun by Cranmer in 1549 and, after consultation with the Royal Chaplain John Knox (who was then resident in England), published in 1553 together with a *Short Catechism*. Completed during the reign of King Edward VI, they are accordingly called the *Edwardine Catechism* and the *Edwardine Articles*.

The *Edwardine Catechism* has the catechumen confessing *inter alia* òthat I should keep God's holy will and commandments, and walk in the same all the days of my life.ö These are called òGod's Commandments,ö and are confessed in full as the òten...which God spake in the twentieth chapter of Exodus.ö Together, they all teach òmy duty towards God, and my duty towards my neighbour.ö

More specifically, òmy duty towards my neighbourö is confessed to be the duty: òto love him as myself, and to do to all men as I would they should do unto me; to love, honour and succour my father and mother; to honour and obey the king and all that are put in authority under him; to submit myself to all my governors, teachers, spiritual pastors and masters; to order myself lowly and reverently to all my betters; to hurt nobody by word nor deed; to be true and just in all my dealing; to bear no malice nor hatred in my heart; to keep my hands from picking and stealing, and my tongue from evil-speaking...and slandering; to keep my body in temperance, soberness and chastity; not to covet nor desire other men's goods; but to learn and labour truly to get my own living, and to do my duty in that state of life unto which it shall please God to call me.ö

The Edwardine *Forty-two Articles* of 1553 were somewhat trimmed down in 1563 and again in 1571 into the essentially identical Elizabethan *Thirty-nine Articles*. They included no less than seventeen articles against the Anabaptists.

Negatively those articles *inter alia* condemned Anabaptist opinions which impugned private property rights, reverence for traditions and ceremonies, obedience to magistrates, the obligations of military service, and the taking of oaths. The Anabaptists are twice mentioned by name. Many such had placed themselves above the Moral Law ó and demanded communism alias the communal ownership of goods.

Article VII of the *Edwardine Articles* states that òno Christian man whatsoever is free from the obedience of the Commandments which are called Moral.ö Even though Article IX states that after Adam's fall the flesh is not subject to the Law of God,ö Article XII adds that ògood works...are the fruits of faith and follow after justification.ö Indeed, it also declares they are òpleasing and acceptable to God in Christö ó inasmuch as òby them a lively faith may be as evidently known, as a tree discerned by the fruit.ö

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<sup>70</sup> *Ib.*, 19:533.

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The Edwardine Article XIX (‘Of the Church’) would exclude various Anabaptist sects. Indeed, the 1553 article also states that ‘all men are bound to keep the Moral Commandments of the Law.’ This had reference to the teaching of a branch of the antinomian Anabaptists who made themselves superior to the Moral Law, and circulated opinions respecting it most evidently repugnant to the Holy Scripture.

Article XXXVII (‘Of the Civil Magistrates’) condemns Anabaptist attacks on the authority of the State. It also stresses that the ‘government of all estates of this Realm whether they be Ecclesiastical or Civil...is not nor ought to be subject to any foreign jurisdiction.... We give not to our princes the ministering either of God’s Word or of Sacraments...but that only prerogative which we see to have been given always to all godly princes in the Holy Scriptures by God Himself....

‘They should rule all estates and degrees committed to their charge by God...and restrain with the civil sword the stubborn and evil doers. The bishop of Rome hath no jurisdiction in this realm of England. The laws of the realm may punish Christian men with death, for heinous and grievous offences. It is lawful for Christian men, at the commandment of the magistrate, to wear weapons and serve in the wars.’

Article XXXVIII deals with ‘Christian men’s goods, which are not common.’ It declares: ‘The riches and goods of Christians are not common as touching the right, title and possession of the same – as certain Anabaptists do falsely boast. Notwithstanding, every man ought of such things as he possesseth, liberally to give alms to the poor according to his ability.’ This article was drawn up because certain Anabaptists were advocating communism.

Also Article XXXIX (‘Of a Christian man’s oath’) is directed against the objection of the Anabaptists to the use of oaths. It declares ‘we confess that vain and rash swearing is forbidden Christian men, by our Lord Jesus Christ and James His apostle.’ Yet ‘we judge that Christian religion doth not prohibit but that a man may swear when the magistrate requireth in a cause of faith and charity, so it be done according to the prophets’ teaching – in justice, judgement and truth.’

**The demise of Britain’s King Edward VI  
and his successor Lady Jane Grey**

Unsuccessful attempts had been made already in 1546 to plan a future marriage between Edward VI (then nine years old) and the equally Calvinistic Lady Jane Grey (then of similar age). When sixteen, however, Lady Jane – with King Edward’s full approval – married instead the strongly-Protestant Lord Dudley (son of the Duke of Northumberland).

As the Elizabethan chronicler and historian Raphael Holinshed points out,<sup>71</sup> Edward VI was a blessed king. At the end of his young life, he said in the hearing of his Council: ‘Lord God, I yield Thee most hearty thanks – that Thou hast given me life thus long [fifteen years and eight months], to finish this work to the glory of Thy Name.’

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<sup>71</sup> *Op. cit.*, III:1062.

After that foundation had been established, he lived no more than two days. He was too good a king long to remain here on Earth. Therefore God removed him, and translated him to His Own Kingdom. See: Genesis 5:24 *cf.* Hebrews 11:5f.

A little before his departure, lifting up his eyes to God, the dying King Edward VI (not yet fully sixteen) prayed as follows: ðLord God ó deliver me out of this miserable and wretched life; take me among Thy chosen! Howbeit, not my will, but Thy will be done! Lord, I commit my spirit to Thee! Oh Lord, Thou knoweth how happy it were for me to be with Thee! Yet for Thy chosens sake ó if it be Thy will, send me life and health, that I may truly serve Thee!

ðOh my Lord, bless Thy people, and save Thine inheritance! Oh Lord God, save Thy chosen people of England! Oh my Lord God, defend this realm from Papistry, and maintain Thy True Religion ó that I and my people may praise Thy Holy Name!ö With that, he added, ðI am faint! Lord, have mercy upon me, and take my spirit!ö

Even the secularistic *Historians' History* concludes<sup>72</sup> that these death-bed devotions of Edward bear testimony to his love of his people, and to his fervid zeal against what he conscientiously believed to be corruption of True Religion. He now sank rapidly. Shortly after, on July 6th 1553, this amiable and promising boy breathed his last.

He had lived fifteen years eight months. His position in English history adds to the grace of his innocent and attractive character. Edward, of his own act, applied part of his revenues to the foundation of that great system of grammar schools which still bear his name ó clear evidence of his concern for the public good of his country.

Two months earlier ó when the Calvinist Edward had known he was dying ó he himself had nominated that godly young Calvinist, Lady Jane Grey, as his successor. She was the great-granddaughter of King Henry VII, and thus the daughter of the niece of Henry VIII. As a strong Protestant ó and also as a brilliant linguist reasonably fluent in Arabic, Chaldee, English, French, Greek, Hebrew, Italian, and Latin ó Lady Jane was indeed the obvious choice to succeed the never-married and then-ailing young King Edward.<sup>73</sup>

So, immediately after the death of Edward, the seventeen-year-old Queen Jane reigned ó for an all-too-brief nine days. Her Majesty was then, however, betrayed by a vicious coalition of Anti-Puritans and Romanists. Thoroughly hating what the new Calvinistic Queen Jane represented and could certainly be expected to promote, they treasonously swung their allegiance and support to Edward's illegitimate half-sister ó the fanatical Papist, Princess Mary Tudor.

### **The successful power-grab in England by the Romish Princess Mary Tudor**

The English Princess Mary was the illegitimate if not also the incestuous daughter of that fanatical Romanist, Queen Katherine of Aragon. As Queen Mary ó soon far

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<sup>72</sup> *Op. cit.*, 19:228.

<sup>73</sup> See the arts. on *Grey, Lady Jane* ó in the 1929 *Enc. Brit.*, the 1951 *Enc. Amer.*, and the 1979 *NICE*.

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better to be known as -Bloody Maryø ó she now usurped the throne of England in 1553, at the age of thirty-seven.

She then immediately moved against her rival, the 17-year-old true queen and Calvinist Lady Jane Grey. Later she further proceeded against Maryø's own younger half-sister, the then 21-year-old Protestant Princess Elizabeth (alias the later -Good Queen Bessø). Thus Queen Mary Tudor imprisoned her half-sister Princess Elizabeth Tudor in the tower of London.

Losing no time, already in 1553 Mary executed the Protestant Duke of Northumberland. She also restored the mass, and made Bonner the Bishop of London and Gardiner the Lord Chancellor. The Romish Church was re-introduced, and the religious laws of the Calvinist Edward VI were annulled.

Plans were made for the Romanist Queen Mary to marry King Philip of Spain. Indeed, Mary herself restored the previously-displaced Romish bishops to their former bishoprics in England. Protestant Ministers were imprisoned or expelled, and recognition of married clergy was withheld.

In 1554, observes the *Historians' History*,<sup>74</sup> Mary Tudor signed a warrant for the execution of ðGuildford Dudley and his wifeö ó as it was insultingly expressed. This expression was a reference to the Protestant Prince Consort and ðhis wifeö the Calvinist Queen Jane.

Freckenham, the former Abbot of Westminster, was sent to endeavour to convert Queen Jane to Romanism. She was not likely to be pardoned. Least of all was this the case after she boldly told the priest sent to examine her, four days before her death: ðI ground my faith upon Godø's Word, and not upon the Church. For if the Church be a good Church, the faith of the Church must be tried by Godø's Word ó and not Godø's Word by the Church!ö

The history of tyranny hardly affords any other example of a queen ó let alone a queen of seventeen ó being put to death. She washed her hands in innocency ó and she called on them to bear witness that she died a true Christian and hoped for salvation only through the blood of Jesus.

She then knelt down and repeated the fifty-first Psalm in English. She stretched forth her neck, saying: ðLord, into Thy hands I commend my spirit!ö One blow terminated her existence ó yet only here on Earth.

However, the great object of Mary Tudor and her Council was to get her own half-sister ó the young Elizabeth ó into their clutches. Princess Elizabeth ó the later -Good Queen Bessø ó was now arrested and dragged off to the Tower of London. She remained there, to meditate on the fate of the innocent Jane Grey ó a fate which she had little doubt awaited also herself. Queen Mary Tudor, in whose bosom fanaticism had stifled all natural feeling, was willing to shed her own sisterø's blood!

On the 1st of November 1554, the Parliament was opened by a speech from the Chancellor in the presence of King Philip of Spain and Queen Mary of England ó for

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<sup>74</sup> *Op. cit.*, XIX:238f.

plans had been made for them to marry one another. The Chancellor said he expected they would thus accomplish the reunion of the realm of England with the Roman Catholic Church. To ingratiate himself with the nation of England, Philip then caused those who were in confinement in the Tower of London for treason to be set at liberty.

Philip's most popular act was obtaining pardon for Princess Elizabeth. As a Protestant in her heart, she was certainly an object of aversion to Queen Mary. The planned match of Mary to Philip, however, had saved Elizabeth. For it became the interest of him who had the power to do it, to protect her.

–Bloody Mary, the Romish Queen ruled (or rather misruled) England from 1553 until 1558. During her reign, the English bishops actively restored popery. But the English lesser clergy almost to a man resisted the re-roman-ization of England under Mary.<sup>75</sup>

Interestingly, it was precisely under the Romish Queen of England –Bloody Mary that even the rigid Roman Catholic, Cardinal Pole, affirmed (in 1555) that in ancient times Britain was the first of all countries to receive the Christian Faith. Soon after Pole, also Genebrard remarked that the glory of Britain consists not only in that she was the first country which in a national capacity publicly professed herself Christian but that she made this confession when the Roman Empire itself was pagan, and a cruel persecutor of Christianity.<sup>76</sup>

That history of Ancient Britain was now, on a minor scale, to be repeated. Formerly, from A.D. 35 to 43 onward, she had gone from being the World's first Proto-Protestant country of freedom (under then-Christianizing royal families and noblemen) to becoming the unwilling vassal first of the pagan Roman Empire and later of the papal Romish Vatican. Now, during the five years A.D. 1553-58, she would be pressured away from being the World's first Protestant country (alias the England of the Anglican King Henry VIII and especially of his son the Calvinist King Edward VI) to becoming Bloody Mary's outpost of papal Romish Spain.

### **“Bloody Mary” and her ruthless persecution of Protestants in England**

Mary stacked her Romish supporters into the positions of power in the government of England. Very soon, the Reformation was imperilled. Thus, as the *Historians' History* observes,<sup>77</sup> under Mary most of the leading Protestants were now in prison. Many fled the kingdom. Peter Martyr and the other foreigners were ordered to depart.

The great Protestants, Bishops Hooper and Ferrar and Rogers, Taylor and some other divines had been brought before the Chancellor. Hooper and Rogers were now put on trial. The former was charged with being a priest who had married; with maintaining that marriages may be dissolved legally for fornication and adultery and

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<sup>75</sup> Thus Brewer's *op. cit.*, p. 293.

<sup>76</sup> Roberts: *op. cit.*, pp. 10-11.

<sup>77</sup> *Op. cit.*, 19:235f & 246f.

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that persons so released may marry again; and with denying transubstantiation. He admitted the truth of all.

Rogers was asked if he would accept the queen's mercy and be reconciled to the Catholic Church. He replied that he had never departed from **that** Church, but only from Romanism and that he would not purchase the queen's clemency by relapsing into **Anti-Christian** (alias **Romish**) doctrines.

Bishop Hooper was burned as a Protestant heretic in his own diocese. Indeed, just before the defrocked Archbishop Thomas Cranmer too was martyred, the latter bravely exclaimed: "I come to the fire.... As for the Pope, I refuse him, as Christ's enemy and antichrist, with all his false doctrine!"<sup>78</sup>

Fortunately for England, however, also Bloody Mary now died. As the *Historians' History* explains,<sup>79</sup> she was suffering under disease. She felt that she had lost the affections of even that portion of her people who agreed with her in religious sentiments and by her subserviency to the Spanish Councils, and by her arbitrary taxation. Her cruelties had drawn on her the well-merited opposition of the Protestants. She breathed her last on November 17th 1558. England's Romish primate, Cardinal Pole, who was ill of the same fever and died the following day.

With the deaths of Mary, Pole (and Gardiner) and the dominion of the Papacy in England ended forever. The cruelties perpetrated by them, were even of advantage to the Reformed Faith. The English nation is naturally averse to cruelty. Many who were Catholics at the commencement of Mary's reign and were Protestants at its close. Hence her successor [Elizabeth I] found little difficulty in [re-]establishing Protestantism.

Germany's great historian Leopold von Ranke and writer of his famous volumes on the *History of the Popes* and also wrote a significant book on *English History*. There, he did not elaborate on Queen Mary's alleged illegitimacy on account of the averred incestuousness of her mother's two marriages and/or sexual liaisons. Nevertheless, his other remarks about Mary Tudor are far more damning.

Ranke well remarked that to appreciate the reasons that impelled Henry VIII to attach such importance to a male heir (Edward VI), and to bar his daughter Bloody Mary by the Spanish marriage to Katherine Aragon from the succession to the throne and one need but glance at what followed when she became queen after all. The Tudor ideal of founding a political power independent of internal disputes or foreign interference, was sacrificed by Mary to her fondness for the nation of Romish Spain to which her mother belonged and whence she chose also her own husband.<sup>80</sup>

Though probably never properly entitled to reign over England or any other realm, Bloody Mary herself could not fairly be held accountable for her own (possibly incestuous) alleged illegitimacy. However, she was indeed a traitor to her country England, and a lackey of Spain. Worse yet, she was also an unreconstructed Romanist and a persecutor of Protestants.

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<sup>78</sup> *Ib.*, p. 256.

<sup>79</sup> *Ib.*, pp. 261f.

<sup>80</sup> Cited in *Historians' History*, pp. 233 & 631.

## ‘Good Queen Bess’: Elizabeth and the ‘Elizabethan Age’

Barrister-at-Law Owen Flintoff explains<sup>81</sup> that during the bloody reign of Mary from 1553 to 1558, the old system of Romanism was restored to favour in England. But in the succeeding reign of Elizabeth, from 1558 to 1603, it was again driven from power and the Protestant religion was re-established even in Ireland.

As the great English historian and writer Lord Macaulay observes,<sup>82</sup> the Spirit of Protestantism was far fiercer after the cruelties of Mary, than before them. Many persons who were warmly attached to the new opinions had, during the evil days, taken refuge in Switzerland and Germany. They had been received hospitably by their brethren in the faith; had sat at the feet of the great doctors of Strassburg, Zurich and Geneva; and had for some years become accustomed to a more simple worship and to a more representative form of church government than England had yet seen.

The *Historians’ History* describes<sup>83</sup> Elizabeth’s considerable erudition. The beginning of each day was always devoted by her to the New Testament in Greek. For her religious instruction, she drew first from the fountains of Scripture and afterwards from Cyprian, the *Commonplaces* of Melancthon, and similar works. Moreover, she herself encouraged her own contemporaries to write and (especially) Edmund Spenser, and (later) William Shakespeare.

The critical English History Professor J.R. Green records<sup>84</sup> that the Calvinistic refugees were pouring back from Geneva with dreams of revolutionary change in Church and State. Elizabeth was now in her twenty-fifth year. She studied the Greek New Testament every morning. She spoke Italian and French as fluently as she did her mother-tongue.

She listened with delight to Spenser’s *Faerie Queen* and with its references to her illustrious ancient predecessor, the circa B.C. 510 British King Dunvallo Moelmuad alias Mulmutius, and his upholding of the Common Law. She always found a smile for Spenser, whenever he appeared in her presence. She would also undoubtedly be approving of Shakespeare’s references to those laws of Mulmutius and in his famous play *King Cymbeline*.

Every sign of the growing prosperity and the sight of stately mansions as they rose on every manor and told justly in Elizabeth’s favour. London then became the mart of the World.

Elizabeth ordered Catholic images to be flung into the fire and quizzed the Puritans as her brethren in Christ. At her entry into London, she kissed the English Bible which the citizens presented to her. Indeed, she promised diligently to read therein and certainly did so.

Elizabeth won the Protestants by an *Act of Uniformity* which restored the English *Prayer Book*. She dropped the words ‘Head of the Church’ from the royal title. The

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<sup>81</sup> *Op. cit.*, p. 206.

<sup>82</sup> *Op. cit.*, I p. 46.

<sup>83</sup> *Op. cit.*, XIX:270.

<sup>84</sup> *Op. cit.*, 19:273f.



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*Forty-Two Articles* which Cranmer had drawn up, were recycled as the *Thirty-nine Articles* of the Church of England.

The gorgeous vestments of the old Marian Romish worship, were cut up into gowns and bodices for the priests' wives. Elizabeth's Catholic subjects lost all hope of her conversion to Romanism, as they saw the queen allying herself with Scottish Calvinists and French Huguenots. The last hopes of the English Catholics were dispelled by the queen's refusal to take part in the (1545-63) Council of Trent.

As the *Historians' History* explains,<sup>84</sup> Elizabeth frequently deliberated concerning the expediency of restoring the Protestant religion and the means of executing that great enterprise. The education of Elizabeth, as well as her interest, led her to favour the Reformation. She resolved to proceed by gradual and secure steps. She also suspended the laws so far as to order a great part of the service of the Litany, the Lord's Prayer, the Creed, and the Gospels to be read in English.

The day before her coronation, a boy presented to her a copy of the Bible. She received the book with the most gracious deportment, placed it next to her bosom, and declared to amidst all the costly testimonies given her that this present was by far the most precious and most acceptable.

The elections of 1559 had gone entirely against the Catholics. The monastic establishments were universally broken up. Three whole convents of monks and nuns were transferred from England to the Continent. To supplement their places, a selection had been made out of the Protestant exiles who hastened back from Geneva.

Dr. Gairdner writes<sup>85</sup> that the reign of Elizabeth is a political and moral wonder. Her rule was wonderfully prosperous to as many wise measures for her people's good indeed deservedly made it. Early in her reign, she corrected by a great effort the debased currency. Trade and industry began to revive. The country enjoyed internal tranquillity.

**Elizabeth's accession in England precipitates  
Knox's return to Scotland**

Romish Scotland had long been a satellite of papal France, the land of Queen Mary of Guise to the wife of Scotland's King James V. Then and thereafter, the few surviving Protestants in Scotland at that time to men such as John Knox to had all fled to Europe.

However, Elizabeth's 1558 accession to the throne of England was the signal for Knox to return to Scotland from Calvin's Geneva to and for the English themselves to start moving toward Puritanism. Very quickly, Elizabeth became the champion of British and even of European Protestantism. She immediately forbade the elevation of the bread to previously worshipped by the Romanists to at the Lord's Table. Protestants previously exiled from Britain, now streamed back into England and Scotland.

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<sup>85</sup> See *ib.*, 19:4f.

In 1559, John Knox returned from Geneva to his native country. Before then, the first Scottish Protestant martyr ó Patrick Hamilton ó had composed his *Loci* (or *Places*) in 1526, and had subsequently circulated it in Scotland. Later, in 1540, the Protestant Scot George Wishart, after being urged out of Pre-Protestant Scotland as a heretic ó and while a refugee in Calvin's Switzerland ó had translated the *First Swiss Confession* (of 1536) into English.

Now, in 1560, Knox and his friends ó soon after their return from exile in Switzerland ó wrote the *Scots Confession* at the request of the Scottish Parliament. Elizabeth from England assisted the Scottish Protestant lords. Through the *Treaty of Edinburgh*, it was arranged for all Romish troops from France to leave Scotland.

The *Historians' History* explains<sup>86</sup> that the first proceeding of the Estates of the Scottish Parliament of 1560, was to draw up a confession of faith. Called the *Scots Confession*, it was founded on the Reformed doctrines as received by Calvin.

The opposition of the bishops and other Romanists, was useless. Indeed, the *Confession* itself concludes with this prayer: ðArise, O Lord, and let Thy enemies be confounded! Let them who hate Thy godly Name flee from Thy presence! Give Thy servants strength to speak Thy Word in boldness, and let all nations cleave to Thy true knowledge!ð

This confession of faith was followed up by three acts. These established the Reformed religion upon legislative sanction.

The first such act abolished the power and jurisdiction of the Pope in Scotland. The second repealed all statutes in favour of Romanism. The third provided that all who should say mass or hear mass, should incur: confiscation of goods for the first offence; banishment for the second; and death for the third.

For, as History Professor Brewer remarks,<sup>87</sup> the Scottish Reformation had been proceeding with rapid steps. Some of the leading Reformers in Scotland, as well as some of the most influential Scottish statesmen ó desirous of propagating their principles ó in 1557 privately entered into a bond or association and called themselves the ðLords of the Congregation.ð The zeal of this league was further stimulated by the arrival of John Knox from Geneva. There he had passed some years in exile, and imbibed Calvinism.

The leaders of the ðLords of the Congregationð passed an Act depriving the Queen Dowager of Scotland ó the French Romanist Mary of Guise ó of the regency over Scotland. This she had exercised since the death of the Scottish King James V in 1542.

The ðLords of the Congregationð then further ordered all the French troops to evacuate the Kingdom of Scotland. Indeed, they clearly foresaw how the Dowager Queen Mary of Guise and her heir and daughter the young Queen Mary Stuart were planning to re-romanize Scotland ó and even to incorporate it into Romish France.

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<sup>86</sup> *Ib.*, p. 286.

<sup>87</sup> *Op. cit.*, pp. 294.

### The wretched reign of the Romanist Mary Stuart Queen of Scots

The *New Illustrated Columbia Encyclopedia* remarks<sup>88</sup> in its article *Mary Queen of Scots* that Mary Stuart was born at Linlithgow in 1542 and became Queen of Scotland on the death of her father James V only six days later. Her French mother, Mary of Guise, accordingly thenceforth ruled as regent in her place.

Indeed, her mother even betrothed her little daughter Mary to the French Dauphin (later to become King Francis II of France). Moreover, Mary of Guise sent the tiny Mary Stuart to France when the latter was but five years old in order to be brought up by the mother's own powerful relatives (the Guise family).

In 1558, Mary and Francis were married under an agreement that would unite the crowns of Scotland and France if the union produced male issue. At the same time, Mary signed a secret contract that bequeathed Scotland to France should she die without issue.

The young couple was crowned in 1559. But Francis died the following year just after Scotland had been proclaimed a Protestant land, after the return there of John Knox.

Understandably, then, the Lords of the Congregation had to move very quickly and drastically in order to prevent the just recently protestantized Scotland from becoming a province of Romish France. As Professor Brewer explains,<sup>89</sup> the Lords of the Congregation therefore collected forces, and solicited help from Elizabeth the Protestant Queen of England.

The Council of Elizabeth did not long deliberate before agreeing to this request. Sir William Cecil at length persuaded her to support, by arms and money, the Lords of the Congregation in Scotland.

She concluded a treaty of mutual defence with them and she promised never to desist till the French had entirely evacuated Scotland. The subsequent measures of the Scottish Reformers tended still more to cement their union with England. Laws were passed abolishing the mass and the papal jurisdiction in Scotland. Then, precisely Calvin's presbyterian form of discipline was settled there.

However, now a young widow, Mary Queen of Scots resolved to return from France to Scotland and landed at Leith in 1561. She was still a Papist, and very strongly so. The Protestant Scottish Preachers in particular took pride in vilifying her even to her face. The ringleader in those insults, was John Knox. He possessed an uncontrolled authority in the Church, and even in the civil affairs of the nation.

Rev. James Mackenzie explains in his *History of Scotland*<sup>90</sup> that the unfortunate Mary's mother-in-law was that most supremely diabolical woman and Catherine de Medicis. It was under her influence that Mary was thrown and at the very period of

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<sup>88</sup> *Op. cit.*, 14:4252f.

<sup>89</sup> *Op. cit.*, p. 294f.

<sup>90</sup> *Op. cit.*, pp. 349f.

life when character is formed. Indeed, it was precisely the princes of the bigoted and bloody house of Guise who were her very uncles.

Initially, the Scottish Commissioners paused. First, they would obtain from the young queen and her proposed husband an engagement to preserve **the independence of Scotland and all its ancient laws and liberties**.

Mary accepted that condition. But, fifteen days previously, she had signed at Fontainebleau a secret deed annulling beforehand the consent which she was about to give *ó* and declaring it to be her intention to unite the Kingdom of Scotland to the Kingdom of France.

### The clash between Mary Queen of Scots and John Knox

Knox had for four years been Chaplain to Edward VI, the former Calvinistic King of England. Mary, however *ó* writes Rev. Mackenzie<sup>91</sup> *ó* had come from the wretched Court of France with her head full of the divine right of monarchs. *Cf.* Daniel 7:25.

Mary asked the Reformer: "Think you that subjects, having power, may resist their princes?" Knox replied: "If their princes exceed their bounds, Madam *ó* and do against that for which they should be obeyed *ó* it is no doubt but they may be resisted!"

A hundred years later, the kindred nation of Britain *ó* the United Kingdom of England and Wales to the South *ó* adopted this same idea. It did so, at its "Glorious Revolution" in 1688.

Meantime, back in her native Scotland the royal young widow Mary set her heart vehemently on her tall and well-limbed cousin Darnley. He was nineteen; she was now twenty-three. On account of their being cousins, the Pope's dispensation was needed for their marriage.

Four months before her public marriage to Darnley at Holyrood, she married him secretly at Stirling. That supple Italian, Mary's Secretary for French Affairs David Rizzio, managed the matter.

Darnley and his father were Papists. The queen showed them such extraordinary favour that it seemed the whole power of the State was about to be thrown into their hands.<sup>92</sup>

However, Mary contemplated marriage also to the Prince of Spain. Suspecting, among other imperfections, perhaps even possible bigamy *ó* Knox protested. "But what have you to do," said Queen Mary, "with my marriage? Or what are you within this commonwealth?"

Knox promptly replied: "[I am] a subject born within the same, Madam. And albeit I be neither earl, lord nor baron within it *ó* yet God has made me, howsoever abject I be in your eyes, a profitable member thereof."<sup>93</sup>

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<sup>91</sup> *Ib.*, p. 351f.

<sup>92</sup> *Ib.*, p. 361.

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Consequently the Spanish marriage did not occur. Knox had sounded an alarm in Scotland which was caught up in England. The arras had been torn up, from floor to ceiling. A plot exposed, is a plot defeated. Knox, and Knox alone, saved the kingdom.<sup>94</sup> Thus Mackenzie.

Rev. Professor Dr. Harold Whitney ó sometimes Principal of the Queensland Presbyterian Theological College in Australia ó described it well in his gripping book *Can Scotland Do It Again?* Explained Dr. Whitney,<sup>95</sup> the resolute safeguarding of religious liberty at this time made possible the intellectual development of Scotland. This was a development in which the creed of Calvinism exercised a strategic influence.

Thereby, John Knox now continued the struggle for liberty. It was the struggle initiated by Kellogg alias Galg(acus) in his deathless struggle with the Roman Agricola, centuries before (in 83f A.D.). It was the struggle continued by the heroic Wallace (1272-1305) and the mighty Bruce (1274-1329). Knox now did so yet further, by confronting the life-system of Romanism with the life-system of Calvinism.

The Protestant State in Scotland in the sixteenth century was the *sine qua non* of civil and religious liberty. The Protestant State stood firmly based on the conception of God as Sovereign. The principle of individual liberty was safeguarded by a theocratic State.

The theocratic State limited its despotic power by conscious obedience to a greater power: the Sovereign Lord. Superficial structures on the coercive character of the theocratic State, cannot obscure the sublime fact that it was the provider and sustainer of individual liberty unknown under the Romish system. Thus Professor Whitney.

Calvin's Switzerland was now to be reproduced in Knox's Scotland. In both lands, a Biblical theocracy was reconstructed. Knox returned home from Geneva in 1559.

The 1560 *Geneva Bible* (completed under Mrs. John Calvin's exiled brother-in-law William Whittingham) soon followed Knox back into Britain. That *Geneva Bible*, with its strongly-Protestant and copious Calvinistic footnotes, rapidly helped calvinize both England and Scotland. It became the official version of the Scottish Presbyterian Church. Excerpts from it known as *The Soldier's Pocket Bible* were later issued by Oliver Cromwell to his puritan troops.

The reactionary *Bishops' Bible* of 1568 was not able to restrain the Puritans' *Geneva Bible*. Yet later, and largely modelled on the *Geneva Bible*, only the Authorized Version ó alias the *King James Bible* of 1611 could then replace the *Geneva Bible*. However, even that occurred only after the *Geneva Bible* itself had been taken to North America by the Pilgrim Fathers in 1620 ó and had helped pioneer their new life there.

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<sup>93</sup> Compare in *ib.*, p. 370.

<sup>94</sup> Compare in *ib.*, p. 371.

<sup>95</sup> H.J. Whitney: *Can Scotland Do It Again?*, Mission Press, Lawson NSW, 1983, pp. 33f.

The Romish Mary Queen of Scots accused Knox of having ðtaught the people to receive another religion than their princes allow.ö But Knox replied: ðMadam, as right religion took neither origin nor authority from worldly princes but from the Eternal God alone ó so subjects are not bound to frame their religion according to the appetites of their princes.... God commands queens to be nurses unto His people!ö

Mary then answered: ðYea, but ye are not the Church that I will nourish! I will defend the Church of Rome, for I think it is the true Kirk of God.ö

Knox then replied: ðYour will, Madam, is no reason. Neither doth your thought make that Roman harlot to be the true and immaculate spouse of Jesus Christ.ö

Mary retorted: ðMy conscience is not so.ö However, Knox then replied: ðConscience, Madam, requires knowledge; and I fear that of right knowledge, ye have none.ö

### **“Wycliffe rides again” – in the reconstructed Church of Scotland**

In Scotland, the Proto-Protestant Wycliffite John Resby had been martyred in 1407 ó and Paul Crawar in 1433. Thus, as Rev. James Mackenzie observes in his *History of Scotland*,<sup>96</sup> well nigh a hundred and fifty years before Mary Queen of Scots ó the first martyr-blood cried out to God from Scottish ground.

A long period had passed away, since Resby and Crawar had begun the battle which it was reserved for Knox to win. That victory started at the 1560 General Assembly of the re-presbyterianized Church of Scotland.

It was a very small General Assembly, consisting of only six Ministers and about thirty-four Elders. Yet how great and high was the position of that small company! Little form was used. There was not even a President or Moderator. Neither was there one in any of the first seven General Assemblies. Yet, together with John Knox, there sat also John Row and John Willock.

John Row was a young man of thirty-five, learned in the Canon Law and skillful in the languages of antiquity. He was once an agent at the Court of Rome for the popish clergy of Scotland ó and a favourite of two Popes. Indeed, he had returned to his native country ó as papal nuncio. But the power of truth had found him. Now he sat there ó as a member of the Protestant Assembly.

There too, John Willock sat also. He had once been a gray-gowned Franciscan monk. After becoming a Protestant, he had been in England ó acting as chaplain to the Duke of Suffolk, the father of the amiable and hard-fated Lady Jane Grey.

The way in which the Scottish Reformers strove to apply the Old Testament legislation, is very instructive. As Rev. Mackenzie explains,<sup>97</sup> the Reformers undoubtedly held that the Mosaic Law against idolatry applied to every Christian kingdom. The Parliament of 1560 passed an Act ordaining that all who assisted or were present at the idolatry of the mass, should be punished.

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<sup>96</sup> *Op. cit.*, pp. 332f.

<sup>97</sup> *Op. cit.*, pp. 340f & 346.

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On the other hand, there were some matters in which the Scottish Reformers were too tolerant. They allowed popish Professors to remain in the Universities, where they could continue to corrupt the principles of the students. Even six years after the Reformation, all the Professors in Aberdeen were still Papists ó and continued to teach popish doctrine. The forbearance and kindness with which popish functionaries of every kind were treated by the Scottish Reformers, is remarkable.

The popish bishops were allowed, even after the Reformation, to sit in Parliament. They were continued in the enjoyment of their revenues. The first General Assembly passed an Act providing that persons who had borne office in the Romish Church should receive a maintenance out of the funds of the Reformed Church. Many, both monks and nuns ó who were incapable of being put to any use in the working world ó were thus provided for. So late as thirty years after the Reformation, monkø portions were still being paid out.

There was another matter in which the good-nature of the Reformers went quite far enough. A very large proportion of the Readersø appointed to read the Scriptures and conduct the Psalmody in the Reformed Kirk, were popish priests. Numbers of priests were also employed as schoolmasters.

Indeed, the *First Book of Discipline* ó drawn up by the first General Assembly in 1560 ó provides for the maintenance of all cathedral and collegiate churches. In 1588, the Assembly appealed to the king, craving him to avert the ruin which threatened the cathedrals. Thus Mackenzie.

### The Church of Scotland's 1560 *First Book of Discipline*

The above-mentioned 1560 Scottish Presbyterian *First Book of Discipline*, though centred on the entity of the Church, is a rich source of material also for godly political government. It requires<sup>98</sup> that the ðGospel be truly and openly preached in every church and assembly of this realm; and that all doctrine repugnant to the same, be utterly repressed.ö Very clearly, this requirement has definite political implications.

The document also decrees:<sup>99</sup> ðWhatsoever men by laws, councils or constitutions have imposed upon the consciences of men without the express commandment of Godø Word ó such as vows of chastityö (cf. Leviticus 5:4-16f etc.) ó ðwe judge them utterly to be abolished from this realm.ö Indeed, ðthe obstinate maintainers and teachers of such abominations ought not to escape the punishment of the civil magistrate.ö

The Mosaic Law against **pre-marital fornication** (involving only unmarried persons), was indeed to be followed. Declares the *First Book of Discipline*:<sup>100</sup> ðIf any commit fornication with that woman he requires [or seeks] in marriage..., the father...whose daughter (being a virgin) is deflowered ó hath power under the Law of God to compel the man who did that injury to marry his daughter.ö That is to say, if the daughter was willing and the father too thought it best.

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<sup>98</sup> *Op. cit.*, I:I.

<sup>99</sup> *Ib.*, I:I:2.

<sup>100</sup> *Ib.*, XIII:IX(3):3.

On the other hand, it is possible that the father might nevertheless find such a young man totally unacceptable as a son-in-law. Exodus 22:16f. In that case: ðIf the father will not accept him by reason of his offence, then may he [the father] require the dowry [from the offender in respect] of his daughter. Which, if the offender be not able to pay ó then ought the civil magistrate to punish his body by some other punishment.... We require of your Honours [the Magistrates], in the Name of the Eternal God, that severe punishment ó **according as God hath commanded** ó be executed against such wicked contemners.ö

More severe still, was the 1560 Scottish Presbyterian remedy against **adulterers** (involving at least one married person). States the *First Book of Discipline*:<sup>101</sup> ðMarriage, once lawfully contracted, may not be dissolved at manø pleasure ó as our master Christ Jesus doth witness ó unless adultery be committed. Which, being sufficiently proved in presence of the magistrate, the innocent (if they so require) ought to be pronounced free ó and **the offender ought to suffer death, as God hath commanded**.ö

The document continues: ðIf the **civil** sword foolishly spare the life of the offender, yet may not the **kirk** be negligent in their office ó which is to excommunicate the wicked and to repute them as dead members (and to pronounce the innocent party to be at freedom) ó be they [the wicked] ever so honourable before the World. [Nonetheless,] **if the life be spared, as it ought not to be**, to the offenders ó and if fruits of repentance of **long time** appear in them, and if they earnestly desire to be reconciled with the kirk ó we judge they may be received to the participation of the sacraments and other benefices of the kirk. For we would not that the kirk should hold **them** excommunicate whom God absolved ó that is, the penitent.

Even the principles of **magisterial discretion and non-retroactivity**, are touched upon in the *First Book of Discipline*. To the magistrates, it is said:<sup>102</sup> ðIf your Honours would give to God His honour and glory..., ye would prefer His express commandment to your own corrupt judgments ó **especially in punishing of these crimes which He commandeth to be punished with death**.... Your commonwealth should be rid of innumerable troubles.

ð[However,] we mean not that sins committed in our former blindness ó which be almost buried in oblivion ó shall be called again to examination and judgment. But we require that the law may now and hereafter so establish and execute ó that this ungodly impunity of sin have no place within this realm. For in the fear of God **we signify unto your Honours, that whosoever persuades you that ye may pardon where God commandeth death – deceives your souls, and provokes you to offend God's Majesty**.ö

The above passage clearly opposes the modern tyrannical principle of retroactive legislation and punishability. Yet it also clearly calls for capital punishment for all capital crimes thenceforth committed.

The political implications of the **qualifications for and election to office for a fixed term**, are also discussed. They too are of great importance.

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<sup>101</sup> *Ib.*, XIII:IX(3):7.

<sup>102</sup> *Ib.*, X:VIII:1,3,6,12.



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Declares the *First Book of Discipline*: “Men of the best knowledge of God’s Word and cleanest life, men faithful and of most honest conversation [or behaviour] that can be found in the kirk ó must be nominate[d] to be put in election.... Their names must publickly be read to the whole kirk by the Minister, giving them advertisement ó [so] that from amongst them must be chosen Elders and Deacons.

“If any of these nominat[ed] be noted with publick infamy, he ought to be repelled.... The Elders and Deacons ought to be made every year once.... If any Minister be reprehended in any **notable crime – as whoredom, adultery, murder, manslaughter, perjury, teaching of heresy, or other deserving death** or that may be a note of perpetual infamy ó he ought to be deposed for ever.... The Elders and Deacons...should be under the same censure that is prescribed for the Ministers.”

### John Knox’s 1560 *First Scots Confession of Faith*

Knox’s own 1560 *Scots Confession* teaches<sup>103</sup> that **all governments are divinely ordained** ó “for the manifestation of His Own glory and for the good and well-being of all men.... Any men who conspire to rebel or to overturn the civil powers as duly established, are not merely enemies to humanity ó but rebels against God’s will.... Such persons as are set in authority...are the lieutenants of God.... They are the judges and princes to whom God has given the sword ó for praise and defence of good men, and the punishment of all open evil-doers....

“The preservation and purification of religion is particularly the duty of kings, princes, rulers, and magistrates. They are not only appointed for civil government, but also to maintain true religion and to suppress all idolatry and superstition. This may be seen in David, Jehoshaphat, Hezekiah, Josiah and others highly commended for their zeal in that cause.... So long as princes and rulers vigilantly fulfil their office ó anyone who denies them aid, counsel or service, denies it to God.”

### Knox’s triumph over Queen Mary Stuart and the “Second Scottish Reformation”

In 1561, the Romish Mary Queen of Scots would not authorize the General Assembly of the Presbyterian Church to meet in Scotland. Knox then responded: “If the liberty of the Church must depend upon her [Mary’s] allowance or disallowance ó we shall want not only assemblies, but the preaching of the Gospel!”

