

THE LIFE, WORK AND TIMES
OF
SAMUEL RUTHERFURD.

A History of the Development of the Second Reformation
in Scotland.



D. Litt. Thesis by W.M. Campbell.



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FOREWORD.

No complete study has yet been made of the great Apologist of Scottish Prebyterianism. Accounts of his life and works have either been uncritical romance or apology mingled with deprecation. The Evangelicals enthused, the Moderates sought to regard him as a religious eccentric. He has been, and rightly, remember^{ed} by his Letters, and by some uncritical praise of his, Lex Rex; his real achievement in formulating the standards, defending the doctrines, and moulding the spirit of his Church, has been passed by. It is usual to concentrate on the statesmanship of Alexander Henderson at the time of the National Covenant, forgetting the patient work of the men who made it a national act of faith, and who later added the solid flesh to the bones, which he so ably resurre^xted and knit together. Rutherford's life is the history of the complete re-habilitation of the Scottish Church, a rehabilitation which the Restoration could not destroy. He was in a real sense the creator of the South West party, which, extremist though it was, did so much by its resolute resistance to preserve the traditions of the Kirk.

He is the historical epitome of the Church's movements towards the establishment of Presbyterianism, the achievement of freedom from State control, and the assertion of a disciplinary jurisdiction which even entrenched ^{upon} ~~on~~ that of the civil power, as well as of his Nation's somewhat less conscious efforts to free herself from the feudal fetters which stunted her expansion in social progress and commercial enterprise. If his thought is involved, complex, and sometimes seemingly contradictory, it is because the causes which he espoused were so confused in an inextricable tangle by the march of events that no statesman of his age could solve the problem of their /

/their peaceful reconciliation.

The close study of his life reveals certain important features in the establishment of the Church of the Covenant not hitherto emphasised. His life as a minister at Anwoth reflects the policy of the Nobles, alienated by the Act of Revocation, to use their patronage to procure an anti-Episcopal Church and Nation. It shows that between the years of 1628 and 1638 a tremendous work was done in the Presbyterianising of Scotland. There followed, ten years later, the 'Engagement'. A full study of the politics of this embroglio is made, because it is the feudal attempt to subjugate the Kirk which they had placed in power, an attempt which the Kirk led by Rutherford and by men who had been schooled for the past six years in his religious and political doctrines resisted successfully. Finally, the carrying out of some of his disciplinary principles, beyond the point of practical wisdom, brought on the fatal rupture of the years of Protester and Resolitioner. Feudalism was beset in turn, by Charles, by the Kirk and by Cromwell; it changed its alliances and shaped its policies between 1625 and 1660 as best it could, to preserve its own interests. In 1660 the Feudal interest achieved a dying triumph - for Charles, the Church, and Cromwell, all in different ways, but all the more effective for the different angles of their attack, had already emaciated the power and prestige which the Union was to destroy for ever. The Church was established in, and in a sense by, the death throes of Feudalism, and an attempt will be made to study her fortunes in this relationship, especially since Rutherford was in large measure the founder of the South West 'democratic' party, which was consistently anti-Feudal, but only anti-Monarchic, when the /.

/ the Feudal and Monarchic interest, became identified. The complex -plicated Resolutioner - Protester controversy will be seen in some of its aspects to be the projection of the clash between feudalist and anti-feudalist into the affairs of the Church. Similarly, Glencairn's Lilliputian stampede is significant as a Feudal re-action to the Cromwellian regime.

Rutherford spent half of his active political life in Scotland under this regime, and hated it. He was a fervent Scottish Nationalist. But Scotland owes more, ecclesiastically, and less economically, to Oliver Cromwell than has been generally held. The suppression of the General Assembly was a blessing in disguise, for it prevented the staging of a bitter strife on a central national arena. He gave the land peace to establish the Westminster Standards, but newly acquired. Even Monk's pacification of the Highlands was not without effect, for it enabled the Church to evangelise in districts hitherto untouched. On the other hand, the efficient taxation and the reformation of the excise, though long needed fiscal reforms, further impoverished a poor country, and made the Restoration to be welcomed with enthusiasm. They thus contributed to the momentarily popular support for the reactionary party which in vindictive spite temporarily overthrew the Presbyterian Kirk. The whole social and economic condition of Scotland between 1625 -1660 in no small way determined the nature, the politics and the fate of her Kirk both then and after, and in that setting the Kirk is here placed rather than in the campaigns of ~~Montrose~~ ^{Kilsyth}, of Preston, and of Dunbar.

This does not minimise the power of a nation's faith, and the work of the men who created it and made it a mighty force. They used /

used the opportunities and conditions of their time, and sometimes misused them. The Sol~~l~~mn League and Covenant is generally classed as ill-advised Scottish Presbyterian opportunism. Perhaps it was. ~~But it was not arbitrarily attempted imposition.~~ But England was intent on destroying the Laudian system, and was seeking another which she could ~~set up~~ ^{erect}. She was a free consenting party to the machinery ~~set up~~ ^{erected} to establish Uniformity in the two Nations, though many Englishmen wrongly interpreted their own creed as Presbyterian, because they were for the time being politically anti-Episcopalian. Scotland cherished her Presbyterianism because she had fought for it and won it; it was not only a national faith, it was a symbol of national freedom; her zealous desire to share it with her neighbour, if a mistake, was the outcome of national exuberance in her new-found liberty.

The moral suasion by which Scotland sought to have Presbyterianism adopted by her Southern neighbour is manifested in the work of her ecclesiastical Commissioners at the Westminster Assembly. They dominated that Assembly, sometimes domineered it. Their influence in debate was out of all proportion to their number, for only Rutherford and Gillespie debated much. As far as the standards of Government, Discipline and Worship are concerned, Scottish argument and practice dictated most of their content, though there are some interesting deviations from former Scottish theory and practice, due to strong Independent influence, some of which were sponsored by Rutherford. In one field, however, the Scots were ~~acted upon~~ ^{influenced}; the Scottish Commissioners brought home a more rigid theology from Westminster than that hitherto prevailing in Scotland. Yet the treatment of Dr. Strang at /

/ at the Assembly of 1639 shows that even before Westminster, as a counter to Arminianism, Scottish theology is assuming an ultra-Calvinist shape. Rutherford was the prime leader in this theological movement. He led the forces of supra-lapsarianism at Westminster, and in Scotland on his return, taught a supra-lapsarian interpretation of the doctrinal standards. He deeply influenced the theology of his own, and later, generations in Scotland.

Preacher, propagandist, political theorist, scholar, theologian and apologist of Presbyterianism, he excelled in all these roles. He was the mind of the Church in the Second Reformation. It has been found possible to condemn the bigotry, sneer at the enthusiasm and ridicule the achievement of the Westminster Divines, and the Church they furnished with discipline and doctrine, and their very apologists have made a half hearted defence. The best defence is to watch them at work, and scrutinise closely the building up of the doctrines that shaped their creed and dictated their policy. In no other writer of the period can this be done in fullness except in the works of Samuel Rutherford. A close study of five of his major works is, therefore, made in this thesis. He will be condemned by many as an extremist, but a good part of his life was spent fighting other extremists, and to understand what a man is fighting certainly explains, even if it does not condone, his extremism. He is the greatest apologist and scholar of Scottish Presbyterianism; he is possibly the greatest preacher his Church has possessed; he is certainly amongst the first three of her theologians. In short, he is the greatest divine of the Church of Scotland.

EARLY YEARS

Samuel Rutherford was born about the year 1600. Nisbet in the parish of Crailing was almost certainly the place of his birth. There are two conflicting statements regarding his parentage. McWard, his amanuensis and student, says he was a "gentleman by extraction."¹ Wodrow writes, "he was of poor but honest parents."² The truth lies probably between these two. McWard's stated intention in the preface to Joshua Redivivus is to recall to the nobility and lairds the part played by their fathers in the establishment of Covenanted religion, in order that they may be persuaded to support the Covenanting cause. This propagandist objective, coupled with the hero worship of a student for a teacher, and of a Covenanter for a martyr, not unnaturally causes him to claim Rutherford as a gentleman by extraction. Wodrow, on the other hand, the exalter of the faithfulness and steadfastness of the poor, the humble and the oppressed, under the persecution of an apostate nobility, with a Scotsman's sentimental admiration for the success of independent poverty, claims him, without too much regard for facts, as being of ^{mean} poor, but honest parents. It is more than conjectural that he belonged to the class of 'bonnet lairds'. There seems good reason for believing that his parents, even in a Scotland of depreciated currency and bad economic conditions, due to the loss of French and Flemish trade, were, if not affluent, at least comfortably circumstanced.³ ~~The fact that his mother resided with him in Inwath and that none of his brothers seems to have inherited property in Nisbet, suggests that his father was a rather 'wool to do' tenant farmer, whose property was shared by his family on his demise.~~ Ruther-

furd/ 1 Preface to Joshua Redivivus B2.
2. Life of Samuel Rutherford (Thomas Murray) 2.
3. Vide Additional Note 1. p. 874.

furd himself, despite the poor stipend in Anwoth, his exile to Aberdeen, the expenses of his stay in London, never once refers to a personal need of ready money. On the contrary, he was able to afford two Edinburgh doctors for his wife in Anwoth, his library even then was a good one, and despite the vicissitudes of his fortune, his will is not that of a man in straitened circumstances. On the whole it may be gathered that, if he was not born with the proverbial silver spoon in his mouth, it was at least one of good Scots pewter.

There is no evidence as to where Rutherford received his education. His only reference to the place of his birth suggests that it was lacking in cultural and religious facilities. Murray's inference that he was schooled at Jedburgh seems feasible. From there he went to Edinburgh in the year 1617. The ultimate object of his early studies at the University is uncertain. Law may have been his intention. His works show a mind with a legal and casuistic bent. He is the one Scottish theologian to venture into the realm of pure law, as divorced from its ecclesiastical aspects. He himself says his youth was not by any means religious, but this is in his characteristic strain of rhetorical self depreciation. Letter LXI, written in late July 1636, states that for sixteen years he has desired to suffer for Christ. This would date a "conversion" or call about 1620 or 1621 as he was nearing graduation (1621). From this time he became set on the ministry and his appointment to the Regentship of Humanity afforded him further opportunity of study for it.

In 1623 he secured this charge, although, in the examination, he

1 Letter 334
 2. Life of Rutherford, 4.

had in the opinion of the judges shown inferior Latinity to another competitor. "The whole regents out of their particular knowledge of Mr. Samuel Rutherford demonstrated to them his pre-eminent abilities and virtuous disposition wherewith the judges declared him successor to the regentship of Humanity." Principal Boyd's influence, for although deposed, he continued resident in Edinburgh, may have helped in Rutherford's election.

His tenure of office was brief. "In the end of this year (1625)," writes Crawford, "Mr. Samuel Rutherford, Professor of Humanity having given some scandal in his marriage, was forced to demit his charge." Round these words centre the whole controversy of the "Rutherford scandal." Many with flair for the dramatic rather than taste for the critical, have held him guilty, while revering him as a second Augustine. Yet the only objective evidence that can be adduced is an accusation by Principal Adamson which is never minuted as proved. In the Records of the Town Council of Edinburgh, February 3rd, 1626, appears "Forasmeikle as it being declared by the Principal of the College that Mr. Samuel Rutherford, regent of Humanity has fallen in fornication with Euphame Hammiltoun and has committed ane great scandal in the College and likewise has since divestit himself from his charge therein, therefore, electis and nominates.....to convene.....for depriving of the said Regent gif any scandale shall happen to fall furth his person." Adamson, the accuser, was a member of the Court party, and anxious to get rid of a colleague who, since the advent of Boyd, had been increasingly outspoken in his comments on the prevailing system. The accusation

1 Crawford, Hist. of Edin. Univ. 96-97

2 Crawford, " " " " " " .03-4

follows close on the conflict between Robt. Rankine, Regent of Philo-¹sophy, and Rutherford over the precedence of their respective chairs. Rankine was a 'die hard' Episcopalian and creature of Sir John Hay, Clerk Register, that "slave to the Bishops and the Court."² There was thus motive for getting rid of him. Adamson probably made Rutherford's marriage without his knowledge and consent,³ along with some idle rumours, the grounds of his charge. The later practice of the Presbyterians themselves in indicting the Bishops showed how easily such ill-founded charges could be made, used and acted upon. This specific charge was never minuted as proven. The Town Council records of March 29th, 1626, cites the same commission of investigation, meeting "for the trial and planting of the Regent in place of Mr. Samuel Rutherford who has made demission of the same." There is no reference to guilt, and no formal deprivation. Thos. Crawford is reported to be "both mett and qualified for the charge." Crawford in his History himself adds, "according to the wonted bounty of the city Mr. Samuel Rutherford had an honest gratification at his demission." Such would hardly have been paid to one notoriously 'scandalous'. A fair interpretation of the evidence would be that Rutherford, vexed by contention with his colleagues, and resentful of their intrigue, resigned in disgust. The subservient Town Council which had let Boyd go, were only too glad to have him gone on any pretext and salved their conscience with an 'honest gratification' and the omission in the second minute of the charge they could not and did not substantiate.