So the General Assembly of the Presbyterian Church went ahead and met in Scotland even **without** the permission of Mary Queen of Scots. It is important to realize this, lest the original version of the twenty-third chapter of the **later Westminster Confession of Faith** ó **fully approved more than eighty years later in 1647 also by the Scottish Commissioners to the Westminster Assembly** ó be **misunderstood** (as if it **were** teaching Erastianism alias church meetings only at the whim of the civil government).

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<sup>103</sup> J. Knox & Others: *Scots Confession* (1560), ch. 24.

Indeed, already by 1567, Mary Queen of Scots was forced to abdicate in favour of her infant son the Scottish King James VI ó alias James I of the later-confederated kingdoms of England and Scotland. After a sermon by John Knox, James was crowned in Sterling ó soon to be followed by a Parliamentary Act abolishing the Pope's authority in Scotland.<sup>104</sup>

So, both from 1559 to 1567f (and again from 1647 onward), the Scots and the English in Britain ó and indeed also their later cousins in Colonial America from 1620 onward ó espoused the view that all nations and all civil governments are obliged to submit to the political teaching of the Bible. Both then and later, this position was firmly held by: John Owen, Alexander Moncrieff, Thomas M'Creie, Dr. Begg, Principal Cunningham, C.J. Brown, Dr. George Smeaton, and John Elliott.

Indeed, see further: Dr. D. Beaton's *National Recognition of Religion*; his *Headship of Christ*; and his *Dr. M'Creie's Statement*. See too James Kerr's *Church and State*; William Wilson's *Defence of National Churches*; James Bannerman's *The Church of Christ*; Edward Williams's *Antipaedobaptism Examined*; and the various works of Rabbi Duncan, Dr. Kennedy of Dingwall, and Malcolm Mackay of Nova Scotia.<sup>105</sup>

More extended comments on this are given in Rev. Professor Dr. William Symington's great book *Messiah the Prince, or the Mediatorial Dominion of Jesus Christ*.<sup>106</sup> On the latter, see our *Addendum 46* later below.

The further political application of the above was set out in the 1578 Scottish Presbyterian *Second Book of Discipline*. There, we read<sup>107</sup> that "all the members of the Church are held [or bound], every one in his vocation and according thereto, to advance the Kingdom of Jesus Christ ó so far as lies in their power. Yet chiefly, Christian princes and other magistrates are hold [or bound] to do the same. For they are called in the Scriptures "nourishers of the Church" ó for so much as by them it...ought to be maintained, fostered, upheld and defended against all that would produce the hurt thereof."

The *Second Book of Discipline* then continues. It states:<sup>108</sup> "It pertains to the office of a Christian magistrate...to see that the Church be not invaded by false teachers or hirelings...[and] to see that sufficient provision is made for the ministry, the schools, and the poor...; to hold hand [or to extend a hand] as well to the saving of their persons from violence, as to their rents and possessions, that they be not defrauded...; to make the laws and constitutions agreeable to God's Word...without usurping anything that pertains not to the civil sword...."

"Kings and princes that are godly...when the Church is corrupt...place ministers and restore the true service of the Lord ó after the example of some godly kings of Judah and divers godly emperors and kings also in the light of the New Testament.

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<sup>104</sup> See Holinshed's *op. cit.*, V pp. 626f.

<sup>105</sup> All the above are quoted in the booklet *Christ's Kingship over the Nations*, Westminster Standard, Gisbourne (New Zealand), n.d.

<sup>106</sup> W. Symington: *Messiah the Prince or the Mediatorial Dominion of Jesus Christ*, Christian Statesman, Philadelphia, 1884.

<sup>107</sup> *Second Book of Discipline* (1578), X:1-3.

<sup>108</sup> *Ib.*, X:X:1,5,7.

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Yet: where the ministry of the Church is once lawfully constituted; and they that are placed, do their office faithfully ó all godly princes and magistrates ought to hear and obey their voice, and reverence the Majesty of the Son of God speaking by themö (the Ministers of the Church).

### The English Elizabethan Age in general (1558-1603)

Let us now look at the Elizabethan Age ó in Britain to the south of Scotland. Barrister-at-law Owen Flintoff observes<sup>109</sup> that considering the 1558-1603 reign of Queen Elizabeth over the United Kingdom of England and Wales, in general she was a wise and excellent princess. She loved her people. In her time, trade flourished and riches increased. The laws were duly administered; the nation was respected abroad; and the people were happy at home.

English History Professor J.R. Green adds<sup>110</sup> that Elizabeth told her Parliament: öI have desired...to have the obedience of my subjects by love, and not by compulsion.ö It was a love fairly won by justice and good government.

Each town and parish was held responsible for the relief of its indigent and disabled poor, clearly defined in a statute of 1572. Thereby, the justices in the country districts and mayors and other officers in towns were directed to register the impotent poor, to settle them in fitting habitations, and to assess all inhabitants for their support.

The well-known Act which **matured** and finally established this system ó the 43rd of Elizabeth (1601) ó remains the base of England's system of pauper-administration. These measures formed a striking contrast to the earlier legislation, which degraded the Statute-Book. Their efficacy at the time, was proved by the cessation of the social danger against which they were intended to provide.

Its cessation, however, was owing not merely to law ó but also to the natural growth of wealth and industry throughout the country. The change in the mode of cultivation undoubtedly favoured production. Not only was a larger capital brought to bear upon the land, but the mere change in the system introduced a taste for new and better modes of agriculture. However, the growth of English commerce far outstripped that of its manufactures.

The prosperity of Bristol, which depended in great measure on the trade with Ireland, was stimulated by the conquest and colonization of that island ó at the close of the queen's reign and the beginning of that of her successors. Lucrative traffic had already begun with the coast of Guinea, to whose gold-dust the merchants of Southampton owed their wealth.

Bristol and Chester were rivals in the fisheries of Ulster. Indeed, the voyage of Sebastian Cabot from the former port to the mainland of North America ó had called English vessels to the stormy ocean of the north.

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<sup>109</sup> *Op. cit.*, p. 194.

<sup>110</sup> *Op. cit.*, pp. 393f.

As to the two Houses of Parliament ó the rise of a new nobility trained to political life by the stress of events around them, was giving fresh vigour to the Lords. The increased wealth of the country gentry, as well as their growing desire to obtain a seat in the Commons, brought about the cessation at this time of the old practice of payment of members by their constituencies. A change too in the borough representation, tended greatly to increase the vigour and independence of the Lower House.

The tone of both Houses rose higher and higher. There were repeated confirmations of ðthe traditional right of Parliament to grant subsidies, to enact laws, and to consider and petition for the redress of grievances. Step by step, the Lower House won: the freedom of its members from arrest (save by its own permission); the right of punishing and expelling members for crimes committed within the House; and of determining all matters relating to elections. The whole religious fabric of the realm, the very title of Elizabeth, rested on Parliamentary statutes. The growth of Puritanism among the landowners as a class, gave more and more a Protestant tone to the Commons and to the Council (of cabinet ministers).

The wonderful growth in wealth and social energy was accompanied ó indeed, even caused ó by a remarkable change in the religious temper of the nation. England became Protestant ó as the traditional Catholicism, which had formed the religion of three-fourths of the people at the Queen's accession, quietly died away. At the close of her reign (1603), the only parts of England where the old faith retained anything of its former vigour ó were the least populated parts of the kingdom.

One main cause of the change lay undoubtedly in the gradual dying out of the Catholic priesthood and the growth of a new Protestant clergy who supplied their place. The new Parsons were for the most part not merely Protestant in belief and teaching, but indeed also Calvinistic. The zeal of the young Ministers showed itself in an assiduous **preaching** ó which moulded into their own fashion the religious ideas of the new generation.

The tone of the universities changed wholly, as the Queen's reign went on. At its opening (1558), Oxford was ña nest of Papistsø and sent its best scholars to feed the Catholic seminaries. At its close (forty-five years later in 1603), the university was a hotbed of Puritanism, where the fiercest tenets of Calvin reigned supreme.

By 1576, the *Test Act* placed the magistracy in Protestant hands. The working of the *Test Act* had made Parliament a wholly Protestant body ó save for the presence of a few Catholics in the House of Lords. Thus Professor Green.

Also herself, Henry's daughter ñGood Queen Bessø powerfully promoted this ongoing and ever-increasing protestantization. To the Council of cabinet ministers which the Protestant Queen Elizabeth I ñinheritedø from her Romish predecessor Queen Mary Tudor, Professor Brewer explains<sup>111</sup> that she added others who were known to be inclined toward Protestantism.

Among them were Sir Nicholas Bacon (who was made Lord Keeper), and Sir William Cecil (the Secretary of State). With these Counsellors (particularly Cecil) she

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<sup>111</sup> *Op. cit.*, pp. 292.

frequently deliberated on the expediency of restoring in full the Protestantism of her half-brother the previous king, Edward VI. She resolved to proceed by gradual and secure steps ó allowing the Protestant exiles to return, and giving liberty to the prisoners who were confined on account of religion. Thus Brewer.

### **Early Elizabethan laws promoting Protestantism and restraining Romanism**

At Elizabeth's coronation, Bishop Oglethorpe of Carlisle in Cumbria was prevailed upon to perform the ceremony at the beginning of 1559. In the Parliament which met soon after, the validity of the Queen's title was declared. A bill was passed suppressing the monasteries lately erected, and restoring the tithes and first-fruits to the queen as the Defender of the Church of England ó instead of to the Pope at Rome as the alleged earthly head of the Church Universal.

Another bill was enacted for restoring to the crown the supremacy in ecclesiastical affairs. Instead of the title "Supreme Head" ó Elizabeth assumed the title "Supreme Governor" of the Church of England. Whoever refused to take the oath of supremacy, was incapacitated from holding office. Whoever maintained the authority of any foreign potentate, by word or deed, forfeited ó for the first offence ó all his goods and chattels. For the second offence, he was subjected to the penalty of *praemunire*. The third offence was declared treason.

Lastly, an Act was passed for establishing the second *Prayer Book* of Edward VI (1552). Thus, in one Session of Parliament, without any violence, tumult or clamour ó the whole system of religion was altered.

The bishops had taken such an active part in the restoration of Popery ó under Mary. Now, under Elizabeth, they felt themselves bound to refuse the oath of allegiance to her ó and accordingly got de-graded.<sup>112</sup> Consequently, Puritanism now began to overtake Prelacy.

Elizabeth greatly occupied herself, through Parliament, in re-protestantizing and straightening out her kingdom (which her immediate predecessor Queen Mary Tudor had re-romanized). As Professor Brewer relates,<sup>113</sup> Elizabeth paid off the great debts which lay upon the crown. She regulated the coin, which had been much debased by her predecessor. She introduced into the kingdom the art of making gunpowder and brass cannon.

She also promoted trade and navigation. She so much increased the shipping of her kingdom ó both by building vessels of force herself, and suggesting like undertakings to the merchants ó that she was styled, quite justly, the "Restorer of Naval Glory" and the "Queen of the Northern Seas."

Indeed, in the convocation which assembled in 1563, the last hand was put to the Reformation in England. This was done, by establishing the *Thirty-Nine Articles* in the form in which they now exist.

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<sup>112</sup> *Id.*

<sup>113</sup> *Op. cit.*, pp. 296f.

As Professor J.R. Green has pointed out,<sup>114</sup> in 1562 Elizabeth sent help to the French Huguenots. She also had her Parliament pass a severe act against Roman Catholicism.

Especially from 1566 onward, the English Puritans spread Calvinism. They contended for purity of worship, and for the rejection of the rites and vestments of the Church of Rome.

### **The Protestant English Queen Elizabeth *versus* the Romanist Mary Queen of Scots**

What was happening to the north ó while Elizabeth Tudor reigned in England? In Scotland, Mary Stuart ó whom the death of her husband had left a widow in France ó landed at Leith. Yet Knox, the greatest and sternest of the Calvinist preachers, withstood her spell. Thus Green.

In Elizabeth's England, in 1563, the sword was drawn in a *Test Act*. This was the first in a series of penal statutes which weighed upon English Catholics for two hundred years thereafter.

Meantime, the childless marriage of Mary Queen of Scots had terminated upon the death of her husband Francis (King of France from 1559 till 1560). Then, in 1565, she re-married. The bridegroom was her own cousin ó the English Romanist Lord Darnley.

Darnley's descent from Henry VIII's sister Margaret Tudor, gave him a claim to the throne of England. For Margaret Tudor was the daughter of King Henry VII. Indeed, Margaret was also: the Queen Consort of the Scot James IV; the mother of James V of Scotland; and the grandmother of Mary Queen of Scots.<sup>115</sup>

However, Mary Queen of Scots then fell under the influence ó in Scotland ó of the Italian Romanist Rizzio. He soon became her most trusted friend.

Surviving a *coup*, Mary escaped. Then, in 1566, she gave birth to her son James Stuart ó who subsequently became King James VI of Scotland, and later still King James I of England.

The child's father, Mary's husband Lord Darnley, was then blown up in a murder plot. Mary herself and the Earl of Bothwell were suspected. In the next two weeks, Bothwell divorced his wife ó and then married Mary Queen of Scots just three months after the murder of her own husband, Lord Darnley.

Rev. James Mackenzie writes<sup>116</sup> in his *History of Scotland* that when the new infant Prince James was baptized, his father Darnley was not allowed to be present at the baptism of his own child. For Darnley was in Stirling, with smallpox ó and so, shunned by all. The child, Prince James, was thirteen months old when he was crowned king ó upon his mother's abdication.

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<sup>114</sup> *Op. cit.*, pp. 382f.

<sup>115</sup> Thus art. *Margaret Tudor*, in *NICE* 14:4213.

<sup>116</sup> *Op. cit.*, pp. 378 & 391.

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After the murder of her husband Darnley, the thus-rewidowed Queen Mary Stuart's swift (re)marriage to Bothwell had precipitated a rapid rebellion in Scotland. So Mary Queen of Scots was forced to abdicate in favour of her baby James with her protestantizing half-brother James Stuart Moray *alias* the Earl of Murray installed as regent.

At the coronation of the young King James, John Knox preached the sermon. The crown was placed over the child's head. The Earl of Morton and Lord Hume took the oaths for him. Regent Moray's protestantizing half-brother was the man who ruled. With a regent like that: law would be law, and justice would smite swiftly and sharply.

Mary's third husband, the Scot Bothwell, fled to Denmark. The Romish Queen Mary Stuart herself escaped to England. Murray then **charged her with adultery against**, and with the **murder** of, her second husband (Lord Darnley).<sup>117</sup>

John Knox, who later wrote a panegyric for him upon his death, together with Murray now powerfully consolidated Protestantism in Scotland. There, arrangements were made to raise the infant King James as a Protestant and even to encourage him in theological studies.<sup>118</sup>

Arriving in England, Mary was arrested and held in custody pending her being brought to trial for her husband's murder. Elizabeth then approached Scotland's Regent Murray, regarding Mary's release from English custody in order to stand trial in Scotland.

However, the Regent was suddenly assassinated. Scotland relapsed into anarchy, as Mary's party occupied Edinburgh. Consequently, Mary herself remained remanded under custody in England.

The return to England of the Puritans formerly exiled in Europe (earlier under Bloody Mary) as well as the new Pope's excommunication of Queen Elizabeth in 1570 hardly helped matters for the Romanist Mary Queen of Scots, now imprisoned in England. Nor did the inhuman slaughter of more than ten thousand French Protestants in one day by order of that barbarous Romanist, King Charles of France. Nor did the cruel actions of the Spanish Romanist Alva in Protestant Holland.

As Professor Brewer remarks,<sup>119</sup> the cause of the Queen of Scots was identified with that of the Roman Catholic party in Europe and was secretly favoured by the courts of France and Spain. Elizabeth therefore could not regard with indifference the events then transpiring in those countries. Indeed, by 1585, Elizabeth concluded a treaty with the Dutch Protestants to help defend them against the Spanish invader.

Ex-Queen Mary Stuart of Scotland ended up being imprisoned in England for some nineteen years. During that time, she repeatedly tried to overthrow Queen Elizabeth Tudor of England, and herself grab the thrones of both England and Scotland. One

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<sup>117</sup> See J.R. Green: *op. cit.*, pp. 388f.

<sup>118</sup> See *New Illustrated Columbia Encyclopedia*, s.v. *Murray*.

<sup>119</sup> *Op. cit.*, p. 308.

such plot involved an uprising of English Catholics ó coupled with a planned Spanish invasion of England.

So the English Parliament finally demanded Mary's execution. Elizabeth reluctantly complied. However, she did so only after the Ex-Queen Mary's son King James VI of Scotland had given the assurance that he would not interfere in the execution of his mother ó whom the Scots still regarded as the co-murderer of his own father. Mary met her end in 1587 ó a bigoted Romanist to the very end.<sup>120</sup>

The Scottish historian and writer James Mackenzie states<sup>121</sup> that during the whole of her long captivity of nineteen years, Mary was seldom without some plot or intrigue on hand. She maintained at all times a correspondence with her relations the Guises in France, with the King of Spain, and with the Pope. She was in alliance with all Elizabeth's disaffected subjects. This was in addition to all the other plots against the Queen of England, which Mary habitually encouraged. Mary's continued existence was therefore a continual danger to Elizabeth's very life.

As Mary was the undisputed heir of Elizabeth, one successful dagger-blow might at any time open up Mary's way to the English throne ó as well as back to the throne of Scotland. Hence, there was a perpetual temptation to the Jesuits ó so long as Mary lived ó to plot the assassination of Elizabeth, in order to give a Romish monarch to England.

The wonder is not that Elizabeth allowed Mary at last to be brought to the scaffold ó but that she refrained so long. Indeed, the greater wonder yet is that Elizabeth herself had not been liquidated by papist plotters ó before Mary was executed by the English Parliament for seeking to overthrow the government.

When the King of France challenged Elizabeth with her complicity in Mary's death, Elizabeth replied that she had been forced to the decision which had been taken, because it was impossible for her to preserve her own life and save that of the Queen of Scots also. Elizabeth further observed that if they knew any mode of insuring her own safety, and at the same time sparing Mary ó she would be greatly obliged to them.

### **The hegemony of Protestantism in Elizabeth's England**

While the Continent of Europe was in turmoil ó the Protestant Elizabeth's England went forward from strength to strength. Professor Brewer explains<sup>122</sup> that during these years, while Europe was almost everywhere in great commotion, England enjoyed profound tranquillity. This was owing chiefly to the prudence and vigour of the queen's administration. By means of her rigid economy, she paid all the debts due from the crown ó with full interest.

Sir Francis Drake, a bold seaman, assaulted the Spaniards in the New World. He passed into the Pacific South Sea by way of the Straits of Magellan. Attacking the

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<sup>120</sup> See art. *Mary Queen of Scots* in the *New Illustrated Columbia Encyclopedia*, 14:4253f; cf. Brewer's *op. cit.*, pp. 301-8.

<sup>121</sup> *Op. cit.* pp. 404 & 407.

<sup>122</sup> *Op. cit.*, pp. 312f.



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Spaniards who expected no enemy in those quarters, he took many rich prizes. He set sail for the East Indies, and returned safely by way of the Cape of Good Hope in 1580. He was the first Englishman who sailed round the globe. The Spaniard Magellan, while seeking to accomplish the same feat, died during the passage.

Queen Elizabeth of England always remained a staunch Protestant. It was because she sensed that the English had already become basically a Protestant people, that she had even initially dropped her title "Supreme Head of the Church of England" (in favour of "Supreme Governor").<sup>123</sup>

Indeed, when Elizabeth's compromising Archbishop of York (Nicholas Heath) urged her to follow the Pope the queen roundly replied:<sup>124</sup> "I will answer you in the words of Joshua [24:15]. As Joshua said of himself and his: "I and my Realm will serve the Lord! My sister [Mary] could not bind the realm nor bind those who should come after her to submit to a usurped authority. I take those who maintain here [in England] the Bishop of Rome and his ambitious pretenses to be enemies of God, and to me!"

The Pope issued a bull against Elizabeth in 1570, and implored France and Spain to execute it. The English Parliament responded by declaring the introduction of papal bulls into the land, to be high treason.<sup>125</sup>

Word soon reached Britain of the widespread massacre of France's Huguenots during the night of St. Bartholomew in 1572. This, God Himself avenged two centuries later at the French Revolution. Elizabeth's England now braced itself against the coming hurricane of resurgent Romanism under the leadership of Spain.

As H.O. Wakeman declares in his *History of the Church of England*,<sup>126</sup> from that moment until the defeat of the Spanish Armada in 1588, there was war more or less overt between Protestant England and the Roman Catholic Counter-Reformation. On the one side, was the unconquerable patriotism and Protestantism of Englishmen. On the other side, there were the combined forces of political ambition and Romanistic religious enthusiasm.

Isabel Hill Elder states<sup>127</sup> that the long reign of Queen Elizabeth (1558 to 1603) was noted for the overthrow of every concession to the Papacy. She sincerely resolved to restore Protestantism, and to promote the Reformation definitely begun by her half-brother Edward VI (1547 to 1553).

### Queen Elizabeth and the rise of English Puritanism

Isabel Elder further points out<sup>128</sup> that the Reformation was established, though not perfected, in the days of Elizabeth. The yoke of Rome was imposed unwittingly by King Oswy at the Synod of Whitby in A.D. 664 and was thrown aside nine centuries later by

<sup>123</sup> 1559 *Supremacy Act*, in Bettenson's *op. cit.*, pp. 329f.

<sup>124</sup> I. Elder: *op. cit.*, p. 150.

<sup>125</sup> J.R. Green: *op. cit.*, p. 391.

<sup>126</sup> H.O. Wakeman: *History of the Church of England*, p. 335; as cited in Bettenson's *op. cit.*, p. 338.

<sup>127</sup> *Op. cit.*, pp. 149-154.

<sup>128</sup> *Id.*

Queen Elizabeth. The continuing cleansing of the sanctuary was successful. Cf. Daniel 8:11-14f & 12:1-12f with Revelation 14:6-13f.

It is sometimes (though not very accurately) suggested that the Episcopalian, the Independent and the Presbyterian can each discover in the Early British Church the prototype of the system to which he adheres. However, the Elizabethan Church in the seventeenth century might certainly have retained the Puritans ó if it had been wisely led. The saintship of the laity was and is the secret of the Puritan faith (from 1560 to the present). It is something that is vital to British Christianity.

In the Elizabethan Era, Britain experienced the rapid rise of Puritanism ó especially with the growing threat of the Romish Inquisition and the Spanish Armada. The word 'Puritanism' describes anti-episcopal Evangelicalism in general ó but Presbyterianism, and later also Independency and Congregationalism, in particular. For in 1620, even the celebrated John Robinson ('the Father of the Independents'), equated 'Protestants' and 'Puritans' and 'Presbyterians' ó while himself differently claiming to be a 'Congregationalist.'

The 1560 *Geneva Bible* had been translated in that city, under the dual editorship of John Calvin's wife's brother-in-law William Whittingham and Calvin's famous student the Scots Presbyterian John Knox. It favoured a system of 'limited government' ó especially in its marginal notes at Exodus chapter 18.

By 1580, even in England the *Geneva Bible* had overtaken the prelatist *Bishops' Bible* of 1568. Thus the *Geneva Bible* became the most popular translation of the Holy Scriptures in the English-speaking World ó during the half-century 1570 to 1620. Indeed, the *Geneva Bible* was the translation of the Holy Scriptures used by Shakespeare ó as well as by the American Pilgrim Fathers and the Early Puritans. It gave a tremendous boost to the Reformation in general, and to Presbyterianism in particular.

In his 1575 *Second Reply to Archbishop Whitgift*,<sup>129</sup> the great English Presbyterian and Puritan Thomas Cartwright (1535 to 1603) made a historic statement. He declared that 'to say that any magistrate can save the life of blasphemers, contemptuous and stubborn idolators, murderers, adulterers, incestuous persons and suchlike ó which God by His **Judicial** Law hath commanded to be put to death ó I utterly deny, and am ready to prove.'

Indeed, the Presbyterian Cartwright was here merely echoing the Presbyterian Calvin's own defence of the execution of Servetus. There, Calvin had remarked that 'whoever shall now contend that it is unjust to put heretics and blasphemers to death ó will knowingly and willingly incur their very guilt. This is not laid down on human authority. It is God Who speaks, and prescribes a perpetual rule for His Church.' Deuteronomy 13:6-10.

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<sup>129</sup> In Whitgift's *Works*, Cambridge, 1851, I, p. 270.

## Interchangeability of Puritanism and Presbyterianism in Elizabethan England

Dr. Thomas Fuller, in his *Church History*, traces the earliest use of the term -Puritanø to the year 1564. So too does Rev. Professor Dr. James Heron, in his *Short History of Puritanism*. Indeed, Heron adds<sup>130</sup> that the terms -Precisianø and -Puritanø and -Presbyterianø are all employed by Archbishop Parker in his letters about this time.

In his *English Seamen in the Sixteenth Century*, the famous nineteenth-century History Professor J.A. Froude remarks that the only party which would fight to the death for the queen ó the only real friends she had ó were the **Puritans**. Very significantly, Froude then adds that at first ó and for a considerable time ó the name -Puritanø was applied exclusively to Presbyterians.

Already in 1572, the first English presbytery was set up (at Wandsworth-on-Thames). This was quickly followed, secretly, throughout the land. It was also followed up publically in Northamptonshire, Warwickshire, Suffolk, Norfolk, Essex, Cambridge and Oxford. Indeed, also in the British Channel Islands (with their Ancient Breton/Norman past and their recent Huguenot-Protestant influx from France), presbyteries were now established on both Jersey and Guernsey.<sup>131</sup>

In 1573, Bishop Edwin Sandys ó soon to become Archbishop of York ó wrote<sup>132</sup> from Britain to the Swiss Reformer Henry Bullinger. Sandys stated the British Puritans believed: that òthe civil magistrate has no authority in ecclesiastical matters; that òthe Church of Christ admits of no other government than by **presbyters**; and that ò**the judicial laws of Moses are binding upon Christian princes**.ö Indeed, Sandys also wrote of the Puritans that òthese **good men** are crying out that they have **all the Reformed Churches on their side**.ö

Just five years before the attack on Protestant Britain by the Romanist Spanish *Armada*, the famous English Puritan Philip Stubbs had in 1583 bravely called<sup>133</sup> for the **infliction of the death penalty against blasphemers**. Stubbs had been asked: òWhat kind of punishment would you have appointed for these notorious bloody swearers?ö He replied: òI would wish (if it pleased God) that it were made ó **death**. For we read in the Law of God, that whosoever blasphemeth the Lord, was presently stoned to death ó without all remorse [compare the New Testament verse Hebrews 10:28f]. Which **Law Judicial standeth in force – to the World’s end**.ö

Even the celebrated sceptical historian Sir David Hume makes a carefully reasoned remark about the Elizabethan Age, in his famous *History of England*. States Hume:<sup>134</sup> òThe precious **spark of liberty** had been kindled and was **preserved by the Puritans alone**. It is to **this...that the English owe the whole freedom of their Constitution**.ö

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<sup>130</sup> J. Heron: *Short History of Puritanism*, T. & T. Clark, Edinburgh, 1908, pp. 21-25.

<sup>131</sup> *Ib.*, pp. 122-27.

<sup>132</sup> *Id.*

<sup>133</sup> P. Stubbs's *Anatomie of Abuses* (as cited in Rodgers's *Exposition on the Thirty-Nine Articles* (University Press, Cambridge, 1854, p. 91).

<sup>134</sup> As cited in Heron's *op. cit.*, pp. 6f.

A good example of this, is Sir John Popham (1531-1607). Becoming a Member of Parliament for Bristol from 1571 to 1583 ó he was elected Speaker in 1580; Attorney-General in 1581; and Lord Chief Justice in 1592. He later presided at the trial of the notorious Romanist and revolutionist Guy Fawkes<sup>135</sup> ó famed for his leadership in the Gunpowder Plotø which attempted to blow up the English Parliament.

Professor of Common Law D. Seaborne Davies correctly comments<sup>136</sup> that Elizabethø Chief Justice Popham was representative of English Elizabethan thinking when he said that Englandø ðlaws are derived partly from the Law of God and partly from the Law of natureö and natureø God.

Lord Chief Justice Sir John Popham is the author of the British House of Commonsø *Opening Prayer*. Echoing the 1470 Lord Chief Justice Sir John Fortescue, the 1592 Popham quoted Jehoshaphatø saying that the judges do not execute the judgments of men ó but of the Lord. Second Chronicles 19:4-6f.

### The power of the English Puritans in Queen Elizabeth's Parliaments

Englandø Parliament was now solidly in the hands of the Protestants. English History Professor J.R. Green rightly remarks<sup>137</sup> that the *Test Act* placed the magistracy in Protestant hands. The few priests who landed in England from Douay in France, were indeed multiplied into a army of papal emissaries despatched to sow treason and revolt throughout the land. But Parliament, which the working of the *Test Act* of 1563 had made a wholly Protestant body (save for the presence of a few Catholics among the Peers), was summoned to meet the new danger. It declared the landing of these priests, and the harbouring of them, to be treason.

Matters now considerably radicalized. The Protestant Reformation escalated in England, and Romish Spain prepared to invade the British Isles.

In 1584, the English Parliament passed a law that all Jesuits and popish priests should depart from the kingdom within forty days. During the trial in England of the Romish Mary Queen of Scots, she admitted negotiating with foreign powers for her release ó while denying she had plotted against the life of Elizabeth. However, found guilty of both charges, she was sentenced to death.<sup>138</sup>

As English History Professor J.R. Green observes,<sup>139</sup> Mary knew and approved the vow of a band of young Catholics to kill Queen Elizabeth. The seizure of Maryø correspondence, revealed her guilt.

Four days later, the English Parliament itself castigated Mary for her ðexecrable treacheries and conspiracies.ö It added: *öNe pereat Israel, pereat Absalom!ö* That is: *öLet Absalom perish, so that Israel not perish!ø* Unmistakably, the intended meaning was: *öLest Britain perish ó let Mary perish!*

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<sup>135</sup> Art. *Popham, Sir John*, in 1929 *Enc. Brit.*, 18:226.

<sup>136</sup> *Op. cit.*, p. 10.

<sup>137</sup> *Op. cit.*, p. 408.

<sup>138</sup> Thus Brewer: *op. cit.*, pp. 314f.

<sup>139</sup> *Op. cit.*, p. 417.

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Professor Brewer remarks<sup>140</sup> that the parliamentary debate was unanimous. Every orator enlarged upon the horrors of Popery ó its wicked and detestable treacheries, of which Mary õwas a principal branch.õ Both Houses joined in petition to Queen Elizabeth that sentence should be executed ó insisting that there was no other possible means of providing for the Queen's safety. The neglect of it would õprocure the heavy displeasure and punishment of Almighty God ó as appeared by **sundry examples in Holy Scripture.**õ Thus saith the Lord!

**Romanists build the Spanish Armada  
for use against Elizabeth's England**

After the execution of Scotland's Roman Mary Stuart in England (1587), the Spanish Romanists were furious. Spain immediately prepared for a huge naval attack against England, by way of revenge. That attack came in the shape of the Spanish *Armada* of 1588.

As English History Professor J.R. Green explains,<sup>141</sup> Spain had become both wealthy and powerful. The discoveries of Columbus had given it the "New World" of the West. The conquests of Cortes and Pizarro poured into its treasury the plunder of Mexico and Peru. Its galleons brought the rich produce of the Indies ó their gold, their jewels, and their ingots of silver ó to the harbour of Cadiz.

To the "New World" ó the King of Spain also added the fairest and wealthiest portion of the Old. Even in Europe to the exclusion of the Americas, the Spanish Emperor was then master not just of Spain and Portugal, but also: of Naples and Milan, the richest and most fertile districts of Italy; of the busy provinces of the Netherlands; of Flanders, the great manufacturing district of the time, in Western Belgium; and of the North Belgian Antwerp, which had become the central mart for the commerce of the World. In addition, his native Spain supplied him with the steadiest and the most daring soldiers that had been seen since the fall of the Roman Empire.

On the other hand, the new Protestantism ó like the new spirit of political liberty ó saw its real foe in the Spanish King Philip. It was Spain, rather than the French Guises, against which Coligny and the Huguenots struggled. It was Spain with which William of Orange was wrestling for religious and civil freedom in Holland. It was Spain which plunged Germany into the chaos of the Thirty Year's War (1618-48). And it was Spain to which the Catholic World had for twenty years been looking ó for a victory over the "heresy" in England.

The papal decree "gave" the "New World" to Spain. The Puritanism of the English "sea-dogs" went hand in hand with their love of adventure. To break through the Catholic monopoly of the New World and to sack gold-ships ó were in these men's minds a seemly work for the "elect of God" (namely those English Protestants).

Sir Francis Drake became the terror of the Spanish Indies. In Drake, Protestantism was united with daring. Passing the Straits of Magellan, with spoils of above half-a-

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<sup>140</sup> *op. cit.*, pp. 320f.

<sup>141</sup> *Op. cit.*, pp. 411f.

million in value, the adventurer steered undauntedly for the Moluccas; rounded the Cape of Good Hope; and, after completing the circuit of the globe, dropped anchor again in Plymouth harbour. Thus Green.

Professor Brewer writes<sup>142</sup> that while Elizabeth insured tranquillity from the attempts of her nearest neighbour Scotland, she was not negligent of more distant dangers in Spain. She knew that Philip, eager for revenge and zealous to exterminate heresy (sic) had formed, with the sanction and co-operation of the Pope and of France, the ambitious project of subduing England, and was secretly preparing a great navy for that purpose.

King Philip of Spain continued his preparations with the greatest energy. Every part of his vast empire resounded with the noise of armaments. Vessels of uncommon size and force were built. Immense armies were assembled.

Queen Elizabeth did everything in her power to animate her soldiers and excite the martial spirit of the nation. On one occasion, she appeared on horseback in the camp that was formed at Tilbury. Riding through the lines, she displayed a cheerful and animated countenance. 'I am come amongst you,' she said, 'not for my recreation and sport; but resolved, in the heat of the battle, to live or die amongst you to lay down my crown and my blood, even in the dust, for my God and my people.' Queen Boadicea rides again!

### **The Spanish *Armada* destroyed by the Breath or Spirit of the Living God**

The sailing of the Spanish *Armada*, was delayed. The *Armada* at last set sail from Lisbon, in June 1588. The fleet consisted of one hundred-and-thirty vessels of war. Nearly a hundred of these, were galleons of greater size than any ever before used in Europe. It was manned by eleven thousand seamen and galley slaves. It carried three thousand pieces of cannon. It had on board twenty-two thousand troops officered by the best families in Spain and many priests and friars, to lend the enthusiasm and sanction of religion to the enterprise.

However, the Lord God of hosts sent a mighty storm to save His Protestant people in Britain. A violent tempest overtook the *Armada* after it passed the Orkneys, and many of the ships were miserably wrecked. Not half of the navy survived and returned to Spain.

Elizabeth attended a solemn thanksgiving at St. Paul's in November 1588. The pulpits of the land rang with praises for this great national deliverance. If ever there was a greater victory or never was one celebrated with less indecent exultation, and less boastfulness.<sup>143</sup>

The Spanish *Armada* was defeated in 1588. As even the evolutionistic *Historians' History* indicates,<sup>144</sup> the invasion of England by Spain had been most portentous. That

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<sup>142</sup> *Op. cit.*, pp. 325f.

<sup>143</sup> See the *Historians' History*, XIX:402f.

<sup>144</sup> *Op. cit.*, XIX:404.

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the danger was at last averted, is to be ascribed to the enthusiasm of the English nation (both ðpatriciansø and ðplebeiansø); to the heroism of the little English fleet; to the spirit of the naval commanders and volunteers; to the staunch and effective support of the Hollanders; and to the hand of God shattering the Armada at last.

Together with ancient Israel against the pagan Egyptians, also Elizabethan England could now thank God for His help against the Romish Spaniards: ðO Lord..., You did blow with Your wind! The sea covered them!ø Exodus 15:6-10.

According to Rev. Professor Dr. James Heron,<sup>145</sup> the Armada consisted of fully one hundred-and-sixty huge galleons. Yet after the battle, ten thousand Spaniards were already dead or dying. Their ships were driven by the storm into the North Sea, many of them to perish on the Scottish coasts.

Forty ships were wrecked upon the shores of Ireland. Nearly ten thousand more Spaniards perished between the Giantsø Causeway and the Blaskets. Eleven hundred corpses were counted on the strand in Sligo Bay. Only a miserable remnant of fifty-three ships out of the immense ðInvincible Armadaø ó together with nine thousand men out of thirty thousand, and smitten with disease and death ó found their way back to Spain.

The historian Froude has insisted that the enthusiasm of the movement that ended in the defeat of the Armada, came from the Puritans ó from men of the same convictions as the Calvinists of Holland and Rochelle. The battle was fought at sea by a fleet four-fifths of which was composed of Protestant adventurers, fitted out and manned by those zealous Puritans.<sup>146</sup>

The victory over the Spanish Armada contributed to the rising nationalism. Britain was the chosen Israel. As Dr. John Warwick Montgomery points out in his book *The Shaping of America*,<sup>147</sup> the British Puritans went on to identify themselves with Israel ó reading their own history, as the story of the new chosen people. Significantly, even the independentistic *Banner of Truth* magazine has ó on more than one occasion ó commended the idea of ðthe national establishment of Christianity.ø<sup>148</sup>

### **The Elizabethan Puritans' House of Commons and British Common Law**

God Himself had mercifully delivered Britain from the Spanish *Armada*. Two years later, the father of modern Congregationalism ó Henry Barrow ó published his famous 1590 exposeø *The Discovery of the False Church*.

In that book, Barrow declared:<sup>149</sup> ðThe statutes and judgments of God which are delivered and expounded unto us by His holy prophets, endure for ever ó the pure wisdom, the upright justice, the true exposition and faithful execution of His Moral

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<sup>145</sup> *Op. cit.*, pp. 150f.

<sup>146</sup> Froude, as cited in Heronø *op. cit.*, pp. 152f.

<sup>147</sup> J.W. Montgomery: *The Shaping of America*, Bethany, Minneapolis, 1976, p. 45.

<sup>148</sup> No. 80, May 1980, p. 38; No. 175, April 1978, pp. 7-9 (J.C. Ryleø *The Nation and Religion*).

<sup>149</sup> Cited in Rodgersø *op. cit.*, p. 90.

Law. These laws were not made for the Jews' estate only, but for all mankind ó especially for all the Israel of God [alias the entire Christian Church]. From these laws, it is not lawful to vary or decline in judgment ó either to the one hand, or to the other.ö

England then consolidated her victory. History Professor Brewer writes<sup>150</sup> that Elizabeth employed her naval power against Philip, and endeavoured to intercept his West Indian treasures. Elizabeth therefore summoned a Parliament in 1593 ó so as to obtain a supply of money.

An extraordinary grant was made of three subsidies. The famous jurist Sir Edward Coke, the chosen Speaker on this occasion, observes that in former times the Commons never gave more than one subsidy. Later, he himself would write the greatest treatises on Common Law ever undertaken.

As Law Professor William Seagle observes in his article on the 'Common Law'<sup>151</sup> ó the age of the Tudors witnessed the development of English Criminal Law and Commercial Law. In the sixteenth and seventeenth centuries, there occurred the struggle which established the traditional English civil liberties as **the Common Law rights of Englishmen**.

Dr. Gairdner writes in the *Historians' History*<sup>152</sup> that despotic as the Tudors undoubtedly were, they had always shown great respect for the House of Commons. When, near the close of Queen Elizabeth's reign, that House remonstrated with her against monopolies ó she yielded in a manner which was graciousness itself.

öMr. Speaker,ö she said, öI have more cause to thank you all, than you me. For had I not received knowledge from you, I might have fallen into the lap of error ó for lack of information.ö

Edmund Spenser and William Shakespeare ó using sources gathered together by the Elizabethan chronicler and historian Holinshed, and also other much more ancient records ó both immortalized the *circa* B.C. 510f Ancient British 'Common Law' of the Celto-Brythonic King Mulmutius. In addition, Shakespeare did the same in respect also of the A.D. 25f British King Cymbeline.

Spenser and Shakespeare both also reflect the mood of Elizabethan England. In the great poet Spenser, explains Rev. Professor Dr. James Heron,<sup>153</sup> the Puritan spirit found sympathetic expression. In his *Faerie Queen*, the Puritan ideal finds its richest and most poetic rendering. That the same is true also of Shakespeare, surely needs no demonstration.

In the *Faerie Queen* (anent Elizabeth I) ó writes even the Anti-Puritan English History Professor J.R. Green<sup>154</sup> ó Spenser fell back for the framework of his story on the World of Celtic romance. Idealized friendship and love lived side by side with the moral sternness and elevation which England was drawing from the Reformation and

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<sup>150</sup> *Op. cit.*, p. 330.

<sup>151</sup> W. Seagle's art. *Common Law*, in *The American Peoples Encyclopedia*, 7:320.

<sup>152</sup> *Historians' History* XIX:9f.

<sup>153</sup> *Op. cit.*, pp. 159f.

<sup>154</sup> *Op. cit.*, pp. 423f.



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the Bible. Christian as he is to the core, the Puritan Spenser's Christianity is enriched and fertilized by the natural World in which the older stories struck their roots.

Green says something similar also about William Shakespeare, that other great Elizabethan. Green explains that Shakespeare's last dramas included *Cymbeline*. Himself Elizabethan to the core, Shakespeare stood at the meeting-point of two great epochs in the history of Britain. The age of the Renaissance was passing into the age of Puritanism. The latter may fairly claim to be the first political system which recognized the grandeur of the people as a whole.

In his own book *Shakespeare: Puritan and Recusant*, Rev. T. Carter shows<sup>155</sup> that England's greatest playwright was raised in a Puritan home; educated by Puritan teachers; and sermonized by Puritan preachers. His favourite daughter was married to an ardent Puritan, and eminent Puritans habitually socialized with the mature Shakespeare.

He lived in England's most Puritan county (Warwickshire). There, his father John Shakespeare had defaced images and crosses in a church. Son William often quoted Scripture and indeed precisely according to the *Geneva Bible*. Moreover, his pastor was the father of the great Westminster Assembly divine Adoniram Byfield.

### Anglican Puritanism in Elizabethan England

The *Historians' History*<sup>156</sup> has a very useful section on the three great religious movements of Elizabethan England. These it states to be: Puritanism; Presbyterianism; and Independency.

Puritanism was initially simply the purely Protestant wing of the Anglican Church. This is the view of the evangelical Elizabethan, Bishop John Hooper.

Observes the *Historians' History*,<sup>157</sup> the first disturbance was occasioned in the newly-founded Protestant Church and by the principles of Puritanism. That occurred in 1550. It was then that Hooper, on being nominated as Bishop of Gloucester, refused to submit to the appointed forms of consecration and admission.

Accidentally, one of the most remarkable and enduring consequences of the restoration of the Papacy in England in the reign of Queen Mary Tudor (1553-58) was the eventual introduction into the country thereafter and of a new spirit of Puritanism. This was brought about through the large emigration of English Protestants to the Continent at the commencement of Mary's persecutions, and their return home on the accession of Elizabeth and fraught, many of them, with notions which they had acquired in the schools of Calvin, Zwingli and other foreign reformers.

At first, many of the Puritans so far overcame their scruples as to comply with the required forms and accept livings in the establishment. For some years, the Puritans who had joined the established National Church were winked at by the authorities in

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<sup>155</sup> Heron: *Op. cit.*, pp. 164f.

<sup>156</sup> *Historians' History*, XIX:448f.

<sup>157</sup> See: *Historians' History*, XIX:448f.

many deviations from the appointed forms which they introduced into the public service.

Archbishop Parker has the chief credit of having instigated the proceedings that were taken to enforce upon all the clergy a rigid compliance with the rubric. It was he and his colleagues that precipitated many of the Anglican Puritans into separation.

It was in these circumstances that, feeling all chance of reconciliation at an end, the ejected clergymen resolved to separate themselves from the establishment. They then broke off from the public churches, and assembled as they had opportunity in private houses or elsewhere to worship God in a manner that might not offend against the light of their consciences.

Yet even many Non-Puritan Anglicans were strongly Protestant. The Elizabethan Episcopalian Hooker's views on such a topic must be entitled to the greatest deference. As he remarks<sup>158</sup> in his 1593 *Ecclesiastical Polity*: "I cannot but choose to commend highly their wisdom by whom the foundation of the Commonwealth has been laid....

"The axioms of our regal government, are these: *lex facit regem* [law makes the king]; the king's grant of any favours made contrary to the law is void; *rex nihil potest nisi quod jure potest* "what[ever] power the king hath, he hath it by law. The bounds and limits of it are known; the entire community giveth general order, by law, how all things publickly are to be done.... The whole body politic maketh laws, which laws give power unto the king; and the king, having bound himself to use according to law that power, it so falleth out that the execution of the one is accomplished by the other."

### **Presbyterian Puritanism in Elizabethan England**

The second great movement, was Presbyterianism (even in Elizabethan England itself). Especially from 1570 to 1583, the English Puritans "frustrated by remnantal abuses even in the Church of England " began to claim Presbyterianism as the Biblical system of church government.

The mass of Puritans accepted the queen's supremacy, and acknowledged the Established Church. Yet the advanced Puritans were somewhat persecuted "for their allegedly "republican" views.

The greatest English Presbyterian of this time, was unquestionably Rev. Professor Dr. Thomas Cartwright. Even the Non-Puritan History Professor Froude calls him a man of genius. Indeed, Professor Heron attributes his early development to the influence of Martin Bucer and Peter Martyr Vermigli (who were both then teaching in England).

From 1569 onward, Cartwright was Lady Margaret Professor of Divinity at Cambridge. He was well-skilled in Latin, Greek and Hebrew "in which he had no superior. Because he was an ornament and honour of the university, and because

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<sup>158</sup> R. Hooker's *Ecclesiastical Polity* (1593); as cited in *Historians' History*, XIX:532.

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immense multitudes flocked to him daily ó when Cartwright visited Calvin's successor Beza in Switzerland, he was offered (but declined) the Chair as Professor of Divinity in Geneva.

The offer was well-meant. For, as John Calvin's colleague and successor Theodore Beza himself declared: "Than Thomas Cartwright ó I think the sun doth not see a more learned man!"<sup>159</sup>

Cartwright then returned from Switzerland to England, where the Puritan controversy became more serious. According to the *Historians' History*,<sup>160</sup> the controversy began to spread over a wider field. This was chiefly through the preaching of the celebrated Thomas Cartwright, Fellow of Trinity College and Lady Margaret Professor of Divinity at Cambridge ó a most learned, eloquent, and courageous non-conformist.

The temper of a formidable minority in the new Parliament which met in 1571, showed that the principles of Puritanism were still making progress in the nation. The House of Commons which met in 1581 was more puritanical than ever. It actually began its proceedings by voting that the members should, on the second Sunday after, meet together in the Temple Church ó there to have preaching and to join together in prayer, with humiliation and fasting, for the assistance of God's Spirit in all their consultations.

Cartwright expressed himself on the nature of the English Constitution as follows:<sup>161</sup> "In respect of the Queen, it is a monarchy; in respect of the most honourable Council, it is an Aristocracy; and having regard to the Parliament which is assembled from all of the estates [or the House of Commons], it is a democracy" alias a (re-)public(-an) representative government.

Liberal English History Professor J.R. Green observes<sup>162</sup> that under the banner of Presbyterianism, Thomas Cartwright was the chief. He had studied at Geneva. He returned to Britain with a faith in Calvinism, and in the system of church government which Calvin had devised.

As Margaret Professor of Divinity at Cambridge, Cartwright used to the full the opportunities which his Chair gave him of propagating his opinions. The relics of the old ritual ó the cross in baptism, the surplice ó were to him not merely distasteful. They were idolatrous, and the mark of the beast. Revelation 13:16f; 14:9f; 15:2f; 16:2f. In an ordered arrangement of presbyterial "Classes" and "Synods" alias General Assemblies, presbyters were ó to govern their flocks, to regulate their own order, to decide in matters of faith, and to administer "discipline."

Cartwright insisted on the death penalty also for such capital criminals as were penitent. "I deny," he writes,<sup>163</sup> "that upon repentance there ought to follow any

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<sup>159</sup> Thus Heron's *Short History of Puritanism*, pp. 110-14.

<sup>160</sup> *Historians' History*, XIX:448f.

<sup>161</sup> Thus *Historians' History*, XIX:533.

<sup>162</sup> *Op. cit.*, pp. 468f.

<sup>163</sup> *Ib.*, pp. 469.

pardon of death. If this be bloody and extreme, I am content to be so counted ó [together] with the Holy Ghost!ö

There was also a bold challenge to the government, which was delivered by Cartwright's party in a daring *Admonition to the Parliament* in 1592. This demanded the establishment of government by presbyters ó and raised a panic among English statesmen and prelates.

### **Other Puritans on the importance of the Judicial Laws of Moses**

Similar views to those of Cartwright were expressed also by the Puritans Philip Stubbs and William Perkins. Thus, in dealing with punishments for blasphemers, Stubbs records that he was asked: öWhat kind of punishment would you have appointed for these notorious bloody swearers?ö

Stubbs then answers: öI would wish (if it pleased God) that it were made death. For we read in the Law of God, that whosoever blasphemeth the Lord, was presently stoned to death without all remorse. Which law judicial standeth in force, to the World's end.ö<sup>164</sup>

The same is true of the great Elizabethan Puritan William Perkins. With his 1597 work *On Predestination*, he not only provoked the Dutch heretic Jacob Arminius. But he also condemned Romanism, witchcraft and astrology. More importantly, he declared in a 1624 sermon: öWe are by nature covenant creatures, bound...together by covenant to our God. Such is our human condition. Such is this earthly life. Such is God's good creation.ö<sup>165</sup>

Perkins was the mentor of the great Rev. Professor Dr. William Ames, at Cambridge. According to his contemporary Pickering,<sup>166</sup> Perkins held that öthe witch, truly convicted, is to be punished with death ó the highest degree of punishment ó and that by the Law of Moses, the equity whereof is perpetual.ö

Ames also attacked games of chance and refused to wear the surplice. After attending the Synod of Dordt in 1618f, he became Professor of Theology at Franeker in the Netherlands.

In his great 1630 work *On Conscience*, Ames asked the important question: öShould heretics be punished by the civil magistrate?ö Then Ames himself answered:<sup>166</sup> öHeretics should be restrained from all godly people.... The place and the office of the magistrates requires them to oppose vicious disturbers ó with the sword or [with] public and external force when necessary. Romans 13:4.... But if they are also public blasphemers, and obstinate and unreasonable in their blasphemies ó they can also receive the death penalty.... Leviticus 24:15-16.ö

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<sup>164</sup> P. Stubbs: *Anatomie of Abuses*, as cited by Rodgers: *Exposition of the Thirty-nine Articles*, University Press, Cambridge, 1854, p. 91.

<sup>165</sup> W. Perkins: *Sermon on 1624*. Cited in A. Kuyper Jr.'s *Vastigheid des Verbonds*, 2nd ed., 1913, p. 104.

<sup>166</sup> See R.H. Robbins: *Encyclopedia of Witchcraft and Demonology* (New York: Crown, 1959), p. 382.

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Further:<sup>167</sup> ðThe laws concerning the return of borrowed and owed goods, concerning just weights and measurements, concerning the wages of the labourer, and concerning many other similar things not expressed in the Ten Commandments ó are not more judicial or less moral and natural than is the command ðthou shalt not stealø etc.... The laws considered judicial but whose forms exhibit no particularly Jewish character, belong to the affairs of other nations ó and all participate in that Moral and Natural Law **common** to all nations.ö In one word, they are inherent in both the Law of Nature and in Common Law.

To Ames, God's Law was abrogated neither by man's failure in the first Adam nor by elect mankind's recovery through Jesus Christ the Second Adam. God's grace cannot destroy His Law. It still has force and vigour in respect of power to direct.

Certainly the Moral Law abides. Thus Jeremiah Burroughs. His *Gospel Conversation* significantly states that ðmany make a great noise about evangelical truths.... They think that this doth wholly take away their obedience to the Law of God ó and that it must not be so much as a rule of life. Certainly there is nothing [which] holds forth the excellency of the Law more, than the knowledge of Jesus Christ...being subjected to the Law.... But we never read that this subjection to the Law was to make void our obedience to it!ö

As Thomas Manton asks: ðIf the Law might be discounted as to new creatures [viz. in respect of Christians] ó then why does the Spirit of God write it with such legible characters in their hearts? ... That which the Spirit engraves upon the heart ó would Christ come to deface and abolish?ö

Thus, also George Gough concludes: ðThough God laid aside His wrath through Christ ó yet He will not lay down His authority!ö God does not lay aside His authority. His Moral Law therefore abides.

### Independent Puritanism in Elizabethan England

To the year 1581 is assigned the rise of what has been designated as the third race of Puritans ó the Brownists. They were afterwards softened down into the ðIndependentsø (*sic*). Their founder was Robert Browne, a Preacher in the diocese of Norwich.

These people, explains Neal in his *History of the Puritans*, were carried off to a total separation. They did not regard the Church of England as a ðTrue Churchø ó nor her ministers as ðtrueø Ministers. They renounced all communion with her ó not only in the prayers and ceremonies, but also in hearing the Word and receiving the Sacraments.<sup>168</sup>

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<sup>167</sup> W. Ames: *On Conscience*, Wormser, Amsterdam, 1896 ed., pp. 78 & 262f. See too his *Marrow of Sacred Divinity*, p. 194. Also note: J. Burroughs' *Gospel Conversation* p. 79; T. Manton on Psalm 119 (I.5); and G. Gough's *Principles of the Christian Religion* p. 19.

<sup>168</sup> *The Historians' History*, XIX:448f, compare p. 533.

Significantly, as Rev. Professor Dr. James Heron has pointed out in his *Short History of Puritanism*,<sup>169</sup> these Brownists went in for complete separation from the national establishment and from the Presbyterian Puritans who continued in connection with it. They were the first to avow the principle of Congregationalism or Independency.

History Professor J.R. Green observes<sup>170</sup> that Robert Brown's Congregationalists were beginning to withdraw from attendance at public worship in the Established Church on the ground that the very existence of a National Church was contrary to the Word of God (so they alleged). Presbyterians and Puritans felt as bitter an abhorrence of the Brownists as did Elizabeth herself. So, in 1593, Parliament passed a statute against the independent Brownists. Brown himself was forced to flee to the Netherlands.

Feeling their way forward to the great principle of liberty of conscience, they asserted their Christian right to walk in all the ways which God had made known or should make known to them. The fugitives found shelter at Amsterdam. Thence some of them, choosing John Robinson as their minister, took refuge in 1609 at Leyden.

Fortunately, they there became rather more composed and rather less reactionary. They knew they were pilgrims and looked not much on the things of this World, but rather lifted up their eyes to Heaven as their dearest country in order to quiet their spirits. Among this little band of exiles, were those who were to become famous at a later time as the Pilgrim Fathers on the *Mayflower*, who settled in America's New England.

### General evaluation of the Elizabethan Era in England

Professor J.H. Green concludes<sup>171</sup> that no greater moral change ever passed over a nation, than passed over England during the years which parted the middle of the reign of Elizabeth (*circa* 1583) from the meeting of the Long Parliament (in 1640*f*). England became the people of a book and that book was the Bible. It was read at churches and read at home. Everywhere its words as they fell on ears which custom had not deadened kindled a startling enthusiasm.

The goodly exercise of Readers was soon superseded by the continued recitation of both Old Testament and New in the public services of the Church. The small editions of the *Geneva Bible* carried the Scripture into every home. Sunday after Sunday, day after day, the crowds that gathered round Bibles in the nave of St. Paul's or the family group that hung on the words of the *Geneva Bible* in the devotional exercises at home were leavened with a new literature.

The disclosure of the older mass of Hebrew literature, wrought the revolution of the Reformation. The tongue of the Hebrew, the idiom of the hellenistic Greek, lent themselves with a curious felicity to the purposes of translation. The English version of the Bible remains the noblest example of the English tongue.

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<sup>169</sup> *Op. cit.*, p. 136.

<sup>170</sup> *Op. cit.*, pp. 472*f*.

<sup>171</sup> *Op. cit.*, pp. 460*f*.

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Yet that was only the beginning. As Green also observes,<sup>172</sup> far greater than its effect on literature or society ó was the effect of the Bible on the character of the people at large. The whole moral effect which is produced now-a-days by the newspaper, was then produced by the Bible alone. Its effect was simply amazing.

õTheology rules there,ö said the Dutch Arminian Hugo Grotius about England only two years after Elizabeth's death. The whole nation had become, in fact, a Church. The temper of the Puritan gentleman was just, noble, and self-controlled. The wilful and lawless passion of the Renaissance ó made way for a manly purity. The meanest peasant felt himself ennobled ó as a child of God. The proudest noble recognized a spiritual equality ó in the poorest saint.

On her deathbed in 1603, the never-married Queen Elizabeth herself requested that a king succeed her. Who better than her kinsman ó the Protestant King James VI of Scotland? Being then advised by the Archbishop of Canterbury to fix her thoughts upon God, records Professor Brewer,<sup>173</sup> she replied that she did so. Nor did her mind in the least wander from Him. Her heroism was exempt from temerity; her frugality from avarice; her active temper from turbulence and vain ambition.

On the Tudor period in general, Professor Brewer concludes<sup>174</sup> that the reforms of the Church introduced by Henry VIII proceeded beyond the abolishment of the papal jurisdiction in England. Those of Edward VI went a great way in the direction of doctrine. Although this advantage was lost in the short but inglorious reign of Mary, it was more than recovered under Elizabeth.

In her reign, England first became a great maritime power. Some of the sea-fights and expeditions which then took place ó especially the destruction of the Spanish *Armada* ó were as brilliant and glorious exploits as any that can be found in the annals of naval history. Nor was the aid which her land forces lent to the Huguenots in France, and to the nascent liberties of the Dutch, wanting in glory.

Speaker Onslow, in his *Parliamentary Address* to the Queen herself at the close of the Session of 1566, plainly pointed out the limits of her prerogative. õBy our **Common Law**,ö he said, õthere be for the prince many princely prerogatives and royalties. Yet **it is not such as the Prince can take money** or other things, or do as he will at his own pleasure, **without order of the Commons**.ö For the prince must also õquietly suffer [or allow] his subjects to enjoy their own.ö

The British Constitution, as a monarchy limited by law, was maintained in several works written in the reign of Elizabeth. The two chief privileges of Parliament ó that of legislation under certain restrictions, and of taxation in general ó were scarcely disputed. They resorted, in the last instance, not with the monarch as the chief executive ó but with Parliament as the established legislator.

Even Elizabethan literature reflected the happy spirit of that blessed age. William Shakespeare gloried in Britain's ancient past (compare his *King Lear* and his *Cymbeline* on the Pre-Roman Brythons King Llyr and King Cynvelling). Edmund

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<sup>172</sup> *Op. cit.*, pp. 462.

<sup>173</sup> *Op. cit.*, pp. 337f.

<sup>174</sup> *Ib.*, pp. 240f.

Spenser praised her clement present. Both of them revered the reign of law ó ever since the time of the B.C. 510f Briton, King Mulmutius.

Spenser extolled purity, temperance and justice in his *Faerie Queen* (in praise of Queen Elizabeth). The morals of Shakespeare's plays, and their doctrine of retribution where the law is transgressed, are both very significant. Indeed, Francis Bacon dreamed of a better future ó resulting from scientific enquiry into the operation of the laws of nature and of nature's God.

-Good Queen Bessø died in 1603. Her reign had seen the establishment of the Protestant Reformation in Britain ó with its deep imprints into English Common Law. The next century would see this ripen into Consistent Calvinism ó alias Biblical Puritanism.

### **Summary: The Protestantization of Tudor England (1531 to 1603)**

Summarizing, we have here seen that there was a revival of Wycliffite Lollardry in Henry VIII's England. In 1531, Henry broke with Rome. Later, first his son Edward VI and thereafter his daughter Elizabeth I both consolidated this.

Initially, Henry opposed Luther and supported Rome. Gratefully, Rome assisted Henry to annul his consummated and eighteen-years-old marriage to Katherine of Aragon. Rome then and long dithered as to whether or not to permit him to marry Anne Boleyn. In both of these matters, however, Rome was thoroughly pragmatic ó as can be seen from her own analogous annulment precedents and procedures, immediately prior to that time.

The gathering storm between Henry VIII and the Roman Pope is clearly seen in the unprincipled diplomacy of the papal agent Cardinal Wolsey. So, to protect the sovereignty of his kingdom, Henry invoked *praemunire* ó which greatly weakened the power of the Papacy in England. Indeed, Parliament in 1533 restrained appeals to Rome ó and by the 1534 *Dispensations Act*, prevented the ongoing enrichment of Rome at England's expense.

In 1535, the Pope reacted by excommunicating Henry. The latter responded by confiscating all of Rome's wealth in England ó and then, through Parliament, firmed up the Protestant Reformation in South Britain (where he unified England and Wales in 1536). According to the historians Keightley, Hume and Froude ó all of whom disapproved of Henry's marital misbehaviours ó his reign must nevertheless be assessed as having produced many other fruits of a very blessed nature.

We next looked at the regency of the Calvinist Somerset, during the reign of Edward VI (1547-1553). Both Somerset and Edward were Calvinists, and Calvin corresponded with each of them. The wonderful political and legal implications of the Edwardine *Catechism* and *Articles* are obvious enough. Consequently, in Edward's England: Anabaptism and Romanism were restrained; the Reformation was powerfully advanced; and education flourished.



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Sadly, the promising King Edward VI died when not yet sixteen. Sadder still, his nominated successor ó the godly young Calvinist, Queen Jane ó was then, after ruling for but nine days, murdered by the usurper -Bloody Mary.ø

Mary Tudor now instituted a ruthless reign of terror, from 1553 till her death in 1558. She persecuted Protestants, and even imprisoned her own half-sister Princess Elizabeth Tudor. However, the latter survived; became -Good Queen Bessø and inaugurated the blessed Elizabethan Era.

Elizabethø accession in England even precipitated Knoxø return to Scotland. There, following the regency over Scotland of the French Romanist Dowager Queen Mary of Guise, her daughter the French-raised Mary Stuart had returned from France to reign over the Scots.

Knox the Calvinist clashed with Mary the Romanist. He continued to get the upper hand, until it was òWycliffe rides againö ó in the presbyterianized and reconstructed Church of Scotland. In 1560, it adopted its blessed *First Book of Discipline* ó and also its sternly antipapal *First Scots Confession of Faith*. A decade later, Knoxø followers triumphed over Romanism gloriously ó in the òSecond Scottish Reformation.ö

The English Elizabethan Age in general (1558-1603), represented a vast expansion of Britainø commerce, education and international power. Early Elizabethan laws promoted Protestantism and restrained Romanism. The Protestant Queen Elizabeth of England survived many plots against her, especially those launched by the adulterous and murderous Romanist Mary Queen of Scots. However, God spared Elizabeth, and England consolidated itself as a Protestant country.

English Puritanism was on the rise. At first, it was interchangeable with Presbyterianism. The English Puritans became powerful, especially in Queen Elizabethø Parliaments. Terrified, foreign Papists constructed the Spanish Armada ó and hurled it against England. However, when it was destroyed by the Breath or Spirit of the Living God ó England was unquestionably now the greatest Protestant power on Earth.

The Puritans dominated the English House of Commons, and also the national understanding of British Common Law. Cartwright, Stubbs, Perkins and Ames all stressed the importance of the judicial laws of Moses. Puritanism ó whether of the Anglican, the Presbyterian, or the Independent variety ó more and more flourished in Elizabethan England. It represented the greatest advance of both Bible-believing Christianity and British Common Law so far witnessed. Indeed, it anticipated the further triumph of Puritanism ó at the Westminster Assembly in the middle of the following century.



## CH. 29: KING JAMES I AND CHRISTIAN BRITAIN'S PURITANIZATION, 1603-25

–Good Queen Bessø never married, and had no children. While she lay dying in 1603, she nominated her kinsman James VI of Scotland ó as her heir to the throne of England. Though himself a Stuart, James was (like Elizabeth) also a descendant of the first English/Welsh Tudor King, Henry VII.

King James VI of Scotland (later James I of England) ó had been raised in Scotland. That was a country constitutionally Christian. This is noted by S.J. Skene, in his important book *Regium Majestatis* (alias –Kingdom of Majestyø or *The Old Laws and Constitutions of Scotland*). There, he explains<sup>1</sup> that God should be worshipped by law ó and that law, the law of Scotland, specially conforms to the precise rule of His Own Laws.

### The early years of the young lad King James VI of Scotland

James Stuart was born in 1566, the son of the Romish Mary Queen of Scots and her second husband the English Romanist Lord Darnley. After Mary committed adultery against Darnley and then murdered him, she was forced to abdicate. Then she was exiled ó and finally put to death, for plotting to overthrow the government of England.

Now James was crowned King of Scotland when but one year old. Under the regency of his uncle, the Protestant Earl Moray, James was then trained by Presbyterian teachers. Such included the erudite Rev. Professor George Buchanan, Moderator of the General Assembly of the Church of Scotland.

When fourteen, King James himself subscribed to Scotlandø 1580f *National Covenant or Confession of Faith* of the Kirk of Scotland. This was a strong statement against Romanism. It also favoured a Biblical theocracy.

This *National Covenant*, was õsubscribed at first by the kingø majesty and his household in the year 1580.ö Later, it was subscribed to by persons of all ranks in the year 1581. That was done by ordinance of the Lords of Secret Council, and also by acts of the General Assembly of the Church of Scotland.

Later still, it was õsubscribed to again by all sorts of persons in the year 1590, by a new ordinance of Council ó at the desire of the General Assembly.ö As such, it involved õa general bond for the maintaining of the true Christian religion and the kingø person.ö Thus the *Preamble* to the *National Covenant* itself ó as contained in any edition of the *Subordinate Standards* of Scottish Presbyterianism.<sup>2</sup>

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<sup>1</sup> S.J. Skeneø *Regium Majestatis: The Old Laws and Constitutions of Scotland*, Finlayson, Edinburgh, 1609, –To the Reader.ø

<sup>2</sup> See: *The Subordinate Standards and Other Authoritative Documents of the Free Church of Scotland* (Edinburgh: Church Offices), 1933, p. 267.

Begins that 1580 *National Covenant or the Confession of Faith*: "We all and every one of us under-written, protest that after long and due examination of our own consciences in matters of true and false religion we are now thoroughly resolved in the truth by the Word and Spirit of God.... This only is the true Christian faith and religion...revealed to the World by the preaching of the blessed Evangel. It was received, believed and defended by many and sundry notable kirks and realms but chiefly by the Kirk of Scotland [and] the king's majesty...as God's eternal truth and only ground of our salvation."

All of this, continues the 1580 *National Covenant*, had already in 1560 more particularly been expressed in the *[Scots] Confession* of our faith established and publicly confirmed by sundry acts of Parliaments, and now of a long time...openly professed by the king's majesty and whole body of this realm.... To the which *-Confession* and *-Form of Religion* we willingly agree in our conscience in all points, as unto God's undoubted truth and verity grounded only upon His Written Word."

The young King James subscribed to the above *Confession of Faith* precisely as Scotland's monarch. It is even more remarkable that he first did so not while still a child, but only at the age of fourteen.

This was just after he himself reached the Biblical age of maturity. Genesis 17:25 & Luke 2:40-47. Accordingly, James (together with his co-mature adult subscribers) was fully responsible for this action. Indeed, in spite of their later waywardness, this *National Covenant* would constantly remind both James and his fellow covenanters of their solemn religious obligations to uphold the Word of God.

### **The 1580 *National Covenant* firmly condemns the Romish Papal Antichrist**

On the basis of the aforesaid Written Word of God, the *National Covenant* continues: "We abhor and detest all contrary religion and doctrine, but chiefly all kind of Papistry.... In special, we detest and refuse the usurped authority of that Roman Antichrist upon the Scriptures of God, upon the Kirk, the civil magistrate, and consciences of men. We detest and refuse his erroneous doctrine against the sufficiency of the Written Word, the perfection of the Law..., and [his] rebellion to God's Law."

It seems highly significant that the *National Covenant* here contrasts the "Roman Antichrist" to "the Written Word" and "God's Law." It is as if the *National Covenant* would here suggest that any departure from "God's Law" is a move toward the "Roman Antichrist."

The signatories to the *National Covenant* next express their allegiance to "God's Law" and their opposition to the "Roman Antichrist" sacramentally. For, as regards Romanism, they detest and refuse "his five bastard sacraments" namely Rome's sacramentalistic **ultra**-biblical confirmation, penance, marriage, ordination, and extreme unction and together "with all his rites, ceremonies and false doctrine added to the ministration of the true Sacraments" (namely Holy Baptism and the Lord's Supper).

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Such Romish addition to and perversion of the but two true Sacraments ordained for the New Testament Church, is then explained by the *National Covenant*. We detest and refuse ðhis cruel judgment against infants departing without the Sacrament ó his absolute necessity of Baptism.ö We detest and refuse ðhis devilish Mass.ö Then it further refuses Rome's ðblasphemous priesthood; his...worshipping of imagery, relicks and crosses...; [and] his purgatory, prayers for the dead, [and] praying or speaking in a strange language.ö

However: ðSeeing that many are stirred up by Satan and that Roman Antichrist,ö the first and also the subsequent versions of the *National Covenant* next reminded<sup>3</sup> the Scots that ðmany Acts of Parliament...in general do abrogate...[the] idolatry and superstition...of the papistical kirk. Act 114, Parl. 12 of King James VIö; and Act 5, Parl. 20 of King James VI.ö

Indeed, they describe ðall papists and priests...as common enemies to all Christian government (Act 18, Parl. 16, King James VI)ö; [and] ðas rebellers and gainstanders of our sovereign lord's authority (Act 47, Parl. 3, King James VI).ö Consequently, ðall magistrates, sheriffs &c ó on the one part ó are ordained to search, apprehend and punish all contraveners.ö

The 1580 *National Covenant* next seems to require the upholding of the **Ancient Common Law** of North Britain. Indeed, it even foreshadows the 1776 *Declaration of Independence* and the 1787 *Constitution of the United States* (with its 1791 *Bill of Rights*).

For the *National Covenant* then goes on to claim: ðAll lieges are bound to maintain the king's majesty's royal person and authority [and] the authority of Parliaments ó without the which neither any laws or lawful judicatories can be established. Acts 130 & 131, Parl. 8, King James VI.ö

Romish laws were thenceforth to have no further applicability to Scotland. In that land: ðThe subjects...ought only to live and be governed by the king's law ó the **common laws** of this realm [Act 48, Parl. 3, King James I (1409)..., repeated in the Act 131, Parl. 8, King James VI]... **By the fundamental laws, ancient privileges, offices and liberties of this kingdom** not only the princely authority of his majesty's royal descent hath been **these many ages maintained** ó but also **the people's** security of their **lands, livings, rights, offices, liberties, and dignities**.

ðTherefore, for the preservation of the said true religion, **laws and liberties** of this kingdom, it is statute...that all kings and princes at their coronation...shall make their faithful promise by their solemn oath in the presence of the eternal God that, enduring the whole time of their lives, they shall serve the same eternal God to the uttermost of their power according as He hath required in His Most Holy Word contained in the Old and New Testament.ö

Moreover, they ó ðaccording to the same Word ó shall maintain the true religion of Christ Jesus...(according to the *Confession of Faith* immediately preceding), and shall abolish and gainstand all false religion contrary to the same.ö Furthermore, they ðshall rule the people committed to their charge ó according to the will and command

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<sup>3</sup> *Ib.*, pp. 268f.

of God revealed in his foresaid Word, and **according to the laudable laws and constitutions received in the realm nowise repugnant to the said will of the eternal God.**ö

Finally, all signatories obligated themselves öto labour by all means lawful to recover the purity and liberty of the Gospelö from everything which might ötend to the re-establishing of the popish religion and tyranny ó and to the subversion and ruin of the true reformed religion and of our **liberties, laws, and estates**.... From the knowledge and conscience of our duty to God, to our king and country; without any worldly respect or inducement, so far as human infirmity will suffer ó wishing a further measure of the grace of God for this effect ó we promise and swear by the great Name of the Lord our God to continue in the profession and obedience of the foresaid religion.

öWe shall defend the same, and resist all these contrary errors and corruptions ó according to our vocation ó and to the uttermost of that power that God hath put in our hands all the days of our life.ö Indeed, the signatories then pledged that they would continue ömost humbly beseeching the Lord to strengthen us by His Holy Spirit for this end ó and to bless our desires and proceedings with a happy success.ö

In this way, it was confidently expected öthat religion and **righteousness may flourish in the land**.ö This should then occur öto the glory of God, [to] the honour of our king, and [to the] peace and comfort of us all.ö

### **King James of Scotland's 1583 *League in Religion* with Protestant England**

James VI subscribed to the above *National Covenant* in 1580. Three years later, the young Scottish king's 1583 *Speech to the Estates [of the Scottish Parliament]* ó concerning a 'League in Religion' with the English ó proved to be predictive of his plans which he later attempted to realize once he had been installed upon the throne also of England.

Such a 'Protestant League' was needed to offset the Romish League which was even then coming together. Thus, when seventeen, James asked already in 1583: öWhat greater trial of the faithful can there be, than the confederating together of all the 'bastard christians' (I mean the papists) in a league which they term holy ó albeit most unholy, in very truth ó for the subversion of the true religion in all realms throughout the whole World?ö

James then declared: öThis [papist] league of which I speak, is composed of Frenchmen and Spaniards, assisted with the money of the King of Spain and the Pope.... But first, desire to have my opinion!

öIt is this, in few words: That, as sundry Christian princes have already counselled me ó **our 'contra-league' shall be made...for the joining together of all true Christian princes** to defend themselves, in case of the other's invasion.... And since the Queen of England [Elizabeth I] is not only a true Christian but also nearest joined to us in neighbourhood, consanguinity and goodwill ó I think it meetest, in my opinion, that 'our league' should first and most strictly be made with her.

For this cause, I have made and set down a form of act to be subscribed by you all. Therein she promises to ratify and approve in [her] Parlement whatsoever article I, or any in my name, shall conclude with the Queen of England or any in her name for making and effecting the foresaid league.<sup>4</sup>

### King James the Protestant Theologian (and his Lutheran wife)

Having studied while young under excellent teachers, James himself had become proficient especially in languages and theology. Already in 1588, he issued his *Meditations on the Book of Revelation* followed in 1589 by his *Meditations on First Chronicles*. His 1598 work *The True Law of Free Monarchy* set out embryonically what later became known as his (in)famous doctrine of "the divine right of kings" etc.

His 1599 *Basilikon Doron* [alias *The Royal Gift*] was strongly Protestant in tone and offended the Pope by denouncing "papistical doctrine." His 1599 *Demonology* was also an important work denouncing the heinous sin of witchcraft, and exhorting the civil government to take the strongest measures in suppressing that capital crime.<sup>5</sup>

James was strengthened in his Protestantism by his marriage to the Lutheran Princess Anne of Denmark in 1589. This was fortunate, and helped give him some much needed stability. For the turbulent years of his chaotic childhood and the tragic circumstances of his Romish parents' ungodly lives and disgraceful deaths constantly reminded him of the insecurity of life.

James had been born a Romanist; raised as a Presbyterian; and then married off to a Lutheran. His marriage moved him some distance away from his earlier Calvinism until that Lutheran wife later (under the secret influences of one "Father Abercromby") recanted her Protestantism and embraced Romanism.<sup>6</sup>

When ascending the throne of England in 1603, the then still nominal Presbyterian James felt obligated to become an Anglican. Indeed, it was not long before he embraced the views even of the "High-Church" Episcopalians and then started excoriating the Puritan Anglicans as well as the Scottish Presbyterians. Yet James did (even for long thereafter) continue to embrace both absolute predestination and also a basically orthodox Calvinism until finally falling into Arminianism.

As Church History Professor Rev. Dr. Donald Maclean has pointed out,<sup>7</sup> King James was Calvinistic enough to send Calvinists to the international "T-U-L-I-P" Synod of Dordt (1618-19). But when Calvinism infringed upon his "divine right" to rule as he liked and his liking for it is best expressed by his own sparkling epigram that just "as Papistry is a disease of the mind, so is Puritanism of the brain."

Indeed, from about 1617 onwards, James adopted looser views of sabbath-keeping as reflected in his later *Book of Sports*. Finally, he adopted the very Arminianism he had earlier deemed to be a theological heresy and a criminological misdemeanour.

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<sup>4</sup> Thus Holinshed's *op. cit.*, V:725f.

<sup>5</sup> See art. *James I (1566-1625)*, in 1929 *Encyclopaedia Britannica* 12:877.

<sup>6</sup> See D. Maclean: *Aspects of Scottish Church History*, Clark, Edinburgh, 1927, p. 44.

<sup>7</sup> *Op. cit.*, p. 41.

Throughout, we make no comment on the disputed matter anent the practice of personal morality or immorality in the life of this turbulent and rather unbalanced man. Here, we confine ourselves only to his legal and political and theological views.

### **King James of Scotland's 1603 accession also to the throne of England**

Now James was thirty-six years old at the time of his 1603 accession to the throne of England. There were several results of this ó good for the British Isles as a whole.

Because he did not thereby cease to remain James VI of Scotland, James I of South Britain (alias England and Wales) was now able to start confederating South Britain with North Britain alias Scotland into Great(er) Britain. The long-standing border wars between the two countries abruptly ended.

Preparations could now be made for the Protestant colonization and the beginning of the reprotentantization of a once-Culdee but later-papalized Ireland. Even more importantly, the same could be done especially in respect of the then-still-pagan North America.

Dr. James Gairdner (LL.D.), in the *Historians' History*,<sup>8</sup> rightly assesses the great importance of James's accession to the English throne. Gairdner explains that the Anti-Romish Protestant Anglican Queen Elizabeth had encouraged in Scotland the Puritanism which she had repressed in England. The mere fact that a Scottish king had now ascended also the English throne, brought with it momentous results ó internal and external.

It put an end to border wars. It brought Ireland into more complete harmony with Britain, within the British Isles. Indeed, it put an end to all possibility of a foreign power seeking to set the one country (Scotland) against the other (England) ó as the French Romanists had been trying to do.

Immediately after his accession to the English throne in 1603, James secured peace with Spain. James wisely left the government of England in the hands of Elizabeth's ministers of State. Prominent here was especially Secretary Cecil (later the Earl of Salisbury) ó who became the king's Prime Minister and Chief Counsellor.

### **James clashes with the English Puritans and their 1603 *Millenary Petition***

English History Professor J.H. Green observes<sup>9</sup> that one sees the Puritan temper in the *Millenary Petition* (as it was called). This was presented to James on his accession in 1603, on behalf of about a thousand (hence -millenary) Puritan-Anglican Ministers in England.

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<sup>8</sup> *Op. cit.*, 19:6.

<sup>9</sup> *Op. cit.*, p. 477.



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The presentation itself indeed involved at least some eight hundred clergymen about a tenth of the whole number in his realm. It asked for no change in the government of the Church. But it did seek a reform of its courts; and the removal of superstitious usages from the *Book of Common Prayer*. It also sought the disuse of lessons [or readings in worship services] from the apocryphal books; a more rigorous observance of Sundays; and the provision and training of Preaching Ministers.

Even statesmen who had little sympathy with the religious spirit which then surrounded them, pleaded for the pursuit of religious and national union by ecclesiastical reform. The famous philosopher Sir Francis Bacon himself the king's friend looked back in amazement at the gratifying political improvements (but the stultifying lack of ecclesiastical changes) ever since the commencement of the reign of Elizabeth I in 1558.

Why, asked Bacon, should the civil State be purged and restored by good and wholesome laws made every three years in Parliament assembled, devising remedies as fast as time breedeth mischief and contrariwise the ecclesiastical [e]state still continues upon the dregs of time, and receives no alteration these forty-five years or more?!

Unfortunately, James decided to have the Puritan-Anglican millenary petitioners imprisoned. This action arose from his own mistaken notion regarding the assumed divine right of kings set out in his famous book *The True Law of Free Monarchy* (1598).

As Professor Green points out,<sup>10</sup> this book conceded that a good king will frame his actions to be according to law. Yet it added he is not bound thereto except from his own will, and to give an example to his subjects.

The [1485-1603 Pre-Stuart] Tudor statesmen who used the phrase "an absolute king" or "an absolute monarchy" meant a human sovereign ruler independent of foreign or papal interference. However, James chose to regard these words as implying the monarch's freedom from all human control or responsibility to anything but that which pleased his own royal will.

King James's theory of that of the so-called "divine right of kings" was soon to become a doctrine which bishops preached from the pulpit. Yet it also soon became a doctrine against which Puritans and other brave men laid their heads on the block.