1 Crawford, Hist. of Edin. Univ. 103-4
 2 Balfour's Annals, II, 193
 3. Vide Additional Note p.876.

Evidence of a more positive nature comes from Baillie. In 1637 writing an direct reply to a query of Spang concerning Rutherford, he says, "the man is godly and a pretty scholar." He was then by no means favourable to Rutherford's opinions, and had he known anything 'scandalous' he would have narrated it. There is no such mention. Further, neither the Bishops, nor Maxwell his most violent antagonist, nor any of his opponents - and he had many in his "tempestuous political and polemical life" - ever names him scandalous, or fornicator. In these days a controversialist with a past seldom got off so lightly.

The circle of Rutherford's Edinburgh friendships precludes the idea that it was one in which he would fall into such a sin, or which would tolerate a man avowedly scandalous;- Baillie Fleming of Leith, John Mein, William Rigg of Athernie, Baillie of the city - a man who "had the spirit of a magistrate beyond many being a terror to all evil doers."² - Boyd of Trochrigg, Lord Criaghall even then connected with the University. It is even more improbable that he would have "dealt with" them in the hortatory & even rebuking style of his later letters to them, if they had known him as a scandalous man, or that they would have written to him in the respectful manner they did. Murray in Appendix B of his biography gives the registry of the birth of Rutherford's child, with Andrew Stevenson as witness, April 14th, 1626. Concrete evidence of fault there could not be, for that opposer of the Perth Articles, would have been no witness to a child born or conceived in sin. References to his own sinful youth throughout his letters may be discounted as rhetorical self depreciation, but letter LXI

1 Livingstone "Characteristics". Select Biographies, Vol. 1

already quoted as expressing his desire "to suffer for Christ" from 1620 states a strange ambition for a fornicator. Finally there is the phrase in Letter CLXII in which he confesses his sinfulness "except for open outbreaking." The charge brought against Rutherford was of the same category as many of those brought against the Bishops in 1638. When he resigned in disgust, or despair, the object of getting rid of him was achieved, and the charge dropped. The experience deepened that curious introversion of his mind, which though it poured itself out to others is often in reality engaged in building an inward heaven for itself; indeed he encourages such a practice in his hearers. He could write with feeling¹ in 1630 "Innocence and an upright cause is a good advocate before God."

What was the early speculative theological and ecclesiastical environment in which Rutherford lived? Founded in 1582, the College of Edinburgh had no long tradition. What traditions there were, were only mildly Presbyterian, certainly Erastian. Rollock, the first Principal was a "man of good conversation, a powerful preacher, but simple in matters of Church government."² Charters (1600-1620) who followed was of like nature. Sands was incapable (1620-1621). Boyd who imported more revolutionary ideas lasted five months till James VI "outed" him. Adamson his successor taught orthodox Calvinism and kept his place in 1638 by siding with the Presbyterians to the disgust of his previous allies, Mitchel and Rankine.³ It cannot be said this tradition was "uncalvinistic". Calvin had counselled submission to princes, had

1 Letter 12

2 Calderwood, Hist. of the Church, V. 732

3 Hailes Memorials, pp. 36-37

approved of the "superintendents" and had on more than one occasion rebuked the French Protestants for taking the law into their own hands.

It was the introduction of the specifically French interpretation of the Genevan doctrine and practice into the Scottish Church that had caused the clash between Church and State. The author of the "De Jure Regni" learned its doctrine in Paris from Protestant and Catholic. In Paris Andrew Melville studied. His later teaching years were spent in Geneva but "La Genève protestante n'y a pas eu importation de Genève en France, il y a eu exportation de France en Suisse." From France not Geneva, came the 'platform' of Church government by courts, which he gave to the Scottish Church. "Les protestants sont les plus anciens républicains français," writes ^{Faguet.} ~~Vienot.~~ A more conservative historian writes, "Suivant nous les Reformés n'ont fait qu'introduire dans l'ordre politique ce qui existait déjà pour eux dans l'ordre ecclésiastique, car, de même qu'ils avaient des consistoires, des colloques, des synodes provinciaux, et des synodes nationaux, ils ont eu des conseils provinciaux des assemblées provinciales, des assemblées de cercle et des assemblées générales."² From these the relation of democracy in Church to democracy in state is patent. James saw it. He knew the source from which 'Presbyterianism' came - France; he knew it had for the time being achieved a democratic and political independence which made it a state within a state. He was, therefore, consistent in his own political theory of opposing it resolutely. Yet the recrudescence of ultra-Calvinism at the end of his reign was materially, if indirectly helped by James himself. The exile which he forced on the leaders of

1. Vienot. Histoire de la Réforme Française. I 284-5, quoting Faguet
 2. Anquez. Histoire des Assemblées Politiques des Reformés de France,

the Presbyterian party was spent by many of them in France. To France went many of their sympathisers, including Robert Boyd of Trochrig. The France of Henry IV was abundant in free controversy on religious matters.

The Paris controversies and pamphlets of De Moulin and Suarez and other protagonists of their respective causes, developed the technique and form of the later Scots and English ecclesiastical pamphlet. "Peu à peu," writes Pannier, "se forme une sorte de tradition, il y eût en Sorbonne et dans les couvents d'une part, dans les academies protestants d'autre part, une sorte de cours pratique d'apologetique ou l'on apprenait à répondre de telle maniere à telle question." The quaint titles of pamphlet and counter pamphlet, with reply "dyply" and "triply" the discursive system of question and answer, the prevalence of syllogistic verbal form at the expense of clear thought, the use of "testimonies" all to become commonplace of Carolinian religious polemic, had their origin in France. The Scots who returned came back with the arrows of controversy shaped and pointed, and their quivers full. Even the Scots at home had their armoury refurbished, for the correspondence of Boyd and others shows a constant interchange of thought on matters ecclesiastical between the Scots in France and those at home. The influence of the French Protestants' colleges of Montauban ~~Saumur~~^{Saumur}, Sedan and Die on Scottish post-Reformation thought has yet to be sufficiently estimated. Even Leyden in the early seventeenth century with Du Moulin, Du Jon and Daneau showed strong French influences.

Rutherford's life as student and regent was spent in these latter years of James with their growing atmosphere of polemic. The very act of controversy was encouraged as an academic exercise.¹ When criticising his later works for their too polemic form, it is to be remembered he was mentally fashioned in the crucible of it. Though ecclesiastical subjects were forbidden in public, it is impossible to believe they were not discussed in private. Rutherford's work early shows acquaintance with the controversy of Suarez and Du Moulin (Molineus). His polemic method is that imported from France, his logic the logic of Ramus. His work shows that he, along with the keenest of his contemporaries in Glasgow and Edinburgh, was thoroughly acquainted with all the questions speculative ecclesiastical and doctrinal, mooted in the French Protestant Colleges.² Although the Synod of Dort was to condemn Arminianism in 1619 it was not a "cause célèbre" in Scotland till fifteen years later. The harder Calvinism resultant from that controversy, emphasised by Dutch theology, thus came to Scotland a decade later than this. It confirmed and hardened rather than added to existing Calvinism. It destroyed a freer evangelical note which the Scots had not yet lost, and which is found in Dickson, Blair, Livingstone, Rutherford, in their early years despite their controversial reverberations. This note can be traced through Robert Boyd of Trochrig to the Huguenots of France. These men effected the religious revival in Ayrshire and the South West (1625-30), supported the cause of private "meetings" in the subsequent assemblies and formed the more evangelical group in the Presbyterian party. They were all

¹ Crawford, Hist. of Edin. Univ.

² e.g. the Tilenus 'heresy', vide, Wodrow's Life-of Boyd, Appendices

pupils or colleagues of Boyd. A study of the "Fasti" shows that all of Boyd's students (1615-1623) were with two or three exceptions firmly Presbyterian, some survived to be "outed" at the Restoration. Of these students the slight majority incline to "Protester" rather than "Resolutioner", and perhaps naturally for Glasgow men, the largest proportion settle in the South West. Boyd, himself a native of it, was therefore an indirect factor in the growth of "ultra-Presbyterianism" there.

Rutherford was a student of Boyd's for the five months of his Principalship. His appointment to the regentship was slightly subsequent to Boyd's dismissal from office. But this only increased his respect for him. Of Boyd Baillie writes "Si quando in se laxasset (nam neque omnium hominum neque omnium horarum homo fuit) humanissimae comitatis, et apud familiares aliquando leporis erat, etiam festivi." Livingstone says that, "Although he was a man of sour like disposition and carriage I always found him so kind and familiar as made me wonder." "His learning was so great that all his quotations from the Greek Fathers which were frequent and sometimes very long, he repeated by heart, and never made use of any note except ^{for} an extraordinary long passage out of Chrysostom." None would have been more calculated to appeal to the mind and spirit of Rutherford than the austere, scholarly yet kindly Boyd. He remained in Edinburgh two years after his demission of office and was, according to Row, very popular in the town, probably in that very circle in which Rutherford moved. To Boyd during, and probably even after his Principalship, Rutherford owed

1 Boyd, Preface. to Comm. on Ephes.
3 Wodrow, Life of Boyd.

2 Livingstone, Autobiography,

his introduction to the Protestant theology and controversy of France. None in Scotland possessed the former's knowledge of continental thought, gained by a decade and a half of teaching in Montauban and Saumur.^u The soteriological views of Piscator and Tilenus, although they post-dated those of Arminius, early attracted attention in Scotland because of their French origin, the controversy of Du Moulin with the latter, and the report that Andrew Melville inclined to them.¹ Tilenus held that only the sufferings of Christ on the Cross were imputed for man's righteousness. There were several variants of the doctrine. Boyd in his commentary on Ephesians (791-796) upholds Du Moulin, that all Christ's sufferings, life and obedience are imputed. It was his view which Rutherford maintained in the Westminster Assembly. He inherited also his extreme predestinarian and supra-lapsarian theology, in contra-distinction to the infra-lapsarian Melville. Boyd's sources were Augustine, Ambrose, Bernard, the Fathers, rather than the Reformers. (In his commentary Augustine is quoted 120, Bernard about 50, Ambrose about 50 ~~times~~, Calvin's ^{times,} 5, Luther one.) To these sources Rutherford with little more regard for the Reformers, followed him.

On the demission of his Principalship in Glasgow, Boyd writes "I am resolved more and more not to change, or alter myself any jot of custom, ceremony, or discipline, until the whole kirk of this kingdom freely, willingly, uncompelledly, resolvedly and peaceably receive and embrace them with full contentment and approbation.....also to tell and teach my hearers what is my judgment therein with greater freedom

¹ Woodrow. Life of Boyd. Correspondence of Boyd and Welsh.

and plainness than I ever did." If he taught in such a spirit in Edinburgh there is little doubt concerning the fountain of Rutherford's anti-episcopal "anti-ceremonial" zeal. A certain timidity was to keep Boyd during his lifetime from publishing his views on Church and State or from even expressing them fully, But in his posthumous Commentary his Exposition of Ephesians 6, 1-10, is significant. "Deinde leges humanas proprie ac directe conscientias humanas non obligare sed Dei legem duntaxat;.....Immo quod hic innuit Apostolus, meminerint reges et principes, se Dominos tantum esse secundum carnem. Non autem Ecclesiae Capita Rectores Judices in rebus conscientiam."¹ Perhaps some of the whispered perplexities of Boyd find ultimate resonant utterance in the brilliant political apothegms of the "Lex Rex."

Boyd was the "Father" of the more evangelical group of the Covenanters. In this connection one may note that he was the encourager if not instigator of the "private conventicle" - a custom prevalent of necessity amongst the French Protestants, resident in Catholic territory but one which under oppression might spring up in any land. He certainly fostered it in Scotland. As early as 1619 he was present with the veteran Robert Bruce at such a meeting in Monkland,² and in 1624 was before the Council for holding such meetings. Livingstone, Blair and others of his students carried the practice to Ireland. Dickson and Rutherford used it in Scotland, the latter defending it in a treatise. All four supported it in the Assemblies at which it was condemned, manifesting, like their principal, fervent evangelism coexisting

¹ Commentary on Ephesians 904-5

² Calderwood IV. 394

with their extreme Calvinism.

Two others of Rutherford's colleagues may be mentioned. In Andrew Stevenson, regent of Humanity, and regent of Philosophy, he found a kindred spirit. To both alike the Perth Articles were anathema. Andrew Ramsay, regent of Divinity was of different sort. A "moderate" Calvinist, a moderate also in ecclesiastical affairs, Rutherford yet seems to have respected his learning, and retained enough affection for him to keep up a correspondence from Anwoth. On more than one occasion Ramsay informed him of affairs in Edinburgh, and managed some matters for him there. He may have been endeavouring to stand on both sides of the ecclesiastical fence. Both parties accused him of it, but Rutherford's friendship argued a measure of sincerity in him. A temporiser was not then popular, and his unpopularity soured him. Neither of these two ^{was} ~~were~~ great enough intellectually to leave any permanent impression on Rutherford's thought or character.