The Established Church, at its Convocation of Non-Puritan Anglicans, was quick to adopt its sovereign's discovery. Convocation, in its book of canons, denounced as a fatal error the assertion that "all civil power, jurisdiction and authority were first derived from the people."

Remarkably, this High-Churchmen's book was suppressed at the remonstrance of the (overwhelmingly Puritan) House of Commons. But the party advocating passive obedience to the whims of James, was growing fast.

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<sup>10</sup> *Op. cit.*, p. 478.

Said he: "It is atheism and blasphemy to dispute what God can do. So it is presumption and a high contempt in a subject to dispute what a king can do or to say that a king cannot do this or that."

### **The British Puritans resist James's Doctrine of the "Divine Right of Kings"**

The issue, of course, was and is whether the king is himself a sovereign above the law under him (*rex lex*) or whether the law itself is sovereign above the king under that law (*lex rex*). The issue is whether the king is a law unto himself regardless of the laws of society, because himself directly under the Law of God alone or whether the king derives his indeed God-given powers only through the people under God's Law.

In a nutshell, the issue is whether society may try and convict and then execute a king found guilty of murder or whether a murderous King may never be tried and found guilty nor be punished by society for that which God in His infallible Word calls a capital crime for all mankind. Genesis 9:5-6.

As Professor Green indicates,<sup>11</sup> men were now everywhere reaching forward to the very concept of law. The empiricistic scientist Bacon sought for law in material nature. But the Anglicanistic Royalist Hooker asserted the rule of law especially over the spiritual world.

However, the temper also of the Puritans was eminently a temper of law. The diligence with which they searched the Scriptures, sprang from their earnestness to discover the Divine Will in all things or great or small or which they might then implicitly obey. This implicit obedience was reserved for the Divine Will alone. For human ordinances ultimately had strength only insofar as they corresponded to the revealed Law of God.

The Puritan felt obligated to examine every claim made on his civil and spiritual obedience by the powers that be, and either to own or to reject that claim or to the extent it accorded (or conversely did not accord) with the higher duty which he owed to God. Thus Mrs. Hutchinson alleged against her Puritan husband that "his reason always submitted to the Word of God.... The greatest names in the World would not lead him, without reason."

It was plain that an impassable gulf parted such a temper as this or from the temper of unquestioning devotion to the crown which James demanded. The theory of a "divine right of kings" was certain to rouse against it all the nobler energies of Puritanism.

The various religious disputes between the powerful Puritans and the High-Church leaders of the Anglican Church, persuaded the king to convene the Hampton Court Conference in 1604. It proved, however, to be a fruitless attempt to reconcile the two religious parties.

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<sup>11</sup> *Op. cit.*, p. 479.

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As History Professor Brewer explains,<sup>12</sup> the English Puritans ó who had not yet separated from the Church of England ó desired the abolition of certain ceremonies (such as the use of the cross in baptism, the surplice, and the like). To some of their demands, the king yielded. A few alterations were made in the *Book of Common Prayer*; an addition was inserted in the *Catechism*; and a new translation of the Bible [the *Authorized Version* alias the ÆKing Jamesø] was promised.

But on the main question ó obedience to the rules and discipline of the Church ó James would admit of no relaxation. This was quite unexpected. For he himself had been brought up, in Scotland, precisely as a Presbyterian. Yet, from the very beginning of the 1604 Conference, he showed the strongest propensity to the Established Church (of only semi-reformed Anglicanism).

The *Historians' History*<sup>13</sup> gives an illuminating account of part of those proceedings. The king lost his temper with the English Puritans. He told them, with some truth, that they aimed to become a ÆScottish presbyteryø (*sic!*). That, said James, ðagrees with monarchy just as well as God agrees with the devil!ö Then, every ÆJackø and ÆTomø and ÆWillø and ÆDickø would meet and ðat their pleasure censure both me and my Council!ö

Turning to the bishops, James then said that if once they were out ó and the Puritans in their place ó ðI know what will become of my supremacy. For ó no bishop, no king!ö

In one sentence, it was now Æ*rex nec lex*ø ó Æthe king and not the law.ø A direct clash was developing between the Puritan view of *lex rex* (ÆThe law is kingø) and the tyrannical view of *rex lex* (Æthe king is lawø).

The Ex-ÆPresbyterianø Anglican James the First had ó when a younger man, and while King of Scotland alone ó been afraid of his Presbyterian Elders. But now that he was King of England too, he found he could manipulate the far more pliable Anglican bishops. Tragically, he wrongly assumed that English Puritanism was equally pliable ó even while he himself rejected both it and (from now on also) his own former Scottish Presbyterianism.

**Theologically**, the opinions of James were still Calvinistic ó at least until just after the 1618-19 Synod of Dort. However, as Professor Green shrewdly recognized,<sup>14</sup> in the **ecclesiastical** fabric of Calvinism ó James now saw an organized Ærepresentative governmentø which threatened his crown.

Unlike the High-Anglicans, the Puritans of all denominations still ventured to dispute the king's infallibility. So James broke up the Hampton Conference with a threat. That revealed the true policy of the crown. ðI will make them conform,ö he said of the remonstrants ó ðor I will harry them out of the land!ö

The High-Church party was highly delighted. It had itself been harrying not only the Anglican Puritans, but also the Pilgrims (or Independent Congregationalists) ó as

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<sup>12</sup> *Op. cit.*, pp. 347.

<sup>13</sup> *Op. cit.*, 19:475.

<sup>14</sup> *Op. cit.*, p. 480.

well as the Presbyterians (or the Non-Episcopal Calvinists). Grovelling at the clay feet of their unapproachable human sovereign, his Erastian bishops and their ilk would now assist James to harry even the Puritans alias their own (Non-Erastian) fellow-Anglicans.

Back in Tudor days, the very struggle against Romanism and Spain had led to the frequent convening and strengthening of Parliament. Under James, however, true Protestants angrily perceived England's increasing *rapprochement* with both Spain and other Continental Catholic countries.

Worse yet, the new archbishop of the High-Churchman Bancroft required rigid conformity with the rubrics from all beneficed Anglican clergymen. Consequently, the next spring, three hundred of the Anglican Puritan Ministers were driven from their livings because they would not comply.<sup>15</sup>

### King James the First convokes his first English Parliament

In March 1604, James assembled his first English Parliament. Three-quarters of the House of Commons was already controlled by the Puritans. They demanded even more privileges.

Your majesty would be misinformed, they told James in a parliamentary address, if any man should deliver [or represent] that the kings of England have any absolute power in themselves either to alter religion, or to make any laws concerning the same otherwise than...by consent of Parliament.<sup>16</sup> So, to try to placate that Puritan Parliament James promptly issued more restrictions against English Romanists.

Some of the latter then responded by concocting Guy Fawkes's 1605 Gunpowder Plot. That purported to blow up the Royal Family, and all the attending Members of both Houses of Parliament, when next assembled all together on November 6th.

Fortunately, the plot was timeously foiled on November 5th. That date then became known as Guy Fawkes's Day and thenceforth to be commemorated annually, by the setting off of fireworks throughout the British Commonwealth.<sup>17</sup>

The king was now angry. The Commons were enclosed. Disturbances followed. Romanists were in revolt. Pilgrims left for Holland. Most of those that did so, later ended up colonizing British North America.

Even as early as 1606, James chartered two companies to plant Colonies there. Jamestown was founded on the Chesapeake in 1607. Next year, Newfoundland (off the coast of Canada) was chartered. Then Lord Delaware was appointed as Governor of Virginia (named after the Virgin Queen Elizabeth I). The latter Colony was reinforced in 1611 with even more Colonists.<sup>18</sup>

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<sup>15</sup> Green: *op. cit.*, p. 482.

<sup>16</sup> Cited in Green's *op. cit.*, p. 482.

<sup>17</sup> Brewer: *op. cit.*, pp. 348f.

<sup>18</sup> Brewer: *op. cit.*, p. 354.

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Already in 1606, James had issued a *Charter to the Virginian Colonies*. That empowered its recipients ó such as Sir Thomas Gates, Richard Hakluyt, and others ó õto make habitation, plantation, and to deduce a Colony of sundry of our people into that part of America commonly called Virginia and other parts and territories in America either appertaining to us or which are not now actually possessed by any Christian prince or people....

õWe greatly commend...so noble a work which may, by the providence of Almighty God, hereafter tend to the glory of His Divine Majesty in propagating our Christian religion to such people as yet live in darkness and miserable ignorance of the true knowledge and worship of God ó and may, in due time, bring the infidels and savages living in those parts to human civility and to a settled and quiet Government.... We do also ordain...that each of the said Colonies shall have a Council, which shall govern and order all matters and causes...within the same several Colonies.ö

The *Historians' History* notes:<sup>19</sup> that Virginia went on to prosper. Its members found more certain riches than mines of gold ó in the cultivation of tobacco. Their prosperity was confirmed by their free institutions.

In 1621, they obtained a representative Constitution. Therein, the object of Government was declared to be ó õthe greatest comfort and benefit to the people; and the prevention of injustice, grievances, and oppression.ö

### **The anglicanized James's attempts to depresbyterianize Scotland**

Back in Britain, even already in 1606 the new Anglican ó the Ex--Presbyterianø King James I of England ó began to try to depresbyterianize even Scotland. At first, this had only very limited success.

Back in 1580, Andrew Melvilleø's *Second Book of Discipline* had suspended the temporary ÷Superintendentsø in the Scottish Church ó and had reverted to Primitive Presbyterianism. However, by 1606, there were already ten royally-appointed Bishops of the Scottish Church sitting even in Scotlandø's Parliament.

Before 1607, a Church Convention was successfully pressured to resolve that specifically Bishops should constantly moderate the Synods of the Scottish Church. Then, in 1610, James convened a General Assembly at Glasgow. Unfortunately, this ratified the kingø's proposals. Yet fortunately, it provided that the Bishops were nevertheless to remain subject to the General Assembly of Scottish Presbyters.

Then, in 1612, Melvilleø's earlier system of non-episcopal Presbyterianism was officially disestablished. Presbyters nevertheless remained in the Church of Scotland ó which therefore still continued to be called ÷Presbyterian.ø Royalist Scottish Bishops, however, now controlled them.<sup>20</sup>

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<sup>19</sup> *Op. cit.*, XIX:490.

<sup>20</sup> Thus Warr: *op. cit.* pp. 293 & 304-11.

### James's 1607 attempt to unify England and Scotland in *Robert Calvin's case*

In 1607, the English Commons rejected a bill suggested by James ó a bill advocating the union of Britain (alias England and Wales) with Scotland. As the *Historians' History* explains,<sup>21</sup> his accession in 1603 had given to Britain (alias England and Wales) the same royal head as Scotland had hitherto upheld. So James now wished to **unite** even those two rather different **countries** into one and the same body.

Their obedience to a common sovereign had indeed removed the ancient causes of hostility. With the accession of James as their common sovereign, England and Scotland were **confederated**. But the king wanted a **union**! He looked to a more perfect incorporation ó one which would communicate to all his subjects the same rights, and make them all amenable to the same laws. It was, however, a premature and therefore an imprudent design.

By the English Parliament, the king's proposal was received with coldness; by the Scottish, with aversion. Nor could the pleading of James obtain from the former ó nor his threats extort from the latter ó anything more than the appointment of Commissioners to meet and deliberate on the question.

These, after several conferences, reached agreement in 1607. Then they recommended: [1,] that all hostile laws between the two kingdoms ought to be repealed; [2,] that the border courts and customs should be abolished; [3,] that there should be free intercourse of trade throughout the king's dominions; and [4,] that the subjects of each should be naturalized in the other.

Though these propositions did not equal the expectations of James, he was content to accept them as a foundation for the superstructure which he still hoped to achieve. He therefore assumed, by proclamation, the new style of -King of Great Britain ó even though the actual United King-**dom** (singular) of Great Britain did not really begin until after the passage of Queen Anne's 1707 *Act of Union* exactly a century later.

When James's propositions were laid before the Parliament ó the first two only ó [1] and [2] above ó were adopted. However, as regards the crucial propositions [3] and [4] above ó James was defeated.

For the English and the Scottish peoples did not really care for one another. The mutual disinclination of the two peoples compelled the king to withdraw his favourite questions from the consideration of either Parliament.

Yet he still had the means of establishing the naturalization of all his subjects in both kingdoms ó by a decision in the law courts. During the conferences, several of the judges had opined that all persons born in Great(er) Britain after King James of Scotland's 1603 accession also to the throne of England ó the so-called *post-nati* ó were thereby naturalized in all places under his dominion at the time of their birth.

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<sup>21</sup> *Op. cit.*, 19:484.

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James was careful to inculcate this doctrine in the proclamation by which he assumed his new title. It was supported by ten out of the eleven judges who were consulted by the House of Lords.

But the Commons refused to submit to their authority. So, to bring the question to an issue, two suits were instituted in the name of Robert Calvin, a native of Scotland born since the death of Elizabeth.

The rights of the *post-nati* were thus established. However, the legality of the decision still remained a question amongst the most eminent lawyers. For many of them contended that the opinion of the judges had been influenced by the wishes of their sovereign.

The great Lord Chancellor Ellesmere agreed with the judgment of the justices on the bench. Said he:<sup>22</sup> 'I have here delivered my concurrence in opinion with my lords the judges...that Robert Calvin and all the *post-nati* in Scotland are in reason, and **by the Common Law of England**, natural-born subjects within the allegiance of the King of England and enabled to purchase and to have freehold and inheritance of land in England.' (For Lord Chief Justice Sir Edward Coke's view of Robert Calvin's case, see later below).<sup>23</sup>

### **Friction between the new Commons and the 'Older Lords' of James's Parliament**

In 1608, James had attempted to increase the customs duties payable upon some commodities. When Parliament was convened in 1610, the Commons passed a bill abolishing these new rates and also opposed the proceedings of the king's Court of High Commission.

James refused to comply. So, all concerned then had to compromise and by making the bargain to be known as 'the Great Contract.' Henceforth, James would abandon these customs claims altogether in return for two hundred thousand pounds to be paid him by the Parliament annually. However, before this could be enacted, James relented and dissolved Parliament (in 1611).

The king had, however, just furthered the ultimate unification of Great Britain by authorizing the colonization of Ulster. English Puritans and Scottish Presbyterians were now sent there, as tenants. Thus Ulster and from having been the most wild and disorderly province of all Ireland and soon became the best cultivated and most civilized.

For the defence of the British Colonists in Ulster, a new order of nobility (called 'baronetcy') was created. The patents were sold for one thousand and ninety-five pounds apiece.

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<sup>22</sup> Cited in Prothero's *Select Statutes and Other Constitutional Documents illustrative of the reigns of Elizabeth and James I*, Clarendon, Oxford, 1946 ed., p. 446.

<sup>23</sup> See our text at its nn. 35-37 and also at nn. 52-54 below.

This new creation was of excellent service. For it opened to wealthy commoners, now greatly enriched by the extension of commerce, the distinctions of nobility from which they had rigidly been excluded. So Brewer.<sup>24</sup>

Previously, the numbers in England's House of Lords had diminished greatly since the days of the royal families of Plantagenet, Lancaster and York. For the jealous policy of the Tudors [1485-1603] had impaired its influence, and it had become quite subordinate in importance to the Commons.

The Older Peers owed nothing to James. So to counterbalance the power of the Commons, a new and augmented nobility was desirable. As they would owe their honours to James, he naturally expected to find them more compliant.

Interestingly, however, even as late as 1621, the House of Lords was still controlled by the Older Peers. Indeed, they resented the new baronets and protested against making such a multitude of Scottish and Irish Lords.

### **Anglican Puritans and the *Authorized Version* (alias the 1611 *King James Bible*)**

Some relief for the Anglican Puritans now came. For the High-Churchman Bancroft was succeeded as Archbishop of Canterbury by the Calvinistic Dr. James Abbot.

As History Professor J.R. Green observed,<sup>25</sup> Archbishop Abbot put the finishing stroke against all attempts at a high ceremonial. The cope was no longer used as a special vestment in the communion. The primate and his chaplains forbore to bow at the name of Christ. The organ and choir were alike abolished, and the service reduced to a simplicity which would have satisfied Calvin. Even when James in 1617, by Proclamation from every pulpit, denounced strict sabbath-keeping and Abbot forbade it to be read in his own presence.

Too, in 1611, the new English Bible translation of the so-called *King James Bible* appeared. This was soon authorized or appointed to be read in churches. In its Epistle Dedicatory to King James, the translators of this *Authorized Version* call Britain our Zion [cf. Isaiah 49:6-14] and her papal enemy that man of sin [cf. Second Thessalonians 2:3f].

It was prepared by godly Calvinistic Anglican Puritan theologians. Though founded upon the *Bishop's Bible* of 1568 that rested upon *Cranmer's Bible*. The latter, via Tyndale, itself went back to the translations of the Old and the New Testaments made by the great Proto-Protestant John Wycliffe.

Though intended by King James to replace it, the *Authorized Version* nevertheless incorporated the flavour of the Puritans' own *Geneva Bible*. The latter had been edited by the great Scottish Presbyterian John Knox and by Mrs. John Calvin's brother-in-law, the noted English Puritan-Anglican Rev. Dr. William Whittingham.

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<sup>24</sup> *Op. cit.*, pp. 351f.

<sup>25</sup> *Op. cit.*, pp. 512f.



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It was James himself who even in 1604 had authorized that Calvinistic (though Anglican and Episcopalian) translation of the English Bible known as the *'King James Version'* of 1611. Indeed, it was to him ó the most high and mighty Prince James, by the grace of God king of Great Britain, France and Ireland, Defender of the Faith, &c.ö ó that those translators now dedicated their *-King James Version* of the English Bible.

In their *-Epistle Dedicatory* to King James, the translators declared: öGreat and manifold were the blessings, most dread sovereign, which Almighty God the Father of all mercies bestowed upon us the people of England when first He sent your majesty's royal person to rule and reign over us.... It was the expectation of many who wished not well unto our Zion that ó upon the setting of that bright occidental star Queen Elizabeth of most happy memory ó some thick and palpable clouds of darkness would so have overshadowed this land that men should have been in doubt which way they were to walk.ö

However, öthe appearance of your majesty, as of the sun in his strength, instantly dispelled those supposed and surmised mists ó and gave unto all that were well affected, exceeding cause of comfort.... The zeal of your majesty toward the house of God doth not slack or go backward, but is more and more kindled ó manifesting itself abroad in the farthest parts of Christendom, by writing in defence of the truth (which hath given such a blow unto that *-man of sin* as will not be healed); and every day at home by religious and learned discourse, by frequenting the house of God, by hearing the Word preached, by cherishing the teachers thereof, [and] by caring for the Church, as a most tender and loving nursing father.ö See Isaiah 49:1-23.

öOn the one side, we shall be traduced by popish persons at home or abroad ó who therefore will malign us because we are poor instruments to make God's holy truth to be yet more and more known unto the people whom they desire still to keep in ignorance and darkness.ö Yet still, öwe may rest secure..., sustained without[*alias outwardly*] by the powerful protection of your majesty's grace and favour.ö See Isaiah 60:9-11 & Revelation 17:5,12-17.

öThe Lord of Heaven and Earth bless your majesty with many and happy days that ó as His heavenly hand hath enriched your highness with many singular and extraordinary graces ó so you may be the wonder of the World in this latter age for happiness and true felicity, to the honour of that great God and the good of His Church, through Jesus Christ our Lord and only Saviour!ö

### **King James becomes deadlocked with the 'Addled Parliament'**

Especially from 1614 onward, however, we enter the period which the English historian and writer Professor J.R. Green<sup>26</sup> rightly describes as the royal despotism (1614-1621). The king needed money, so he re-convened Parliament in 1614. In his opening speech, he as much as admitted this.

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<sup>26</sup> *Op. cit.*, pp. 485.

However, as the *Historians' History* explains,<sup>27</sup> the Commons knew that whatever might have been attempted under despotic princes ó there was an ancient system of regular and established liberty. They dreaded corruption as much as they hated tyranny. James uttered smooth words and made specious promises; but the Commons, with one voice, passed a vote against the king's right of imposing customs at the outports without the consent of Parliament.

After a session of two months of stormy debate, the Parliament was dissolved by the king ó without a single bill being passed. It was named "the Addled Parliament."

No other Parliament was called, till 1621. For eleven years, the statute book is a blank. King James ó largely through his favorites George Villiers (the later Duke of Buckingham) and the penny-pinching philosopher Sir Francis Bacon ó governed England without a Parliament.

Meantime, the king committed to imprisonment in the Tower of London five of the Members of Parliament in the House of Commons who had been most strenuous in their opposition. Through lack of any monies forthcoming by parliamentary levies, he had to supply his necessities by fines imposed by the infamous Star Chamber.

Even before the reign of James, the Court of Star Chamber had acquired renown. Originally an Equity Court, it had established a reputation for rapid verdicts in criminal matters.

Proceedings in the Star Chamber Court went faster and were to become less rigid than in the courts of Common Law. Especially under the Stuarts, the Star Chamber ó rarely predictable, if not also perilous ó was to become opposed increasingly and especially by those practitioners of Common Law who were elected to the House of Commons.

The Stuarts more and more utilized Star Chamber as a vehicle for employing the "royal prerogative" to override the Common Law ó even in defiance of Parliament. Because of its notoriety for unfair judicial proceedings, Star Chamber was abolished by the later "Long Parliament" ó in 1641.

### **The life and influence of the great Puritan Jurist Sir Edward Coke**

At this point, we can do no better than to say something about the three greatest parliamentarians who now withstood the ire of the despot. We mean Parliament's "big three": Coke, Pym and Selden.

Lord Chief Justice Sir Edward Coke (1552-1634) was probably the most eminent jurist in the history of English Law. Educated at Trinity College in Cambridge, he entered the Inner Temple in 1572, was called to the bar in 1578, and was in 1579 appointed Reader in Law at Lyon's Inn (a position usually given only to counsel of ten years' standing). After entering Parliament in 1589, he soon became Solicitor-General and then Speaker of the House.

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<sup>27</sup> *Op. cit.*, 19:499.

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In 1593, he became England's Attorney-General (under Queen Elizabeth). After his own 1603 accession to the English throne, King James initially favoured Coke. The latter presented the evidence in Guy Fawkes's 1605 Gunpowder Plot so very clearly, that in 1606 James appointed him Chief Justice of the Common Pleas.

From then onward, Coke was rapidly promoted. Successively, he was made: a Privy Councillor; Chief Justice of the King's Bench; and then the first-ever Lord Chief Justice of England.

Yet already in 1606, Coke had started colliding with the king's favourites. Archbishop Bancroft, that inveterate High-Churchman, was attempting to shake off the control which the courts of Common Law had exercised. The king looked ready to support Bancroft against the Common Law. For in 1607 James stated that he himself was the fountain of justice and could remove any cases he pleased from the judges, and then try them himself.

Coke refuted James on this. By 1610 Coke was proclaiming that the king's mere proclamation cannot change the law. Indeed, by 1611 Coke was opposing James's so-called Court of High Commission.

Sir Edward Coke, according to Professor Brewer's revision of Hume's *History of England*,<sup>28</sup> was the most eminent lawyer of those times. He was created Chief Justice of the King's Bench in 1612.

Coke was the great champion of British Common Law and even against the royal encroachments thereof wherever impermissible. He regarded *Magna Carta* almost as the *sine qua non* of the Common Law.

However, through his constant collisions with the absolutizing James and he made himself increasingly unpopular with the king. This was especially the case after his honourable zeal in the murder case of Sir Thomas Overbury.

Yet later, explains the *Historians' History*,<sup>29</sup> in 1615 Coke applied his own vast legal knowledge against the preliminary proceedings in a detestable act of tyranny. Edmund Peachum, a clergyman in Somerset, had his study broken open. There, a manuscript sermon was found, in which there was strong censure of the extravagances of the king and of oppressions by his officers.

Peachum was put to the rack. He was interrogated before torture; during torture; between tortures; and after tortures. He was suspected of treason. Yet all his horrible tortures could wring no confession from him.

Bacon was directed by the king to confer with the judges of the King's Bench separately. To this, Coke objected and as being not according to the custom of this realm.

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<sup>28</sup> *Op. cit.*, p. 358 n.

<sup>29</sup> *Op. cit.*, 19:500.

Coke offended the king also in another way. For Coke contended that the equitable jurisdiction of the Court of Chancery ought not to be exercised ó after a judgment had been obtained at law in the Court of Kingø Bench.

However, Cokeø greatest alleged indiscretion, was in objecting to the authority of a letter which Bacon had written at the kingø desire. That was a letter directing the Court of Kingø Bench not to proceed to judgment in a case concerning the validity of the grant to a bishop.

Coke said that such a letter should be written to the judges of all the courts. That being done, he then induced them to take the honourable course of certifying to the king that they were bound by their oaths not to regard any such letters which were contrary to law. Very shortly thereafter, he was suspended from his office ó and then dismissed.<sup>30</sup>

The Chief Justice Sir Edward Coke, explains the historian Brewer,<sup>31</sup> was of the highest eminence as a lawyer. He had a reverence for the law that overrode every other instinct. Whenever any case came before him, he answered he would act as it behooved a judge to act.

Coke was dismissed from the Council in 1616. A provision which made the judicial office tenable at the kingø pleasure, was revived to humble the Common Law in the person of Coke as its chief officer.

On the continuance of his resistance, he was deprived of his post as Chief Justice. No act of James seems to have stirred a deeper resentment among Englishmen, than this announcement of his will to tamper with the course of justice. It was an outrage against the growing sense of law.

King Jamesø previously-mentioned pardon in the case of the indicted bishop, is very instructive. Obviously, as long as any king is allowed to pardon criminals ó and is not himself (through his agents) legally bound to prosecute in all cases ó an unacceptable power is implicitly claimed by the crown. That power is unacceptable, because it is thereby deemed to be above the law. Indeed, according to Sir Edward Coke, all grants of the benefit of any penal law or of **power to dispense with the law** or to compound for the forfeiture ó are **contrary** to the **ancient fundamental laws** of the realm.<sup>32</sup>

All arbitrary pardons like these ó are also contrary to the Law of God. For that requires all criminals to be punished. Indeed, even royal murderers should be put to death. Genesis 2:17; 3:3-11; 9:5-6; Exodus 23:2-7; Leviticus 19:15; 16:18f; 17:6-20; 19:11-21; Deuteronomy 1:17; First Samuel 16:7; Second Samuel 12:1-10; Habakkuk 1:4; James 2:1-12; Jude 16.

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<sup>30</sup> *Historians' History*, 19:500.

<sup>31</sup> *Op. cit.*, pp. 486f.

<sup>32</sup> *Historians' History*, 19:532.

## The clash between King James and Sir Edward Coke in the Star Chamber

The 1616 exchange<sup>33</sup> between King James I and Lord Chief Justice Sir Edward Coke in the Star Chamber, is full of instruction. There, James averred that it is presumption and high contempt in a subject to dispute what a king can do or say.

Coke replied that the law is the golden measure to try the cases. Indeed, the law protects his Majesty in safety and peace. The king cannot take any case out of his courts and give judgment upon it himself.... The judges are sworn to execute **justice according to the law and customs of England**.

James responded: It is treason to affirm...that I shall be under the Law. However, Coke then coolly countered: Sir, **Bracton says...that the king ought to be...under God and the laws**. Note: the king ought to be **under**...God and the laws and not equivalent to or above them! Deuteronomy 17:18f.

It must be remembered that James had been raised in Scotland, where Roman Law had been received (in spite of its recent reformation in 1560). In Roman Law, individual rights depend largely upon constitutional guarantees and not upon the Common Law, nor upon the Law of Nature. According to the Common Law of England, however, individual freedoms are a result of the rule of law. That latter is based on centuries of Biblical influence upon the Common Law, which itself roots in the Law of Nature (and of nature's God).

In Roman Law, legislation itself functions to secure human rights. However, at Common Law whatever is not illegal, is of no concern to the law of the land. In Roman Law, legislative might makes right and *rex lex*; the king is law. But at Common Law, right makes might and *lex rex*; the law is king.

So James removed Coke as Lord Chief Justice in 1616. Later, however, Coke managed to get back on the Privy Council and was elected to Parliament in 1620. There, he quickly became a leader of the popular party against the Stuarts' novel doctrine of unrestricted royal sovereignty.

From the Common Law (and the Law of Nature as part thereof) Coke then strongly opposed King James (and Roman-Scottish Law) on the proposed marriage of the king's son Prince Charles to the Romish Princess of Spain and took a leading part in drawing up the charges against Bacon. Indeed, when he spoke in the Liberties of Parliament debate (during 1621) and Coke was imprisoned for nine months as a result.

It was precisely Coke's *Bill of Liberties* which ultimately taking the form of the 1628 *Petition of Right* and was the most extensive declaration of English liberty till that time. The rest of Coke's career was spent in defending the law against any absolutization of the royal prerogative and in vindicating the right of Parliament to proceed against any citizen.

Among Coke's chief works, are his 1600-1615 *Reports*. They are compendia of the law in particular cases, including comments on various points raised. Those, and his

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<sup>33</sup> See R. O'Sullivan: *The Inheritance of the Common Law*, Stephens, London, 1950, pp. 83f.

1614 *Book of Entries*, are detailed commentaries on British Common Law. There is also a 1636 *Treatise on Bail and Mainprise*.

Undoubtedly his greatest work, however, is his *Institutes of the Laws of England* ó in four parts. The first is a commentary on Littleton's *Tenures* (one of the chief textbooks of the Common Law from a previous age). The second is a commentary on *Magna Carta*. The third discusses the criminal laws or pleas of the Crown. The last describes the jurisdiction of all the Courts in England.<sup>34</sup>

### Lord Chief Justice Sir Edward Coke on the Common Law as rooted in God

How did Coke view the history of British Common Law? He traced the Law of England back to Ancient-British alias Celto-Brythonic Common Law. That, in turn ó *via* the earlier Mosaic Law ó he saw as further deriving from the primordial Law of nature (and nature's God).

It will be remembered (see at notes 21-23 above) that King James had in 1607 put up the -treason trial-test case anent the tiny Robert Calvin. Robert had been born in Scotland after the king's 1603 accession also to the throne of Britain (alias England and Wales). The test case was brought in order to establish whether Robert was **only Scottish** (and subject to Roman-Scottish Law **alone**) by virtue of his **birth** ó or whether Robert was **also British**.

Here, by -British-was meant: English or Welsh. Thus the case sought to find out if the Scot Robert Calvin also had -British-nationality ó as the king claimed. Was Robert then -British-by **incorporation** and, wherever appropriate, ultimately subject **also** to the overriding Law of nature as an integral part of British Common Law?

Coke himself discussed this case of Robert Calvin.<sup>35</sup> In his own *English Reports*, Sir Edward cited Second Corinthians 6:15 and also commented (*obiter*):<sup>36</sup> "If a Christian king should conquer a Kingdom of an infidel..., there, *ipso facto*, the laws of the infidel are abrogated. For they be not only against Christianity; but against the Law of God and of nature contained in the Decalogue, both of which are part of British Common Law."

Sir Edward added<sup>37</sup> that all infidels are, in law, perpetual enemies. "For between them (as with devils whose subjects they be) and the Christians, there is perpetual hostility ó and can be no peace." Cf. Genesis 3:15; Galatians 4:22-31; First John 3:8-12.

Sir Edward did not, of course, suggest that Robert Calvin was an infidel. He meant only that the Law of nature and the Decalogue as parts of English Common Law would always override the greater degree of absence thereof in a legal system such as Roman-Scottish Law in a territory now overshadowed also by the Law of nature and

<sup>34</sup> Thus the articles *Coke, Sir Edward* ó in the 1929 *Encyclopedia Britannica*, 5:980f; the 1951 *Encyclopedia Americana*, 7:227f; and the 1979 *New Illustrated Columbia Encyclopedia*, 5:1512.

<sup>35</sup> See our text above between its nn. 21 & 23, and at nn. 35-37 & 52-54 below.

<sup>36</sup> 77 King's Bench VI, Green, Edinburgh, pp. 397f.

<sup>37</sup> E. Coke: *Reports* 1609 7 (o. Rep. at ff. 17a & 17d).

the Decalogue as integral parts of English Common Law. Compare, for example, the Fifth Commandment and its requirement that "honour" be given to King James.

Yet quite apart from *Robert Calvin's case*, Coke referred to the "Law of Nature" also in his *Institutes of the Laws of England*. This he dedicated to "God" and "Country."<sup>38</sup> There, he sought to apply the Word of God "from the land of Ancient Israel, and *via* the Christian Celtic Britons" even to the history of the legal system of his own country England. Thus, explained Coke: "The 'light of nature'...Solomon calleth 'the candle' of Almighty God, Proverbs 20:27."

It was that great Hebrew lawyer the Apostle Paul who had rightly observed in Romans 2:14-15 that whenever even Gentiles, who do not have the Hebrew Law, by nature[!] do the things contained in the Law, they demonstrate that the work of the Law has been written in their hearts. Thereanent, Lord Chief Justice Sir Edward Coke observed: "It may be verified by these laws that *lex est lux*. Proverbs 6:23 "the law itself is a light." See Romans 2:14."

### **Coke on the Mosaic Laws and the Laws of the first Ancient Briton Brut[us]**

Lord Chief Justice Sir Edward Coke rightly claimed that Moses was the first law reporter. Indeed, the matter regarding the succession rights of Zelophehad's daughters (in Numbers chapters 27 & 36) "is the earliest recorded case which is still of authority.

Thus, in 1920, discussing Coke's views on *Zelophehad's case*, the famous Law Professor Sir Frederick Pollock (LL.D. and D.C.L.) claimed<sup>39</sup> that this remains a practical decision even to this present day. For it governs the civil law of succession in some Jewish communities (such as the Jews of Aden). Indeed, this B.C. 1440 Mosaic Law also governed "via" apparent Palestinian migrations first to Brut's Troy and thence to Ancient Britain "even the earliest laws of the Early Britons.

In the *Preface* to his *Reports*,<sup>40</sup> Sir Edward Coke appealed to "the antiquity and honour of the Common Law" of Britain. He wrote that (after the migration from Troy) "Brut[us], the first king of this land" "as soon as he had settled himself in [th]his kingdom" "for the safe and peaceable government of his people, wrote a book in the Greek tongue, calling it *The Law of the Britons*.... He collected the same out of the laws of the Trojans.

"This King [Brut]...died after the creation of the world 2860 years, and before the incarnation of Christ 1103 years" "Samuel then being Judge of Israel.... That the laws of the Ancient Britons, their contracts and other instruments, and the records and proceedings of their Judges, were written and "sentenced" in the Greek tongue "it is plain and evident."

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<sup>38</sup> *Ib.*, Proeme to 3rd Part, p. ii: "Deo" & "Patriae."

<sup>39</sup> In his *Introduction* to Sir H. Maine's *Ancient Law*, Murray, London, 1920, pp. v & 22.

<sup>40</sup> *Preface* to Vol. II & Vol. III "as cited in the book *The Law of the Lord or the Common Law* by Rev. W.P. Goad, Covenant, London, 1943, pp. 113-16.

Britain, even from her most ancient times, has traditionally been a land under law ó and thus neither a legalistic monarchical monarchy, nor an antinomian demonic democracy. To the Puritan Sir Edward Coke, British Common Law was above any autocratic king (such as all of the A.D. 1603f Stuarts).<sup>41</sup> Indeed, British Common Law was rooted (also by God's common grace) in the decisions of Britain's ancient druids (as the Celtic Britons' oldest judges). Cf. Genesis 50:7f; Psalm 82:1-6; Proverbs 6:23; 20:27; Romans 2:14-16. See too the *Westminster Standards*.<sup>42</sup>

In his own famous *Institutes of the Laws of England*, Coke himself expressed<sup>43</sup> his own deep regret anent non-extant ancient records. There, he deplores the fact that the books and treatises of the Common Law in...other kings' times ó and specially in the time of the Ancient Britons (an inestimable loss) ó are not to be found.ö

No doubt, this was largely as a result of the deliberate destruction of those precious manuscripts by Anti-Brythonic invaders. Such were: first, the conquering heathen Romans, from A.D. 43f onward; next, the then-still-pagan invading Anglo-Saxons, from A.D. 450 to 600; later, the Anti-Culdee Romanists from France and Italy; and thereafter, the Danes and the Vikings.

Indeed, some of this is chronicled by Gildas ó as the earliest extant Celto-Brythonic Christian historian. He refers to it, in his (530 A.D.) book *Concerning the Destruction of Britain* ó namely by the former heathen invaders from Caesar's Rome, and especially by the more recent Non-Christian Anglo-Saxons from Germany.

John Sadler, the constitutionalistic Puritan Member of Parliament in 1649, at the very end of the British Civil War referred back to Coke's mention of this very matter ó just several decades earlier. Affirms Sadler in his own work *The Rights of the Kingdom* (sub-titled *On the Customs of our Ancestors*):<sup>44</sup> öOur British druids...would not speak about the -State' ó but [only about political government] in, or by, -Common Councils'...

öAmong these...[Julius] Caesar will tell usö there was ó at least in B.C. 55f ó öa -chief' or -president' in Britain.ö Such, however, was öchosen by deserts ó and not by blind way of succession....

öNor is it probable that Britons should be patrons of monarchical succession ó which would hardly agree well with their *gavelkind*. This was not only in Kent, but in divers other places of England and in Wales.... From the British *gavelkind*, all the children...part [or share] their father's armsö and goods. On this, see öalso the -Great Judge' [Sir Edward Coke] on Littleton's *Villainage*ö ó alias his *Tenures*. See further the cognate *gavalkinne* in the kindred Ancient-Irish Common Law.

Apparently still following Coke, John Sadler then further goes on to argue that we should öbelieve Taliesin [the A.D. 550f British bard] ó about *Trojans* coming hither with their Brute [around 1200 B.C.]. The British *gavelkind* relates their own Brute parting [or sharing] his kingdom among his three sons.... Again, the crown parted

<sup>41</sup> Cf. Edmunds: *op. cit.*, p. 109.

<sup>42</sup> *West. Conf.* 5:6z & 10:4qs, and *West. Larg. Cat.* Q. 68r.

<sup>43</sup> E. Coke: *Institutes of the Laws of England*, Brooke, London, 1797 ed., Part II:1, Proeme, pp. ix f.

<sup>44</sup> J. Sadler's *The Rights of the Kingdom: On the Customs of our Ancestors*, Bishop, London, 1649, p. 38.



between: the two sons of Madan [1017f B.C.]; two of Gorbodio [530f B.C.]; two of Molmutian [450f B.C.]; and two of Lud [58f B.C.] ó so that Caesar found [the Briton, Chief Caswallon alias Cassibelaunus, to have been] ælected byø the Common Council.ö

### **Coke's tracings of British Common Law from Brut and Moelmud onward**

As Lord Chief Justice Sir Edward Coke himself stated:<sup>45</sup> öUnity and consent in such diversity of things, proceeds only from God the Fountain and Founder of all good laws and constitutions.ö For, öconcerning the antiquity and honour of the Common Lawö ó this should be traced back to öBrut the first kingö of the Ancient Britons.

Elsewhere, Coke discussed<sup>46</sup> the origin of the term öthe kingø highways.ö It is traced back<sup>47</sup> to the public roads constructed by the B.C. 510f King of Ancient Britain called Dunvall Moelmud (or Mulmutius). Such roads were improved by his son King Belin, around B.C. 450f.

Regarding England and Scotland, the great Sir William Blackstone would later state<sup>48</sup> that öthe first ground and chief cornerstone of the laws of England...is general immemorial custom or Common Law.... Sir Edward Coke observes how marvellous a conformity there was ó not only in the religion and language of the two nations, but also in their antient laws.... He supposes the Common Law of each to have been originally the same.ö

The druids, explained Coke, were the great judges of Ancient Britain. They were very learned ó even in studying ancient manuscripts. They themselves wrote in Greek ó as the great international trading language of the Mediterranean before the time of Christ.

Coke continued: öThe very same, witnesseth Pliny also. *Lib. 13 cap. 1*.... The daily commerce and traffic betwixt those Britons and French...[is] spoken [about] by Caesar, Strabo and Pliny.... The Massilienses [or inhabitants of Ancient Marseilles], a Greek colony ó and, as the histories report, the chiefest merchants then in the World next [to] the Phoenicians [as sea-farers and the immediate neighbours of the Old Testament Israelites] ó spread abroad the desire of learning their [Greek] language....

öThat there passed constant traffic, likewise betwixt these very Massilienses and the Britons [long before the birth of Christ] ó Strabo in the same place [*Geog. lib. 4*] directly affirmeth.... Juvenal, who wrote about 1500 years past, in his sixth *Satire*, saith *Gallia caussidicos docuit facunda Britannos* ó Gallia was said to teach the Law Professors of England eloquence.... I think this sufficiently proves that the laws of

<sup>45</sup> E. Coke: *Preface to the Reader* of the Third Part in his *Reports*, Butterworth, London, 1826, II, p. iv & xiv-xix.

<sup>46</sup> E. Cokeø *Preface* to the third volume of his *Pleadings on the Origin of the Common Law of England*.

<sup>47</sup> W.P. Goard (LL.D., F.R.G.S.): *The Law of the Lord or the Common Law*, Covenant, London, 1943, p. 125.

<sup>48</sup> See his *Commentaries on the Laws of England*, I, p. 95.

England are of much greater antiquity than they are reported to be and [of much greater antiquity] than among the constitutions or imperial laws of Roman Emperors.

Continues Coke: "Our chronologers...say that [more than] 441 years before the incarnation of Christ, Mulumucius by some, called Dunwallo Mulumucius; by some, Dovenant did write two books of the Laws of the Britons..., the Statute Law and the Common Law.... [Thereafter,] 356 years before the birth of Christ, Martia Prova queen and wife of King Gwintelin wrote a book on the laws of England in the British language...."

"You should read more to the like purpose in: Gildas; Gervasius; Tilburiens; Geoffrey of Monmouth; William of Malmesbury; Roger de Hovenden; Matthew of Westminster; Polydor Virgil; Harding; Caxton; Fabian; Balaeus; and others. So, as it appeareth from them, before the [A.D. 1066 Norman] Conquest, there were amongst others seven volumes or books intituled: *Leges Britannum*; *Statuta Municipalia*; *Leges Judiciarienses*; *Merckenleg*; *Breviarum Legum*; *Legum Instituta*; and *Common Law*."

### Sir Edward Coke on Greco-Celtic and Celto-Brythonic roots of the Common Law

Coke goes on:<sup>49</sup> "It is verily thought that, with [William] the Conqueror, even the A.D. 1066f Normans did find the excellency and equity of the laws of England did transport some of them. Indeed, they then still taught the former laws written (as they say) in Greek, Latin, British and Saxon tongues."

At *Magna Carta* in 1215, also the Norman Barons demanded the revitalization of the laws of the last Pre-Norman Anglo-Saxon King of England, Edward the Confessor. Those laws had in large measure derived, *via* Early-Mediaeval Anglo-British Law, from Pre-Roman Ancient Celto-British Common Law.

Accordingly, in his *Institutes*, Sir Edward Coke declares of *Magna Carta*:<sup>50</sup> "There be four ends of this great charter mentioned in the preface. *Viz.* 1, the honour of Almighty God; 2, the safety of the king's soul; 3, the advancement of the holy Church; and 4, the amendment of the realm."

Indeed, especially from about that time onward, the English Lords and Commons by fresh statutes constantly updated and augmented the Common Law by favour of God, and under Christ's oversight. Thenceforth, explains Coke,<sup>51</sup> that is principally where all new legislation is to be found. "We do *favente Deo et auspice Christo* [by the favour of God and under the auspices of Christ] begin with the high and most honourable Court of Parliament."

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<sup>49</sup> *Ib.*, p. xl.

<sup>50</sup> E. Coke: *Institutes*, W. Clarke, London, ed. 1817, II, Proeme.

<sup>51</sup> *Institutes* IV, Proeme.

### **Biblical references in some of Lord Chief Justice Coke's more famous cases**

There are biblical references in no less than seventeen cases within Coke's *Reports*. Most notable is the test case of Robert Calvin ó which determined the claim to English citizenship of those like Robert Calvin<sup>52</sup> who had been born in Scotland after the Scottish King James VI had become also King James I of England.

Coke argued that Robert Calvin owed allegiance to King James not so much by Roman-Scottish **legislation** but rather by the Law of nature ó which, he insisted, is part of the Common Law of Britain (alias England and Wales). Robert was not an infidel, but a Christian citizen ó born, however, in a region which still maintained Roman-Scottish Law. However, the Common Law of Robert's King James embraced also both the Decalogue and the Law of nature.

The Decalogue required Robert to ðhonourö his king, and also the Law of Nature required Robert to give allegiance to his sovereign, and also to the Common Law of which both the Decalogue and the Law of nature were and are part. Both required Robert to submit also to their doctrine of citizenship.

The claim to English citizenship brought on behalf of Robert Calvin, was supported also by the non-infidel ðPaul's claim to Roman citizenship in Acts 21:39 to 22:28. Just as Paul was a Jew by race but a Roman by citizenship, so Robert Calvin was a Scot by race but English by nationality. Indeed, Robert Calvin owed grateful allegiance to the King of England ó just as in Luke 17:11-18 the cleansed leper of Samaria gave glory to Israel's God as ðthe Chief Justice of the whole World.ö

In *Ratcliffe's Case*, where Coke himself was counsel ó the English rule of lineal descent (and not ascent) in matters of inheritance ó was supported against the Roman Civil Law, on the ground that British Common Law was in accordance with the Law of God. Here, Coke pointed to Zelophehad's daughters (in Numbers 27:1-11 & 36:1-10 and Joshua 17:3-6). Incidentally, this anticipates the teaching of the *Westminster Confession* 19:4, and establishes at British Common Law and from English Case Law the abiding ðgeneral equityö of Mosaic Judicial Law also for Anglo/American/Australian Law.

In *Coulter's Case*, Coke maintained that an executor is not to retain any part of the deceased's goods to satisfy his own debt. For ðthe Law of God saith that you should not do wrong [in order] that good may come of it, and that it is better to suffer all wrongs than to consent to evilö (Romans 3:8 & First Corinthians 6:7).

So too, in the slander *Case of Barretry*, Coke insists that the offence was against the Law of God. There, Coke cited Leviticus 19:16. That states: ðyou shalt not go up and down as a tale-bearer among your people!ö

In Coke's renowned case *De Libellis Famosis*, he declares libel to be an offence against the Law of God. Especially the libel of rulers is condemned, with many references to the Old Testament. ðJob the mirror of patience...became impatient when

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<sup>52</sup> See too our own text above at its nn. 21-23 & 35-37, and below at nn. 53-54.

libels were made of him, and therefore it appears of what force they are to provoke impatience and contention.ö Job 12:4f.

*Dowman's Case* warns against precipitate judgment ó with reference to Judges (11:6-11 *etc.*). For one should first consider and consult; and only then should one judge.

In Coke's *Sutton Hospital Case*, the phrase öto found, erect and establishö needed interpreting. There, Coke supported his interpretation of the intention of a benefactor by Biblical references in Kings and Ecclesiastes on the meanings of each of the three words öfoundö and öerectö and öestablishö in the phrase concerned.

In the famous *Case of Monopolies*, such were condemned by Coke. For a monopoly, he maintained, ötends to the impoverishment of divers artificers and others who before by the labour of their hands in their art or trade had maintained themselves and their families.... The Common Law in this point agrees with the **equity** of the Law of God.ö Deuteronomy 24:6 ó ÷You shall not take in pledge the nether and upper millstone; for that is his life.ø

Finally, Coke's *Case of Tithes* refers to the portion given to the Old Testament priests and the Levites where the book of Numbers (18:23f) states they have öno other inheritance among the children of Israel.ö Coke then commented that this öwas not part of the Moral Law or Law of nature, but part of the Judicial [Law]ö ó so that ömen of the Church at this day do possess houses, lands and tenements; and not tithes only.ö Once again, in this distinction between öthe Moral Lawö and the öJudicial Lawö of Israel ó and also as regards the still-binding ÷general equityø of that Judicial Law ó Coke anticipates the *Westminster Confession* 19:4.

In *Coke on Littleton*, references to Holy Scripture abound. There, Coke cited the Psalms on property rights. Moreover, the Law of nature (*cf.* Romans 2:14-16) is cited as the third of fifteen different classes of law.

On the law of dowry, Coke alluded to Sarah's late child-bearing (Genesis chapters 17f). On the law of symbolic delivery, he cited the plucking-off of the shoe in Ruth (4:7f). He also noted the way in which Ephron invested Abraham with ownership of the field of Machpelah, with the correct formula in the presence of witnesses (Genesis 23:9-20).

Coke traced villainage back to the penalty of Ham for dishonouring his father (Genesis 9:22-27). He illustrated English co-parcenership from the way God directed Moses to divide the land (*cf.* Deuteronomy 34 *etc.*). He also pointed to the relevance of the Common Law and of *Magna Carta* anent ecclesiastical officers and due process of law ó with references from Paul's Epistles to Timothy and Acts 25:1-11.

He cited the assemblies of David and Solomon, when discussing the blessedness of unity in parliament. For ambassadors and international law and treaties, he found the Old Testament to be a gold mine. So too as regards the law of evidence ó and on prohibitions against torture, witchcraft, sodomy, bribery, extortion, duelling and perjury.

He illustrated rape from the stories of Dinah and Tamar (Genesis 34:2f & Second Samuel 13:12f). Regarding usury, he gave five Old Testament references. Indeed, he condemned brothel-keeping as being against the Law of God (in six places). Thus Coke!<sup>53</sup>

### **Later views on the importance of Lord Chief Justice Coke to the Common Law**

As the great Sir William Blackstone later remarked in his 1765*f Commentary on the Laws of England*:<sup>54</sup> "Some of the most valuable of the antient reports, are those published by Lord Chief Justice Coke ó a man of infinite learning in his profession.... The same learned judge...hath written four volumes of *Institutes*.... The first volume is a very extensive comment.... This comment is a rich mine of valuable Common Law learning, collected and heaped together from the antient reports and year books.ö

Again, in the opinion of the *Encyclopaedia Britannica*,<sup>55</sup> Coke ó barrister, judge, and reporter of the first rank ó was the greatest Common Lawyer of all time. His knowledge of the law was unequalled. To him more than anyone, we owe the reduction of the old authorities to the comparatively orderly state of the law which he left behind him when he died.

As a judge, he was noted for his wholehearted adherence to the Common Law. He upheld it against the Church, the Admiralty, the Star Chamber and (most dangerous of all) the Royal Prerogative ó with success. The best estimate of his importance as a legal authority, is that of C.J. Best: "He was one of the most eminent lawyers that ever presided as a judge in any court of justice.ö

### **Common Law and the English Parliamentarian and Puritan John Pym**

The second great parliamentarian during the reign of James I ó and even more so during the subsequent misrule of Charles I ó is John Pym (1584-1643). Born a commoner, though from an ancient parliamentary family, he matriculated at Broadgates Hall (now Pembroke College) at Oxford in 1599. He entered the Middle Temple, in 1602.

Like his ancestors in succession ever since the (almost *Magna Carta* time) of Henry III around A.D. 1216*f*, John Pym too became a Member of Parliament ó in 1614. He was very prominent in the impeachment of the Duke of Buckingham in 1616 (and again in 1639).

Pym made his first great parliamentary speech in November 1621. There, he urged the maintenance of the disabilities of Romanists ó for political reasons. He also moved to suppress recusancy.

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<sup>53</sup> See the extended section in D.S. Davies's *op. cit.* pp. 10-14, from which we here quote copiously.

<sup>54</sup> *Op. cit.*, I pp. 72f.

<sup>55</sup> 14th ed., 1929, 5:380f, art. *Coke, Sir Edward*.

He was indeed a chief promoter of the 1621 *Petition* which infuriated James ó and also the great defender of the Commons's privileges, which the king himself later tore from the records. Right after that Parliament (which was then immediately dissolved), Pym was confined by order of James and subjected to house arrest. After being returned as Member for Tavistock in 1624, Pym had an even more brilliant parliamentary career than ever before.

Pym closely corresponded with the Scottish Covenanters. He was a Puritan equally opposed to Romanism and Arminianism; a man of sterling character; a brave and an eloquent speaker; and a great champion of parliamentary privileges as well as of civil and religious liberty. For the rest, we will discuss Pym especially in the course of the next chapter (during the rule of Charles the First).<sup>56</sup>

### **The life and times of the great Common Law Jurist and Theologian John Selden**

The third great parliamentarian of this period is the great jurist and scholar, John Selden (1584-1654). Born as the son of a small farmer in Sussex, he was educated at Hart Hall in Oxford and Clifford Inn in London. He migrated to the Inner Temple in 1604, and was called to the bar in 1612.

Because he assisted in preparing the 1621 *Protestation of the Rights of the Commons* against the monarch, King James took Selden into custody immediately thereafter. While the king then held him in the Tower of London, Selden used his time very profitably to prepare an edition of Eadmer's *History* (which he published in 1623).

In that year, Selden was elected to Parliament. He again supported the parliamentary privilege ó being prominent in the trial of the king's favourite Buckingham. Later still, after helping draw up the 1628 *Petition of Right*, Selden was again imprisoned until 1631. While thus incarcerated, he wrote two of his greatest works.

Selden joined in the protestation of the Commons to maintain Protestantism ó according to: the doctrines of the Church of England; the authority of the crown; and the liberty of the subject. He was regarded as one of the most erudite men in his time.

His interests were wider than Law. They included History, Judaism, and Oriental Studies. Indeed, he was a great defender of the Common Law ó and of the ancient liberties of all Englishmen.

Selden was one of the few but powerful Erastian representatives in the Westminster Assembly ó appointed by an overwhelmingly Erastian-Puritan Parliament. Yet he had to sit ó as an Erastian-Puritan at the Westminster Assembly ó together with its majority of Non-Erastians.<sup>57</sup>

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<sup>56</sup> Thus arts. *Pym, John* ó in the 1929 *Encyclopedia Britannica*, 5:980f; the 1951 *Encyclopedia Americana*, 7:227f; and the 1979 *New Illustrated Columbia Encyclopedia*, 5:1512.

<sup>57</sup> Thus Warfield's *op. cit.*, p. 72.

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There, from 1643 onward, whenever present ó he certainly gave great support to that Assembly's Erastians (such as Coleman and Lightfoot).<sup>58</sup> There, many were overawed ó by Selden's great learning, vast memory, and impressive library.

Soon he was appointed Keeper of the Rolls and Records in the Tower. In 1644, he subscribed to the British Isles' *Solemn League and Covenant* ó between England/Wales and Scotland in Britain, and Ireland to the West.

Remarkably, in 1645 he declined an offered mastership at Trinity Hall in Cambridge. Instead, he spent his last years in literary work. In 1647, he was voted five thousand pounds by the Parliament ó as compensation for all his sufferings under the monarchy.

Selden died in 1654. At his own request, his old friend the famous Puritan Anglican Archbishop Ussher preached at his funeral.

In Selden's will, this statement is found: "With all humility of heart and with true repentance of my manifold sins and offences, I commend my soul and self into the gracious protection and preservation of my Creator, Redeemer and Saviour ó from and through Whom only, with fulness of assurance, I expect and hope for eternal bliss and happiness in the world to come."

### **John Selden's phenomenal antiquarian and legal works**

Selden wrote many famous books on a vast variety of topics. He discoursed on subjects ranging from baronial *Titles of Honour* (still the standard work on the subject) ó to a *Catalogue of the Arundel Marbles*.

His books *England's Epinomes* (or "The Legal Rights of England") and *Jani Anglorum* (alias "The Beginnings of the English"), written in 1610, established him as the "father" of legal antiquarianism. His massive *Analecton Anglo-Britannicon* (or "Collected Anglo-British Miscellanies") ó relating to the histories of Britain and England before the Normans ó was finished in 1606 (but not published till 1615).

Selden's reputation as an Orientalist was begun (and indeed established even in Europe itself) with his 1617 *De Dis Syris* (alias "Concerning the Syrian God"). This dealt with *Elohim* ó the Triune God of Ancient Israel.

Selden also prepared a number of studies on rabbinical law. Some of these brought him into collision with less intellectual Anti-Puritan ecclesiastics. Thus, his 1618 *History of Tithes* caused him to collide so vehemently with the king's High-Churchmen ó that they got it temporarily suppressed.

From 1629-34, he wrote his *De Jure Naturali et Gentium juxta Disciplinam Hebraeorum* ó alias "Concerning the Law of Nature and of the Nations according to the Hebrew Teaching." This work extended to seven volumes.

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<sup>58</sup> Thus De Witt: *op. cit.*, p. 25 & n. 58.

During the same period, Selden also published his *De Successionibus in Bona Defuncti secundum Leges Hebraeorum* (or "Concerning Successions in a Deceased's Goods according to the Laws of the Hebrews.") He then also published his *De Successione in Pontificatum Hebraeorum* (or his "Concerning the Succession of the Hebrews' Priesthood") in two volumes.

In 1635, the English Calvinist Selden wrote his *Mare Clausum* (alias "Closed Seas"). This defends England's sovereign right to the British Channel (against the Roman-Dutch Arminian Hugo Grotius's 1625 famous work *Mare Liberum* (or "Free Seas").<sup>59</sup>

The latter work in particular is of very great legal importance, as will now be shown. Here we refer especially to remarks made by the Israeli legal scholar Dr. Gabriel Sivan, of Jerusalem's Hebrew University. He approaches the subject from a Jewish perspective, in his own 1973 book *The Bible and Civilization*.

Sivan explains<sup>60</sup> that the heretical Arminian Dutchman Huig de Groot (alias Hugo Grotius) (commonly regarded as "the father of International Law") believed that the "Law of Nature" was a **human** quality, **independent** even of God. Grotius's theory of "natural rights" (expounded in his famous (A.D. 1625) work on "War and Peace" (*De Jure Belli et Pacis*)) was mainly based not on Biblical documents nor on Christian presuppositions, but on the Stoics' pagan philosophy and the heathen Romans' legal principles.

The English lawyer John Selden, however (as continues Sivan) sought also other evidence. Reputedly the most learned man of his time, Selden did not seek much evidence (like Grotius) in Ancient Paganism. Instead, Selden rather sought (and found) much evidence in Ancient Hebrew literature.

As sources for International Law, Selden dealt especially with the "Noachide" Code and its universal applicability (in his own 1640 work *De Jure Naturali et Gentium juxta Disciplinam Ebraeorum* (or "The Law of Nature and of Nations according to the Hebrews"). There, in the ancient writings of the Hebrews (prior to New Testament times), he found Biblical justification for the English position on "Closed Seas."

Grotius and Selden were both equipped to dig deeply into Post-Biblical Jewish lore as well. Yet especially Selden displayed all the wealth of his remarkable "rabbinical" learning, in the cause of the Law of Nature and the Law of Nations.

In 1642, Selden published his book *Privileges of the Baronage of England when they sit in Parliament*. In that same year, he also promulgated his other work *Discourse concerning the Rights and Privileges of the Subject* (or ordinary citizen).

1644 saw the appearance of Selden's *Dissertatio de Anno Civili et Calendario Reipublicae Judaicae* (or "Dissertation concerning the Civil and the Calendar Year

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<sup>59</sup> Thus arts. *Selden, John* in the 1881 Schaff-Herzog *Religious Encyclopedia* (New York: Funk & Wagnall), 1891 ET, IV:2149f; the 1929 *Encyclopedia Britannica*, 5:980f; the 1951 *Encyclopedia Americana*, 7:227f; the 1974 *New International Dictionary of the Christian Church*, p. 895; and the 1979 *New Illustrated Columbia Encyclopedia*, 5:1512.

<sup>60</sup> *Op. cit.*, Keter, Jerusalem, 1973, pp. 139f.



of the Jewish Republicö (meaning the Commonwealth of Ancient Israel). Then, in 1646, his treatise *Uxor Ebraica* (or öThe Hebrew Wifeö) ó on marriage and divorce among the Ancient Hebrews ó was printed.

In 1647, Selden's *Preface* to his own edition of the (thirteenth-century A.D.) legal treatise *Fleta* appeared. This summarizes his own lifelong study in the origins of British Law.

In 1650 appeared the first of three parts of his *De Synedriis et Prefecturis Juridicis Veterum Ebraeorum* ó his öConcerning the Juridical Sanhedrins and Prefectures of the Old Hebrews.ö Then, in 1652, he wrote his *Preface* to his own collation of some of the manuscripts for Sir Roger Twysden's *Historiae Anglicae Scriptores Decem* ó or öTen Writers of English History.ö<sup>61</sup>

### Selden on the old connection between the Hebrew Priests and the British Druids

Prominent among Selden's views, is his perception not only of the similarity but also of the historical connection between the Ancient Hebrew priests and the Ancient British druids. This theme is reflected by Selden especially in: his 1617 work *The Syrian God*; his 1629-34 *Law of Nature and of the Nations according to the Teaching of the Hebrews*; and his publication *The Succession of the Priesthood of the Hebrews*.

It is also dealt with in his 1644 *Dissertation concerning the Civil and the Calendar Year of the Jewish Republic*, and in his 1646 treatise *The Hebrew Wife*. Further, it is again referred to in his 1647 *Preface* to his own edition of *Fleta* ó and also in his 1650 work *Juridical Sanhedrins and Prefectures of the Old Hebrews*.

In his A.D. 1610 *Beginnings of the English*, Selden further discussed the B.C. 1100f laws of the Ancient Trojan Prince Brut (before and after he migrated to Britain). Selden even points out that such Ancient British Law ó long taught in the seminaries of the Ancient British druids ó was taught in the later (Early Christian) Culdee seminaries of Celtic Britain. Indeed, he declares it was still being taught also in the yet-later English mediaeval monasteries.<sup>62</sup>

Selden even showed<sup>63</sup> that no great use at all was made of the A.D. 533f *Corpus Juris Civilis* of Justinian in Western Europe ó for many centuries thereafter. He adds: öThis is especially true of Britainö ó where the öRoman occupationö had already ended in 397f A.D.

Indeed, added Selden, in Britain önot even the [438 A.D.] *Theodosian Code* [of the Roman Empire] was used.... The [449f A.D.] Anglo-Saxon invaders of England used neither this nor any similar code, but only their native Germanic customs.... These

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<sup>61</sup> Thus arts. *Selden, John* ó in the 1881 Schaff-Herzog *Religious Encyclopedia* (New York: Funk & Wagnall), 1891 ET, IV:2149f; the 1929 *Encyclopedia Britannica*, 5:980f; the 1951 *Encyclopedia Americana*, 7:227f; the 1974 *New International Dictionary of the Christian Church*, p. 895; and the 1979 *New Illustrated Columbia Encyclopedia*, 5:1512.

<sup>62</sup> See Sir William Blackstone's 1765 *Commentaries on the Laws of England*, University Press, Chicago, 1979 ed., I pp. 17 & 63f.

<sup>63</sup> See D. Ogg's *John Selden's Dissertation on Fleta*, Gaunt, Holmes Beach, Fla., 1986 rep., p. 103.

were the [*circa* 650*f* A.D.] laws of the [Anglo-British] Mercians, of the [*circa* 675*f* A.D. Anglo-Saxon] East-Saxons, and of the later [*circa* 870*f* A.D. Anglo-]Danes. But at no time was the Roman Law admitted.ö

Selden also cited<sup>64</sup> the great [B.C. 70-19] Latin poet, P. Virgilius Naso. Indeed, Virgil himself mentions öthe Britons together with the remotest part of the entire divided globe.ö<sup>65</sup>

Selden further wrote<sup>66</sup> about the influence of the Ancient Hebrews, the Ancient Egyptians and the Ancient Phoenicians. He discussed these influences on Pythagoras, on the one hand; and on the Ancient British druids, on the other.

In his celebrated book *On the Law of Nature and of the Gentiles*, Selden writes<sup>67</sup> that the Law of Nature derives from Noah. In passing, he further observes that Noah, in turn, derived it from Eden. Ecclesiastes 7:29 and Romans 2:14-16.

According to G.W. Johnson in his famous *Memoirs of John Selden*,<sup>68</sup> the latter ö indeed a great lawyer ö explained the Law of Nature to mean the Law of the World or Universal Law. Ecclesiastes 7:29 and Romans 2:14-16. There, Selden is further shown to have understood the Law of Nations to be the peculiar law of the different nations. *Cf.* Genesis 9:5*f* and 11:9*f*.

Selden is also shown to limit Natural or Universal Law to those precepts which the Hebrew books and traditions lay down as delivered by Noah to his posterity, and as supposed to have been derived by him from Adam to whom they were given by God. Of these, seven heads are enumerated, namely: 1, idolatry; 2, blasphemy; 3, homicide; 4, illicit concubinage; 5, theft; 6, eating flesh severed from a living animal; 7, judicial proceedings and civil obedience. Genesis 9:1-7 *cf.* Acts 15:19-29.

Under these heads, is given a digest of all the laws embracing the civil and religious polity of the Hebrews ö distinguishing that part of it which belongs to the Universal Law, from that which is National or Municipal. In an introductory book, Selden gave further details of the Hebrew philosophy ö and of the sources of Natural Law according to the Hebrew writers, particularly considering the supposed origin and authority of the Noachide precepts.

No one can deny that Selden had made his work a valuable repertory of all that history or tradition informs us concerning the Hebrew institutions. For these he had set out, both before and after the Mosaic dispensation.

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<sup>64</sup> *Omnia Opera*, London, ed. D. Wilkins, 1726, I pp. 831*f*.

<sup>65</sup> *penitus toto diviso orbe Britannos*.

<sup>66</sup> *Omn. Op.*, I pp. 83 & 89*f*.

<sup>67</sup> Selden's *De Jure Nat. et Gent.* (in his *Omnia Opera*, I pp. 150-51, as per G.W. Johnson's summary in the *Memoirs of John Selden*).

<sup>68</sup> G.W. Johnson: *Memoirs of John Selden*, London, 1835, pp. 264*f*.

### Selden on the antiquity and functions of the Druids of Ancient Britain

Selden's remarks on Ancient British Druidism in his work *Concerning Assemblies*,<sup>69</sup> are very illuminating. "Concerning penal law in the prohibition of sacred things among the Celts," he declared, "there is also the most eminent and resoundingly proven testimony in the [58f B.C.] writings of Julius Caesar."<sup>70</sup>

There, explained Selden, Julius Caesar "deals with the forensic teaching of the druids. It is evident that they were among the highest philosophers, theologians and priests of the most ancient ages. Thus [the B.C. 384f] Aristotle's *Preface* to the *Magick* of Laertius. They also had the highest powers, and dealt with parties disputing against each other."

Now the B.C. 58f Julius Caesar himself wrote<sup>70</sup> of the Ancient British druids: "If any person, whether private or public, should not submit to their decree or they forbid [him] the sacrifices." Selden rendered these words as follows: "If anyone...whether private or popular"<sup>71</sup> or thus many manuscripts. That is: if any [popular] State or any gathering of men<sup>72</sup> coming together in a civil body.<sup>73</sup> Other manuscripts here have: "or public."<sup>74</sup>

With those ancient manuscript copies of Caesar's *Gallic War* in the original Latin, also the Greek version agrees. There, that translation reads: "if a **commoner** or if a **fellow citizen**." This clearly evidences popular or representative government among the druids or and thus also in Ancient Britain herself.

Also in his own *Gallic Wars*,<sup>75</sup> Caesar next said of the British druids: "If anyone does not submit to their decree, they forbid [him] the sacrifices. This punishment among them, is very great. To those of the number of the impious and of the wicked, this [sacrificing] is thus prohibited. All people avoid them, and flee their approach and conversation or lest they [too] should receive some evil from that contact. Neither justice nor any honour is then communicated to them, whenever they seek it."

On the above, Selden commented<sup>76</sup> that "such words [of the B.C. 58f Caesar regarding the Ancient Celts] or show the very same aspect and sufficient usage [even later] among Christians. Quite credibly, the same also obtained among the customs of our Ancient Britons. For, in the time of Julius Caesar, by his own testimony,<sup>77</sup> it was

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<sup>69</sup> *De Syned.*, in his *Op. Omn.*, I pp. 1004-7.

<sup>70</sup> *Gallic Wars*, 6:13.

<sup>71</sup> *aut populus.*

<sup>72</sup> *coetus hominum.*

<sup>73</sup> *in corpus civili coalitus.*

<sup>74</sup> *aut publicus.*

<sup>75</sup> *Op. cit.*, 6:13.

<sup>76</sup> *De Syned.*, in his *Op. Omn.*, I pp. 1004-7.

<sup>77</sup> J. Caesar: *Gallic Wars*, 6:13.

considered that the teaching of the druids had originated in Britain<sup>78</sup> and had been transferred from thence into Gaul.<sup>79</sup>

Selden further continued:<sup>80</sup> "Indeed, in the *Annals* of Tacitus<sup>81</sup> there is an equally accessible mention of them [the druids] as being in Britain herself. Their rule is described as having obtained there [too], where it was not regarded as evil....

"The druidic teaching was [at least by the A.D. 98] time of Tacitus] even among the Germans. For it was at length prohibited there too [by the attacking Roman aggressor] as regards both sacred things and community life." Also see "John Chrysostom's *Oration 49*." Thus Selden.

Selden went on:<sup>82</sup> "Now Aristotle has expressly testified about the Celts and the Gauls as being as it were from the Western World that they are primary proponents of traditional learning.... Certainly, it was for that reason easier for the power of forbidding sacrifices to be received among them in the same way.<sup>83</sup> That was so, not only when there was a prodigious<sup>84</sup> human immolation [of sentenced capital criminals]. This had long been celebrated among them and even yet in public. Cf. Leviticus 24:10-16; Numbers 15:32-35; Deuteronomy 13:5-11; 17:2-7; 21:18-22.

"No other sacrifices were performed either unless a certain druid effected it **according to Divine Law**.<sup>85</sup> This we know from Julius Caesar<sup>86</sup> who so wrote about the Ancient British druids.

Also the B.C. 60 "Diodorus expressly called them Sarronides or "Sons of Sarron" as stated Selden. Explained Diodorus: "It is their custom to make sacrifice for nobody without a philosopher, that is, a druid."<sup>87</sup>

Selden then continued:<sup>88</sup> "It is certain even before the time the excommunication of Christians first came into use since the earliest Christian centuries that they [the druids] had prohibited sacrifices [to delinquents].... Again, the druids' religion of prodigious omens, was [itself] prohibited under [the B.C. 29 to A.D. 14 pagan Roman Emperor] Augustus to citizens [of Rome] among the Gauls."

Furthermore, added Selden, Druidism was abolished by Claudius Caesar who, ruling as [pagan] Roman Emperor from A.D. 41 to 54, was contemporary to the times of the Apostles. Thus wrote Suetonius, in his (A.D. 102) work *The Twelve Caesars*.<sup>89</sup> See too Pliny's (A.D. 77) *Natural History*.<sup>90</sup>

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<sup>78</sup> *in Britannia reperta.*

<sup>79</sup> *inde in Galliam translatum.*

<sup>80</sup> *De Syned.*, in his *Op. Omn.*, I pp. 1004-7.

<sup>81</sup> Tacitus: *Annals*, 14:29f.

<sup>82</sup> *Op. Omn.*, I:1004-7 (emphases mine and F.N. Lee).

<sup>83</sup> *potestas ejusmodi sacris interdicendi illis admittaretur.*

<sup>84</sup> *immanem.*

<sup>85</sup> *fas.*

<sup>86</sup> J. Caesar: *Gallic Wars*, 6.

<sup>87</sup> *Eth' autois esi meedena thusias oooien aneu philosophe* (thus Diodorus, as cited by Selden).

<sup>88</sup> *Op. Omn.*, I:1007.

<sup>89</sup> *Op. cit.*, 5:25.

<sup>90</sup> *Op. cit.*, 30:1.

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BRITAIN'S PURITANIZATION, 1603-25

Concerning these druids, Selden next added<sup>91</sup> the testimony of the (A.D. 40-115) Greek writer Dio Chrysostom of Prusa. Explained Selden of the druids: "Dio Prusaeus plainly declared that neither their rule nor their religion would ever have vanished during that time unless these things were ominous and prodigious to their enemies." That is why the Pagan Emperor "Claudius so decided" to abolish them, throughout his Roman Empire.

"On the other hand," explained Selden, it must be remembered (*Suidas in Dione*) that "this Dio lived under [the A.D. 98-117 pagan Roman Emperor] Trajan. The Consul, if he wished, held one learned man responsible on behalf of twenty or as regards the later druids."<sup>92</sup>

Yet Selden clearly indicated that British Druidism was still strong as late as 74 A.D. He explains: "I am certain that, to the [A.D. 74 pagan Roman Emperor] Vespasian, the teaching of the druids manifestly seemed to be flourishing among the Gauls and the Britons or about twenty years after Claudius. So too Pliny (A.D. 77) *Natural History*, 30:4."

Selden then concluded: "When in the time of Tiberius the druids of the Gauls sustained pre-eminence or he himself wrote that this type of soothsayer and mediator...had been derived from **Jewish** usage."<sup>93</sup> Hence, even according to Tiberius the Roman Emperor from A.D. 14 till 37 or in whose days Christ Himself shone upon Britain (so the A.D. 516f Gildas) or Druidism was recorded to have derived from the Ancient Hebrews.

**Selden on the remnants of true religion  
also among the Ancient Britons**

In his book *The Hebrew Wife*, Selden set out the Old Testament doctrine of marriage. There,<sup>94</sup> he declared: "Remnants from a good many Welsh-Britons seem to manifest the same thing or in the most celebrated of those laws of Hywel Dda...the [930f A.D.] King of Wales" (who there collated the earlier laws of the B.C. 510f Ancient British King Dunwallo Moelmud alias Mulmutius).

In his work *Collected Anglo-British Miscellanies*, John Selden insisted<sup>95</sup> Camden and others or quoting Genesis 10:1-5 & Josephus's *Antiquities of the Jews*<sup>96</sup> or established that the Ancient Cymri came from Gomer. They were derived, he says, from "Gomer, the Gomerites, the Cimbri, the Cimmerians, the Cambrians or the Cumbrians. For that is what these names signify among the Ancient Britons, and also among the Ancient Gauls. That these conjectures are very greatly probable,"<sup>97</sup> William]. Camden has proven."<sup>98</sup>

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<sup>91</sup> *Op. Omn.*, I:1007.

<sup>92</sup> *de druidibus postea*.

<sup>93</sup> *ex usus Judaico deductam*.

<sup>94</sup> In Selden's *Op. Omn.* II:843.

<sup>95</sup> *Analect. Anglo-Brit.* (in Selden's *Op. Omn.* II:865-69).

<sup>96</sup> *Op. cit.*, I:6.

<sup>97</sup> *maxime sane probabili conjectura*.

<sup>98</sup> *probavit*.

Selden then described<sup>99</sup> Brut, the Celts, and Mulmutius ó from the writings of Geoffrey Monmouth, Gildas the Wise, and Polydor Vergil. Selden also cited Caesar's *Gallie Wars*,<sup>100</sup> Camden, Tacitus, and Strabo.

Thus, on Ancient Britain, Selden quoted from Strabo's (B.C. 20) *Geography*:<sup>101</sup> "Many chiefs govern the State."<sup>102</sup> They choose one, at the outset, for the year.<sup>103</sup> They do just the same, also in war. From the multitude, one is assigned as ruler."<sup>104</sup>

Selden also stated<sup>105</sup> the (B.C. 3f) Roman Seneca's testimony<sup>106</sup> about British druids going to Ancient Gaul as judges. In return, Gaul taught the Britons eloquence. As Juvenal declares:<sup>107</sup> *Gallia caesidica docuit facunda Britannos*.

Further, Selden also mentioned the A.D. 120f Christian Briton, King Llew. Explains Selden:<sup>108</sup> "He was indeed the first of kings to have embraced the God-man [Jesus Christ]. Yet it was not just from Llew onward<sup>109</sup> that the first beginnings<sup>110</sup> of the Christian religion were found in this most fertile field of witness"<sup>111</sup> ó in Britain. For, "to Gildas in his A.D. 520f book *Concerning the Destruction of Britain*: "We know that, at the peak of the time of Tiberius Caesar [A.D. 14-37]..., Christ the true Sun [cf. Malachi 1:11 & 4:2]...afforded His rays and the knowledge of His precepts [to our Island]."

"In fact,"<sup>112</sup> claimed Selden, "the more remote origin<sup>113</sup> was not only<sup>114</sup> Joseph the citizen of Arimathea, who...established<sup>115</sup> the first foundations of true religion [in Britain]... Our historians (Polydor Vergil)<sup>116</sup> have put forward that the first region of God<sup>117</sup> and the first region of saints in England<sup>118</sup> has been said to be from him [Joseph of Arimathea]. But Nicephorus has left us a writing<sup>119</sup> that also Simon Zelotes [cf. Acts 1:8-13] entered this island."<sup>120</sup>

<sup>99</sup> *Op. Omn.*, II:870f.

<sup>100</sup> Caes.: *Gall. Wars*, 5.

<sup>101</sup> Strab.: *Geog.*, 4.

<sup>102</sup> *plurimas civitatem primores gubernant*.

<sup>103</sup> *ducem unam primis temporibus ad annum deligentes*.

<sup>104</sup> *imperator*.

<sup>105</sup> *Op. Omn.*, II:877-8, ch. 4.

<sup>106</sup> Seneca: *Ad Lucill.*, Ep. 90.

<sup>107</sup> Juvenal: *6th Satire*.

<sup>108</sup> *Op. Omn.* II:875-6, ch. 6.

<sup>109</sup> *nec tamen a Lucio*.

<sup>110</sup> *primordia*.

<sup>111</sup> *in fertilissimo martyrum hoc agro*.

<sup>112</sup> *etenim*.

<sup>113</sup> *oriundum*.

<sup>114</sup> *non solum*.

<sup>115</sup> *posuisse*.

<sup>116</sup> Polydor Vergil's Book 2.

<sup>117</sup> *prima terra Dei*.

<sup>118</sup> *in Anglia*.

<sup>119</sup> *scriptam reliquit*.

<sup>120</sup> *hanc insulam adiisse*.

### The Westminster Theologian John Selden on the importance of druidic oak-trees

On the groves of oaks tended by the Ancient British druids, Selden expatiated in his work *Collected Anglo-British Miscellanies*.<sup>121</sup> There, he also approvingly quoted from the work *De Cruce* (3:13) ó by the famous A.D. 1547f A.D. Catholic Calvinistø Belgian historian Justus Lipsius.

öFrequently,ö explained Lipsius in his *De Cruce* (alias his "On the Crossø),<sup>122</sup> öthis tree [foreshadowing the cross] is repeatedly mentioned in Judah ó both formerly, and now.ö Genesis 18:1f; 21:33f; 35:1-8; Acts 5:30; Galatians 3:13; First Peter 2:24; *etc.* öSuch indeed was its purpose, among the Oriental Jews. Yet the distance from that site did not at all admit participation in the ceremonies there ó by the occidental druids.ö So the latter developed their own ceremonies, in Britain *etc.*

Observed Selden:<sup>123</sup> öIndeed, the same is seen in the [circa 94 A.D.] testimony of Flavius Josephusø *Lib. I con. App. Gram.* against Apion; and therein [chapter 22] of Hermippusö on the Pythagoreans (*cf.* the Ancient Britons). Concludes Lipsius himself: öNot only did Josephus recognize [*novit*] the ancient institutions of the Jews. He in many ways also traced their further influence, and emulated them (elsewhere) ó and transferred much from the Jews even into his own philosophy.ö Thus Selden.

In Seldenø work *Beginnings of the English*,<sup>124</sup> it is from Numbers 1:38f & Ezra 7:24 that he apparently derived the tribally "Dan-likeø and the "mature-ageø functioning and the "tax-freeø features ó of the British druids described by Julius Caesar in his B.C. 58f *Gallic Wars*. Selden then again cited Julius Caesar<sup>125</sup> ó where the druids, in their own British alphabet, öuse Greek letters.ö<sup>126</sup> So too, continued Selden, in öStraboø *Geography*.ö<sup>127</sup>

However, concluded Selden, öthis does not mean that the Ancient Britons spoke or wrote in Greek to one another. But merely that they used the "Greekø<sup>128</sup> alphabet for the purpose of writing in the Celto-British language.ö

Selden explained: öSimilarly, in the Chaldean Targum..., the Hebraist excuses [Aramaic] characters ó when establishing a Hebrew discourse.... Concerning the New Testament, the same can be said. Syrian is utilized for "Hebrew letters.ø Learned men regard the Greeks as having received an example from the Hebrews ó not before, but after Phoenicia. Thus too, the Celts ó according to Wolfgang Lazius.ö

As also for the Ancient Hebrews, observed Selden,<sup>129</sup> öthe sixth new-moon of the year was the beginning of the months for the druids ó and after the thirtieth year of age. Thus Plinyø *Natural History* 16:44. Compare too Exodus 12:2 & 13:4; Numbers

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<sup>121</sup> In *Op. Omn.*, II:876f.