ANWOTH MINISTRYThe Act of Revocation

Samuel Rutherford's Galloway ministry is typical of the ways and means by which Presbyterian principles and politics were spread in the parishes of Scotland between 1625^{and} 1650, the years in which Scotland became definitely Presbyterian throughout. That a state may, and must, impose religion on its people was the dogma of the Presbyterian party from Knox to Rutherford, but they were painfully aware that such an imposition did not ~~ipso facto~~, make the people religious. The pages of Calderwood, the records of the early Assemblies are full of "grievances" at the ignorance, immorality, backsliding of the people, the lawlessness of the lairds, the lack of "guid and godly" men to bring about a better state of affairs. The only remedy was concentrated evangelisation, and since for its protagonists Presbyterianism was a form of ecclesiastical government with defined civil relationships, evangelism concurred with propaganda. The grave fault of Episcopacy was not that it was an imposition - so was Presbyterianism, and only subsequently did each develop the theory of "jus divinum" to justify ~~their~~^{its} own imposition by the civil power and damn the others - but that as a religious system it made little effort to raise the spiritual or intellectual level, or better the condition of the common folk. - It produced preachers and scholars, - Donne, Hooker, Cudworth, Taylor, Fuller, Tillotson and many more, - but the pastoral curate was often a Parson Adams little above the level of his flock. Years later the satire of Swift, Fielding and Addison, and the advent of Wesley manifests Episcopacy's failure to heighten England's spiritual life/

life by a respected pastorate. Law Mathieson and Lord Tweedsmuir the panegyrists of the early Scottish Episcopate, when dwelling on the moderation of Spottiswoode, the scholarship of Forbes, the piety of the Bishop of Argyll, omit that while the life of the Scot at this time was "nasty, brutish and short" these men did little to improve it. In 1636 Charles rebuked the Bishops for their remissness in planting schools in the parishes, which had been ordered by the Privy Council in 1616 and enjoined by Parliament in 1633. The reluctance of the heritors to provide funds may be pleaded in their defence, but the Presbyterian succeeded where they failed. Burnet's statement of the Bishop of Argyll "that he caused churches and schools to be everywhere founded" quoted by Law Mathieson is not verified by the facts. (cf. Fasti, Vol. IV). Whatever the Presbyterian party achieved, or failed to achieve in the years between 1625 and 1660 they endeavoured to raise the mental, moral, spiritual and social condition of the people. by "planting" the parishes with a pastor and a schoolmaster.

There was now a more plentiful supply of men ready for the ministry or in it. Many of them came from the "people" (burghers or farmers.) They had grown up in a Protestant and Calvinist generation and had been trained in Scottish Universities. Perhaps they were therefore more apt to know and appeal to the people than men like Bruce and Boyd, who, a little overlearned, still retained some of the stiffness of the seigneur under the Geneva gown. The Presbyterian ministry was now becoming increasingly democratic in personnel.⁴ A political "mistake" of Charles I was to them the opportunity of using the means and developing

1 Buchan, Life of Montrose. 2 Politics and Religion in Scotland.

3 Mackinnon. Social and Industrial History of Scotland. 173
Vol. I, 338

4. Vide additional note, p. 878.

the method of their ecclesiastical propaganda.

The Act of Revocation destroyed the Episcopate which it was meant to serve. So long as the Bishops and their ministers were content to remain "tulchans", so long was Episcopacy safe. Charles's attempt to erect ecclesiastical benefices into something of their former well-being ruined it. Menmuir's "Constant Platt" of 1596¹ became substantially law in an act of James VI 1617, whereby a minimum of 500 merks and a maximum of 800 merks stipend was made payable to the pastor from the teinds of every parish. This left the dangerous matter of the changed ownership of ecclesiastical lands yet unsolved. It was the one social, economic and ecclesiastical problem which Charles solved justly, and, for his own cause, ruinously. In 1625 he issued an Act of Revocation, annulling all grants to the prejudice of the Crown, particularly the erection of Church lands before and after the Act of Annexation of 1587. A subsequent proclamation in 1627 adduced as reasons: the provision for the ministry, education, the redress of the great disorder and incommodities arising from teinds. Amongst the latter was the fact that the secular holder of the ecclesiastical benefice, the "titular of the teind" could hold up the crops of the lesser laird or tenant till teind was paid to him. The titular acquired thus a power over the lesser lairds and heritors which he had not before possessed. Charles offered a fair compensation, allowed the nobles to retain all estates except the Bishops', and to hold them from the Crown at a specified rental until these should be redeemed at fixed prices. It was ~~xxxx~~ further made a principle that

¹ Ratification of Commission of Teinds of 1627. Acts of Plt. Carl. I 1633 Cap. 15. Scots Statutes Revised 1424-1707 page 96

every man should own his teinds. "To put that glorious work anent the teinds to a full perfection thereof, His Majesty with the consent of the Three Estates by these present statuits ordains and declares That their sall be no teind scheaves or other teinds, personage or vicarage, led and drawn within the kingdom. Bot that each heritor and lyfrenter of lands sall have the leading and drawing¹ of their awn teind the same being first trewlie and lawfully valued."² The value at which the heritor was to buy the land from the titular was fixed at nine years purchase. 800 merks was the minimum stipend, there was no maximum.

Charles pleased none but his Bishops. That some of the Edinburgh ministers and other Episcopal partisans began to inveigh in the pulpit against the noblemen who would not quit their teinds³ did not help his cause. Newer and more luxurious ways of living had depleted the noble pocket. The titular's rental to the Crown was an added burden to many already bankrupt or near it, nor did he wish to sell the teinds and lose the relation of patron and client engendered between himself and the lesser heritor by their secular ownership. The latter had no love for an increased minimum stipend and their gratitude to Charles was not apparent. Moreover the lesser lairds were the most genuinely Presbyterian part of the nation. From them, many of that party's leaders, e.g. the Melvilles, Bruce, Boyd, Blair; later Baillie, Trail, Durham, arose. The King foolishly left everything in doubt by the last clause of the Act ratifying the Commission's findings in 1627, .

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1. Ibid. Cap. 17. Page 97
 2. Ibid. Cap. 47. Page 97
 3. Row. History of the Kirk.

which runs, "And that his Majestie takes in his own gracious considerations what to doe thereanent in whole or in part as his Majestie in his royall wisdom sall think most expedient and whatever his Majestie sall doe now and hereafter thereanent sall be as valid and effectual as if the same had been particularlie exprest in this present Act." Charles' royal wisdom was often to be questioned. He found here, as later with the "Ship Money" - a law also just and sound of itself - that to touch the pocket of the landed proprietor was to seek to rob a beehive of its store.

From now all parties in the State, except the Bishops, verge slowly to a coalition against Charles. The immediate effect was that Presbyterian propaganda and preaching now enjoyed greater freedom and encouragement than at any time since 1590. The greater nobles distrusting its democratic savour had never (with a few exceptions) warmly supported the Presbyterian faith on its own merit. They had been content with the Episcopal or semi-episcopal establishment of James VI, especially as they still enjoyed the ecclesiastical rents and teinds. "Their opposition to the Anglicanism of Charles was largely due to the fact that it involved sooner or later a redivision of ecclesiastical plunder; they would vehemently oppose any church except one which they could starve."² Now begins a scurrying for "guid and godly" men to fill their parishes; and uproot all things Episcopal; men who like Rutherford would be unworldly enough to be content with 300 merks stipend instead of 800. The common

1 Acts of Parl. Carl. I. 1633, Capl. 15

2 Montrose. John Buchan, 65-66.

folk of the Midlands and Lowlands had hitherto been more anti-Romanist than ultra-Presbyterian. From this time they were to be proselytised and evangelised as never before. The "Stewarton sickness" was to infect many parishes in the land. The former popular zeal against idols was to be redirected by Charles's folly and Presbyterian policy against the "ceremonies". Added to this evangelical fervour was the inculcation of two great principles; the divine right¹ of Presbytery, and later still the almost as sacred institution of the Covenants. At all this the nobility now connived, or secretly encouraged where they did not openly help.

The placing of Rutherford in Anwoth in the middle of 1627 illustrates the new attitude and policy of the nobility towards the Presbyterian preacher. In a letter to Lady Kenmure he speaks of her husband's "intended courses anent the establishing of a powerful ministry in this land." The house of Kenmure (Lochinvar) was one which had thriven on the Reformation. Sir John Gordon of Lochinvar had charters of ecclesiastical lands in the bishopric of Galloway and the Abbey of Tongeland.² Although alive at the time of Rutherford's induction he was a dying man and affairs had passed into the hands of his son, the laird of Rusco in Anwoth, and future Viscount Kenmure. Spottiswoode tells that the bishopric³ was almost ruined by alienations and grants for life pensions. The threatened reducting of the episcopal lands was a severe blow to the spendthrift Kenmure. He was at this time, and even later, a timeserver of Charles, and, had his

1 III
2 Spottiswoode. History of the Church of Scotland.

2 Historical Account of the House of Kenmure

revenues not been threatened, there would have been no "intended
 courses for establishing a powerful ministry," nor a Rutherford at
 Anwoth. His policy is evidenced by his trying to obtain John Living-
 stone for the parish of Anwoth. The latter, already noted as an
 evangelical preacher and staunch Presbyterian, had been evangelising
 in the South West subsequent to the Stewarton "revival". In April
 1626 Kenmure offered to disjoin Anwoth for him by August. This
 parish had been joined to its neighbours by Cowper. "The bishops, to
 the great favour of the noblemen and gentlemen, consented to these unions".
 Mr. W. Cowper, Bishop of Galloway, condescended for pleasure of his
 friends and allies to unite kirks which before had been planted
 severally.....He united the kirks of Kirkmabreck and Kirkdale with
 the kirk of Anwoth, a kirk distant from the other two six miles of
 mountains and hard way, the parishioners lying distant in some places
 ten miles from it." Calderwood's statement shows Kenmure and his
 father at this time (1622) entirely heedless of the spiritual welfare
 of their tenants and complacently sharing the spoil with the Bishop.
 Of this Rutherford thought when he wrote to Lady Kenmure in 1633 to
 remind her husband "of the sins of his father's house." "He must
 reckon with God for his father's debt." This policy was now reversed.
 Fear of a wealthy Episcopate whetted the noble desire for a preponderance
 of Presbyterian, but poorly paid, clergy in the Gordon country which
 was all the Stewartry and the western third of the Shire. Anwoth
 was again erected a parish in the Autumn of 1626. Livingstone, however

1 Calderwood. Hist. of the Kirk VII, 303,

2 Letter XXX

refused the charge. ^{The Lord provided} "~~They got~~", he wrote, "a ^{26.} great deal better ^{for them,} that worthy servant of God, Mr Samuel Rutherford"^I Kenmure since his meeting Livingstone in Borgue, in 1626, was looking for a man who was evangelist, Presbyterian and propagandist; he found one who more greatly and more violently combined these qualities, who was to become a greater power in the Gordon country than he himself. Rutherford along with Lady Jane Campbell, whom Kenmure married in 1628, was to keep the latter faithfully in these principles which he first adopted for reasons of policy.

The means of Rutherford's introduction to Kenmure was John Ker, minister of Prestonpans, cadet of the House of Roxburgh, Protester of 1617, opposer of the Perth Articles and for that confined to his parish in 1624.² In Letter, XLVII, when negotiating for a minister for Kirkcudbright, ^R he writes, "We shall cause Mr John Ker who conveyed myself to Lochinvar to use means to seek a man if Mr Hugh fail us". Bonar, annotating 'Lochinvar' as the place, misses the whole point of the sentence. Lochinvar was the title of Kenmure, then only Sir John Gordon of Lochinvar, as his father had been. As will be seen later, Letter XLVII was written in 1632, not in 1634 as placed in the collection so that Kenmure had not then received his title and was only "Lochinvar". John Ker of Prestonpans, from his Presbyterian principles, his proximity to Edinburgh and this application for a 'sound' pastor, is obviously the person concerned. Andrew Ramsay may have had some slight share in the matter.

The exact date of Rutherford's induction to Anwoth is uncertain.

1. Livingstone, Autobiography, (Select Biographies, [35].)
2. Fasti, I, 388. New Edition.

It was probably early in the latter half of 1627. A petition of his parishioners to the General Assembly of 1638 giving reasons why he should not be removed says "Mr. Samuel has servit the cuir of Anwoth these eleven years by gane."¹ Owing to frequent error in the placing of many of the dates of his letters, that of Letter I, June 6th, 1627, cannot be accepted as an accurate terminus a quo. Wodrow says he entered without giving any engagement to the bishop. The evidence of McWard and Livingstone supports him. The latter writes "some few by moyen suffered to enter the ministry without conformity." Rutherford's views on ministerial calling and election, which he believed should be popular are as early stated as Letters LI and LII. Letter CL shows that he counted Episcopal induction an intrusion and the people the true electors. He was therefore unlikely himself to accept such induction. Kenmure's influence probably placed him, without any engagement given to Lamb.

The Field of Rutherford's Early Work.

The field of Rutherford's early labours and influence was to encompass a good part of South West Scotland. The ultra-Presbyterianism of this district from Glasgow to Dumfries was to be a prominent factor in the ecclesiastical politics of the next seventy years. Its existence cannot be explained at its inception by any native religious temperament, but was the result of geographic political and economic conditions coinciding at the "moment juste" in the South West more so than anywhere else, with an intensive Presbyterian and evangelical propaganda. The advent of Dickson, Blair, Livingstone, Rutherford

¹ Wodrow MSS. Vol. 42. 53

others of Boyd's pupils who spent much of their earlier, maybe their later, certainly their most evangelical years in the South West, in-
 tating Presbyterian doctrine, coincided with the period subsequent
 the Act of Revocation. The "Stewarton sickness" occurred when the
 lity were most desirous of spreading the infection.