<sup>122</sup> J. Lipsius: *De Cruce*, 3:13.

<sup>123</sup> In *Op. Omn.*, II:876f.

<sup>124</sup> Seldenø *Jani Anglorum*, in his *Op. Omn.* II:977f.

<sup>125</sup> J. Caes.: *Gall. War*, 6:14.

<sup>126</sup> *Graecis literis utantur.*

<sup>127</sup> Straboø *Geography*, Book 4.

<sup>128</sup> *sic.*

<sup>129</sup> *Op. Omn.* II:978. VIII.

4:2f,34f,42f,46f; Esther 3:7; Luke 3:23. ðFor Britain, there was the cult of the true Christ.ö Thus Selden.

### Further statements in Selden of relevant archaeological importance

In his work *Closed Seas*, Selden referred<sup>130</sup> to the Ancient British fleet which helped the Gauls against the Romans during the first century B.C. See Julius Caesar's *Gallic Wars* III:8-9. Similarly, Selden also cites the first century A.D. Agricola's circumnavigation of Britain in the days of Galgacus). Tacitus's *Agricola*, chapters 24-28.

As regards the connection between St. Andrew and the Culdees and Scotland ó Selden stated: ðThese ñCultivators of Godø (*Keledei*), were Culdees and Caledonians.ö He also cited Hector Boece and Giraldus Cambrensis concerning the Scots formerly being in Ireland. Indeed, Selden further cited Jerome's *84th Epistle to Evagrius*<sup>131</sup> and Ambrose's *Epistle to the Ephesians*.<sup>132</sup>

In his work *The Legal Rights of England*, Selden stated<sup>133</sup> that the ðChaldee Berosus mentions one ñSamothesø ó alias the ñMeshechø mentioned in Genesis 10:2. That Meshech was the ðbrother to Gomer and Tubal, of Japheth's line.

ðAccording to [the great third century B.C. Chaldean historian] Berosus,ö that ñSamothesø was the ðauthor [or ancestor] of the Celts.... His commentator Annius de Viterbo adds<sup>134</sup> that ñSamothes was the brother of Gomer and Tubal. He had Japheth as his ancestor, from whom first the Britons and thence the Gauls descended.ö Thus Selden.

Around B.C. 1200 ó explained Selden in his *Legal Rights of England*<sup>135</sup> ó ðthat celebrated Trojan branch, Brute, entered the Isle and composed a book with the title: *The Laws of the Britons*.... Times so near the golden age...have left few notes of expressly-binding laws.ö

Selden then mentioned Geoffrey Monmouth *etc.*, as regards the Pre-Christian Celtic laws of the B.C. 510f British King Mulmutius and the B.C. 297f British Queen Martia. The latter had no connection with the much later A.D. 650f Anglo-Saxon English kingdom of Mercia. For the latter derived its name from the Anglo-Saxon Germanic word *Mearc* ó meaning the limit or the ñboundaryø between the Anglo-Saxons and the Celts.

Selden further stated<sup>136</sup> that the Ancient Britons ðwere truly free from all foreign imposition of laws. This is expressly affirmed by Seneca,ö<sup>137</sup> the (B.C. 3f) pagan Roman.

<sup>130</sup> Selden: *De Mare Claus.* (in his *Op. Omn.* II:1130).

<sup>131</sup> See too Jerome's *Epistle 42:10 to Marcella*.

<sup>132</sup> Ambrose: *Epistle to the Ephesians*, 4.

<sup>133</sup> Selden's *England's Epinomis* (in his *Op. Omn.* III:5).

<sup>134</sup> Annius de Viterbo: *Antiq. Chald.*, lib. 5.

<sup>135</sup> Selden: *Legal Rights of England* (in his *Op. Omn.* III:5).

<sup>136</sup> *Ib.* III:11.

<sup>137</sup> Seneca: *In Octav.*, act. I.



### Selden on the Japhethites, on Brut of Troy, and on British Druidism

In his *Notes on Drayton's 'Polyolbion'* Selden made another very important observation. There, he insisted:<sup>138</sup> "The druids, being in profession very proportionate in many things to Cabalistic and Pythagorean doctrine, may well be supposed much antienter than any that had note of learning among the Romans."

Selden also wrote<sup>139</sup> regarding the A.D. 1138f Geoffrey of Monmouth, that "the name of Brute was long before him " in Welsh. "The druids taught their scholars for matters of law...but delivered all in a multitude of verses." In this they were either anticipating or "exactly imitating the Cabalists who, until of late time, did not write but taught and learned by mouth and by diligent hearing of their Rabbins."

Yet the Ancient British druids were also very literate indeed. Explained Selden: "In other matters, private and publick (so is Caesar's assertion) " *Graecis literis utantur* [they use Greek letters]. "That is to say, they used Greek letters to write not in the Greek language but in the Celto-British language " while using, for that, only the Greek characters. Similarly, in Late-Semitic times, Hebrew words, while no longer written in the Ancient Hebrew script " were written in the Aramaic or Syriac script (but not in the Aramaic or Syriac language).

Finally, in his *Notes on Sir John Fortescue's 'In Praise of the Laws of England'*<sup>140</sup> " Selden stated that Brut ruled in Britain "three hundred years and more before Rome was built [in B.C. 753]...with no disparagement to our **common laws**.... Much more is to be had from the antienter and true origination of the Britons, which is from Japheth and his posterity. See Camden. And in the Greek Scaligerian chronicle of Eusebius, the British Isles with all the West are given by Noah's last will and testament to Japheth." Genesis 10:1-5.

Selden's contemporary and fellow Member of Parliament, the Puritan John Sadler, reflected the above. He did so, in his own 1649 dissertation *The Rights of the Kingdom on the Customs of our Ancestors*.<sup>141</sup>

One may assume the possible if not even the probable colonization of Ancient Troy in the Darda-nelles, by the Judahite Darda. Genesis 38:26-30 cf. First Chronicles 2:4-6. For, even according to the article on the "Trojan War" in the 1979 *New Illustrated Columbia Encyclopedia*,<sup>142</sup> it has now "definitely [been] established that the Troy of the Trojan War was a Phrygian city" " and so colonized from Phoenicia, right next to Palestine, during the centuries before Troy's destruction around B.C. 1200.

Sadler suggested that the British Druids "might come...from the Jews [meaning the Ancient Hebrews].... It may be that the druids had their learning.... I could also

<sup>138</sup> Selden: *Notes on Drayton's 'Polyolbion'* (in Selden's *Op. Omn.* III:1817).

<sup>139</sup> *Ib.* III:1818.

<sup>140</sup> Selden's *Notes on Sir John Fortescue's 'In Praise of the Laws of England'* (in his *Op. Omn.* III:1889f).

<sup>141</sup> *Op. cit.*, Bishop, London, 1649, pp. 39f.

<sup>142</sup> *Op. cit.*, 22:6883, 6888.

believe their characters to be very like those of Canaan (as Scaliger or Eusebius and others).ö

The druids öto be Hebrew, many learned men affirm.... See...Buxtorf's *Dissertations*; with the Punick Columns of Iosuah...; with Mr. Selden's *De Dis Syris* [öConcerning the Syrian Godö] and *De Jure Gentium* [öConcerning the Law of the Nationsö].

öThe late [book] *Peleg* [compare Genesis 10:21-25 & 10:1-5 & 11:10-17f] hath found...for the name of Æ-Britainö..[that] it would...be called by the Phoenicians *Berat Anac* or the Æ-Field of Tin and Lead.ø This obviously seems to refer to the Ancient Palestinian sea-trade which hauled from Ancient Britain's Cornwall the metals then needed for the forging of brass and bronze.

### Sir William Blackstone on the Puritan John Selden

Very significantly, even the later great Common Law jurist Sir William Blackstone spoke indeed highly of Selden. öThat antient collection of unwritten maxims and customs which is called the Common Law,ö Blackstone observed in his own *Commentary on the Laws of England*,<sup>143</sup> öhad subsisted immemorially in this kingdom.... In the knowledge of this Law, consisted [a] great part of the learning....

öIt was then taught, says Mr. Selden,<sup>144</sup> in the monasteries, in the universities, and in the families of the principal nobility. The clergy in particular (as they then engrossed almost every other branch of learning), so ó like their predecessors the British druids ó they were peculiarly remarkable for their proficiency in the study of the law.... The judges, therefore, were usually created out of the sacred order.

öOur antient lawyers, and particularly [the *circa* A.D. 1470] Fortescue, insist with abundance of warmth that these customs are as old as the primitive Britons; and continued down through the several mutations of governments and inhabitants to the present time, unchanged and unadulterated.... As Mr. Selden in his notes observes, this assertion must be understood...that there never was any formal exchange of one system of laws for another....

öKing Edward the Confessor [A.D. 1042f] extracted one uniform law or digest of laws, to be observed throughout the whole kingdom.... Roger Hoveden [A.D. 1201]...and the author of an old manuscript chronicle (in *Selden on Eadmer*)<sup>145</sup> assure us...that this work was projected and begun by his grandfather King Edgar ö the 959f great-great-grandson of the A.D. 871f Alfred the Great.

Selden's motto was: *peri pantoon teen eleutherian* ó Æliberty as regards everything.ø Lord Clarendon declared: öSelden was of so stupendous learning in all kinds and in all languages (as may appear in his excellent and transcendent writings), that a man would have thought he had been entirely conversant amongst books, and had never spent an hour but in reading and writing. Yet his humanity, courtesy and affability were such that he would have been thought to have been bred in courts [of

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<sup>143</sup> *Op. cit.*, I pp. 17 & 64f.

<sup>144</sup> J. Selden: *In Fletam*, 7:7.

<sup>145</sup> J. Selden: *On Eadmer*, 6.

nobles]... In his conversation, he was the most clear discourser; and had the best faculty of making hard things easy and presenting them to the understanding of any man that hath been known.

### **The 1616 King James distantiates himself even more from Puritanism**

Now in 1616, James haughtily dismissed the Puritan Sir Edward Coke as the Lord Chief Justice of England. The king's favourites Villiers (Buckingham) and Bacon were then elevated to further political power. The royal absolutism increased.

In 1617, James revisited his native Scotland again attempting to unite the Churches of England and Scotland. Now also among the Scots, as the *Historians' History* explains,<sup>146</sup> James required that some of the rites of the Church of England should be adopted such as kneeling at the eucharist; giving it to persons on their death-bed; and the practice of confirmation by a bishop.

These were rejected by the first Assembly of the Church of Scotland thereafter convened. But the following year, means were found for having them received.

The Scottish clergy were thus brought into a reluctant agreement with the Anglican Church, which they regarded as little better than that of Rome.

Back in England, James's 1617 *Book of Sports* did more harm than good. Britain's Romanists had long censured the Reformed Religion for its puritanical sabbath-keeping. Unfortunately, King James himself encouraged by his romanizing High-Church Anglicans now began to follow suit.

As the *Historians' History* explains,<sup>147</sup> the king and his clerical advisers thought differently from the Puritans on the subject. So a *Proclamation* was issued forbidding anyone to prevent the people from having after divine service dancing, archery, leaping, vaulting and other manly and harmless recreations; as also May-poles, May-games, Whisun-ales and Morris-dances.

No recusant, however, was to have the benefit of this liberty which was confined to those who had attended divine service on that day. The *Book of Sports*, as it was termed, was ordered to be read out in the churches. However, it only served to give the Puritans an occasion of representing their opponents as being totally devoid of religion.

In regard to the reading of this anti-sabbath *Proclamation* from the church pulpits under the supervision of each bishop, James made a statement which was to become famous. He stated it was his wish that the bishop of that diocese take the like straight order with all the Puritans..., either constraining them to conform themselves or to leave the country.

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<sup>146</sup> *Op. cit.*, 19:492.

<sup>147</sup> *Op. cit.*, 19:493.

The Puritans, however, would not conform themselves. Least of all would they conform themselves to sabbath-breaking. Many of them chose rather to leave the country. The earlier 1707 Pilgrim migration from England to Holland (and thence to America) was now joined by a constant stream of Puritans too. The latter, however, went straight from Old England to New England.<sup>148</sup>

Even in Scotland, Presbyterianism now suffered setbacks. In 1618, the General Assembly of the Scottish Church and in 1621 the Parliament itself set up a bench of bishops. The *Five Articles of Perth* which embodied the king's notions about divine worship were declared to be the law of the Scottish Church. Kneeling at communion, private communion, private baptism, the observance of church festivals and confirmation by bishops were now all legalized by those wretched *Articles*.<sup>149</sup>

Also in 1618, the epoch-making Thirty Year's War between Catholics and Protestants in Germany had started. At the same time, in Holland the international T-U-L-I-P Synod of Dordt convened and drew up the famous Five Points of Calvinism. Yet for all that even though he had sent British delegates to Dordt James himself now arminianized.

Worse yet. In 1619 James refused to aid even his own son-in-law, the strongly Protestant Elector-Palatine (Frederick IV) of Heidelberg. Because of this reticence of King James, Frederick was not able to occupy the offered throne of John Huss's strategic Bohemia.

This was right after the start of Germany's Thirty Year's War between Catholics and Protestants for the control of Central Europe. Indeed, the Spaniards now attacked Frederick in his vulnerable Palatinate (on the border of Romish France and the Spanish-occupied Netherlands). Consequently, he and his family became obliged to flee to Free and Protestant North Holland.<sup>150</sup>

Understandably, James's inaction in all of this deservedly lost him much Puritan support in England. Worse still was the re-action of his subjects when in 1620 James accelerated his negotiations with Spain, in his frantic search for a royal bride for his son Prince Charles.

Not surprisingly, there was then a fresh exodus to New England. That involved not only the English Pilgrim Fathers resident in Holland, but also many British Puritans still resident in Old England.

### **The Puritans' dominance at James's 1621 Third Parliament**

James convened his third (Puritan) Parliament, in 1621. It saw stormy sessions. Since England's Parliament had last been dissolved, in 1614, James had arminianized even after the Synod of Dordt.

Further, King James had allowed the Romish Spaniards to occupy the staunchly-Reformed Palatinate in Southwestern Germany. Worst of all to the public eye hard-

<sup>148</sup> F.N. Lee: *The Covenantal Sabbath*, Lord's Day Observance Society, London, 1969-72, pp. 258f.

<sup>149</sup> Thus D. Maclean: *op. cit.*, p. 42.

<sup>150</sup> See Brewer: *op. cit.*, pp. 355f.

*CH. 29: KING JAMES I AND CHRISTIAN  
BRITAIN'S PURITANIZATION, 1603-25*

pressed to find him a suitable Protestant bride, he was still proposing to marry off his own son Prince Charles to the Romish Princess of Spain.

As History Professor Brewer explained,<sup>151</sup> loud were now the murmurs and complaints against the king's neutrality and inactive disposition. The only attention James paid to this feeling, was to make it a pretence for obtaining money. A Parliament was found to be the only resource which could furnish any large supplies. Writs were accordingly issued for summoning that Great Council of the Nation (in January 1621).

The Parliament met in a very discontented mood. What the king most needed, was a supply. The Commons were in no humour to grant it. They proceeded at once to the examination of grievances. They found that patents had been granted to Sir Giles Mompesson ó for licensing inns and alehouses, and for gold and silver thread (which he was accused of making out of baser metal). The Commons proceeded against him by way of impeachment. *Cf.* Isaiah 1:22.

Encouraged by this success, the Commons carried their scrutiny into other abuses ó and sent up an impeachment to the Peers against the king's friend the celebrated Bacon ó now Viscount St. Albans and Lord Chancellor.... He was accused of taking bribes. He acknowledged it. So he was sentenced to pay a fine of forty thousand pounds; to be imprisoned in the Tower of London; and to be for ever incapable of holding any office or of ever again sitting in Parliament.

The *Historians' History*<sup>152</sup> offers the following account. Francis Bacon alias Viscount St. Albans (the famous Lord Chancellor) ó was charged by the Commons and also before the Lords with twenty-two acts of bribery and corruption. He attempted no defence. He made a distinct confession, in writing, of the charges brought against him.

However, recorded History Professor Brewer,<sup>153</sup> the king released him in a little time from the Tower. James released the fallen man, his own favourite, after an imprisonment of only a few days.<sup>154</sup> He remitted his fine as well as other parts of his sentence, and paid him his pension of twelve hundred pounds three years in advance. Then the king re-assembled Parliament ó and demanded a subsidy<sup>155</sup> (in November 1621).

But the Commons were in no hurry to meet that demand. They had already claimed, by the encouragement of Sir Edward Coke, to act as a court of judicature ó and administer oaths just like the House of Lords.

The Lord Treasurer ó the king's friend Sir Francis Bacon ó then stated the occasion for the supply of the demanded subsidy. The Commons deferred the question, and instead drew up a long remonstrance against: popery in general; indulgences to

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<sup>151</sup> *Op. cit.*, pp. 356f.

<sup>152</sup> *Op. cit.*, 19:506.

<sup>153</sup> *Op. cit.*, p. 357.

<sup>154</sup> Thus the *Historians' History*, 19:506.

<sup>155</sup> Thus Brewer: *op. cit.*, p. 357.

Catholics; and the proposed marriage of Prince Charles with the *Infanta* (alias the Roman Catholic Princess of Spain).

In their petitions, both Houses demanded not only that England make war against Spain. They also required a Protestant marriage for Charles ó as the heir apparent to the throne of Britain.<sup>156</sup>

Professor Brewer further stated<sup>157</sup> that as soon as the king heard of the intended remonstrance, he wrote a letter to the Speaker in which he sharply rebuked the House for openly debating matters on which their opinion had not been requested. He strictly forbade them to meddle with anything that had regard to his government. Indeed, he informed them also that he meant not to spare any man's insolent behaviour in Parliament.<sup>158</sup>

The Commons replied by insisting on their former remonstrance ó and their right to debate on any business they pleased. The king in his answer told them that their privileges were derived from the grace and permission of his ancestors ó and himself.<sup>159</sup>

This open pretension of the king's naturally gave great alarm in the Commons. They drew up a *Protestation*, in December 1621. They asserted öthat the liberties, franchises, privileges and jurisdictions of Parliament are the ancient and undoubted birthright and inheritance of the subjects of England; and that the arduous and urgent affairs concerning the king, the government and the defence of the realm and of the Church of England ó and the making and maintenance of laws and redress of grievances which daily happen within this realm ó are proper subjects and matter of council and debate in Parliament.ö

This Parliamentary *Protestation* continued: öIn the handling and proceeding of those businesses ó every Member of the House hath, and of right ought to have, freedom of speech to propound, treat, reason and bring to conclusion the same.ö<sup>160</sup> Indeed, öevery Member hath like freedom from all impeachment, imprisonment, and molestation ó except by the censure of the House itself.ö<sup>161</sup>

The *Historians' History* comments<sup>162</sup> that there were great men concerned in this *Protestation* ó Coke, Pym, Selden. Too, eminent Peers in the House of Lords ó for almost the first time in the history of the country ó took part **with** the Commons, and **against** the crown.

History Professor Brewer explained<sup>163</sup> that on the 30th December 1621 the king sent for the journals. With his own hand, before the Council, he tore out this

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<sup>156</sup> Thus J.R. Green: *op. cit.*, p. 492.

<sup>157</sup> *Op. cit.*, pp. 357f.

<sup>158</sup> Thus the *Historians' History*, 19:508.

<sup>159</sup> *Id.*, and Brewer's *op. cit.* pp. 357f.

<sup>160</sup> Thus Brewer's *op. cit.*, p. 358; and Green's *op. cit.*, pp. 492.

<sup>161</sup> *Historians' History*, 19:508.

<sup>162</sup> *Id.*

<sup>163</sup> *Op. cit.*, p. 358.

*Protestation.* "I will govern," he said, "according to the common weal but not according to the common will" nor indeed according to the Common Law!<sup>164</sup>

James then dissolved Parliament in February 1622. Sir Edward Coke was sent to the Tower, and Pym was confined to his own house.<sup>165</sup> So too Selden, and the Earl of Oxford.<sup>166</sup>

### The end of James' reign and an assessment of his importance

In 1623, James sent Charles and Buckingham to Spain to pursue the contemplated marriage of the English Prince to the Spanish Princess. On their return to England noting the popular protests against both Spain and its Romanism Buckingham broke off further matrimonial negotiations and instead threatened war against Spain. In this way, he himself gained some fleeting popularity with the Puritans.

The last Parliament of James met in 1624. It was quite determined to enforce the penal laws against Romanism. It voted a subsidy bill of three hundred thousand pounds for the war against Spain and provided the money be entrusted to treasurers nominated by the Commons. Thus Professor Brewer.<sup>167</sup>

Then, in the spring of 1625, James was seized with a tertian ague. After some fits, he expired. From proof of the charge of immorality brought against him by the libellers of the Stuarts, he was entirely free although his manners were not elegant, nor his language refined.

The *Historians' History*<sup>168</sup> gives an interesting estimate of the late king. From his preceptor, the Presbyterian Rev. Buchanan, James had imbibed the maxim that "sovereign ought to be the most learned clerk in his dominions."

Of his intellectual acquirements, James has left numerous specimens in his works. Theology he considered as the first of sciences and on account of its object. It was of the highest importance to himself as "Head of the Church" and "Defender of the Faith" in England.

But, though he was largely "orthodox" his beliefs were not exempt from change. For many years, his opinions retained a deep tinge of Calvinism. This was imperceptibly cleared away by the conversation of Laud and Montague and other High Churchmen. Before the close of his reign, he had adopted the milder but contrary doctrines of Arminius.

To the last, he employed himself in theological pursuits. To revise works of religious institutions; to give directions to preachers; and to confute the heresies of foreign divines were objects which occupied the attention and divided the cares of the sovereign of the three kingdoms of Britain, Ireland, and France.

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<sup>164</sup> Thus Green's *op. cit.*, p. 493.

<sup>165</sup> Brewer: *op. cit.*, p. 358.

<sup>166</sup> *Historians' History*, XIX pp. 508 & 642.

<sup>167</sup> *op. cit.*, pp. 360f.

<sup>168</sup> *Op. cit.*, 19:513f.

Besides Divinity, there was another science with which he was equally conversant ó that of Demonology. With great parade of learning, he demonstrated the existence of witches and the mischiefs of witchcraft.

Witchcraft, at his solicitation, was made a capital offence. From the commencement of his reign, there scarcely passed a year in which some aged female or other was not condemned to expiate on the gallows.

Had the lot of James been cast in private life, he might have been a respectable country gentleman. The elevation to the throne, exposed his foibles. Though he deserved not the reproaches cast on his memory by the revolutionary writers of the next and succeeding reigns ó posterity has agreed to consider him as a vain and loquacious pendant.

Peaceful as the reign of James was, the English ships of war increased under that monarch to double the number left him by his predecessor. In 1623, the interest of money in England was reduced by law from ten to eight per cent. Much had occurred to show the state of the English Constitution and Government during this period.

There are two great principles of the Constitution with which its freedom in all respects is mainly connected. First: Englishmen should not be taxed without their consent, virtually given through the medium of their representatives in the National Council [alias Parliament]. Secondly: the concurrent voice of Lords and Commons in Parliament assembled, should be necessary to the adoption of every regulation having the force of law.<sup>169</sup>

The modern Judaistic Israeli scholar, Dr. Gabriel Sivan, remarks<sup>170</sup> that in *The Christian Synagogue* ó a book published during the 1620s ó the Scotsman John Weemse embellished his interpretation of the Bible with quotations from the Talmud. The latter, Weemse clearly regarded as possessing hardly less authority than the work of the Church Fathers. England had nevertheless absorbed some of the more beneficial elements of Biblical and Hebraic teaching. Thus Sivan.

More appropriately, another Hebraic scholar ó Atlanta's Emory University Law Professor Harold Berman ó has explained<sup>171</sup> that Puritan congregations bent on reforming the World were ready to defy the highest powers of Church and of State in asserting their faith. They did so, on grounds of individual conscience ó also appealing to Divine Law, to the Mosaic Law of the Old Testament, and to Natural Law concepts embodied in the medieval legal tradition.

Citing both Winstanley and Rosenstock-Huessy, Berman rightly concluded<sup>172</sup> that Calvinism had profound effects upon the development of Western Law, especially in England and America. The Puritans carried forward the Lutheran concept of the sanctity of the individual conscience and also, in law, the sanctity of the individual as reflected in property and contract rights. They emphasized a belief in the duty of Christians generally ó and not merely Christian rulers ó to reform the World.

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<sup>169</sup> *Ib.*, XIX pp. 517 & 526.

<sup>170</sup> *Op. cit.*, p. 134.

<sup>171</sup> *Op. cit.*, p. 31.

<sup>172</sup> *Ib.*, pp. 30 & 564 n. 24.



## Summary: James I and Christian England's Puritanization (1603-25)

Summarizing, we saw that in his early years, the young lad King James VI of Scotland ó though born of Romish parents ó was raised as an orphan, and also as a Presbyterian. When fourteen, he signed the 1580 *National Covenant*, condemning the papal Antichrist.

When seventeen, he concluded a *League in Religion* with Protestant England. Himself becoming somewhat of a theologian, his Lutheran wife at first had a good influence on him.

A turning point came in 1603, with James of Scotland's accession also to the throne of England. James now clashed with the English Puritans and their 1603 *Millenary Petition*. They resisted his doctrine of the òdivine right of kings.ö Now anglicanized, James failed to browbeat even his first (overwhelmingly Puritan) English Parliament. He then endeavoured to depresbyterianize Scotland.

In 1607, in *Robert Calvin's case*, James attempted to unify the confederated Scotland and Britain (alias England and Wales). However, there was much friction between the new Commons and the òOlder Lordsö of James's Parliament. In spite of trying to placate the Anglican Puritans by authorizing their Bible of 1611, King James remained so deadlocked with the òAddled Parliamentö that for many years he strove to rule without it.

We then looked at the rise and life of the great Puritan jurist, Lord Chief Justice Sir Edward Coke. He clashed with King James in the Star Chamber and elsewhere, firmly upholding the Common Law as rooted in God. To Coke, the Common Law had proceeded from Almighty God Himself ó *via* His Law of Nature; *via* the Mosaic Laws; *via* the Laws of the Britons Brut and Moelmud; and also *via* other ancient Greco-Celtic and Celto-Brythonic roots.

There are many Biblical references in some of Lord Chief Justice Coke's more famous cases. Significantly: Sir William Blackstone, the *Encyclopaedia Britannica*, and C.J. Best ó all regard Coke's views as very important in the development of the Common Law. Indeed, the contribution of the English Parliamentarian and Puritan John Pym should be regarded similarly.

We then examined the life and times of the great Common Law authority and Westminster Assembly theologian, John Selden. His antiquarian and legal works were phenomenal. Indeed, he established an ancient connection between the Hebrew priests and the British druids. He also discussed the antiquity and functions of the latter, in depth.

To Selden, there were many remnants of true religion among the Ancient Britons. He stressed the soteriological symbolism of druidic oak-trees, and made many other statements of relevant archaeological importance ó especially as regards the Japhethites, Brut of Troy, and British Druidism. Not surprisingly, the great Common Law jurist Sir William Blackstone speaks very highly of the legal views of the Puritan John Selden.

Especially from 1616 onward, King James distanced himself even more from Puritanism. Yet the Puritans dominated James at his 1621 Third Parliament. His reign ended under a cloud upon his death through sickness, in 1625. Yet God had used him to confederate North and South Britain; to give to the World the *Authorized Version* of the English Bible; and to consolidate Puritanism in its run-up toward the 1645 Westminster Assembly.

## CH. 30: PURITANISM DURING THE EARLY REIGN OF KING CHARLES I, 1625-1642

Charles, the surviving son of James I, was born in Scotland and baptized in the Presbyterian Church there in 1600. However, he grew up in England as a High-Church Anglican. For when his father James I had succeeded Queen Elizabeth on the English throne (in 1603) and King James and his family then relocated in England and embraced Episcopalianism.

Charles became heir-apparent to the throne of England in 1612 and after the death of his elder brother Henry. Charles later became king, on the death of his father James in 1625.

Soon after being crowned, Charles married the Catholic French Princess, Henrietta Maria. He then prepared for the war against Spain which both his late father and the English Parliament had helped precipitate.

Charles's French wife Maria was an ardent Roman Catholic. So much so, that the Catholic convert Lord Baltimore later named his American colony Maryland in honour of the queen and her religion.

But the problem was not merely with the queen. Sadly, even the High-Church Anglican Charles himself was much at fault in asserting as he did the divine right of kings. He also tried to crush Puritanism. Indeed, invading Scotland itself, he even attempted to de-presbyterianize the land of his own birth and baptism.

### The ongoing puritanization of English Law despite Charles and Mary

Notwithstanding the above, however, England steadily moved yet deeper into Puritanism. Characteristic of the religious shift in England during those times, is the great Anglican scholar Richard Crakanthorpe.

Born in Westmorland, Crakanthorpe became a Puritan while studying under the great John Reynolds at Oxford. Becoming a competent controversialist, he soon produced two very important works: his *Defence of Constantine*, and his *Popish Falsifications*.

After being chaplain to James the First, Crakanthorpe engaged Mark Antonio de Dominis (the Catholic Italian-Dalmatian Archbishop of Spalato) in controversy. De Dominis had claimed to be converted to Protestantism, but then returned to Romanism.

Thereupon Crakanthorpe ably replied to the Italian's retraction. He did so, in the Westmorlander's own *Defence of the English Church*.

It is therefore not surprising that the lawyer Sir Henry Finch's famous work called *Law* was published in London during 1627 and subtitled *A Discourse...in Four Bookes*

ó reflected the growing power of the Puritan religion in its approach also to legal science. That approach was indeed most comprehensive.

As the Puritan Sir Henry Finch clearly declared: “Out of the best and very bowels of Divinity, Grammar, Logic; also from Philosophy Natural, Political, Economic, Moral ó though in our Reports and Year-Books they come not under the same terms ó yet the things which there you find, are the same. For the sparks of all sciences in the World are raked up in the ashes of the Law.”

Indeed, in his work *Nomotexnia* alias *Of the Common Law*, the Englishman Sir Henry Finch insists that “our law...may rather seem to be built and grounded” upon the Decalogue. Indeed, I would even “urge specific reforms, so as to bring the law of England into [yet] **further** accord with the Law of God.... The books of Moses are rather an epitome of head and principal laws.... We retain the substance and equity, as it were the marrow, of them.”<sup>1</sup>

### England politically and religiously destabilized by King Charles I

The *Historians’ History* observed<sup>2</sup> that the marital union between Charles of England and a French Roman Catholic Princess, was in itself offensive. Charles had given indications of concessions to the Papists which were distinctly opposed to the existing laws. He defied public opinion, by granting special pardons to Roman priests without the intervention of the law.

When it met, Parliament refused to grant more than two subsidies. This conduct proceeded from various motives ó some particular, and some general. Among the former was: dislike of Buckingham, the king’s favourite; vexation at the marriage of the king with a Roman Catholic princess; and the oppression of the Puritans. In addition, Parliament was then still unused to making large grants.

As Chicago Law Professor Palmer Edmunds remarked,<sup>3</sup> the Puritans were the chief group of Non-Conformists who suffered from prosecutions before Star Chamber. It was they who led in curbing the pretensions of the Crown. In fighting the arbitrary exactions of Charles I and his tyranny, they appealed to the Word of God as expressed in the Hebrew Scriptures. God’s Law meant to the Puritans primarily: Scripture. **“They denounced church legislation, i.e. Canon Law, as being contrary to Biblical Law – more exactly, as contrary to the Laws of the Old Testament.”**

Parliamentary opposition to Charles was strong and sustained. As Dr. James Gairdner (LL.D.) has rightly recognized,<sup>4</sup> Charles I declared that Parliament was for counsel, not for control. A king, he considered, was accountable to God only. But Calvinism was strong in the House of Commons ó and in a considerable section of the clergy.

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<sup>1</sup> Sir H. Finch: *Nomotexnia – Of the Common Law*, fol. 4-15 & 18, Bodl. Rawlinson ms. Cited in W.R. Prestø arts. “The Art of Law and the Law of God” & “Puritans and Revolutionaries” (in eds. K. Thomas & D. Pennington’s *Essays in Seventeenth Century History presented to Christopher Hill*, Clarendon, Oxford, 1982).

<sup>2</sup> *Op. cit.* 19:535f.

<sup>3</sup> *Op. cit.*, p. 230.

<sup>4</sup> *Historians’ History*, 19:10f.

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It was the revolt of Scotland against Episcopacy that brought on the real crisis. The attempts of Charles to govern without a Parliament exasperated public feeling in England, and created sympathy for an alliance with the Presbyterian Scots.

From 1625 onward, Parliament itself seemed to radicalize further with every passing year. Plague had swept the land so that the meeting of Parliament was adjourned to Oxford. Some of the members (like Coke, Pym, and Selden) were already republican and committed to the rule of law (both the Common Law and Parliament Law) **above** the rule of the reigning king.

In modern American parlance, they wished to subordinate both the President and the People to the Constitution (alias the supreme law of the land). All voted the king barely an eighth of the money he needed with which to fight the Spaniards.

“We are called hither,” said one of the Members of the House of Commons,<sup>5</sup> “first for religion; secondly for a supply. Our coldness in religion is a powerful cause of the previous visitation upon us.”

Accordingly, explained History Professor Brewer,<sup>6</sup> they proceeded to remedy this defect. This the Commons did, by petitioning the king to give no connivance to Papists and alluding to the queen and her attendants.

Then the Commons proceeded to the passing of an Act for punishing divers abuses on the Lord’s Day and by falling foul upon two books written by one Dr. Montagu, in which he had undertaken to show that the doctrines of the Church of England were not Calvinistic (nor the Pope Antichrist).

Finding that the Commons in its present temper was not inclined to pay any attention to his demands and Charles dissolved it. The stage was now set for a worsening conflict.

### **The aftermath of King Charles the First’s unsuccessful attack on Spain**

The British naval attack on Spain was unsuccessful. Cadiz was not captured. The Spanish treasure-ships were not intercepted. Moreover, Britain’s soldiers and sailors were underpaid and billeted in private houses (which greatly increased national discontent).

Yet Charles and his favourite Buckingham still continued to allow English ships to be used to assist the Romish King Louis of France and to quell the rebellion of his Protestant subjects (in La Rochelle). Enemies of Charles and Buckingham, in England, immediately assailed them. Indeed, the 1626 Commons insisted “that all their Members should give in the names of all persons in trust who are suspected of Popery.”<sup>6</sup>

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<sup>5</sup> Brewer: *op. cit.*, pp. 363f.

<sup>6</sup> *Id.*

Charles then interdicted Buckingham's enemy, the Earl of Bristol, from taking his seat in Parliament. Brewer explained<sup>7</sup> that Bristol refused to obey, and took his seat. Charles ordered his Attorney-General to enter an accusation of high treason against him.

By way of recrimination, Bristol accused Buckingham of being the author of the war with Spain. The Commons were dissatisfied, and petitioned the king to remove Buckingham from his Councils. Charles felt that to abandon Buckingham would be a stain upon his own honour. He preferred to abandon all hope of supply. So he dissolved the Parliament.

The king had, of course, hoped to extract a voluntary gift from Parliament with which to further his war against Spain. Such a gift had not been forthcoming, however, so Charles had now prorogued Parliament.

As Professor J.R. Green observed,<sup>8</sup> the failure of the voluntary gift forced Charles to an open defiance of the law, by the levy of a forced loan. Commissioners were named to assess the amount which every landowner was bound to lend, and to examine on oath all who refused.

Even so, Charles remained desperate for funds with which to prosecute the fight against the Spaniards. For, as Brewer indicated,<sup>9</sup> although commissioners invested with almost inquisitorial power were appointed to levy the money, being levied under colour of the royal prerogative, it had come in very slowly. Indeed, it had left such ill humour in the nation that it appeared dangerous to renew the experiment.

The Commons which assembled in March 1628, consisted of men of the same spirit as their predecessors, and possessed of such riches that their property was computed to be **triple** that of the House of Lords. The Commons was strongly committed to upholding the property franchise, and was thus neither democratic nor monarchical; but rather republican, alias constitutional.

When the Commons met, it blamed the king's favourite Buckingham for its own grievances. In 1628, the Puritans and others, after conferences between the Commons and the Lords, protested through the English *Petition of Right*. Thereby, they sought to save the dignity of the throne, by holding the king's cabinet ministers responsible for those grievances. This they did by impeaching the Duke of Buckingham.

As the *Historians' History* explained,<sup>10</sup> the first law which was presented to the king by the House of Commons on the 14th of April (1628), related to the redress of abuses in the billeting of soldiers. Evasively, the King replied to the Speaker: "It is not the time to enter into discussions on the privileges of the House.... I shall answer your request in due time."

Next, the king, in an unusual matter, himself went to the House, on the 28th of April (1628). He declared through the Lord Keeper "that he gave his word inviolably

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<sup>7</sup> *Ib.*, p. 365.

<sup>8</sup> *Op. cit.*, p. 500.

<sup>9</sup> *Op. cit.*, pp. 366f.

<sup>10</sup> *Op. cit.*, 19:549f.

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to maintain the *Magna Charta* and all the confirmations of it ó as well as all the rights of the people ó and **to govern according to the laws**. In this royal word and promise, he added, they would find as much security as in any law. So he requested them to be satisfied with his promise.

However, in the debates of the House, the great lawyer Sir Edward Coke said: òGeneral promises are not sufficient for the removal of special grievances. A verbal declaration is, in the parliamentary sense, not the word of the king ó and messages from him cannot determine the nature of our proceedings and the rights of Parliament. I have no distrust of the king's word. But **let him declare it in the legal manner** ó [so] that all succeeding kings may be bound by it. Let us therefore state our wishes in a *Petition of Right* ó which the king may then confirm and thereby show confidence, in the parliamentary sense of the term.ö

This *Petition of Right* was accordingly drawn up. In doing this, Sir Edward Coke took the lead. The nation as a whole had now had enough.

### The Parliamentary *Petition of Right* of 1628

As History Professor Brewer explained:<sup>11</sup> forced loans; benevolences; taxes without consent of Parliament; arbitrary imprisonments; the billeting of soldiers; martial law ó these were the grievances complained of. The Commons pretended not, as they affirmed, to any unusual powers or privileges. They aimed at securing those which had been transmitted from their ancestors.

**Their *Petition*, which provided against all these abuses, was founded on *Magna Carta* and other ancient statutes. They resolved to call it a *Petition of Right*. This implies it contained a corroboration of old rights, and an explanation of the ancient Constitution.** It was not an infringement of any royal prerogative, nor an acquisition of new liberties.

The Lords were disposed to modify the bill. But the Commons stood firm. They sent the bill in its original state to the Upper House; and the Peers then passed it without any material alteration. Nothing but the royal assent was now wanting to give it the force of a law.

The king came to the House of Lords, sent for the Commons, and the *Petition* was read to him. Charles equivocated. Parliament threatened to censure Buckingham.

òIt is not the king,ö said Coke, òwho forbids us to discuss the affairs of State ó but the Duke of Buckingham.ö As the *Historians' History* indicated,<sup>12</sup> Sir Edward Coke was overcome with passion. The Speaker begged to retire, and the House went into Committee. Then Coke rose and, with a solemnity befitting his advanced age, denounced the Duke of Buckingham as the author and cause of all the miseries of the country.

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<sup>11</sup> *Op. cit.*, pp. 366f.

<sup>12</sup> *Op. cit.*, 19:552.

There was something in that passion against which the habitual obstinacy of Charles could not contend. The king then gave full sanction and authority to the *Petition*.

The historian Brewer explained<sup>13</sup> that this celebrated *Petition of Right* is the second great charter of English liberties. It is the link between the 1215 *Magna Carta*, and the 1689 *Declaration of Rights* (alias the British *Bill of Rights*).

This 1628 *Petition* pointedly reminded Charles that by the Statute called öthe Great Charter of the Liberties of Englandö (alias *Magna Carta* of 1215), it is declared and enacted that no freeman may be taken or imprisoned. Nor may he be disseised of his freehold or of his liberties or of his free customs, or be outlawed or exiled or in any manner destroyed ó except by the lawful judgment of his peers or by the law of the land.ö

The 1628 *Petition* also cited a statute made in the time of the reign of Edward I (1272-1307). That statute provided that no tallage or aid shall be laid or levied by the king or his heirs in this realm ó without the good will and assent of the archbishops, bishops, earls, barons, knights, burgesses and other freemen of the commonalty of this realm ó alias the two Houses of Parliament.

The *Petition* continued: öBy authority of Parliament holden in the five and twentieth year of the reign of King Edward III [alias 1352], it is declared and enacted that no man should be forejudged of life or limb against the form of [*Magna Carta* alias] the *Great Charter* and the law of the land.... By the said [A.D. 1215] *Great Charter* and other laws and statutes of this your Realm, no man ought to be adjudged to death by the laws established in this your realm ó either by the customs of the same realm, or by acts of Parliament.... From thenceforth, no person should be compelled to make any loans to the king ó against his will.ö

Furthermore, the *Petition* now went on to remind Charles of the time of the great Proto-Protestant John Wycliffe. For it next stated: öIn the eight and twentieth year of the reign of King Edward III [viz. 1355], it was declared and enacted by authority of Parliament that no man...should be put out of his lands or tenements, nor taken nor imprisoned nor disinherited nor put to death ó without being brought to answer by due process of law.ö

The *Petition* continued. It insisted that öwhereas of late great companies of soldiers and mariners have been dispersed into divers counties of the realm, and the inhabitants against their will have been compelled to receive them into their houses and there to suffer them to sojourn against the laws and customs of this realm..., your Majesty will be pleased to remove the said soldiers and mariners [so] that your people may not be so burdened in time to come.ö

In each of the above cases, the *Petition* then accused Charles of having broken the above-mentioned previous laws. The king finally capitulated, and signed the bill into law ó hoping Parliament would now leave his friend Buckingham in peace.

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<sup>13</sup> *Op. cit.*, p. 368 n. \*.



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However, when Members of the House nevertheless resumed their censure of Buckingham's conduct the king himself suddenly came to the Parliament and prorogued it.<sup>14</sup> Shortly after that, Buckingham was assassinated.

In 1629, Parliament re-assembled. Charles asked the Houses to vote him tonnage and poundage duties on exports and imports especially so that he could continue to finance the war against Spain. The House ignored him, and promptly declared that both Papists and **Arminians** as well as those who levied tonnage and poundage should be considered as an enemy to his country, and a betrayer of the liberties of England.<sup>15</sup>

Many members of the House were then arrested; indicted before the Star Chamber; and imprisoned. The king dissolved Parliament. Thenceforth, Charles resolved to rule, at least for a time, without either of the two Houses.<sup>16</sup>

### **The clash between Antinomian Anglicans and Christonomic Calvinists in England**

In 1630, the royalist Court of Star Chamber used its powers against the enemies of the king. Dr. Leighton was imprisoned for writing against prelacy. There was a further emigration to New England of Christonomic Puritans appalled by the violent tactics of their influential antinomian opponents in Old England itself.

Christonomic Puritanism was but the development of the insights into Holy Scripture of John Calvin as transmitted and sharpened via German Reformed theologians like Wolleb(ius) and exiled English Puritans such as Perkins and Ames. For, early in the seventeenth century, the British Puritan Ames and the German Calvinist Wolleb both took the Judicial Law of Moses as seriously as had their Saviour. So too did the great Puritan Theologian Perkins.

The great Elizabethan Englishman Rev. Professor Dr. William Perkins, with his 1597 work *On Predestination*, not only provoked the Dutch heretic Jacob Arminius. Perkins also condemned Romanism, witchcraft, and astrology. Indeed, even in his *Commentary on Galatians*, he upheld Exodus 21:12 & 22:18 and Leviticus 4:9 & 20:22f & 24:16 and Numbers 35:33 and Daniel 3:29 demanding the death penalty for adultery, blasphemy, incorrigible juvenile delinquency, murder, and witchcraft.<sup>17</sup>

Likewise, in 1626 the German Calvinist Theologian John Wolleb(ius)<sup>18</sup> insisted that "the political law [of Ancient Israel] dealt with the civil constitution of the Jews.... In those matters on which it is in harmony with the Moral Law and with ordinary justice, it is binding upon us."

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<sup>14</sup> Brewer: *op. cit.*, pp. 368f.

<sup>15</sup> Thus *Historians' History*, 19:560.

<sup>16</sup> *Ib.*, pp. 369f.

<sup>17</sup> W. Perkins: *A Commentarie upon the Epistle to the Galatians* (1617), Pilgrim Press, London, 1989 rep., pp. 202-204.

<sup>18</sup> J. Wolleb: *Compendium Theologiae Christianae*, as cited in ed. J.W. Beardslee's *Reformed Dogmatics* (New York: Oxford), 1965 rep., p. 10.

The English Puritan Theologian and writer Rev. Dr. William Ames ó a student of the great Anti-Arminian Rev. Professor Dr. William Perkins ó attacked games of chance and refused to wear the surplice. After attending the Synod of Dort in 1618<sup>f</sup>, he had become Professor of Theology at Franeker in Holland. In his great 1630 work *On the Conscience*, he addressed<sup>19</sup> the important question: “Should heretics be punished by the civil magistrate?”

Ames answered that “heretics should be restrained from all godly people.... The place and office of the magistrates requires them to oppose vicious disturbers ó with the sword, or [with] public and external force ó when necessary. Romans 13:4.... But if they are also public blasphemers, and obstinate and unreasonable in their blasphemies, they can also receive the death penalty.... Leviticus 24:15-16.”

Again Ames: “The laws concerning the return of borrowed and owed goods, concerning just weights and measurements, concerning the wages of the labourer, and concerning many other similar things not expressed in the Ten Commandments ó are not more judicial or less moral and natural than is the command “thou shalt not steal!”<sup>ø</sup> *etc.*.... The laws considered judicial, but whose forms exhibit no particularly Jewish character, belong to the affairs of other nations ó and all participate in that Moral and Natural Law common to all nations.”

Ames is also strong<sup>20</sup> on restitution ó quoting Numbers 5:7-8, Luke 19:8, and Exodus 22:17 *etc.* Right after “the mutual duties of governments and subjects,” he defends<sup>21</sup> “the fairness of the Mosaic Laws which supplement the Fifth Commandment.” These, he explains,<sup>22</sup> include: Exodus 21:15-17 & 22:28; and Leviticus 20:9 (*cf.* Matthew 15:4, Mark 7:10, Romans 1:26-7, & First Timothy 1:9) *etc.* He also defends<sup>23</sup> “the fairness of some of the Mosaic Laws belonging to the Sixth Commandment” ó namely Exodus 21:14 & 21:21<sup>f</sup> and Deuteronomy 19:19 *etc.*

Ames further discussed<sup>24</sup> “the laws of Moses relating to the Seventh Commandment” ó namely Deuteronomy 24:1, Numbers 5:11 and Deuteronomy 21:15<sup>f</sup> *etc.* Then ó under the “Eighth Commandment” ó he deals<sup>25</sup> with Genesis 12:28; 2:15; and Exodus 21:18<sup>f</sup>; *etc.* Finally ó under “public verdicts, the judge, the prosecutor, witnesses, the advocate, and the accused” ó Ames deals<sup>26</sup> with Deuteronomy 17:8, 25:1<sup>f</sup>, and 13:14<sup>f</sup> *etc.*<sup>27</sup>

Clearly, many leading Calvinists ó both in Britain and in Germany ó considered the general equity of the Mosaic Judicial Laws to be binding in Christian societies today. Especially in England, the seventeenth century Puritans took the Mosaic Law very seriously indeed.

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<sup>19</sup> W. Ames: *On the Conscience*, Wormser, Amsterdam, 1630, 1896 ed., pp. 78 & 262-63.

<sup>20</sup> *Op. cit.*, pp. 271-73.

<sup>21</sup> *Op. cit.*, pp. 316-21.

<sup>22</sup> *Ib.*, p. 321.

<sup>23</sup> *Op. cit.*, pp. 340-43.

<sup>24</sup> *Ib.*, pp. 362-64.

<sup>25</sup> *Ib.*, pp. 364-401.

<sup>26</sup> *Ib.*, pp. 409-20.

<sup>27</sup> *Id.*

### Charles the First's attempts to erastianize and ritualize even Scotland

In 1633, Charles the King of England ó was crowned King of Scotland too. Reid declared<sup>28</sup> that the latter coronation ó an episcopalian ceremony ó was performed by the Archbishop of St. Andrews. However, it was rendered less impressive by the introduction of unaccustomed rites which the people viewed with abhorrence and were not able to distinguish from the Romish Mass.

These innovations were ascribed to the English High-Churchman Laud. His imprudent interference in the ecclesiastical affairs of Scotland, was highly offensive to the Scottish nation.

An episcopal see was erected at Edinburgh, with a diocese extending over ancient Lothian ó from the Forth to Berwick. The Scots generally thought that they had too many bishops beforehand. This increase of the number was not very agreeable to them.

About a month after the death of the good and grave Archbishop Abbot, his sacramentalistic successor Laud had become invested with that high dignity. A respectable historian once applied to Laud what had been said of Pope Boniface ó õhe entered like a fox; he reigned like a lion; and he died like a dog.ö

The king's agent Wentworth was then made Lord Deputy in Ireland. Furthermore, that wretchedly antinomianistic High-Churchman Laud has now become Archbishop of Canterbury. This precipitated the Puritan Prynne's famous rejoinder thereagainst, known as *Histrionatrix*. For King Charles's friend, the new Archbishop Laud, now sought to enforce uniformity in worship throughout the churches of England. He was, in fact, striving to ãreprelatizeø if not also to ãrepapalizeø the English Church.

Brewer wrote<sup>29</sup> that Laud was bent on securing conformity. Adherence to ritual was rigidly enforced. The communion table was removed from the body of the church; placed at the east end; railed in; and called ó the altar.

The use of copes, pictures, and other decorations was introduced and then also allowed. The Puritans believed that the Church of England was fast relapsing ó into Romish superstition. The Church of Rome entertained hopes of regaining its authority in Britain. So she offered Laud, informally, a cardinal's hat.

It will be recalled James the First had predicted: ãno bishops, no king!ö Laud and his followers ó as if they had now accepted the complementary converse of that proposition (ãno king, no bishops!ø) ó took care to magnify, on every occasion, the regal authority. Indeed, they proceeded to treat with the utmost disdain all puritanical pretensions.

As History Professor J.R. Green observed,<sup>30</sup> there was one thing dearer to England than free speech in Parliament; than security for property; or than even personal

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<sup>28</sup> J. Reid: *Memoirs of the Westminster Divines*, Banner of Truth, Edinburgh, 1982 rep., I pp. viii.

<sup>29</sup> *Ib.*, p. 372.

<sup>30</sup> *Op. cit.*, pp. 503f.

liberty. That one thing was, in the phrase of the day ó the Gospel. The great struggle abroad had ó ever since the Jesuitical -Contra-Reformationø ó gone more and more against Protestantism. At this moment the end of the cause seemed to have come.

In Germany, Lutheran and Calvinist alike lay at last beneath the heel of the Catholic House of Austria. The fall of Rochelle (the great Protestant stronghold) after Buckinghamø death, seemed to leave the Huguenots of France at the feet of a Roman Cardinal. While England was thrilling with excitement at the thought that her own hour of deadly peril might come again ó as it had come in the year of the Armada ó Charles promoted Laud also to the bishopric of London, and entrusted him with the direction of ecclesiastical affairs.

As Rev. Professor Dr. James Heron rightly observed,<sup>31</sup> the Roman Catholic powers were gaining success after success on the Continent. The German Palatinate had already, before Jamesø death, been lost to Protestantism. The Danish resistance had been broken. Almost the whole of North Germany lay hopeless. In France, Rochelle had fallen to Richelieu.

However, in Britain the situation was altogether different. There, the great bulk of the English people were indignant at every movement that tended to impair the strength of Protestantism.

### **The increasing persecution of Puritans in England**

To the Protestants of Britain, Laud ó and the High-Churchmen he headed up ó were more formidable than Popery. The latter itself was now making mighty strides abroad. To the Puritans, the High-Church Episcopalians were traitors to God and their country simultaneously. They perceived those High-Churchmen as trying to draw the Church of England farther away from the Protestant Churches ó and nearer to the Church of the papal Antichrist which Protestants in general and Puritans in particular regarded as Babylon.

The High-Churchmen aped Romish ceremonies. Cautiously and tentatively, they were introducing Roman doctrine. But they had none of the sacerdotal independence from the State, which through the grace of God even Rome herself had preserved!

The Anglican Prelates were abject in their dependence on the crown. They preached -passiveø obedience to the worst tyranny. They declared the person and goods of the subject to be at the kingø absolute disposal. They were turning their own religion into a systematic attack on the liberties of Englishmen.

Green further wrote<sup>32</sup> that Laudø influence was really derived from the unity of his purpose. His resolve was to raise the Church of England to what he conceived to be its real position, as a branch of the great -Catholic Churchø throughout the World. The first step in the realization of such a theory, was the severance of whatever ties had hitherto united the English Church to the Reformed Churches of the Continent.

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<sup>31</sup> *Op. cit.*, p. 206.

<sup>32</sup> *Ib.*, pp. 509f.

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In Laud's view, episcopal succession was of the essence of a Church. By their rejection of bishops, some of the Lutheran and especially the Calvinistic Churches of Germany and Switzerland had ceased to be churches at all. As Laud drew further away from the Protestants of the Continent, he drew ó consciously or unconsciously ó nearer to Rome. His theory regarded Rome as a true branch of the Church ó though severed from that of England by errors and innovations. The secret offer of a cardinal's hat proved Rome's sense that Laud was doing his work for her.

The great obstacle in his way, was the Puritanism of nine-tenths of the English people. On Puritanism, he made war without mercy. No sooner had his elevation to the see of Canterbury placed him at the head of the English Church, than he turned the High Commission into a standing attack on the Puritans. Thus Puritan rectors and vicars were scolded, suspended and deprived ó for preaching the Gospel. The use of the surplice, and the ceremonies most offensive to Puritan feeling, were enforced in every parish.

Under the two last reigns of Elizabeth I and James I, pocket editions of the *Geneva Bible* had become universally popular amongst England's laymen. But their marginal notes were found to savour of Calvinism. So their importation was now prohibited.

The habit of receiving the communion in a sitting posture had been common. But kneeling was now enforced, and hundreds were excommunicated for refusing to comply with the injunction. A more galling means of annoyance was found in the different views of the two religious parties on the subject of Sunday.

### **Archbishop Laud's suppression of English Puritanism**

The Crown under James, explained Professor Green, had taken the part of the High-Churchmen, and had issued a *Book of Sports* which recommended certain games for churchgoers as lawful and desirable on the Lord's day. The Parliament, as might be expected, was stoutly on the other side, and had forbidden Sunday pastimes ó by statute. The general religious sense of the country was undoubtedly tending to a stricter observance of the day ó when Laud brought the contest to a sudden issue.

He ordered every minister to read the declaration in favour of Sunday pastimes from the pulpit. One Puritan had the wit to obey in the following way. First he read out the Sabbath Commandment from the Moral Law of God. Next, he read out Laud's own contrary declaration. Then he stated: "You have heard read, good people, both the Commandment of **God** [Exodus 20:8-11] ó and the commandment of **man** [Laud's declaration]." This is what the Lord says: "In vain do they worship Me, teaching for doctrines the commandments of men." Matthew 15:9.

The bulk of the people refused to comply with the will of the Archbishop. The result followed at which Laud had been aiming. Puritan Ministers were cited to appear before the High Commission ó and silenced or deprived.

The suppression of Puritanism in the ranks of the clergy, was only a preliminary to the real work on which the Archbishop's mind was set. That was his preparation for reunion with Roman Catholicism, by the elevation of the clergy to a Catholic position in doctrine and ritual.

Laud publicly avowed his preference of an unmarried to a married priesthood. Some of the bishops, and a large part of the new clergy who occupied the posts from which the Puritan ministers had been driven, advocated doctrines and customs which the Reformers had denounced as sheer Papistry. Such included the practices of: auricular confession; a real presence in the Lord's Supper; and prayers for the dead.

The Chapel of Lambeth House was one of the most conspicuous among the ecclesiastical buildings of the time. Previously, under Cranmer, the stained glass was dashed from its windows. In Elizabeth's time, the communion table was moved into the middle of the chapel, and the credence table destroyed.

At that time, the Puritan Archbishop Abbot had put the finishing stroke on all attempts at a high ceremonial. The cope was then no longer used as a special vestment in the communion. The primate and his chaplains forbore to bow at the name of Christ. The organ and choir were alike abolished. Indeed, the service was reduced to a simplicity which would have satisfied Calvin.

To Laud, that condition of the Lambeth House Chapel seemed intolerable. He aided, with his own hands, in the re-installation of the painted glass in its windows. The glazier was ordered by the primate's express command to repair and set up again the broken crucifix. The holy table was removed from the centre, and set altar-wise against the eastern wall.

The silver candlesticks, the credence table, the organ and the choir, the stately ritual, the bowings at the sacred Name, the genuflexions to the altar which previously had all been abolished were now re-introduced. Thus the chapel became, at last, such a model of worship as Laud desired.

Accordingly, a royal injunction was obtained to order the removal of the communion table. For the last half-century or more, such had in almost every parish church stood in the middle of the nave. But now it was returned to its Pre-Reformation position in the chancel, and secured from profanation by a rail. This removal implied, and was understood to imply, a recognition of the real presence and a denial of the doctrine which Englishmen generally held about the Lord's Supper.

Thus the Puritans saw their ministers being silenced or deprived; their Sabbath being profaned; and their sacrament of the Lord's Table being brought near to the Roman Mass. Romish doctrine now met them from the pulpit; Roman practices met them in the Church. With such a World around them, godly people in England began to apprehend a special hand of Providence in raising up the planting of a new Colony in Massachusetts. Their hearts were generally stirred to come on over.

Worse yet. In England, even the Lord Treasurer was in heart a Papist. Moreover, the penury of the exchequer forced the crown to maintain the old system of fines for recusancy.

Nevertheless, explains Professor Green,<sup>33</sup> to those who today might read the letters of that time in seventeenth-century Puritanism there was something inexpressibly

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<sup>33</sup> *Op. cit.*, pp. 518f.

touching in the general faith of their writers and in **the ultimate victory of the Law**. The people were just as stubborn on their part as was the king on his, and their political sense told them that the slightest disturbance of affairs must shake down the financial fabric which Charles was slowly building up ó and force him back on subsidies and a Parliament.

Meanwhile, **they would wait for better days**. Their patience in this matter was aided more and more, by the increasing general prosperity of the country.

### **A candid assessment of the Anti-Puritan Anglican Archbishop Laud**

The assessment of Archbishop Laud given by James Reid is truly remarkable. He stated<sup>34</sup> that the Puritans suffered exceedingly in England during Laud's severe administration. He was much enraged by their nonconformity to his own whims and by their faithfulness to Calvinism. However, Arminianism ó the harbinger of Popery ó greatly prevailed. It was much countenanced among many of the Bishops, while Laud was high in place.

The High-Churchman (though competent historian) Clarendon says that Laud had eminently opposed Calvin's doctrine all his life. Laud wrote a small treatise in support of the Arminian doctrines. The great Calvinist Toplady later explained that the superinduction of popish ceremonies was to clear the way for that of popish Arminianism. Those two streams, when united in their course, were to empty themselves into the Dead Sea of arbitrary power.

History Professor J.R. Green further indicated<sup>35</sup> that the High-Church Anglican Archbishop Laud's mind was at once civil and religious. But his power stopped at the Scottish frontier. Across the border stood a Church with bishops indeed ó but with a ritual modelled on the doctrine and system of Geneva. For the Church of Scotland was still Calvinist in teaching, and to a great extent also in government. The mere existence of such a Church gave countenance to English Puritanism ó and threatened in any hour of ecclesiastical weakness to bring a dangerous influence to bear on the Church of England.

With Scotland, indeed, Laud could only deal indirectly ó *viz.* through Charles. For the king was jealous of any interference by his English ecclesiastical ministers ó or even by his English Parliament ó with his Northern Kingdom. (The latter retained its own Parliament at least till 1707, and has kept its own Presbyterian clergy even till today.)

Yet Charles was himself earnest to deal with the Scottish situation. He had imbibed and even further compounded his anglicanized and episcopalianized father's hatred of all that tended to Presbyterianism. From the outset of his reign, he had been making advance after advance ó towards the more complete establishment of Episcopacy throughout the British Isles.

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<sup>34</sup> *Op. cit.*, I, pp. xviif.

<sup>35</sup> *Op. cit.*, pp. 518f.

## Dour Scottish resistance to Episcopalianism and especially to Erastianism

Since the time of John Knox, Scotland itself ó especially in the Lowlands ó had become a bastion of Calvinism. The very boldness of Calvinism allied itself with the spiritual pride of the Presbyterian Ministers in their dealings with the crown.

Around 1577, Knox's famous successor Andrew Melville ó in open council ó had taken James VI by the sleeve and had called him God's silly vassal. Melville had told James: "There are two kings and two kingdoms in Scotland. There is Christ Jesus the King ó and His Kingdom the Kirk ó Whose subject James the Sixth is; and of whose Kingdom [James is] not a king nor a lord nor a head, but a member!"

These words and the tone of the great preacher when he uttered them were remembered bitterly ó when James later mounted the **English** throne. "A **Scottish** Presbytery," he exclaimed years afterwards at the Hampton Court Conference, "as well fitteth with monarchy ó as God does with the devil! No bishop ó no king!"

But Scotland was resolved on achieving: "no bishop!" For Episcopacy had become identified, among the more zealous Scots, with the old Romanism they had shaken off.

When he appeared before the English council table, Melville took the Archbishop of Canterbury by the sleeves of his rochet. Shaking them, he called them "Romish rags and marks of the beast." Cf. Revelation chapters 13 to 18.

Four years after the ruin of the Spanish Armada, in 1592 Episcopacy was formerly abolished. Then the Presbyterian system was established by law as the mode of government in the Church of Scotland.

Later, however, under persecution, things again changed. Deprived of their leaders; threatened with bonds and exile; deserted by the nobles; not supported as yet by the mass of the people ó Scotland's Ministers bent before the pressure of the crown. Bishops were allowed to act as "presidents" in their synods. Then, in 1610, Episcopacy was at last formally recognized in the Scottish Church.

Subsequently, in the reign of King Charles, the innovation was followed by the issue of a Royal Warrant. That directed all Ministers to use the surplice in divine worship. Laud knew how to wait, and his time had come at last. He was resolved to put an end to the Presbyterian character of the Scottish Church altogether ó and to bring it into conformity with the Church of England.

A 1636 *Book of Canons* issued by the sole authority of the king, placed the government of the Church absolutely in the hands of its Bishops. A stretch of the prerogative superseded what was known as *Knox's Liturgy*. The latter constituted the *Book of Common Order* drawn up by that Reformer, on the Genevan model. It had generally been used throughout Scotland. Now, however, it was to be replaced by a *New Liturgy* ó based on the Anglican *Book of Common Prayer*.



### Vicious persecution of English Puritans especially in the Star Chamber

The illegal imprisonments of the king's opponents continued. History Professor Brewer explained<sup>36</sup> that the court of Star Chamber now extended its authority. Prynne, a Barrister of Lincoln's Inn, had written an enormous quarto of a thousand pages. This he called: *Histriomastrix*. It professed to decry stage-plays, comedies, interludes, music and dancing as the occasions of all immorality.

Prynne was indicted in the Star Chamber as a libeller. There, he was condemned: to be expelled from the bar; to stand in the pillory; to lose both his ears; to pay five thousand pounds fine to the king and to be imprisoned until he made his submission.

In the same year 1634, Charles renewed his father's edict for allowing sports and recreations on Sunday to such as had attended public worship. Indeed, he ordered his proclamation for that purpose publically to be read out by the clergy right after divine service.

Also in 1634, a ship-money writ was drawn up ostensibly to fight pirates. This measure, observed Professor Brewer,<sup>37</sup> soon led to fatal consequences. Intercepted letters fell into the hands of the government, detailing a plot for an attack by the French and the Dutch upon British-controlled Dunkirk.

Charles had no mind to see the whole of the southern shore of the Straits of Dover fall in the hands of the French. So, though his pecuniary distresses were great, he wished to meet the emergency.

The first writ of ship-money was drawn up. John Hampden, a Buckinghamshire gentleman, following the example of Lord Saye, refused to pay the tax levied on him. Hampden's refusal made the levying of the tax upon others more difficult and more precarious.

The Puritans at this time were divided into at least two classes: Political Puritans and Doctrinal Puritans etc. Neither class had as yet withdrawn itself from the communion of the Church of England. Restrained by Laud in England, however, some now took the step, and shipped themselves to America. There they laid the foundations of a government possessing that civil and religious liberty of which they considered themselves bereaved in their native country.

Already in 1620, a band of one hundred emigrants called the Pilgrim Fathers had sailed from Plymouth and anchored in the harbour of Cape Cod. Soon thereafter, in 1630 the *Charter of Massachusetts Bay* had been obtained from the crown. Three hundred and fifty Nonconformists had sailed there with the first fleet.

By 1637, King Charles's judges back in England were upholding his right to levy the ship-money in order to defend the realm during the emergency. The majority on the Bench, condemned Hampden.

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<sup>36</sup> *Op. cit.*, p. 373.

<sup>37</sup> *Ib.*, p. 374.

Politically, Charles now continued the levy. Ecclesiastically, also his High-Churchmen inflicted fierce fines against Non-Conformists. The Puritans Leighton, Prynne, Bastwick and Burton wrote condemnatory theses and were soon condemned by the Star Chamber. Thus Professor Brewer.

### Scottish events precipitate a showdown against King Charles

It was, however, events in Scotland which now brought matters to a head. Warfield recorded<sup>38</sup> that the relations of Church and State there, were not the same as those which obtained in England. In the Northern Kingdom, from the beginning of the Reformation, the ideal of a free Church in a free State had been cherished sedulously and repeatedly given effect ever since 1560.

The interference of the King of England (first by James I from 1612 onward and now by Charles I from 1637 onward) with the working of this ecclesiastical machinery in Scotland was therefore widely resented as mere tyranny. All that was needed for the explosive situation now to detonate was a single spark.

That spark was provided in the spring of 1637. It came through the imposition upon the Church of Scotland by the mere proclamation of the king without warrant from our Kirk (thus the Scottish Commissioners) of a completely new *Service Book*. This was designed to assimilate the worship of the Scottish Church as closely as possible to that of the Anglican Church in England.

John Milton assessed it from the viewpoint of an English Puritan. The aim, he declared, was to force upon their [Scottish] fellow-subjects of the same king that which [the English Protestants] themselves are weary of: the skeleton of a Mass Book.

The royally-proposed new *Service Book* intended for Scotland, was even more malignant than the one which the High-Anglicans were already using in England. According to Reid,<sup>39</sup> the Scottish liturgy was regarded as worse than the English and not less impure than the mass itself.

It was about the month of July in the year 1637 that the liturgy was published. It was appointed to be read in all the churches. The re-action was immediate.

As History Professor Brewer explained,<sup>40</sup> the previous king, James the First, had loved prelacy (which order he considered best fitted to inculcate obedience and loyalty among the people). He had raised some of the Scottish prelates to chief dignitaries in the State.

However, the Scottish nobles' connection with the king had been much loosened by his long absence from his native country Scotland which James had left together with his son Charles when the latter was but a tiny boy. The power of those nobles was great and they were disgusted to find the English prelates now superior to themselves in influence.

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<sup>38</sup> *Op. cit.*, pp. 20f.

<sup>39</sup> *Op. cit.*, p. xiv.

<sup>40</sup> *Ib.*, pp. 376f.

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The people, under the influence of the nobility and clergy, could not fail to partake of their discontents. So Commoners too were imbued with the same horror against Popery which possessed the English Puritans.

Yet, in spite of all these symptoms, the king's great aim was to complete the work begun by his father. That was: to establish ecclesiastical Episcopalianism in Scotland; to introduce a fixed high-church liturgy into public worship; and to render the ecclesiastical government of all his kingdoms regular and uniform.

The liturgy imposed on Scotland was copied, with a few alterations, from that of the Church of England. Due notice was given of the intention to commence the use of it on Sunday, July 23rd 1637. On that day, accordingly ó in the Cathedral Church of St. Giles ó the Dean of Edinburgh, arrayed in his surplice, began the service.

No sooner had the dean opened the book, than the people clapped their hands. They cursed, and cried out: ðA Pope! A Pope! Antichrist! Stone him!ö They raised such a tumult, that it was impossible to proceed with the service.

The *Historians' History* recorded<sup>41</sup> that a woman called Jenny Geddes, filled with zeal, sprang up and flung the stool she sat on ó at the Dean's head. Another stopped her ears (or ðlugsö), and cried out: ðVillain! Dost thou say the mass at my lug?ö

Warfield noted<sup>42</sup> that the Scots thereupon immediately reclaimed their ecclesiastical and also their civil liberties. They eradicated at once every trace of the prelacy which had been imposed on them, and restored their presbyterian government.

Further, they also secured the simplicity of their worship, and reinstated the strictness of their discipline. Withal, they bound themselves by a great oath ó the *National Covenant* ó to the perpetual preservation of their religious settlement in its purity.

History Professor Brewer related<sup>43</sup> that four Committees were formed. One consisted of Nobility, another of Gentry, a third of Ministers, a fourth of Burgesses. The *National Covenant* of 1580<sup>f</sup> was renewed. This famous deed consisted of a renunciation of Popery, formerly signed by James in his youth. It was followed by a bond of union, by which the subscribers obliged themselves to resist the recent religious innovations.

The English History Professor J.R. Green explained<sup>44</sup> that the king's demand for immediate submission of the Scots ó which reached Edinburgh while England was waiting for the Hampden judgment ó at once gathered the whole body of Remonstrants together round ðthe tablesö at Edinburgh. A protestation was read at Edinburgh and Stirling.

That was followed ó on Johnston of Warriston's suggestion ó by a renewal of the covenant with God. Such covenant had been drawn up and sworn to in a previous

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<sup>41</sup> *Op. cit.*, 19:574.

<sup>42</sup> *Op. cit.*, p. 22.

<sup>43</sup> *Ib.*, pp. 376f.

<sup>44</sup> *Op. cit.*, pp. 531f.

hour of peril ó when Mary Queen of Scots was still plotting against Protestantism, and when Spain was preparing its Armada.

### **The erecting of the Scottish *National Covenant* of 1638**

The Scottish *National Covenant*, explained the secularistic *Historians' History*,<sup>45</sup> took its name and character from the covenants of Israel with Jehovah ó as recorded in the Scriptures. It also partook much of the nature of the bonds of mutual defence and maintenance which had long prevailed in Scotland. It was drawn up by Henderson (the leader of the clergy), and by Johnston of Warriston (a distinguished advocate or barrister).

It renounced Popery and all its doctrines, practices, and claims ó in the strongest terms. Then, declaring the liturgy and canons to be thus virtually renounced, it concluded with an obligation ó to resist them; to defend each other; and to support the king in preserving religion, liberty, and law.

It was the 1638 revolt in Edinburgh that had helped precipitate the subsequent renewal of the 1580 *Scottish National Covenant* or *Second Scottish Confession of Faith*. It was in Rutherford's native Scotland that this 1638 *National Covenant* ó following the stated examples of the national covenants in Joshua 24:25 and Second Kings 11:17 and Isaiah 44:5 ó was re-affirmed.

It had first been subscribed to by an earlier king of Scotland and his household in 1580; thereafter by Scottish persons of all ranks in 1581; and later yet again in 1590. Now, in 1638, it was subscribed to by vast numbers of Scots ó regardless of rank. It was then approved by the Scottish Presbyterian General Assembly in 1639; ratified by an Act of the Scottish Parliament at Edinburgh in 1640; and finally subscribed to even by the next King (Charles II) at Spey in 1650, and again at Scoon in 1651.

It is estimated that some three hundred thousand Scots subscribed to this document of covenant in 1638 alone. This gave the name -Covenanters to those who affirmed it. Some of them signed it with their own blood.

As the Scottish historian and writer James Mackenzie rightly states,<sup>46</sup> if Englishmen look back with reverence to their *Magna Carta* ó with reverence as great does every true Scot look back to the *National Covenant*. It saved the country from absolute despotism. In less than six weeks, under the *National Covenant*, the whole of Scotland was banded together.

### **The contents of the 1638 Scottish *National Covenant***

Declared the 1638 Covenanters in their *National Covenant*:<sup>47</sup> "We all and every one of us under-written, PROTEST ó that, after long and due examination of our own consciences in matters of true and false religion, we are now thoroughly resolved in

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<sup>45</sup> *Op. cit.*, 19:575.

<sup>46</sup> *Op. cit.*, pp. 544 & 546.

<sup>47</sup> See: *The Subordinate Standards and other Authoritative Documents of the Free Church of Scotland*, Church Offices, Edinburgh, 1933, p. 267.

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the truth by the Word and Spirit of God.... We believe with our hearts, confess with our mouths, subscribe with our hands, and constantly affirm ó before God and the whole World ó that this only is the true Christian Faith and Religion pleasing God...and is received, believed and defended...chiefly by **the Kirk of Scotland, the king's majesty and three Estates of this realm** as God's eternal truth...as more particularly...expressed in the *Confession of our Faith* alias the *Scots Confession*.

Having thus committed Church and King and all three of the Estates or main sections of society to uphold the truth of God in Scotland, the *National Covenant* then continues: öWe abhor and detest all contrary religion and doctrine; but chiefly all kind of Papistry...confuted by the Word of God and Kirk of Scotland.... We detest and refuse the usurped authority of that Roman Antichrist upon the Scriptures of God..., upon the civil magistrate and [upon the] consciences of men.... We detest and refuse...his erroneous doctrine against the sufficiency of the Written Word [and] **the perfection of the Law**,ö his örebellion to **God's Law**,ö and his ödispensations with solemn oathsö and öperjuries.ö

The three hundred thousand Scottish Covenanters next made it clear they expected their king to be the defender of their Protestant Reformed Faith: öSeeing that many are stirred up by Satan and that Roman Antichrist..., we perceive that **the quietness and stability of our religion and Kirk doth depend upon the safety and good behaviour of the king**.... We protest and promise with our hearts, under the same oath, hand-writ, and pains, that we shall defend his person and authority with our goods, bodies, and lives ó **in the defence of Christ**, His Evangel, **liberties of our country**, ministration of **justice**, and **punishment of iniquity [alias in-equity]** against all enemies within this realm or without.ö<sup>48</sup>

This must occur, so öthat Papistry and superstition may be utterly suppressed...as common enemies to all Christian government.ö For ö**all magistrates [and] sheriffs...are ordained** to search, apprehend, and **punish all contraveners**.ö<sup>49</sup> For öthe cause of God's true religion and **his Highness's authority** are so joined, as the hurt of the one is common to both.ö

Therefore Covenanters öare bound to resist all treasonable uproars and hostilities raised against the true religion, **the king's Majesty**, and true professorsö of Christianity. For ö**all kings and princes at their coronation and reception of their princely authority, shall make their faithful promise** by their solemn oath in the presence of the eternal God that, enduring the whole time of their lives, **they shall serve the same eternal God to the uttermost of their power according as He hath required** in His most Holy Word contained in the Old and New Testament.ö<sup>50</sup>

Indeed, they must ö**gainstand all false religion** contrary to the same.ö For good kings and princes ö**shall rule the people committed to their charge according to the will and command of God revealed in His foresaid Word** ó and according to the **laudable laws** and constitutions received in their realm **nowise repugnant to the said will of the eternal God**.ö

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<sup>48</sup> *Ib.*, p. 268.

<sup>49</sup> *Ib.*, pp. 269f.

<sup>50</sup> *Ib.*, p. 270.

The *National Covenant* then concludes: "We noblemen, barons, gentlemen, burgesses, ministers, and commons under-subscribing..., do hereby profess and before God, His angels, and the World, solemnly declare that with our whole heart we agree and resolve all the days of our life constantly to adhere unto and to defend the foresaid true religion and...**by all means lawful to recover the purity and liberty** of the Gospel.... Therefore, from the knowledge and conscience of **our duty to God, to our king and country**...we promise and swear by the GREAT NAME OF THE LORD OUR GOD to continue in...obedience of the foresaid religion."<sup>51</sup>

Accordingly:<sup>52</sup> "We shall...stand to the **defence of our dread sovereign the king's majesty, his person and authority**, in the defence and preservation of the foresaid **true religion, liberties and laws of the kingdom**...in the same cause of maintaining the true religion **and his majesty's authority**.... What we...do is well warranted, and ariseth from an unfeigned desire to maintain the true worship of God, **the majesty of our king and the peace of the kingdom**....

"As beseemeth **Christians** who have renewed their covenant with God, **we therefore faithfully promise**...to endeavour to keep ourselves within the bounds of **Christian liberty**, and to be **good examples to others of all godliness, soberness, and righteousness**, and of every duty we owe to God and man.... We call the LIVING GOD...to bless our desires and proceedings with a **happy success**; [so] that **religion and righteousness may flourish in the land**, to the glory of GOD, the honour of our king, and peace and comfort of us all."<sup>53</sup>

### The Pro-Royalist Protestantism of the 1638 Scottish *National Covenant*

As can be seen from our own above emphases, the Scottish *National Covenant* was not at all an anti-royalist document. To the contrary, it was undeniably pro-royalist as well as being strongly anti-ritualistic and Anti-Romish.

It is true it was signed in 1638 specifically against the attempts of the "romanizing" High-Anglican King Charles the First and others to ritualize if not to "romanize" the nation of Scotland and her Kirk. Yet in 1650, the same *National Covenant* was again subscribed to and even by the then "presbyterianized" Ex-Anglican King Charles II.

This explains why the Presbyterian Scottish Covenanters at that latter time felt obligated to resist Cromwell's English Puritans and after the latter had permitted their own Colonel Pride to execute King Charles the First. It also explains why the Presbyterian Scottish Covenanters assisted their new "Presbyterian" King Charles the Second and when he invaded England in 1651 to try overthrow Oliver Cromwell and the latter's Non-Presbyterian (if not by that time Anti-Presbyterian) English Government.

Thus the *National Covenant* certainly favoured the institution of royalty as such. Yet it did so and only under the Absolute Monarchy of the Lord Jesus Christ as the Supreme King (over all earthly rulers).

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<sup>51</sup> *Ib.*, p. 271.

<sup>52</sup> *Ib.*, pp. 271-72.

<sup>53</sup> *Ib.*, p. 272.

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After the execution of King Charles the First in 1649, his son Charles the Second was soon proclaimed king in Scotland ó and even in parts of England and parts of Ireland. When King Charles II said he accepted the terms of the Scottish Covenanters, he went to Scotland and subscribed to the Scottish *National Covenant* and the international *Solemn League and Covenant* in 1650. Then, having agreed to promote Presbyterianism in Scotland (and also in England), in 1651 he was crowned King of Scotland (but not of Cromwell's England).

Even the Scottish Covenanters were favourably disposed to the re-institution of royalty at the **Restoration** of the monarchy also in England during 1660. However, when King Charles II himself as one of the Covenanters later broke the Scottish *National Covenant* ó and also broke the international *Solemn League and Covenant* which he had co-signed ó the Scots very rightly regarded him as a covenant-breaker.

Yet even then, the Scottish Presbyterians themselves still did not become anti-royalist as such.<sup>54</sup> For they were champions not of revolution, but of reformation.

### **The epoch-making consequences of the Scottish *National Covenant***

This 1638 *National Covenant* was subscribed by the Scottish leaders and people in 1638. It was ordained by the General Assembly of the Presbyterian Church of Scotland in 1639. And it was ratified by the Scottish Parliament at Edinburgh in June 1640.

History Professor Green rightly observed<sup>55</sup> that the force given to Scottish freedom by this revival of religious fervour, was seen in the new tone adopted by the Covenanters. Also the theologian Rev. Professor Dr. B B. Warfield has recognized (in his book *The Westminster Assembly and Its Work*):<sup>56</sup> "The Scots ó to whom the English Parliament made its appeal for aid in the summer of 1643 ó were then a covenanted nation."ó

History Professor Brewer pointed out<sup>57</sup> that the king now began to apprehend the consequences. Treacherously, he required the *Covenant* to be renounced and recalled. However, a General Assembly of the Scots met at Glasgow in November 1638. In August of the next year, it formally abolished ó Episcopacy, the High Commission, the Canons, and the Liturgy.

As Reid explained,<sup>58</sup> by that most famous assembly at Glasgow, together with the *Articles of Perth*, the above were all at once completely abolished. In fact, they were all solemnly declared to be **unlawful**.

It was in fact the Scottish *National Covenant* of 1638f which immediately stimulated even the English Parliament itself into taking appropriate action to act in a way which later resulted in the production of the international *Solemn League and*

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<sup>54</sup> See art. *Charles II*, in *NICE* 5:1303.

<sup>55</sup> *Op. cit.*, pp. 531f.

<sup>56</sup> B B. Warfield: *The Westminster Assembly and Its Work*, Mack, Cherry Hill N.J., 1972 rep., p. 22.