Certain subsidiary "factors" may be noted in the growth of South
 ern Presbyterianism which according to a petition of the inhabitants
 Galloway (vide infra) Samuel Rutherford did so much to foster and
 n. In geographic position Galloway and Southern Ayrshire was remote
 secluded, but not isolated. Early in the fifteenth century the
 lish Lollard hunted from his Lancastrian home by the zealous and
 tic orthodoxy of Henry V, and later of his sons "Protectors", found
 asylum in the glens of Galloway and the uplands of Southern Ayrshire.
 Solway crossing was an easy and quick escape. The Lollards of
 e (1494), whatever their doctrines may or may not have been evidence
 stream of Reforming thought trickling into Scotland through the bare
 loway hills. It is notable that those districts in which Lollardy
 ned strongest hold, became subsequently most aggressively Protestant;
 . South Western England which suffered most heavily under the Marian
 secution, and which rising solidly for Monmouth, suffered again the
 oody Assize." The track of land from Southern Ayrshire to the
 st between Wigtown and Kirkcudbright, the Lollard "trail" surely,
 ame in an ultra-Presbyterian country, more than ultra-Presbyterian,
 home of the Cameronian and the slaughter house of the dragoon.
 ow preserves the fact that some of the lairds in that country like
 don of Airds, ancestor of the Kenmures, were traditionally Lollard.

The South West also formed an asylum for the later Scottish Reformers. In the minority of Mary it was the only safe one. North and West he could hardly go for he spoke a strange tongue to the Gael. North-east he dare not go for Huntly was Roman and orthodox. So Kyle again assumes its role as "a receptacle of the servants of God of old." 1
 Wishart was to flee to Ayrshire and preach there. Knox followed in the winter of 1556 and also in 1562, drawn no doubt by policy and sentiment. The first to defy the Queen Regent, to meddle with their preachers, was a band of Ayrshire lairds, direct descendants of the Collards of Kyle, headed by Chalmers of Gaitgarth, 2 a house still staunchly Presbyterian in the days of Rutherford. The political situation aided the geographic in keeping a Reformist tradition alive in the South West. The history of Scotland from 1400-1550 is a sordid story. No great social or even political movement can be seen in it, but only a nobility obeying their own whim, in a search for power, or a grab for land, reckless of their own, their family's or their country's honour. Till the Reformation which at least gave some of the nobles a common cause for which to fight, even if it was only for a common ecclesiastical purse to loot, internal politics are a vortex of feuds, jealousies and assassinations. The Scottish baron as long as he had riders at his back, recked little what he believed. James V and Beaton when they stirred the fires of persecution only provoked a few sparks which burned and died upon themselves.

None of the South-Western nobles distinguished themselves by their

1 Knox, History of the Kirk
 2 Letter, 187, ~~Spottiswoode, History of the Church, 94~~
 Calderwood, History of the Kirk, I, 344.

zeal for orthodoxy, or for Stewart royalty. The relationship of the Stewarts with them is more than interesting. The old Douglas house, Lords of Galloway, had perished by the treachery of James II. The South Western nobles were responsible for the overthrow and assassination of James III. The "Assured Scots" (1542 ff.) were mostly of the South West and too near English gold for loyalty to the Scottish Crown. Holinshead quotes the Prior of Whithorn as a gentleman dealing whereby all the gentlemen of Nithsdale, Galloway and Annandale came over to Henry's party. What religious views the greater nobles such as Cassilis, Glencairn and Maxwell, had, were inclined to the Reformed doctrines current in England. For the lesser, raiding, not religion, was ~~his~~ ^{their} preoccupation. The Wicliffite and later the Reformed wheat flourished here and there in the South West because of its concealment amongst so much armed thistle. Stewart orthodoxy found few to sponsor it here, and there is little or no record of religious persecution. What tentative support their self interest allowed, the nobles gave to the Reformed preacher. Maxwell, Catholic though he was, moved in Parliament that the Bible be read in the vernacular. The Douglasses to oppose Beaton lent an ear, and Cassilis and Glencairn both of them, to the Reformed doctrine, especially as preached by Sir Ralph Sadleyr, who was as Lang says, very ready to suborn to the glory of God. The lairds followed their overlords.

There were thus, certain pre-natal conditions which favoured the birth and growth of Presbyterian Protestantism in the South West. Except

1 Nicholson. Hist. of Galloway, V. 1. p. 475

when a portion of the lairds seduced thereto by Maxwell supported Mary at Langside, their policy is consistently Protestant. The visits of Rough, Wishart, and Knox have been noted. In 1557 the Band included Glencairn, Boyd, Ochiltree and Argyll, whose arm stretched far down the West. In 1558 occurred the defiance of the Regent by Chalmers of Gaitgirth, showing the lairds of South Ayrshire solidly Protestant.¹ The First Book of Discipline was signed by most of the South Western peers and barons, Glencairn, Maxwell, Drumlanrig, Lochinvar, Garlies, Bargany; the lesser lairds and barons of Galloway being again in preponderance amongst their kind in support of the Reformed faith.² The Band of Ayr, 1562 (Glencairn, Loudon, Gaitgirth, Dalrymple, Fergushill),³ shows united adherence to the cause. Langside only temporarily detached Lochinvar. In 1574 came the first thing that the opposition to Papacy would now in the South West transfer itself to opposition to Episcopacy. John Davidson tried for his book "Dialogue of a Clerk and a Courtier" withdrew to Lusco in the parish of Anwoth, a house of Lochinvar. The gentlemen of the West failed to get him pardoned and he was exiled.⁴ From then till the Bishops' Wars with the exception of the Johnstone Maxwell feud, the South West remained politically quiet. James VI managed his nobles as none of his fathers before him had succeeded in doing and gained a peace they had seldom enjoyed. The Regencies of Moray and Morton certainly assisted him in this, as did also the fact that most of the old turbulent leaders were dead. The Church lands were safely in

1 Calderwood, VI. 344. Spottiswoode, 94.

2 Calderwood, VII. 126

3 Calderwood, VII. 190

4 Calderwood, VIII. 212

the hands of the nobility; of the Bishopric of Galloway Spottiswoode writes, "it was so dilapidated that it was scarcely remembered to have been."

New houses like Gordon of Lochinvar, Stewart of Garlies, McClelland of Kirkcudbright, rose on the spoils, balancing the power of the older feudal houses. The peace of the land, and the willingness of the earlier bishops to be "tulchand" allowed James after 1590 to carry out his ecclesiastical policy with little opposition from his nobility, greater or lesser, Northern or Southern. Even in 1618 they remained passive under the Perth Articles. That they did not wholly assent to them appears in that half of the Shire Commissioners including those of the South West voted against them in the Parliament of 1621. Then followed the upheaval of the Act of Revocation. The Act was ill advised in the bad economic state of the country. The English alliance closed the Flemish Spanish and French markets to Scotland, whilst England refused to open hers. There was no outlet for the staple products of the country and circulating cash was scarce in all classes of producers. This made the redemptive clauses of the Act especially burdensome on titular and heritor. Crown employment so much sought after was found to be not a revenue but an added source of expense. Many who held Crown office suffered heavily. (Argyll later retired to his castle to avoid his creditors, and Traquair was driven to soliciting in the street.) A few years after the Act matters were even worse. Spalding, no enemy of Charles, writes on the value of the small currency of the realm, "all change and tred was taken away throu want of current money becas thes slicht turnouris/

turnouris wis the only money passing through all Scotland."¹ Galloway suffered more than most parts of Scotland owing to a poor soil and difficult transport. Taxation also hit the South West hard according to Baillie. "In all bygane times our West country hath been much oppressed in taxation. There lands are so high retoured that a forty merk land with us will not oft pay so much as a two merk land elsewhere by which means it comes that some five or six poor shires in the West, as Ayr, Galloway, Clydesdale,² Lennox and Renfrew will pay more taxation than all Scotland besides." There existed then, in the South West a high taxation, a nobility, new and old alike, whose needs far outran their purses, even when enriched by the Church spoils, a clergy which was to profit at their expense, a Bishopric which like others in the country, had been richly re-endowed by James and Charles. The economic motive behind the nobles' Presbyterian ardour is apparent.

Amid all this, what of the common people of the district? Till the Covenant, one hears their voice but little. The early anti-Romanist rioting, often for immediate loot, could hardly be called a religious manifestation. Calderwood draws a gloomy picture of the state of common religion in 1588. Complaints are received by the General Assembly that Papistry is spread all over the land. "An exceeding great grief to behold the true Word of God contemptuously despised by the great multitude, the Sacraments profaned, the discipline of the Kirk set nothing by,.....for what part of the land is not a spait with the abusing of the blessed name of God, with swearing, lies, perjury,

Spalding, History, Vol. I. 235, 263
Baillie, Letters, I. 67.

with mercats, gluttony, drunkenness, fighting, playing, dancing, with rebelling against magistrates, with blood-taking, incest, fornication and adultery?"¹ Records do not show the people of Galloway any better in these respects than their neighbours. Livingstone calls them a poor ignorant people. Constant reference to them in his letters, shows that Rutherford found the district in a low spiritual, moral and educational state.

This then was the field in which Rutherford began his labour. It had been traditionally Protestant, but the tradition was often limited to the household of the laird, where the Word had been preached by such a chaplain, resident or itinerary, as he could secure. Till the accession of James to the English Crown, the lairds lived in amity with the Episcopal system, indifferent to the attainments of the ministry or the evil of Episcopal non-residency. The subsequent intensification of James's Episcopal policy, however, did awaken in some the desire for a purer and more 'primitive' faith, fostered, as before noted, by contact with French thought. In fairness, be it said, that from 1605 not a few of the landowners began to press for better parish ministers, and the supply became better. The gap between mere anti-Romanism and Presbyterianism in the people's faith was slowly filled. Finally, by the Act of Revocation the search for 'guid and godly' pastors was intensified. The whole of the people were carried into the movement by an intense propaganda culminating in the National Covenant, and fulminating forth in the Solemn League and Covenant as militant Presbyterianism. It was the work of Samuel Rutherford and men like him,

¹ Calderwood, History, IV, ~~100~~ 652-666, abridged.

which gave the people of Scotland, especially in the South West, to the cause - the people, not an unruly city mob, for the peasant of the South West remained firm in the day when an Edinburgh mob could ~~let him go~~ ^{howl that peasant} to the scaffold as a rebel to the Merry Monarch.

The Means of Evangelical and Presbyterian Propaganda.

Before studying Rutherford's work in Galloway, one may consider the equipment of the party to which he belonged for the task before him. The great lack of the Presbyterians in the 'Twenties' was a cohesive directorate at the head of affairs. Boyd was a scholar and somewhat of a recluse; Bruce was old and feeble; Dickson had been silenced and any others were too widely dispersed to hold convenient council. When in 1637-38 they achieved such a directorate, they became politically irresistible. At present they were a dispersed command without a G.H.Q. The Episcopal party certainly possessed a G.H.Q. in the Episcopate - in justice to Spottiswoode, Sydserf, Maxwell, Forbes a brilliant one intellectually. But the clerical rank and file were half-hearted, mercenary in support and of no high endowment. The Presbyterians, on the other hand, possessed the material of all revolutions - men of intelligence, conviction and zeal. In their work of evangelical and ecclesiastical propaganda, such men were a paramount necessity. Not a few of them, as has been seen, were Boyd's gift to the cause. Their more democratic origin (though the lairds were still worthily represented among them) and their native and Calvinist education has already been noted. Logically they found it impossible to separate the Calvinist doctrine from Calvinist discipline/

discipline and the Arminian and Episcopal attack on the former only strengthened their assertion of the latter.

These men made full use of their forum - the pulpit, whether it was in church, chapel, house or heugh. For the propagandist purpose the spoken discourse, exegetical or hortatory, even the extempore prayer, were far more effective than a liturgy. The Episcopalian lack of inspiring preachers, their moderate outlook, their half-hearted obedience to the dictation of Laud and Charles, destroyed them in the battle of the pulpits. The instructive exegesis of Scripture, matters of faith and morals, and, as the strife became keener, semi-political and even 'treasonable' ideas poured forth from the Presbyterian pulpit. Gradually throughout the Lowlands the people came to listen with avidity to their doctrine; the only compulsion was their own will to hear, for excommunicatory power then rested with the bishop and neither pastor or session nor presbytery enjoyed their later coercive powers. The sermon of such masters of the pulpit as Dickson, Blair, Rutherford, Livingstone showed them expressing great doctrines in the simple word and homely analogy suited to the minds of the hearer. Dickson objected to over-elaboration in sermons, because the "cook should bring no meat to the table, but what the men are to eat" and to parade of learning "as if the cook should bring up the spit and axes to the table, which are fit to be kept in the kitchen to make ready the meat." Livingstone's instructions on the art of composing sermons might still be practised with profit by most ministers. The Scottish preachers of this age may lack the wit of a Donne or the style of a Taylor, but they converted

ore souls—which is the specific work of a sermon. While in their zeal they may exuberate on occasion, they never rave in the manner of the later saints of the Covenant. Their sermons were as often exegetical and experiential as theological and polemic, though to neither of the latter sort were they strangers. By their efforts the bulk of the people of Scotland were won to Presbyterianism before 1638 and not terrorised into it afterwards/^{as} some historians aver.

A custom grew up whereby some of the ablest ministers would preach in other parishes at Communion season, or such times as markets when people were wont to gather. Blair, Rutherford, Livingstone, Dickson seem to have been in great demand. The flame of Presbyterianism was constantly kept lit at its fiercest torches. After the Stewarton revival the value of such meetings impressed itself on the Presbyterians and the practice established itself firmly. Th

The unwillingness of the Bishops to "place" young men of Presbyterian leanings gave rise to a great deal of itinerant preaching. Blair was charged with it before the Council. Men like Livingstone and Gillespie, unable to find a charge, moved here and there, settling for a little as chaplain under the protection of a Presbyterian baron or laird, and supported by him, alienating his tenants from the Episcopal cause. Thus instead of being localised where a resident bishop might have controlled them, they were dispersed and more easily spread the infection. Since they moved quickly from jurisdiction to jurisdiction it was difficult for a non-resident bishop to deal with the matter. These men addressed themselves to groups of the "well affected" in each parish; organised and formed even more of them from the leading/

leading men in each, thus creating local nuclei of Presbyterian thought and politics. So important did such meetings become that Rutherford wrote a treatise (now lost) on their use.

Nor were the Presbyterians unaware of the importance of "key positions", such as the kirk of the county town or that situated on a main "through fare." The letters to Rutherford from what directing body existed in Edinburgh asking him to get a sound man planted in Kirkcudbright is an instance of this, and a hundred similar little intrigues were occupying the attention of both sides. The years 1625-1639 witnessed a ceaseless juggling for such positions. Moreover one great necessity of a party conflict the Presbyterians possessed a definite programme or "platform". They had evolved a native system of doctrine and discipline from France and Geneva. They knew unanimously what they wanted, and how they wanted it. The Bishops may have known Charles' "wants" but most of them doubted the wisdom of them and were at a loss to procure the fulfillment of his wishes. They were themselves also divided doctrinally on the Arminian question. One has seen that the technique of the religious controversial pamphlet developed in France. Episcopal control prevented the Presbyterians using the press to a great extent in the early years of the controversy, but the work of Rutherford in his early years shows that written "papers" were constantly circling surreptitiously. As Charles' power decreased, pamphlets began to circulate more freely. Baillie in 1637 mentions "the scandalous pamphlets that come daily new from England add oil to ^{at} the flame."¹ The Scots soon showed they needed little incentive to the task of controversial pamphleteering.

¹ Baillie, Vol. I. Page 23

The Local "Propagandist."

Of the year of Rutherford's placing in Anwoth and that subsequent there is little or no record. Bonar's dating of the letters is extremely faulty, e.g. Letter XLVIII dated December 1634 refers to the late news of Lutzen which most obviously dates it December 1632. Other even more flagrant errors in dating exist, which have to be corrected. There are only two letters dated 1628 and the second (Letter III) by its reference to Parliament may be considerably later. This evidence or lack of it, together with a reference in Letter XX (1632) to his having left the parish only once in four years suggests that he spent the years '27, '28 and '29 mainly among his congregation in the work of instruction. ~~It was~~ ^{as was noted,} Livingstone, ~~who knew the district~~ called them a "poor ignorant people!" and in Letter IV their pastor sees "exceeding small fruit of my ministry." The early letters show a young man in an uphill fight, a little ~~wary~~ in his work, but not weary of it. ^I

To these early years belongs the drafting of the Catechism preserved in M.S. in the Edinburgh University Library and published in "Catechisms of the Scottish Reformation," (Mitchell). In Letter CLXVI he refers to "that Catechism I taught you." A catechism was the first necessity of his task of instruction, and this one shows some signs of being a youthful production. Wyllie of Borgue, a neighbouring parish (1641-1646) made an abbreviated copy of it. Rutherford established a local catechetical tradition and ~~that~~ neighbouring ministers probably availed themselves of "papers" of his catechism as being drawn up by the ablest theologian of the district. Copies probably circulated in the district long after he had left it, one of which Wyllie possessed used/

^I. Additional Note, p. 881.

ed and abbreviated. The Catechism was prepared for parochial use. It contains much popular analogy adapted to explaining doctrine to simple hearers - "What is the second work of God's providence? He setteth all things that worketh and moveth to work, as the rider spurrieth his horse, or the carpenter that moveth his axe or saw, which would not move nor cut except he moved them." The Catechism and his first published work "Exercitationes apologeticae pro Divina Gratia" show the young Rutherford more interested in doctrine than ecclesiastical politics. Of this Rutherford the Archbishop Usher story might well be true, for they both agreed in the sound Calvinism of their doctrine. The inculcation of this doctrine, in its rigour but also in its grace was Rutherford's first and most loved work, though circumstances and temperament were soon to make him the instigator of anti-Episcopalianism and the propagandist of Presbyterian doctrine, throughout Galloway.

The three letters dated 1629 contain little personal history, except the illness of his wife. The Presbyterian zealot is becoming more apparent. His growing familiarity with the house of Kenmure made him a more outspoken agitator against the ceremonies. By Feb. 1629 he can write charging them, "that ye should not love these dumb shows of anti-Christian ceremonies." To Marion McNaught (Mrs. Fullerton) the wife of the Provost of Kirkcudbright, his other correspondent at this time, he writes in much the same strain, and informs her of John Maxwell, the Bishop's court agent, who has procured a letter from the King, "to urge conformity to give communion at Christmas." He

Sir John Gordon of Lochinvar and Lady Gordon are referred to as Lord and Lady Kenmure as they are thus later known, though the peerage was not conferred till 1633

was thus early kept well informed of the ecclesiastical manoeuvring of both parties.

The year 1630 further matured his thought and tendencies. The long illness and death of his wife brought a deepening of spiritual experience, whilst almost collaterally the growing antagonism of his opponents roused him to more violent effort against them, and stiffened his hatred of all things Episcopalian. About the New Year of 1630 he left the parish, probably to go to Edinburgh. The business may have been his wife's illness, or he may have heard rumours of his citation to the Court of High Commission, which occurred in May. If there he may have had some share, along with Kenmure, in agitating and formulating the "grievances" presented by some¹ of the nobles and burgesses, to a Convention of the Estates in July. In May he was cited before the Court of High Commission but evaded the charge through the influence of Lady Kenmure and Alexander Colville. He had by now the ear of Gordon and his wife. Baillie speaking politically, says "All the South (depended) on Kenmure."² His closeness to the Kenmure counsels prompted this early attempt at removal by the other party.

Gradually the letters show him taking more active interest in the affairs of the Church at large. He was now ecclesiastical adviser in the councils of the "godly" party in Kirkcudbright, and its immediate surroundings, nondoubt owing to his known familiarity with the Kenmures. He spared no effort to procure the election of a worthy successor to Robert Gledinning, the aged minister of that burgh. His letters to Marion McNaught are full of negotiations and suggestions

1 Row. Hist. of the Kirk. Year 1630, p 251, also Baillie, I, 83.

2 Row. Life of Blair. 81 ff.

Letters X and XII deal with an early attempt and refer to one "who would gladly have the Lord's call for transplantation, for he knows all God's plants set by his own hand thrive well." "If the work be of God, he can made a stepping-stone of the devil himself for setting forward the work." The passage points to Robert Blair, who was harassed in Ireland and who visited Scotland in 1630 and 1631. In 1632 Blair mentions a visit to Rutherford and Marion McNaught both of whom he wished to see. It is therefore feasible that they had "dealt with" him as early as 1630 in the hope of getting him for Kirkcudbright. Letters XI, XII, and XIII show that their ecclesiastical leanings had fomented some hostility against the Provost and his wife involving the former in some litigations.

The Kirkcudbright affair was still engrossing his attention in the beginning of 1631. So far efforts had proved unavailing and the only result of them civic contention between Provost and bailies. If letter XVI is accurate, this was temporarily smoothed out by the middle of the year. Rutherford himself counselled moderation. To the Provost's wife he writes, "the way to overcome is by patience, forgiving and praying for your enemies." There was much in this strain at this time, suggesting he was working for a reconciliation in the interests of the Kirk. Needless "bickerings" only destroyed the cause.

He had also now become the Stewartry correspondent with the Presbyterian party in Edinburgh, and was kept informed of Charles's latest innovations and any measures spiritual or temporal to counteract them.

The information he received was passed on to the "well-affected" with whom he had¹ conclave in the houses of the lairds and others supporting the cause. His unpopularity in the Presbytery mentioned in this letter was due to these "meetings" which ministers of different doctrines and politics naturally regarded as intrusions. According to his own witness, he was "most unkindly handled² by the Presbytery", though the only sound Presbyterian within it. The letter refers to the "English Service", King James's Psalms, and the organ, all to be imposed upon the Church by warrant from the King, brought up by Sir William Alexander. The Psalms were delivered to the Presbyteries for the subsequent report to the diocesan assemblies. Rutherford,³ well informed beforehand, doubtless made what opposition he could. A side light on Ramsay's "double dealing" appears. He had elicited the news from Alexander and passed it on to Rutherford to use as he might. He certainly was the A.R. of this letter and it is hinted that he was being sounded concerning a pastor for Kirkcudbright.

Later in this year it was mooted to bring Rutherford to Kirkcudbright. He counselled no haste in the matter, realising that once there, his notoriety might cause the opposition to have him "outed" more quickly, whereas from the comparative obscurity of Anwoth he could direct and intrigue more freely. Lamb some months later promised them a man to their own mind, but not Rutherford.

His mind became more and more deeply engrossed with the Arminian controversy. A.R. informed him of Laud's treatment of the anti-³Arminian preachers and pamphleteers. Later he heard of Burton's

¹ Letter XV
³ Letter XV

² Letter XV

committal for such preaching.¹ At this very time John Maxwell was preaching in Edinburgh the divine right of Episcopacy, contrary to the doctrinal opinion and wishes of many of the Bishops themselves.² It seemed to Rutherford that the next step would be the introduction of Arminian doctrine into the Scottish pulpit, a fear which was fulfilled two years later. Letter XVIII shows him unusually despondent and pessimistic. "I am fighting against a malicious devil of whom I can gain little ground." The "devil" was the power of Episcopacy. Kenmure was failing him; the last letter of the year contains veiled hints to his wife of Lord Kenmure's self-seeking, even apostasy. Those to her in the next year reveal a coolness between them which he is trying to overcome.

The year of 1632 was the most active year of his Anwoth ministry.³ He toiled assiduously as the disseminator of political information, the instigator of opposition to Episcopal policy, the "manager" of burgh elections.⁴ He still worked in the Kirkcudbright affair and his papers on the evils of the time have become "notour" in the district. At the end of the year he went to Edinburgh partly to support Fullarton in his litigation, partly on some suit of his own and also to assist in preparing Presbyterian affairs for the coming Parliament.⁵

1 Letter XVII
 2 Row. Hist. of the Kirk, ~~III~~ 354.
 3 Letter XXXI
 4 Letter XXXVI
 5 Letter XLIX
 6 To reconstruct his activities at this time, Bonar's dating of the letters has to be completely rearranged. Seven of those placed in 1634 can be dated in the winter of 1632-33. The most flagrant error is the Letter XLVII which dated December 1634 refers to the late news of Lutzen which was of course November 1632. It is written from Edinburgh where Rutherford must have been at the time. Letter XXXVI cites a request from Edinburgh that he get a well-affected commissioner appointed from Kirkcudbright for "the" Parliament. This is obviously early in 1633. Letter XLI refers to the forthcoming visit of the King, to the call of Hugh McKail (vide Letter XLVI), to his ~~xixix~~ and the Provost's "business which we have now in hand in

Some of the violence which was to mar not a little of his later work now becomes just visible. He himself knew and regretted its presence. "My mother hath borne me a man of contention."¹ As yet it is little more than open and fearless criticism from a man who, in a Presbytery minority of two or three makes himself the spokesman of his small party. His supposed rancorous opposition was reported by his fellow presbyters to Spottiswood who informed Dalgleish of Kirkcubreck of it.² Rutherford says he is now "odious to the Bishop of St. Andrews." It is possible that the latter, unwilling to use strong measures, was trying to ease the situation in Kirkcudbright and district, and somewhat still the tongue of the agitator by a quiet hint to him through Dalgleish.

Edinburgh." - all of which date it winter 1632-33. Letter XLIII dates it this time also. Cramond to which he is called, fell vacant in 1632 and the compromise in the Kirkcudbright affairs suggests Lamb, not Nydserf who succeeded in 1634. Letter XLVI refers to the King's coming, and mentioning the success of Fullarton's legal business, dates that matter at the latest, early 1633. Letter XLVII is also about this date. There had been a project to bring Hugh McKail to Kirkcudbright but Letter XLVII mentions one from Eickson saying he is being placed in Irvine. As this was in the first half of 1633 the project of bringing him to the county burgh must be in the winter of '32-'33. Rutherford refers to Gordon as "Lochinvar". If the Letter had been written in 1634 he would have used "Kenmure." Letter XLIX is good evidence of Kenmure's luke-warmness to the cause when placed before the King's visit. In the matter of Rutherford and the Fullartons' attempt to secure redress from the Episcopal party, "My lady saith she can do little, and it suiteth not her nor her husband well to speak in such an affair." "I told her my mind plainly."