<sup>57</sup> *Op. cit.*, pp. 374f.

<sup>58</sup> *Op. cit.*, I p. xvii.

*Covenant for the Reformation and Defence of Religion, the Honour and Happiness of the King, and the Peace and Safety of the Three Kingdoms of Scotland, England and Ireland.* That latter then bound Britain (alias England and Wales) together with Scotland and Ireland.

In England, the Long Parliament met from November 1640 onward (and until 1652). War between England's Parliamentary forces and the English Royalists, now began to look more and more probable. It finally broke out in August 1642.

The international *Solemn League and Covenant* did not have the aim of amalgamating England and Ireland and Scotland into one national union or at least of all as a non-monarchical republic. Indeed, its purpose is quite clear from its own full title: *Solemn League and Covenant for the Reformation and Defence of Religion, the Honour and Happiness of the King, and the Peace and Safety of the Three Kingdoms of Scotland, England and Ireland.*

As the Scottish historian Rev. James Mackenzie writes in his *History of Scotland*,<sup>59</sup> it was the hope to transform the whole of Great Britain not by de-national-izing England and Ireland and Scotland and Wales by amalgamating them into a **new** nation, but to promote in all those different nations an inter-national **religious** uniformity on the basis of the *Westminster Standards*. For the *Solemn League* had the aim of bringing all three of the **continuing** and **different** nations of England/Wales and Scotland and Ireland into the nearest conjunction and uniformity in **religion**, confession of faith, form of church-government, directory for worship, and catechising.

Those who had this hope, later saw it dashed into pieces like a potter's vessel or chiefly through: the English Civil War; the two international wars between Cromwell's Britain and Charles's Scotland; and the terrible religious friction exacerbated by the intrusions of Englishmen and Scots into Ireland during that same period. But who can deny that the Westminster Assembly or which underwrote the *Solemn League* and sought to realize its aim or has left a richer legacy of instruction to the Church of Christ than any Council, whether before or since? Thus Mackenzie.

This bond of uniform religion within and among the three countries or the famous *Solemn League and Covenant* or was drawn up by the weighty pen of Alexander Henderson. By it, the two nations of Scotland and Britain (alias England and Wales) or together with the kingdom of Ireland or bound themselves to maintain the Reformed Religion.

Later, it was assented to also by the (English & Irish & Welsh) Commissioners from the Parliament and the Westminster Assembly in England, together with Commissioners of the Convention of Estates and General Assembly in Scotland. Then it was approved by the General Assembly of the Church of Scotland, and by both Houses of Parliament and the Westminster Assembly in England or and ratified by Act of the Parliament of Scotland in 1644.

By the *Solemn League*, the two nations of Scotland and Britain (alias England and Wales) or together with the kingdom of Ireland or bound themselves to promote and to

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<sup>59</sup> *Op. cit.*, pp. 560f & 562.



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maintain the Reformed Religion. They also resolved to extirpate Popery and Prelacy (but not Papists and Prelatists). Further, they also undertook **to protect the rights of Parliament and the liberties of the kingdom**, and to preserve the king's person and his **lawful** authority.

Anticipating a further worsening of the international climate throughout the British Isles, yet certainly still hoping to avoid armed conflict the English Parliament had taken important steps toward strengthening itself. Perhaps its most important, was its appointment of the Westminster Assembly to convene and to draw up a basis of **religious** union for the three kingdoms of the British Isles of Britain (alias England and Wales), of Scotland, and of Ireland.

The Scottish *National Covenant* of 1638 had prepared the way for the *Solemn League and Covenant* of 1643. Thereafter, the English Parliament then started planning to provide for the later signing of that *League* between the various Protestant groups in Britain (alias England and Wales) on the one hand and the Presbyterians of Scotland and the citizens of Ireland on the other.

So, in April 1642, the English House of Commons ordered the action of convening what later became known as the Westminster Assembly. More than a year later and almost ten months after the outbreak of the British Civil War in August 1642 the House of Lords on June 12th 1643 finally ratified this action to convene the Assembly of divines at Westminster.

The king himself had refused to permit the Westminster Assembly to convene. Then the English Civil War broke out in August 1642. The English Parliament itself thereafter needed to defend itself against the king's own army. In spite of this, Parliament still insisted that the Westminster Assembly convene. Hence, the Westminster theologians first met together on July 1st 1643. This was nearly eleven months after the outbreak of the English Civil War.

### **Charles's futile war against the Scots after their 1638 *National Covenant***

Let us now recapitulate. We go back to the events which immediately followed the Scots' signing of their 1638 *National Covenant* before the outbreak of the First English Civil War in 1642 and the actual meeting of the Westminster Assembly and its signing of the international *Solemn League and Covenant* in 1643.

Furious about the Scots' 1638 re-affirmation of their *National Covenant* (of 1580 & 1581 & 1590), King Charles the First in 1639 immediately advanced from London in England to Berwick in Scotland. A short war broke out which was then soon terminated by a short peace.

History Professor Brewer noted<sup>60</sup> that preparations were now openly made for war. The whole country of Scotland, being in the hands of the Covenanters, was in a very little time put in a posture of defence. To add to its advantages, Scotland swarmed with veteran soldiers who had returned home from the wars in Germany. The King of

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<sup>60</sup> *Op. cit.*, pp. 374f.

England himself joined the English Army, and summoned the Peers of England to support him against the Scots.

The war was conducted with great advantages on the side of the Covenanters and disadvantages on that of the king. For no sooner had Charles concluded the intention to accomplish the pacification of the Scots than the necessities of his affairs and his want of money obliged him to disband his troops.

The king, with great difficulty, finally found the means to draw together an army. But by the advice of his lackeys Laud and Wentworth, who had returned from Ireland, he was persuaded to summon a Parliament. The time appointed for the meeting of the English Parliament known as the fourth or the "Short Parliament" was later in the year (April 13th 1640). It was very near the time appointed for opening the campaign against the Scots. Charles took occasion to press the Commons for an immediate grant and **before** they proceeded to offer him petitions for the redress of grievances.

So, in England, the "Short Parliament" was convened in 1640. As Reid explains,<sup>61</sup> "The king summoned an English Parliament to assembly in April. He designed that they should not have a long session. Therefore he at once made application for large supplies of money, to carry on war against the Scots, whom many in the House regarded as their best friends and firmest allies."

The Puritan Parliamentarian Pym brought the national grievances before the House. However, Charles refused to abandon his "war" with Scotland and instead dissolved Parliament.

As History Professor J.R. Green observes,<sup>62</sup> while Charles summoned what from its brief duration is known as the "Short Parliament" Strafford had hurried to Ireland to levy forces. In fourteen days, he had obtained money and men. Every Member of the Commons knew that Scotland was fighting the battle also for English liberty. All hope on the part of the English Royalists of bringing the English Commons to any attack upon the Scots, proved fruitless.

Strafford's troops were a mere mob. Neither by threats nor prayers could he recall them to their duty. The war was denounced everywhere as the "War of the Bishops." The new levies killed officers whom they suspected of Papistry; broke down altars in every church they passed; and deserted to their homes.

Yet the Anglican "Convocation of Bishops" in England then passed canons asserting the "divine right" of bishops. The "Long Parliament" then met, Pym leading the Commons. The king's henchman Strafford was impeached and tried. Even Charles consented to the attainder. Thereupon, even Lord Chancellor Finch and Archbishop Laud were impeached. Thus Brewer.

The king, Reid has told us,<sup>63</sup> was now obliged to have recourse to other expedients. Being unsuccessful in his unreasonable war against his own loyal Scottish subjects, he was reduced to extreme distress. The Scottish Army gained a complete victory over

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<sup>61</sup> *Op. cit.*, I p. xx.

<sup>62</sup> *Op. cit.*, p. 533.

<sup>63</sup> *Op. cit.*, I p. xx.

the English on the 28th August 1640. To prevent the advance of that victorious army upon him, the king agreed to a treaty of peace.

### The 1640 successful Scottish invasion of Royalist England

Meanwhile, the English House of Commons -filibustered the king. As Professor Brewer noted,<sup>64</sup> they began with examining the behaviour of the Speaker the last day of the former Parliament ó when he had refused, on account of the king's command, to put the question. They then declared that the king's command was a -breach of privilege of the Parliament of England itself.

The affair of ship-money was canvassed. Charles solicited the House by repeated messages. He offered to abandon ship-money ó in return for a supply of twelve subsidies (about six hundred thousand pounds), payable in three years. But the Commons objected that ó by bargaining for the remission of that duty ó they would, in a manner, be ratifying the authority by which it had been levied.

The king was in great doubt and perplexity. Nor is it any wonder that the king, whose capacity was not equal to situations of such extreme delicacy, should hastily have formed and executed the resolution of dissolving this Parliament.

The Scots then invaded England. James Mackenzie wrote in his *History of Scotland*<sup>65</sup> that a Scottish party led by the Marquis of Hamilton and consisting of king's men and ómis-seeing Covenantersö had managed to get the majority in the Scottish Parliament. They were very famous in those days, and went by the name of *Engagers* ó having entered into an *engagement* with the king, in pursuance of which they invaded England. This, Charles hoped, would strengthen him as joint-king of both countries ó against the Puritans in England and the Presbyterians in Scotland.

After the ruinous failure of the Engagers in their English invasion, their opponents the óStrict Covenantersö found themselves so strong in the Scottish Parliament that they were able to pass the famous *Act of Classes*. By this, four classes of -Malignants were defined.

All general officers and chief movers in the Engagement, form the first class of Malignants. They were then declared to be for ever incapable of public employment.

History Professor Brewer explained<sup>66</sup> that the English forces at Newcastle had retreated into Yorkshire while the Scots were taking possession of Newcastle. The elections in England, as might have been expected, ran in favour of the popular party. So the -Long Parliament then met on November 3rd 1640.

Reid observed<sup>67</sup> that at the election of the English Commons, the most pious and patriotic Members were returned to Parliament. Dr. Welwood affirms that no age ever produced greater men than those who sat in this Parliament.

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<sup>64</sup> *Op. cit.*, p. 380.

<sup>65</sup> *Op. cit.*, pp. 572f.

<sup>66</sup> *Op. cit.*, pp.380f.

<sup>67</sup> *Op. cit.*, I p. xxi.

Then, Commissioners from the Scottish Parliament ó most of them ÷Strict Covenanters÷ were sent to London. There they concluded the *Treaty of Pacification*. They were received with great veneration and esteem by the English Parliamentarians. Those Scots too heartily concurred with the Parliament of England and Wales in promoting the work of reformation.

Without any interval, the English Commons next entered upon business. It immediately struck a blow which may in a manner be regarded as decisive. It impeached the Earl of Strafford, who was considered to be the king's Chief Minister.

Next, an impeachment of high treason was voted against Archbishop Laud. He was immediately sequestered from Parliament, and committed to custody. All who had assumed power not authorized by statute, were declared **delinquents**. Almost all the bench of bishops ó and the most considerable members of the inferior clergy who had voted in the late Convocation ó were involved by these new principles in the imputation of delinquency.

According to History Professor J.R. Green,<sup>68</sup> Strafford embodied the spirit of tyranny. Over against him, John Pym ó the Leader of the Commons from the first meeting of the new Houses at Westminster ó stood out for all time as the embodiment of law. Of the band of patriots with whom he had stood side by side in the constitutional struggle against the earlier despotism of the same Charles, Pym was almost the sole survivor.

Coke had died of old age. Pym alone remained. He was still resolute and patient, as indeed from of old. As the sense of his greatness grew silently during the eleven years of deepening misrule, **the hope and faith of better things** clung almost passionately to the man who **never doubted the final triumph of freedom and the law**.

It was certain that Parliament would be drawn into a struggle with the crown. It was probable that in such a struggle, the House of Commons would be hampered ó as it had been hampered before ó by the House of Lords. Pym rose high above them. He was the first English Statesman who discovered and applied what may be called the doctrine of constitutional proportion. He saw that, as an element of constitutional life, Parliament was of higher value than the crown.

He saw too that in Parliament itself, the one essential part was the House of Commons. On these two facts, he based his whole policy in the contest which followed. When Charles refused to act with the Parliament, Pym treated the refusal as a temporary abdication on the part of the sovereign. When the Lords obstructed public business, he warned them that obstruction would only force the Commons alone ÷to save the kingdom.÷

Pym was determined to see liberty triumph in England. His ride over England with Hampden on the very eve of the elections, had hardly been needed. For the summons of a Parliament at once stirred up the country to a fresh life.

The Puritan emigration to New England, was suddenly and utterly suspended. ÷The change,÷ said Winthrop, ÷made all men to stay in England ó in expectation of a New

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<sup>68</sup> *Op. cit.*, pp. 535f.

World. This would be a "New World" in England itself and not only in North America.

### Further weakening of the English Kingship under Charles the First in 1640

By December 1640, Charles was forced to look on helplessly at the wrecking of the royal system. For the Scottish Army was still encamped in the north. The English Parliament, which saw in the presence of the Scots a security against its own dissolution, was in no hurry to vote Charles the money necessary for their withdrawal.

Now in the closing months of 1640, a paper had been drawn up by the Presbyterian Scot Rev. Alexander Henderson. It was then taken to London by the Scottish Peace Commissioners. Therein,<sup>69</sup> they expounded their desires concerning unity in religion and regarding uniformity of church government as special ways **to conserve peace in his Majesty's dominion.** Compare the letter of Alexander Balfour, from Newcastle, dated 29th December 1640.

In that paper presented by the Scots, they declared it is to be wished that there were one Confession of Faith; one form of Catechism; one Directory for all parts of the Public Worship of God and for Prayer, Preaching, Administration of Sacraments *etc.*; and one form of Church Government in all Churches of his majesty's dominions.

Such latter were then represented by: America, Anglesey, British India, the British West Indies, Canada, the Channel Islands, England, Ireland, the Isle of Man, Scotland, and Wales. Observed the American Warfield:<sup>70</sup> "Here we see enumerated the precise schedule of uniformity which was afterwards [in 1643] undertaken under the sanction of the *Solemn League and Covenant* in respect of all the British Isles.

At this point, some words about John Milton seem appropriate. The 1625 Presbyterians who migrated from Britain to America were followed there in 1630 by a thousand Puritans including many Calvinistic Anglicans under John Winthrop. Indeed, **from 1620 to 1640**, more than twenty-two thousand and perhaps as many as **fifty thousand Puritans sailed to New England** from English and Dutch ports. Such were, declared Milton,<sup>71</sup> **faithful and freeborn Englishmen and good Christians** and constrained to forsake their dearest home..., whom nothing but the wide Ocean and the savage deserts of America could hide and shelter from the fury of the bishops.

Dr. Joseph Hall, the Anglican Bishop of Exeter and incited by Archbishop Laud had published in 1640 a treatise titled *Episcopacy by Divine Right Asserted*. Some thirty thousand treatises on this subject appeared over the next twenty years. By far the most of these, however, were **anti-episcopal**.

Important assailants of Episcopacy included the Scottish Presbyterians Alexander Henderson, Robert Baillie, George Gillespie and Robert Blair. However, the main

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<sup>69</sup> Thus Warfield's *op. cit.*, p. 27 & n. 45.

<sup>70</sup> *Id.*

<sup>71</sup> See J. Milton's *Reformation in England*, Bk. II; as cited in Heron's *op. cit.*, p. 196.

reply to Bishop Hall was delivered by ðSmectymnuusó a collective *non de plume* made up from the initials of the English divines Stephen Marshall, Edmund Calamy, Thomas Young, Matthew Newcomen and William Spurstow. All later became famous members of the Westminster Assembly.

Thomas Young was Milton's tutor. Professor Masson believes Milton himself had a hand in writing this treatise against Bishop Hall. Indeed, even when the Puritan Anglican Archbishop Ussher proposed a compromise ó in his own 1641 *Reduction of Episcopacy* ó Milton still launched a series of refutations. In at least one of them, he championed Presbyterianism.

Milton's better-known *Paradise Lost* has been called the ðEpic of Puritanism.ó Even the Non-Puritan English History Professor J.R. Green conceded that the greatness of the Puritan aim in the long and wavering struggle for law and justice ó left its mark on Milton's *Paradise Lost*.

Professor Dowden stated that apart from the Puritan influence, such works as *Paradise Lost* and *Paradise Regained* are inexplicable.<sup>72</sup> The same is true of John Bunyan's *Pilgrim's Progress*.

### **The English Parliament moves against the King's Supporters in 1641**

The next year, 1641, was packed with action. The king's lackey Strafford was executed. The royal courts of Star Chamber and High Commission were abolished by Acts of Parliament. The House passed the *Root and Branch Bill*. Ship-money was declared illegal. A bill was passed against dissolving Parliament.

Charles, in Scotland, then organized the Royalists there. There was an Irish insurrection, and massacres in Ulster. A bill was enacted to exclude bishops from England's House of Lords. The House of Commons issued the *Grand Remonstrance*. Bishops were impeached. Riots broke out in London.

Brewer explained<sup>73</sup> that the pulpit and the press were delivered from the dread of the Star Chamber and the High Commission. The sentences pronounced against Prynne, Bastwick and Burton were reversed by Parliament. These men were then released from their prisons.

The invasion of England by the Scots had evidently been the cause of the king's reluctant assembling of the English Parliament. The presence of that Scottish Army in England had reduced the king to the subjection in which he was now held. The Commons, for this reason, openly professed its intention of retaining these invaders.

The zeal of the Commons was particularly directed against the bishops and the Established Church. It introduced a bill for prohibiting all clergymen the exercise of any civil office. As a consequence of this, the bishops were to be deprived of their seats in the House of Peers. The bill was rejected by a large majority of the House of Lords, however.

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<sup>72</sup> See Heron's *op. cit.*, pp. 168-73.

<sup>73</sup> *Op. cit.*, p. 380.

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Among other Acts, the Commons issued orders for demolishing all images, altars and crucifixes (in January 1641). Charles, who was now aware of the uselessness of resistance, opposed (in February 1641) it for as long as he could and the bill for assembling a Parliament at least once in three years.

By a statute passed during the reign of Edward III (A.D. 1327-77), it had been enacted that Parliaments should be held by the king once every year or more frequently, if necessary. It was now enacted that, if the Chancellor failed to issue writs on the 3rd of September in every third year or any twelve or more of the Peers could be empowered to exercise this authority. Nor could the Parliament or after it was assembled or be adjourned, prorogued or dissolved without its own consent during the space of fifty days.

The king's favourite Thomas Wentworth or alias Earl Strafford or was the Lord Deputy of Ireland. Through acts of ruthless despotism, Strafford had boosted revenue in Ireland and elsewhere or and raised up Roman Catholic Irish soldiers to fight the Presbyterian Scots (and thereafter to threaten the English Puritans).

The English Commons therefore now proceeded against Strafford by bill of attainder. Thereby, the Commons would not only indict but or together with the Lords or also judge the accused. Their course of action, admitted History Professor J.R. Green,<sup>74</sup> has been bitterly censured by some whose opinion in such a matter is entitled to respect.

But the crime of Strafford was none the less a crime or even if it indeed be so that it did not fall within the scope of the *Statute of Treasons*. Strafford's course, whether it fell within the *Statute of Treasons* or not, was from beginning to end an attack on the freedom of the whole nation. In the last resort, a nation retains the right of self-defence. The bill of attainder is the assertion of such a right or for the punishment of a public enemy who falls within the scope of no written law.

Professor Brewer explained<sup>75</sup> that about eighty Peers had constantly attended Strafford's trial. Only forty-five were present when the bill of attainder was brought into the House. Yet, of these, just nineteen voted against it.

The king now made a new effort on his behalf. Charles sent a letter in his own hand, addressed to the House of Lords or entreating them to confer with the Commons and spare the Earl's life.

Parliament ignored the king's plea. So the king capitulated, and assented to Strafford's execution (on May 12th 1641). On the same day that the king gave his assent to the execution of Strafford, he likewise sanctioned a bill which had been carried rapidly through both Houses. This was a measure that the Parliament should not be dissolved, prorogued or adjourned without its own consent.

A bill was also passed to abolish the courts of High Commission and Star Chamber. By the same bill, the jurisdiction of the king's Council was regulated or and

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<sup>74</sup> *Op. cit.*, p. 539.

<sup>75</sup> *Op. cit.*, pp. 384f.

its authority abridged. Thirteen of the bishops were impeached for their share in making the canons of 1640. Thus Brewer.

### **The Root and Branch Bill and the Erastian-Puritan Parliament**

On May 27th 1642, the *Root and Branch Bill* was passed. This was as a result of Parliament receiving a petition signed by no fewer than fifteen thousand citizens.

As Warfield explained,<sup>76</sup> the personal attendance of some fifteen hundred gentlemen of quality when it was presented to Parliament ó lent weight to its prayer. This was to the effect that ðthe government of Archbishops and Lord Bishops, Deans and Archdeacons...with all its dependencies, roots and branches ó may be abolished.ö The aim was further to voiden all laws on their behalf ó ðso that the government according to God's Word may rightly be placed amongst us.ö

Now in Parliament the great majority of leading men had been **Anglicans** who were **Puritans** (with Presbyterian **tendencies**). The Independents were for the present prepared to act with them. But there was very little knowledge among the Members of the English Parliament ó as to what Presbyterianism really was.

Marriott remarks very justly that ó even though basically Calvinistic ó the dominant sentiment of the ðLong Parliamentø as regards the Church was neither Episcopalian, Presbyterian nor Independent. Though Calvinistic, it was also Erastian. It was not until October 1641 that at length a bill excluding the bishops from secular activities was passed by the Commons.

A small Committee of both Houses attended the king on his journey into Scotland ó in order to see that the *Articles of Pacification* were executed. Besides the large pay voted to the Scots for lying in good quarters for twelve months, the English Parliament conferred on them a present of three hundred thousand pounds for their brotherly assistance.

In the *Articles of Pacification*, the Scots were declared ever to have been good subjects of the king. Their invasions of England were approved of ó as enterprises ðcalculatedø and ðintendedø for his Majesty's honour and advantage.

In Scotland, as in England, the king was obliged to strip himself of his most valued prerogatives. Several of the Covenanters were sworn in on the Privy Council. The king, while in Scotland, conformed himself entirely to the services of the Kirk. He attended with great gravity the long prayers, and the longer sermons, with which the Presbyterians endeavoured to regale him.

### **Dangerous rebellions in Ireland unsettle also England**

According to Brewer, while the king was employed in pacifying the commotion in Scotland, a dangerous rebellion had broken out in Ireland. Strafford had formerly raised the army in Ireland from three thousand to twelve thousand men ó with the

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<sup>76</sup> *Op. cit.*, pp. 70f.



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secret design of employing them to maintain Charles's power in England. The Parliament insisted on their being reduced to their original number. By this means, however, not only was the Standing Army in Ireland greatly reduced but a large body of discontented Papists, trained to the use of arms, was suddenly turned loose on society. The so-called "Older Irish" or viz. Iro-Celts and Anglo-Irish Romanists also resolved to take advantage of this.

As the *Historians' History* observed,<sup>77</sup> on the 22nd of October 1641, MacMahon informed the Lord Justices of Ireland that a general conspiracy had been prepared. The Roman Catholics were on a certain day and hour to make themselves masters of all the fortresses, especially the castle of Dublin and to massacre all the Protestants without exception.

Notwithstanding a fortuitous leakage of this information about **three hundred thousand Protestants were murdered within a short time in a most dreadful and cruel manner**. Such is the tenor of the story. The happy Irish had no grounds for discontent, and had been seduced only by superstitious and infuriated priests.

History Professor Brewer explained<sup>78</sup> that a massacre commenced on October 13th 1641. No age, no sex, and no condition was spared. The Protestant English, as "heretics" abhorred by God, were marked out for slaughter. The English colonies were almost annihilated in the open country of Ulster. Thence, the flames of rebellion diffused themselves over the other three provinces of Ireland.

Not content with expelling the Protestant English from their Irish homes, the Romish Iro-Celts despoiled them also of their manors and cultivated fields. Indeed, they also stripped them of their clothes and turned them out, naked and defenceless, to all the inclemency of the season.

The English "of the pale" or alias the ancient Anglo-Irish "planters" who were all Roman Catholics and were probably not at first in on the secret. They pretended to blame the insurrection, and to detest the barbarity with which it was accompanied. By their protestation and declarations, they engaged the English Justices resident in Ireland to supply them with arms which they promised to employ in defence of the English Government.

But in a little time, the interests of religion were found more powerful than regard and duty to their "mother country" England. They chose Lord Gormanston as their leader. Then, joining the older Celto-Irish, they rivalled them in every act of violence towards the English Protestants in Ireland.

**The English Parliament's *Grand Remonstrance*  
on the state of the nation**

Now the king was not a Romanist, but a High-Church Anglican. To him the Scots could grant no further aid than to despatch a small body to support the small clusters

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<sup>77</sup> *Op. cit.*, 19:608.

<sup>78</sup> *Op. cit.*, pp. 387f.

of Scottish colonies in Ulster. (Only later in 1642 was the first presbytery of the Presbyterian Church of Ireland organized, and at first only on a small scale.)

Charles was aware of his utter inability to subdue the Iro-Celtic and Anglo-Irish Romanist rebels. So he then found himself obliged, in this exigency, to have recourse to the English Parliament.

The Irish rebellion had increased the British Parliament's animosity against Romanism, especially in England and Wales. Yet, while the Commons indeed professed the utmost zeal against Rome, the former still took no steps towards its suppression. Thus Brewer.

The necessity to which the king was now reduced; his facility in making concessions fatal to his own authority; the example of the Scots all combined to encourage the Commons to impair the prerogatives of the monarchy. The leaders of the popular party thought proper to frame a general *Grand Remonstrance* on the state of the nation.

It consisted of evident truths. Whatever invidious, whatever suspicious, whatever questionable measure had been embraced by the king from the commencement of his reign is insisted on with merciless rhetoric.

Such measures included: his unsuccessful expeditions to Cadiz; his sending of ships to France for the suppression of the Huguenots; his forced loans; his illegal confinement of men for not obeying illegal commands; his violent dissolution of four Parliaments; his arbitrary government; his questioning, fining, and imprisoning of Members for their conduct in the House; his levying of taxes without the consent of the Commons; and his introducing of superstitious innovations into the Church, without the authority of law. All its grievances, said the Commons which amounted to no less than a total subversion of the *Constitution* proceeded entirely from the combination of a popish faction.

Still, the opposition which the *Remonstrance* met with in the House of Commons was great. For about fourteen hours, the debate was warmly maintained. The vote was at last carried by a small majority of 159 to 148 on November 22nd 1641. It was two o'clock in the morning when a Member at once sprang to his feet and moved that, without waiting for the concurrence of the Lords, the *Remonstrance* should be printed.

English History Professor J.R. Green has recorded<sup>79</sup> that both Houses then swore to defend the Protestant Religion and the public liberties. The *Remonstrance* was felt on both sides to be a crisis in the struggle. "Had it been rejected," said Cromwell as he left the House, "I would have sold tomorrow all I possess and left England for ever!"

The question which had above all broken the unity of the Parliament, had been the question of the Church. All were agreed on the necessity of reform. Indeed, one of the first acts of the Parliament had been to appoint a Committee on Religion to consider the question.

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<sup>79</sup> *Op. cit.*, pp. 540f.

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The bulk of the Commons ó as of the Lords ó was at first against any radical changes in the *Constitution* or doctrines of the Church. But within as well as outside the House, the general opinion was in favour of a reduction of the power and wealth of the Prelates.

There was, however, a growing party which pressed for the abolition of Episcopacy altogether. The doctrines of the English Presbyterian Cartwright had risen into popularity under persecution by Laud. Presbyterianism was now a formidable force among the middle classes.

**The English Parliament resolves to convene  
the Westminster Assembly**

Now the above *Grand Remonstrance* ó explains Warfield<sup>80</sup> ó was designed to reduce within bounds that exorbitant power which the Prelates had assumed unto themselves. Then, through the appointment of the Westminster Assembly of divines, a further aim was to set up a juster discipline and government in the Church.

The *Remonstrance* proceeded thus: "We desire there may be a General Synod of the most grave, pious, learned and judicious divines of this Island ó namely of England and Scotland and Wales. Divines would be invited also from Ireland, augmented by some even from foreign places outside of the British Isles.

Representatives actually came not only from England and Wales and Scotland, but also from the Channel Islands and Ireland and France. Indeed, yet others were invited even from New England in North America. All such were those professing the same religion ó who would consider all things necessary for the peace and good government of the Church, and represent the results of their consultations unto the English Parliament thereby to find passage and obedience throughout the kingdom.

Accordingly, the English Commons from February 1642 onward started preparing for such a Synod ó the Westminster Assembly. Warfield explained that the names of suitable ministers to sit there, were canvassed. Selection was made of two divines from each English and one from each Welsh county, two from the Channel Islands and from each University, and four from London.

A bill was passed through both Houses (May 9th to June 30th 1642), commanding the Assembly so constituted to convene on July 1st 1642. The king's assent failing, however, this bill lapsed.

This happened five times. The English Civil War then broke out on August 22nd 1642 ó with the army of the king then attacking that of his own Parliament. Finally, however, a sixth bill was prepared ó and read in the Commons as an ordinance on May 13th 1643. Then ó having been agreed to by the Lords on June 12th 1643 ó it was put into effect without the king's assent. The Westminster Assembly then later met for the first time ó on July 1st 1643.

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<sup>80</sup> *Op. cit.*, p. 11.

Meantime, as English History Professor J.R. Green observed,<sup>81</sup> in the Commons, Sir Harry Vane represented a more extreme party of reformers ó the Independents of the future. Their sentiments were little less hostile to Presbyterianism than to Episcopacy. Yet the Independents acted with the Presbyterians for the present, and formed a part of what became known as the Root and Branch Party ó from its demand for the extirpation of Prelacy. The attitude of Scotland in the great struggle against tyranny, however, then gave force to the Presbyterians in England.

Brewer claimed<sup>82</sup> that the majority of the Peers who had hitherto supported the Commons, now adhered to the king ó though a few (like the Earl of Northumberland, the Earl of Essex, and Lord Kimbolton) still took the opposite side. As the bishops were prevented from attending Parliament by the dangerous insults to which in particular they were exposed, twelve of them drew up a remonstrance to the king and to the House of Lords.

Therein they protested that all laws, votes and resolutions were null and invalid ó if passed during the time of their constrained absence. The opportunity was seized with joy and triumph by the Commons. An impeachment of high treason was immediately sent up against the bishops ó as endeavouring to subvert the fundamental laws and to invalidate the authority of the Legislature.

Parliament had **already** become more Calvinistic. Unfortunately, it now also started to become more radical ó if not ultimately to border even on the somewhat revolutionary.

As Atlanta Law Professor Berman points out in his book *Law and Revolution*,<sup>83</sup> in 1641 the Puritan Thomas Case told the English House of Commons: òReformation must be universal. Reform all places, all persons, and callings! Reform the benches of judgment, the inferior magistrates! ... Reform the universities! Reform the cities! Reform the counties! Reform inferior schools of learning! Reform the sabbath! Reform the ordinances, the worship of God!ö

### **The Royal Impeachment of Parliamentarians foreshadows a military clash**

In the fateful year 1642, five Members of Parliament were impeached. By April, Parliament called for the appointment of the Westminster Assembly ó a counsel of judicious divines to promote religious uniformity in the British Isles. It was proposed two divines be appointed for each county, and for each university in England and also for the Channel Islands.<sup>84</sup>

The Commons had to hide away in London. Both sides struggled to gain control of the militia. Charles was refused arms at Hull. His nephew Prince Rupert was appointed to lead the Royalists. Lord Essex was appointed to lead the Puritans. The

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<sup>81</sup> *Op. cit.*, pp. 541f.

<sup>82</sup> *Op. cit.*, pp. 389f.

<sup>83</sup> *Op. cit.*, p. 564.

<sup>84</sup> Heron: *op. cit.*, p. 213.

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Royalists abandoned Parliament, and Charles on 22nd August 1642 set up his military standard at Nottingham.

But now, Reid recorded,<sup>85</sup> the king completely laid himself bare ó by a most imprudent and fatal step which speedily produced the most dismal consequences. He proffered an impeachment of high treason against Lord Kimbolton alias Lord Manchester, the famous Presbyterian who was yet to become a general in the Parliamentary Army. Charles prepared impeachments also against five Members of the House of Commons ó viz. Pym, Hambden, Hollis, Haslerig, and Strode.

English History Professor Brewer explained<sup>86</sup> that a few days thereafter, the king was betrayed into an act of indiscretion which was followed by most disastrous results. He had discovered that six of the foremost leaders of the opposition had entered into correspondence with the Scots during their invasion of England.

So, on January 3rd 1642, he sent Herbert ó the Attorney-General ó to impeach them in the House of Peers. To the demand made the same day by a serjeant-at-arms for the arrest of the five Members, the Commons returned an evasive answer.

The king made his appearance at the doors of the House of Commons. As he moved to the doors, shouts of -Privilege! privilege!ø ó against his actions there ó followed him from all sides. The House immediately adjourned.

Appointing a Committee to sit at Guildhall, it put forth a declaration that the king's proceedings were a breach of its privileges. One of the populace drew nigh to the king's coach. The commoner threw in a paper, on which was written: "To your tents, O Israel!" These were the words employed by the Israelites when they abandoned Rehoboam, their rash and ill-advised Sovereign. First Kings 12:16.

The king then sent a message to the Lord Keeper on January 20th 1642 that he never intended to violate the privileges of the House, and would clear all doubts in a reasonable way. He also offered to take any of their grievances into consideration. He openly announced that he had abandoned the charges against the accused Members. But these concessions were only met by fresh demands.

A bill was introduced, and passed the two Houses, which restored to lieutenants of counties and their deputies the powers of which they had been deprived. These consisted entirely of men in whom the Parliament could confide. For their conduct they were accountable ó by the express terms of the bill ó not to the king but to the Parliament (March 5th 1642).

Charles attempted to postpone and evade the bill; but the Commons pressed it upon him, and asserted that unless he speedily complied with their demands ó they should be constrained to dispose of the militia by authority of both Houses. Charles replied by a remonstrance. Lest violence should be used to extort his consent to the *Militia Bill* ó he removed by slow journeys to York.

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<sup>85</sup> *Op. cit.*, p. xxii.

<sup>86</sup> *Op. cit.*, p. 389f.

The king here found marks of attachment beyond what he had expected. From all quarters of England, the prime nobility and gentry, either personally or by messages and letters, expressed their duty towards him and exhorted him to save himself and them. The forces, which had everywhere been raised on pretence of the service in Ireland were henceforth openly enlisted.

Recruiting into the Parliamentary Army, was even more rapid. In London, no less than four thousand men enlisted in one day. Within ten days, vast quantities of plate were brought to the treasurers. The women gave up all the plate and ornaments of their houses, and even their silver thimbles and bodkins, in order to support the good cause against the malignants. On the other hand, the Queen by disposing of the crown jewels in Holland had been enabled to purchase a cargo of arms and ammunition, a portion of which reached the King. Thus Professor Brewer.

### Countdown to the outbreak of the English Civil War

English History Professor J.R. Green observed<sup>87</sup> that the Lords were scared out of their policy of obstruction. This was achieved by Pym's bold announcement of the new position taken by the House of Commons.

The Commons, said their Leader to the Lords, will be glad to have your concurrence and help in saving the kingdom. But even if the Lords fail of it it would not discourage the Commons in doing its duty. And whether the kingdom be lost or saved, they would be sorry that the story of this present Parliament would tell posterity that in so great a danger and extremity the House of Commons alone should be forced to save the kingdom!

The effect of Pym's words was electrifying. It was seen in the passing of the bill for excluding bishops from the House of Lords.

History Professor Brewer recorded<sup>88</sup> that the Members of Parliament on June 2nd 1642 now sent the conditions on which they were willing to come to an agreement. They required that no deed of the king should have any validity unless it passed the Council, and was attested under their hand. All the officers of State and principal judges would be chosen with consent of Parliament, and enjoy their offices for life. The votes of popish lords, would be excluded.

War on any terms was esteemed by the king and all his counsellors as preferable to so ignominious a peace. Collecting therefore some forces, Charles advanced southward. At Nottingham, he erected his royal standard on August 22nd 1642.

According to Von Raumer's *Political History of England*,<sup>89</sup> the struggle had thus been begun by both sides in word and deed. It seems merely a symbol that the king on the 22th of August 1642 caused the royal standard to be raised at Nottingham. It bore a hand pointing to a crown, with the motto: "Render unto Caesar the things that are Caesar's!"

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<sup>87</sup> *Op. cit.*, p. 546.

<sup>88</sup> *Op. cit.*, pp. 393f.

<sup>89</sup> V. von Raumer: *Political History of England*, as cited in the *Historians' History* (19:628).

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In the first night, a dreadful storm threw down the standard from the eminence on which it had been erected. It could not be replaced till two days afterwards. This accident was considered by many as a bad omen.<sup>90</sup>

It was, however, no accident at all. For this was a providential and potent portent of new constitutional challenges very soon to come.

First, however, before discussing the English Civil War and its important aftermath, we must look at the Westminster Assembly and its actions. It had been convened before the outbreak of the War and was intended probably at least in part as a serious measure to try to prevent it.

The 1643-47 Assembly was in session throughout most of the 1642-49 Civil War. Both then and later, the Assembly exerted a World-wide theological and political influence far in excess of the English Civil War itself. Accordingly, it is to a detailed consideration of the Assembly as such to which we must next turn.

### **Summary of Puritanism during the reign of Charles I (1625-1642)**

Summarizing, we have seen that England became both politically and religiously destabilized, especially during the 1625-1642 reign of King Charles I. The aftermath of King Charles the First's unsuccessful attack on Spain, was dissatisfaction about the monetary levies which that entailed. There were also attacks against the king's favourite Buckingham, by reason of the international military ineptitude which he had displayed.

Sir Edward Coke's Parliamentary *Petition of Right* of 1628 accordingly came down in the name of *Magna Carta* against forced loans, arbitrary imprisonments, the billeting of soldiers, and the overriding of Common Law by Martial Law. In England, Charles's Antinomian Anglicans clashed more and more with Coke's Christonomic Calvinists. Indeed, also the Scots became increasingly disenchanted with Charles when he attempted to erastianize and ritualize them too.

There was increasing persecution of Puritans in England, especially by that Antinomian and Arminian Anglican, Archbishop Laud. This was accompanied by our Scottish resistance to Episcopalianism, and especially to Erastianism. English Puritans, and even Members of Parliament, were harshly dealt with especially in the Star Chamber. However, it was Scottish events which now precipitated a showdown against King Charles.

Determined to preserve their Calvinism against the inroads of both English and Scottish Anglicanism, the Scots repudiated both outright Romanism and re-romanizing Episcopalianism in their *National Covenant* of 1638. Solidly committed to upholding the Law of God and the law of the land, it required royalty to do the same. The epoch-making consequences of the Scottish *National Covenant* impacted upon the later production of the international *Solemn League and Covenant* between the several lands of the British Isles in order to promote there a common religion and church government.

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<sup>90</sup> *Id.*

The furious Charles reacted by conducting a futile war, from England, against the Scots ó after the latter had subscribed to their 1638 *National Covenant*. They themselves then responded in 1640, by successfully invading Royalist England ó to the delight of the Puritan English Parliament. This produced a further weakening of the English kingship, especially when the Parliament of England moved against the king's supporters in 1641.

That Erastian-Puritan Parliament introduced a bill to wipe out episcopal preferences -root and branch.ø At the same time, dangerous Anti-Protestant rebellions by Celto-Irish and Anglo-Irish Romanists in Ireland further unsettled also England.

The English Parliament then drew up a *Grand Remonstrance* on the state of the nation. It resolved to convene the Westminster Assembly ó seeking to save the situation and secure international religious harmony throughout the British Isles (and even to export the same to America and to France).

The royal impeachments of parliamentarians, however, foreshadowed an approaching military clash. Charles raised his army at Nottingham, and the Parliamentary Puritans likewise prepared their army.

Parliament passed a bill in April 1642, ordering the Westminster Assembly to convene. But the king refused to sign the bill, and instead started marching southward and toward Parliament in London ó during August 1642.

If only the king had signed the bill in April 1642, and also signed the *Solemn League and Covenant* ó as did the Westminster Assembly and the English and Scottish Parliaments ó civil war and also the resultant international wars within the British Isles may well have been avoided. This will become clear from our following chapters, when we will deal successively with: the Westminster Standards; the British Civil War; Cromwell's Commonwealth and the Royal Restoration; and the Glorious Revolution and British *Bill of Rights*.