Letters, LXXV, LXXX
Letter XLVIII

The dispute between the Provost of Kirkcudbright and some of his Bailies over the election of a minister there, had re-opened, and at the end of the year was the cause of a process before the Council. Rutherford would seem to have been in Edinburgh to lend Fullarton his support and counsel but from Letter XLVI it is apparent he left before the case was finished. The latter succeeded in "escaping without discredit or damage." Letter XLIX refers to some suit in which Rutherford is personally involved. "In my business in Edinburgh I have not sinned nor wronged my party - by his own confession and by the confession of his friends I have given of my goods for peace and the saving of my Lord's truth from reproaches which is dearer to me than all that I have." Had his outspoken behaviour involved him in a claim for damages which he settled in Edinburgh through the legal agents of each party to avoid public scandal? Such seems the likeliest conjecture. Other affairs also occupied his attention. The return of the Bishops from London at this time, and their secret conclaves were giving the Presbyterian party cause for anxiety. The depositions in Ireland and the return of the ministers to Scotland especially to the South West was unsettling. Kenmure was in Edinburgh placé-hunting and Rutherford felt his presence needed to keep that nobleman "sound." A new Parliament House was being built, and it was rumoured the King would attend. All these fears and rumours had been strengthened by a visit from Blair¹ who had just returned from London and Charles. This visit sent him off to Edinburgh perplexed by the fear that "the King will not be resisted."² Although no other record exists of his

¹ Life of Blair, 96.

² Letter XLI

presence in Edinburgh at this time than these letters, his later letters show his widespread acquaintance with that town's Presbyterian citizens. He had appeared in Edinburgh in the winter of 1629-30 just before the Convention of Estates at which certain grievances in relation to kirk affairs were givenⁱⁿ by some noblemen, barons and burgesses. He may have had some share in setting afoot the petition which James Hay, deposed minister of Dysart, subsequently handed to the Clerk Register before Parliament assembled.

On his return to Anwoth, more in the councils of his party than ever, he was entrusted with the task of seeing that a suitable Parliamentary commissioner was appointed in Kirkcudbright. William Glenning, was appointed though Rutherford feared he lacked skill and authority. There can be little doubt that he voted against Charles in 1633, for a year or so later he was imprisoned for resisting Sydserf's intrusion of a minister. Charles after this Parliament, granted Kirkcudbright a new charter with a larger council, perhaps with the view of having it more easily "packed."

About this time, when they had failed in securing McKail, Kirkcudbright again sought Rutherford as their pastor. His inclination to accept forced Lamb to the promise that they should have a man to their mind, but not Rutherford. Upon this and the rising of Parliament, affairs in Galloway proceeded more quietly, if not more smoothly till the appointment of Sydserf to the bishopric in 1634 stirred all parties into a fiercer activity. Early in the year on instruction and information from Edinburgh, he promulgated an unofficial fast amongst the well

affected, the causes being the state of the Church at home and abroad; the lamentable and pitiful estate of a glorious church (in so short a time against so many bonds) in doctrine, sacrament and discipline." Arminianism whose adoption by Scottish episcopacy he had feared, now sounded loudly in that pulpit. The scholarly Forbes was inceptor and receptor. Row writes that "Maxwell, Sydserf and Mitchell were never heard to utter unsound heterodox doctrine except in ^{relation to} ~~the matter of~~ ¹ ~~pre-~~ ¹ ~~acy~~ and ceremonies till Forbes came to Edinburgh." Rutherford's dealings with Arminianism passed from the Academic to the polemic. They found literary outlet in the "Exercitationes Apologeticae pro Divina ratia" of 1636, and practical outcome in his exile to Aberdeen. He was yet, however, far removed from the Rutherford whose name was by the greatest - and most scurrillous - of his opponents made to ^{rhyme} ~~rise~~ with the civil sword"; and whose fame was later marred by incitement to oppressive use of it. At present he writes "when authority, king, court, churchman oppose the truth what other armour have we than prayer and faith."

In his affairs in Edinburgh Rutherford had found a strong ally in William Dalgleish, minister of the neighbouring parish of Kirkmabreck. Their joint activities had caused their names to be given ⁱⁿ to the Court of High Commission, a process which resulted in the deposition of Dalgleish in 1635. His colleague's fame reached even higher ears. In December 1634 Rutherford writes "By a strange providence some of my papers anent the corruptions of the time are come into the King's hand."

Baillie's version is "the Register dealing to have Mr. ^{Henry} Rollock coadjutor to the blind bishop of Galloway did put in the King's hands a treatise written by Rutherford upon conventicles on the extent of private men's liberty in public praying and expounding of Scripture to be an argument of that Bishop's negligence." Sir John Hay, Clerk Register, had probably through the Rutherford-Dalgleish affair, become possessed of some of the former's circulating papers and was using them as an argument as to Lamb's unfitness~~s~~ for his charge, and the necessity of appointing a coadjutor with him. Rutherford had written a paper on the uses of a group system of prayer meetings. Baillie in relating the "Conventicle" business of the 1640 Assembly states, MR. Rutherford had in a treatise defended the lawfulness of these meetings in greater numbers and for more purposes than yet we have heard practised." ² The words "in greater numbers" and "for more purposes" are significant. Rutherford practically established, used and encouraged the conventicle habit in Galloway, though the homes of the well-affected and not as in more terrible days the heughs of the hills were at present the habitat. He found, or fostered where he did not find, small circles of "well affected" in neighbouring parishes, visited them, supplied them with information, and encouraged them in opposition. Where the minister, like Dalgleish, was of his own party, the task was easy. Where he was hostile, a local laird - almost invariably a Gordon (vide Knockbrev, Carlton, Earliston, Knockgray) - was won over and his house made the centre of evangelical propaganda. The existence of so many of his own letters witness to the prevalence of this practice

1 Baillie. Vol. I, 282.

2 Baillie. Vol. I, 253.

They are addressed to one person, but obviously are to be read to a few well-attuned ears. The early gathering of them into collections shows they were earnestly perused in these small circles he had fostered. The treatise, not now extant, was meant to justify the existence of conventicle groups in each parish and propagate them as useful nuclei of spiritual and ecclesiastical propaganda.

In September 1634 Lord Kenmure died, Rutherford being present at his death. Later he made use of his presence to publish in the interests of the cause, "The Last and Heavenly Speeches of Viscount Kenmure." This practice had long been common in France and the multitude of 'testimonies' which were to appear then and later were a proselytising practice imported from that country. Letter XXXIX refers to his presence at the death bed. Despite Bonar's dating of the Letters, there is no evidence that he was in Edinburgh in 1634. The "Last and Heavenly Speeches mention a visit to Dickson in Irvine.

1 Part of the treatise is preserved in the sermon entitled "The Deliverance of the Kirk of God" (Quaint Sermons 163-174). No date for this sermon is given but references show that the alliance with England was being canvassed. Rutherford resurrects some of the old treatise for a sermon which by defending private meetings, may win the ear of the Independents. He lays it down that a master of a household may expound Scripture to his own people and to others who may be gathered in his house. He goes so far as to say, "But for the private spirit of interpretation of the Scripture it is a thing that belongs not only to pastors but to all Christians (Quaint Sermons, 169). Contact with the English Sectaries caused him to state the direct negative not so many years later.

Throughout 1635 fear of Sydserf, or rather fear of Sydserf's
 upon the Church, was Rutherford's preoccupation. Alexander
 Dickson of Earlston had been fined for resisting an intrusion of Sydserf
 was the "first in Galloway called out and questioned for the name
 Jesus."¹ Rutherford's mind swayed at this time between passive
 resistance in flight to America² and active resistance as much as
 possible within the law.³ Even yet he hesitates to counsel or use
 resistance without limit. He anticipated Sydserf's ~~coercing~~^{procuring} the
 evil powers' intrusion^{of} a minister in Kirkcudbright and counselled the
 Earltons to seek advice as to how far they could legally resist.
 He was also by now in close touch with Dickson of Irvine, the doyen
 of Presbyterianism in the South West. In 1636 Sydserf caused his in-
 dictment at the Synod. The charge which Rutherford gives is that of
 an unreasonable doctrine, preached in a sermon at Kirkcudbright.⁴ The
 register of the Synod of Galloway dates only from 1664 so that no re-
 cord of the indictment exists. About this time he had a conference
 with Sydserf himself. Baillie mentions "a pamphlet of his going
 to comfort our people, a Relation of a conference of his with Sydserf."⁵
 According to Row there were several such interviews between them.⁶
 As they dealt with ceremonies they can only have strengthened their
 mutual antagonism. Shortly afterwards he was summoned before the
 Court of High Commission which Sydserf had established at Wigtown,
 where according to Murray⁷ he was deprived of ministerial office and
 cited further before the High Commission Court in Edinburgh.

Letter LIX

Letter LII

Baillie, I, 9

Murray, Life of Rutherford, p. 87.

2 Letter L

4 Letter LV

6 Row, Hist. of the Kirk, 396

87.



There are various accounts of the charges brought against him. Letter XL he cites his newly printed book against Arminians, and not lording the prelates." Letter XLIII says, "The cause that opened their hatred was my book against the Arminians, whereof they accused me on those three days I appeared before them." Baillie also mentions his book for "taxing Cameron, and his most indiscreet railing against Jackson," and adds his preaching against the Perth Articles and pamphlets on conventicles, his relation of the conference with Sydserf, as reasons why "they were animat against him"; but he carefully states that, "all thir things and some more did provoke them, but the alleadged cause of the censure was only ^{non-}conformity." In Letter CLXI Rutherford mentions that "I was three days before the Court of High Commission and charged with treason preached against our King, (A minister being witness went well nigh to swear it)." Letter CLXXXVII states, "my opposing the canons was a special thing that incensed Sydserf against me, also I was judicially accused of my book against the Arminians and commanded by the Chancellor to acknowledge what I had done a fault in writing against Jackson, a wicked Arminian."

A slight discrepancy exists between Baillie's statement, that the only alleged cause of censure was non-conformity, and Rutherford's own statement that he was "judicially accused of his book against the Arminians." The former version may be more accurate. Calvinism had not been proscribed as heterodox; till it was Rutherford could not be "judicially" accused of it. Some of the prelates who tried him - surely those whom he tells us spoke for him, were still Calvinist. With regard to his taxing Cameron, and indiscreet railing at Jackson, the phraseology/

phraseology of, the "Exercitations", compared with the later Miltonic Billingsgate, or even with his own more virulent writing, is almost conversationally polite. "Cameronis consequentia vana est" of Jackson's doctrine, "Blasphemon est fingere inter creatorem et creaturam aliquam similitudinem, etc." - these phrases, in the age of Eastwick Wynne and Milton are no more than academic platitude. The explanation of the matter is as follows:- The Bishops were converts to a new doctrine and had the early zeal of such added to their love of power. The ablest doctrinal opponent was now before them: because the men were churchmen, with the native Scots flair for dialectic, the trial devolved into a theological debate, which obscured all other charges. To the accused it might seem that his opposition to Arminianism was the central judicial charge. The debate seems to have been good-natured enough, except for Sydsarf's virulence and the Chancellor's annoyance at Rutherford's declination. Maxwell - who hardly deserved all the things Rutherford later said of him - remarked that "he had not thought there was so much learning in any Puritan." Some of the Bishops were even favourably disposed to him. Besides all this Rutherford's "Exercitationes" was his first publication; he was proud of it, and not averse to have it made famous in such a "cause celebre." He certainly rejoiced a little in being "accused" because of it. Yet whether or not the Bishops were desirous of doing so, they could not sentence him judicially for anti-Arminian doctrine or polemic. The charge of treason, supported by only one witness, fell through. Rutherford may have been indiscreet in the pulpit, but his dialectic would easily argue him out

of such a charge, whilst also at this time, he never expressed himself as being anything but willing to obey the King's behests. The only charge which could be legally established against him was active non-conformity to Episcopacy and the ceremonies. On that charge, as Baillie says, he was sentenced and, despite the influence of Lord Lorn exiled to Aberdeen; but it was the other counts against him that procured the heaviness of the sentence. Ministers had been deposed for non-conformity; few were definitely and definedly exiled. To have confined him to his parish would not have served the Bishops' ends; he would still have been a storm centre even there. He had now become a power in the Gordon country of the South West - and even beyond it - too dangerous to be allowed to remain. Such was the real reason of his exile to Aberdeen.

His achievement for his party in the South West is best summarised in the words of the paper written on the eve of his translation to St. Andrews in 1639, entitled "Reasons why Mr. Samuel Rutherford should not be translated from the place where he is." It is said that, "the principal means whereby the bodie of the gentry their (at this time wanting a head) is united and stirred up, is some few ministers of whom he is the principal."^I By 1639 he filled Kenmure's place in the district, and Baillie ~~has~~ ^{mentioned} ~~quoted~~ ^{believed} before, ~~says~~ "All the South West depends on Kenmure." It was the years of work in and from Anwoth aided a little by the literary fame of the Letters, which gave him that place. Although appointed by the wayward policy of Kenmure, inspired by the Act of Revocation, Rutherford achieved a dominant influence over him, largely/

^I Murray, 155, note quoting Wodrow, M.S.

largely through the latter's wife. It was Rutherford who in the winter and spring of 1632-33 kept Kenmure on the right side, or rather kept him from the wrong one, and caused him to withdraw from the Parliament in which, if he would not vote against the King, he could not vote for him. Through Kenmure he reached all the lairds in the Galloway parishes, some of them not at first keenly Presbyterian. By circulation of papers, by visit and interview, by Communion sermons in their parishes, by the small circle or conventicle of well-affected, he drenched them so deep in Presbyterian principles that the flood of 1660-85 failed to wash them out. The Aberdeen Letters show every Galloway laird a personal acquaintance; the letters themselves are the continuance of his policy of keeping at them. With the laird went the tenant. An interesting light on Rutherford's work, is given by the signing of the Kirkcudbright petition against the Service Book, Oct.-Nov. 1637. This closely follows the "National Petition" except for the necessary omission of the second paragraph. The Presbytery which had frowned on Rutherford a few years previously, is now enthusiastically anti-Episcopal. In that petition is the signature of every one of his Galloway correspondents, and even of some of his Ayrshire ones, notably Chalmers of Gaitgirth, head of that ancient Protestant house, Provost Fullarton, Knockgray,, Knockbrex, Earlston, Ardwell, Cassencarie and other lairds, all sign.

Of Rutherford it may be said that he prevailed by persistence. His pastoral work showed him constantly praying, preaching, catechising studying. Few in his parish, even to the lairds could withstand him. Kenmure rested ill when he fell foul of the persistent minister of Anwoth. It was the persistency of this one man that did so much to create/

create the ultra Presbyterian party of the South West. No laird was too great, no cottar too mean to win to the cause, or to reprove for backsliding. He cast many lines, and personally or by pamphlet or epistle he held every one of them. His sphere ranged from Ayr to Anwoth and from Anwoth to Dumfries.

Bush O' Biel

Little is known to us of the home life in the Manse of Anwoth, and that little is full of sorrow. The marriage with Euphemia Hamilton contracted in tribulation, ended in sadness but there is little doubt of the deep affection that lay between them all their short married life. Taylor Innes in his brilliant misconstruction of Rutherford's character writes, "He was twice married; his mother lived with him for six years after his first wife's death; and his second wife is said by a competent witness to have been 'a woman of such worth that I never knew any among men exceed him nor any among women exceed her.'" Yet of all these three women that indefatigable pen reveals absolutely nothing. He had nine children and his letters extend from three years after the birth of the eldest to six years after the birth of the youngest. But we know more of the birds who built in the kirk of Anwoth than of the bairns who played in the manse. Now all this reveals a real defect and a serious incapacity. In his family and in his parish, at least, it is plain that Rutherford did not give himself to understand those around him." There may be a superficial truth in the facts, there is none in the inferences. As his wife lay dying he wrote "My wife's disease increaseth daily to her great torment and pain night and day. She has not been in God's house since our

Communion/

I Studies in Scottish History, 23.

Communion, neither out of her bed. I have hired a man to Edinburgh to Doctor Jeally and John Hamilton. I can hardly believe her disease ordinary for her life is bitter to her; she sleeps none but cries as a woman travailing in birth. I have been, many times since I saw you, that I have besought/^{of}the Lord to loose her out of body and take her to her rest." This letter to Marion McNaught is short, the letter of a man who can write no more. Four years later he speaks of her as "the delight of his eyes" and of the wound caused by her death as being "not yet fully healed and cured." Nine years later he speaks of her in similar phrases. His early sermons and the Letters speak often in metaphor of the love of the young wife for her husband. Everything including his care for her in trouble and the worn state of fever to which this reduced him proves that a deep understanding and affection existed between Rutherford and the young wife he lost in 1630.

If the name of his bairns is not on his lips the longing for them is eating his heart. No, we do not hear of the bairns in Anwoth because it was a silent house except for the cries of a woman sick unto death. The children born of his first marriage all died young. There were two or three all of whom died very young. In Letter XXXV he refers to the death of one of them. He was hungry for a healthy child of his own; his quick eye noted every trait of a child, their faith, their petulance, their desire to be comforted; over and over again occur similes from child life of an exquisite pathos, the littles stretch^{all} stretched out hands, the little feet running about the house; /the things he has missed in his own and seen in the homes of others, enter his sermons with a note of heart ache. No friend lost a child but he wrote/

rote in consolation; no friend possessed a child in whom he was not interested. He wrote to Marion McNaught of her son's education, "I purpose, when you are at home, to do the uttermost in my power to help him every way in grace and learning, and his brothers and all your children."¹ Above all he was the resolute supporter of every child's right to Baptism and this as much due to his love of children as to any theological conviction. In answer to the last accusation, no man who possessed no gift of understanding his fellows could have possessed the love and affection which Rutherford won among all classes of his parishioners, though he found his work an uphill task. Personal sorrow, political enmity, parochial indifference sorely tried a brave spirit,² yet he was only once tempted to desert to America. He ruled his parish with a firm hand but they were loathe to let him go. Livingstone tells us that "he used ordinarily to rise by three o'clock in the morning; he spent all his time either in prayer or reading or writing, or in visiting families in private or in public employments of his ministry or profession."³ As a pastor he was utterly unsparing of himself.

Some biographers have been inclined to dismiss the Archbishop^{ch} Ussher story as an effort of Presbyterian hagiology. The story is well known. A stranger came to the Bush o' Biel and was hospitably received. Catechised along with the rest of the family at night, on the Commandments, he answered the question as to their number by saying eleven, and when taken to task, added the words of Christ "Another

1 Letter XLVI

2 Letter L

3 Memorable Characteristics, 32 in *Select Biographies*, 320.

commandment give I unto you that ye love one another." In the morning, as he was walking in the wood behind the manse, Rutherford heard the stranger praying and he then revealed himself as the Irish Primate. Thereafter he preached in the Kirk of Anwoth on the "Eleventh Commandment." There is nothing improbable in the story except maybe the fanciful touch of Ussher being catechised anonymously. He may have had business with Lamb, or he may have been making the short sea crossing from Ireland on business to Northern England. The main road along the coast of Wigtown bay runs through Anwoth and the Archbishop may have been taken with the urge in passing, to hear this Gallovidian Chrysostom. If the visit was subsequent to the Covenant and the publication of the Exercitationes, the fame of the letter writer and theologian may have drawn him thence. Ussher had been kind to Rutherford's friends, Blair and Livingstone, in Ireland and had reinstated both, after the Bishop of Down had deprived them. He was to the Scots, "Dr. Ussher, called Primate of Armagh, ^{not only} ane learned but ane godly man although ane bishop." Rutherford who agreed with him theologically could have had little hesitation in letting him preach in Anwoth - minus the surplice. The story, omitting some of its embroidery, is possibly quite true. The petition against his removal from Anwoth signed by his leading members runs "the kirk is situate on the highway betwixt England and Ireland where many and divers¹ strangers of the three Kingdoms repair and are hearers for the most part ² of all the seasons of the year." The Primate heard, and was heard in the small quiet kirk by the Solway.³

Select Biographies,

- 1 Life of Livingstone, 145 2 Murray, Life of Rutherford, 356
 3. The story is related in full in Wodrow's *Analecta*, III, 132-133.

Rutherford had great gifts of natural observation. His sermons and letters teem with allusion, metaphor and simile from the country life, its homes, its agriculture, its craftsmanship. He had all his life a nostalgia for the sights and sounds and scents of Anwoth, especially Anwoth on a summer evening. The misty isles of the Fleet, the song of the thrush and the linnets, the sweet smell of the hawthorn so typical of that valley, the scent of bracken in the wet; these gave him peace after many a bitter day, these he carried with him all his life, as every man who has had quiet dwelling there forever must carry them.

The Exercitationes and many of his published sermons were the chief work of these years. They will be considered elsewhere. The only other Anwoth production extant is his Catechism. This manuscript catechism which is preserved in the University Library in Edinburgh is from caligraphy, style and material, undoubtedly his. It is probably a copy of the catechism he used in Anwoth very slightly revised. Its earliness is apparent. The question, "To whom has God committed the power of excommunication?" is thus answered, "To the whole Kirk of the faithful gathered togidder in the name and authority of Christ, the pastor in the name of the Kirk, pronouncing sentence, or rather, pronouncing the Kirk's sentence." As it stands this is practically Parker's doctrine of congregational excommunication, with only a declaratory power in the minister, which in the "Peacable Plea" (1642) he was strenuously to deny. At this time, through opposition to Episcopacy, and contact with the Irish ministers, he inclines somewhat towards/

towards it. The Catechism is much less an instructional statement of doctrine, (such as the Shorter Catechism is), much more a popular exposition for rural catechumens. The form of the question is more often that which includes the doctrine itself, and asks for the reasons and truth of it in the answer, than asking for a statement of doctrine. This method is supported by the characteristic analogy, "What learn you of this (God's providence)?" "They are unthankful that sinnes against God in his very armes, lik cursed children that strikes their mother's face, even while as she has them in her arms." Few pages but have some quaint analogical gem. The whole tenour is that of patient and diligent exposition of great religious truths. The common problems of life are answered. "But the wicked live long and become old, the godly die young?" "As a great house full of copper or iron is not so much worth as a little portion of gold, so the few days of the godly is better than the manie years of the wicked." The experience of everyday life finds expression. "Is it lawful to suspect evil of our neighbour and condemn him?" "Yes it is; providing we have good ground to do so, and break not charity." No catechism of the period is such a human document, revealing so much the mind and soul of its writer. The answers to the questions on Christ almost break into rhapsody. "What is the third property of this King?" "Most glorious; for he that sitteth on the clouds has a rainbow on his head, his face as the sunne and his one foot standeth on the sea and his other on the earth at which time he standeth upon his own ground." Rutherford shows what is apparent in no other catechism, an attempt to understand the simple or child mind and to inculcate religious truth in it by using pictorial illustration/

illustration which they can readily grasp. Like his hated opponents, the Jesuits, he knew that the work of religious propaganda among the young, could not begin too early and he wisely paid attention to its form. How successful he was the subsequent Covenanting generation was to show.

THE PREACHER

The duty of his ministerial office which Rutherford loved and valued most was that of preaching the Word. It was the enforced silence in exile which made Aberdeen the prison house and caused him to preach by letter. His love of preaching even led the Kirk to sanction a mild form of pluralism. Rutherford was determined to have no more "dumb Sabbaths" and he resisted stoutly the effort to transport him to the Chair of Divinity in St. Andrews. To overcome his scruples the Assembly appointed him to the Chair and ^Iinducted ^{the Presbytery admitted} him also as colleague to his friend Blair now minister in the city.² They kept their friendship even in the last bitter days of Protester and Resolutioner.

His contemporary fame as a preacher was great and survived his death for a century, enhanced doubtless by his posthumous glory as a saint of the Covenant, a Westminster divine, and the writer of the immortal Letters. His Communion seasons in Anwoth brought ^{many} ~~hundreds~~ of devotees to that quiet glen. Some of them preserved the sermons in writing and these were printed periodically throughout the next century along with others which were blatant forgeries. The authentic canon of his sermons is comprised in the following list:-³

"Fourteen Communion Sermons by the Rev. Samuel Rutherford (1876)
edited by the Rev. Andrew Bonar, D.D.

These were a reprint of an earlier edition by Bonar entitled "Twelve Communion Sermons." All these sermons were reprinted from older editions, chiefly that printed by Stephen Young, Glasgow, 1802.

"Quaint Sermons of Samuel Rutherford hitherto unpublished" (1835)

This was an edition printed from an ancient transcription of some of Rutherford's/

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- 1 Peterkin, Records of the Kirk, 189. Life of Blair, 159.
2. According to Murray, 162, quoting Kirk Session Records, on 19th Nov., 1639.
3. Additional Note, p. 892

Rutherford's sermons which fell into the hands of Mr. J.H. Thomson, Free Church minister of Hight^{se}~~se~~. The note taker and transcriber was a hearer and contemporary of Rutherford. This manuscript guarantees the authenticity of the other Communion sermons for it contains them also, only in more archaic spelling and Scottish idiom.

"The Trial and Triumph of Faith." London, 1645.

This was Rutherford's publication of a revised collection of some of his Anwoth and St. Andrews Sermons.

"Christ Dying and Drawing Sinners to Himself." London, 1647

This was originally a series of sermons on John XII, 27-33 preached on at least repredicated during his London years. They are now collected and made into a semi-homiletic treatise by the insertion of "sundry Digressions for the times." The work contains some of his best prose but lacks something of the native freshness of the earlier sermons.

"A Sermon before the House of Commons." London, 1644

"A Sermon before the House of Lords." London, 1645

"The Power and Prevalency of Faith and Prayer." was originally

one or two sermons on Matthew IX, 27-31. It contains some of his greatest preaching.

The influence of the pulpit in rural Scotland in the early seventeenth century is due to the fact that no such preaching had till then been heard. The parish priest was often unable to preach, if he was his sermon was a rambling and magical excursus in hagiology not infrequently interspersed with indecent analogy and coarse illustration. Of preaching, as understood by the Reformer, there had been none. The expository preaching of Scripture came to the people with the force of the/
the/

the new and original which are always potent forces in conversion.

Contemporary opinion and the "English merchant" story preserved by Wodrow show that Rutherford, Dickson and Blair were considered the great preachers of their time.^I To them history adds John Livingstone as a great evangelical preacher. For better or worse they shaped the form of Scottish pulpit eloquence for many generations. Of the four, Rutherford was the greatest and most versatile, though he lacked somewhat the practical note of Dickson and the more lucid and orderly exposition of Blair and Livingstone. Unfortunately no sermons of the last two have been preserved for comparison.

Aristotle lays down in his "Rhetoric" that he who is to persuade must study carefully the inter-relation of audience, style and subject. More than the eloquent preacher of the English pulpit the Scot considered this matter. It is because he had a rude and homely people to convert that the language of the Scottish pastor is often rude and homely. The object of their preaching was to save and instruct, not to titillate and thrill. It is notable that the Crusades revived preaching in the middle ages. The crusade to win Scotland to a pure faith as well as free it from the trammels of Episcopacy was the great ~~spiritual~~ incentive of all Scottish preaching. The crusader is always a propagandist with a definite object, his style is always dictated by its power in conveying the message, and converting to the cause. This principle underlies all Rutherford's writing. He has far more "styles" than are generally noted. Even in the "Letters" there are subtle differences of style when he addresses people in different stations, or subject to different experiences. This same principle underlies

I. Wodrow, *Analecta*, iii, 4.

and explains the so-called "dualism" of his character noted by Mr. Taylor Innes, for his mysticism is often more verbal than intellectual. Always the audience dictates the style. In "Lex Rex" written for the legal pundits of London, are passages reminiscent only of Bacon himself in weight and pithiness of apothegm. In his polemic the language is colourless and excepting always the Rutherfordian epigram, the language of the schools. Again his theological writings on "grace" because of his spiritual fervour show many passages worthy of Baxter at his best. The Preface to the Trial and Triumph of Faith can strike the note of sonorous meditation. "Christ for this cause especially left the bosom of God and was clothed with flesh and our nature, that he might be a mass, a sea, a boundless river of living and breathing grace swelling up to the highest banks, not only of the habitable world, but the sides also of the heaven of heavens, to overwater men and angels." The prose cadence of this sentence, in flow, rise and fall, is exactly that of Sir Thomas Browne, and its beauty is undeniable. In an early sermon he writes, "And indeed in my judgement it is a speech borrowed from a mother that has a bairn with a broken face, all bloody and all bleared with tears, and it comes to her (and woes her heart to see him so) and she sits down and wipes the tears from his eyes, and lays her hand softly on the wound and his head in her breast and dights away the blood and lays her two arms about him, and there is no end of fair word." There are many such passages in the early sermons, which for union of the prophetic and homely poetic can only be rivalled by the master of such language, Thomas Carlyle himself. Added to this, whatever literary opinion concerning his "Letters" may be, they are unique of their kind/

mind. To sum up, Rutherford considered the audience to which he preached or for which he wrote in relation to the message he had to convey. He tried to shape the clothes of the message accordingly. In this he occasionally failed, betrayed by his casuistic mind and scholastic training; but the wonder is, not that he wrote so much that was arid, but so much that is cadenced English, or vivid poetic Scots prose. Compared ^{with} to the rude syntax of the previous generation, his writing shows a vast improvement in style.

A reliable conception of his preaching can be formed from the extant volumes of his sermons. These show a definite development in style. The earlier are freer, less ordered, but more inspired, more vigorous, more fanciful than the later. The later are more doctrinal dialectic and ordered, though his wonderful aptitude for pungent and homely analogy still appears. The Galloway "Communion" sermons were posthumously printed in chap-books, from notes taken by hearers. The existence of such notes argues early fame as a preacher. Certain hiatus in thought and inconsistencies in style are explained by this method of publication. The more ordered form of the sermons preserved and collected into the treatise the "Trial and Triumph of Faith" is due to his own conscious revision, but some of these also were Anwoth sermons. To Lady Kenmure he writes in the Preface "If some of these sermons came once to your Honour's ears; and now to your eyes, it may be with more English language, I having staid possibly till the last grapes were somewhat riper, ~~I hope it shall be pardoned.~~" The "Christ Dying" contains the more ambitious oratory of a Westminster divine.

The

The style of the early sermons is that of a man at pains to make himself understood to the ordinary hearer. The sentences are short and simple as compared to those of his polemic work. There is constant use of the short hortatory sentence, e.g. "Rouse up your souls." "Beware of that work," and of the rhetorical question inciting to self-examination. These are devices more calculated to appeal to a rural than to a more sophisticated audience; there are less of them in the later sermons. Especially is the "popular" appeal apparent in his characteristic use of metaphor, simile and analogy. These may on occasion be extravagant, but they are always explanatory. To expound a thought by conveying some familiar picture to his hearers seems to have come naturally to him as he preached. He loved the "fancy" (in the Elizabethan sense) but he loved it not for its own sake as the Jacobean preacher often did, but for its power of illuminating the mind and moving the heart of the hearer. Compare him to Donne, the great English master of the fanciful analogy. The latter goes gloatingly from analogy to analogy, often puzzling his hearers by explaining an analogy by an analogy more recondite. Rutherford is simple, expressive, homely, as in the analogy (already quoted) of the mother and the bairn with the broken face, used to illustrate his thought of Christ the Comforter. Though the analogy, as here, may be worked out a little in the manner of the Homeric simile, it always gives an emotional fullness to the picture and thought it has to convey. In his sermons it is never a mere intellectual juggling with form.

If to the power of simple language and apt analogy he could have added that of consecutive and selective thought, Rutherford would have been the greatest of Scottish preachers. A certain thought may be well expressed and the following thought as ably, yet their inter-connection not obvious and their relation to the main "head" not clear. A passage may resemble more a series of obiter dicta than the developing "head" of a sermon. He often falls, especially in the later sermons, from the plane of devotional meditation to that of polemic utterance, but as often rises from mere doctrine to brilliant rhapsody on the person of Christ. In Dickson's sermons appears the "classic" method of exposition, then raising of doctrine and refuting of objection, followed by use and application, which was afterwards propounded in the "Directory for Public Worship." In Rutherford's sermons there is a more minute exegesis, and all three are interwoven in one paragraph on a single word of a text. Whilst the method of the former is admirably adapted to moral and doctrinal teaching, Rutherford's method or lack of it, with the simpler sentence, the homely analogy, the passionate rhapsody brought home to the common people those emotional and devotional experiences which must exist in a religion centred on the person of Christ.

The matter of his sermons is formally the same as that of his contemporaries - exposition of the word of God. His breaking up of a text is often almost ultra exposition for no phrase is too insignificant for a symbolic meaning. The heads developed from the text thus treated are often little sermons or rhapsodies of themselves. There is in his sermons less polemic than might even reasonably be expected, and/

and, except in "Christ Dying", hardly any scholastic treatment of doctrine. There is some outspoken criticism of men and affairs - "I see them fishing for baronies" - But these are subordinated to his main purpose of commending the glory of the person and work of Christ in his Kirk, to the experience of sinful men, and of impressing on them the superlative power of the grace of God. There is hardly a "head" in all his published sermons in which these are not the "leit motif" now sounding tremulous, now majestic, now caressing, now condemning, so that the normal content seems often incidental and secondary. "Oh what a happiness for a soul to lose its excellency in His transcendent glory. What a blessedness for the creature to cast his little all in Christ's match²less all-sufficiency."

As we come to consider Rutherford as the supra-lapsarian theologian who gave all to God and little to man, the question arises, "How did such doctrine affect his preaching?" Whilst pronouncing the wrath of God against the sinner he was no less strenuous than the most devout Arminian in encouraging his hearers to moral effort, no less comforting than the most fervent universalist in preaching the embracing Love of God. Everywhere he sought to make the doctrine of election a source of comfort and not of doubting. When we read the theology we can turn back to these lines, "We err oftentimes in our applying either promises or threatenings. You make a question of God's part, 'if Christ died for you and loved you.' Make aye sure your own part and take no fear of God's part. If ye ask for whom Christ died I answer, 'for all that lean to Him, be they whom they will'. Take

1 Communion Sermons, 198

2 Pref. to Trial and Triumph.

'Ay' to you till Christ say I died not for you. A cord is cast down in a hollow pit to draw up you and a hundred more nor you. If ye dispute 'Is the cord cast down for me' I will tell you how ye shall answer that doubt, grip and hold fast by it for your life and out of question then it was cast down for you. If ye take the offer question not his good will; step in; Christ's good will will not ask to whom pertain ye."

Few if any Scotsmen in prose or verse have possessed such a wealth of imagery. He has the same power as Dunbar, Burns and Carlyle of inspired word painting and if his pictures are not as graphic as theirs they are perhaps much more varied. He can even achieve his effect with great economy of words. His best pictures are given in a sentence. "Pride, lust, laziness and security ~~are~~ the meikle water, the saints are the short legged horse and down they go." - a Galloway nag floundering in a Solway tide. "Do not think to buy God's kindness with tears. When the water goes out of the bag wind comes in." The man whom Taylor Innes accuses of no knowledge of children is full of metaphors from children's play. "Be not like bairns building sandy bourocks at a burnside when presently a speat of water comes and spills all their sport or a shower chases them from their play." These early sermons are full of the sights and sounds and sighs of the Solway; the sudden spate, the salmon "flaughtering" in the nets, the treacherous tides, the glistening sands, the climate - "If the traveller be going home the less matter he be wet to the skin." The gardener, the farmer, the forester supply

1 Communion Sermons, 303
3 Quaint Sermons, 97

2 Quaint Sermons, 86
4 Communion Sermons, 234

m with rich abundance. His observant mind noted and stored every
 rt and practice that could enhance the "winged word." Wider contact
 further enriched his imagery and in the Christ Dying there are few
 fields of human learning and experience from which he does not draw.
 analogies from seafaring, and of course, being a St. Andrews professor,
 from golf - "He made his put guid" -, from military affairs, from the
 law, overflow with all the aptness of use of the earlier sermons, if
 they lack a little of their vivid colour. No Scottish preacher has
 ever better handled the emotional metaphor taken from the joys and
 sorrows of human experience and home life, for the thought behind the
 simile prevents it from being merely sentimental. There is little
 need to say that he was as rich in pertinent Biblical allusion and
 illustration as in any other. His very choice of texts in many of
 his preserved sermons is for the figurative. He shows a partiality
 for texts capable of a symbolic Christological interpretation and he
 was always quite ready to symbolise as far as Protestant exegesis
 could allow him.

Rutherford like Luther, liked a sermon to have teeth. He could
 write with irony, flash with sarcasm, and even with dry humour; he
 never hesitated to preach "to the times" as well as to the individual.
 In his fondness for the symbolic, for the homely simile, for the speech
 of the people, in his lack of order in his admixture of simple inter-
 pretation and fanciful analogy, in his forthrightness, in earnest
 appeal knit to the practical application, in his passion for Christ he
 is likest of all Scottish - or English preachers - to the great father
 of Reformed preaching, Martin Luther. As his people listened to his
 voice/

voice they learned not only of the glory of Christ. As vivid picture after picture was kindled in their minds, they must ~~also~~ also have seen with new eyes the glory of the common things and the commonplace world round about them. He had not the orator's voice, he was too uncontrolled in voice and thought for oratory, we are told that his voice was high and shrill and when impassioned rose into a "kind of skreich." But he was the greatest Scottish preacher of the age, Binning, Durham, Leighton, not excepted, perhaps the greatest of any age of the Kirk.

Such was the preacher who filled the pulpit in Anwoth and drew hundreds to his communions. He doubtless preached many sorts of sermons, doctrinal, polemic, didactic, but his two great themes, Christ's glory and Christ's grace prevailed throughout. Other men also, of both parties, were to imitate his style and manner and develop it. Baillie writes in 1654 of Andrew Gray, "He has the new guise of preaching which Mr. Hew Binning and Mr. Robert Leighton began, contemning the ordinary way of expounding and dividing a text, of raising doctrines and uses, but runs out in a discourse on some common head in a high romancing unscriptural style, tickling the ear for the present and moving the affections in some, but leaving as he confesses, little or nothing to the memory and understanding." Of this style of preaching which Baillie so disparaged, that which appeals to the heart rather than the head, Rutherford and not Binning the Protester or Leighton the prelate, is the father. His subsequent letters maybe as much as his sermons gave it the vogue. With him it is more natural than literary/

literary, for his main purpose of moving the hearts of men to the glory of Christ subordinates all other considerations of homiletic technique. In the hands of Binning and Leighton this method is more consciously mannered, but yet of great devotional power and beauty; with lesser men it becomes sickly and effete, or riotous and indecent, the source of such caricature as in "Scots Presbyterian Eloquence." Rutherford's greatest work as a local propagandist is as a propagandist of the gospel, an ambassador for Christ.

THE LETTERS

Rutherford came to Aberdeen in September 1636 and remained for over eighteen months.¹ Two hundred and twenty letters which he wrote from there are preserved. From his own words it is obvious that he wrote many more. Little concerning his life in exile can be gathered from them.² They are records of feelings not of facts, and have been alternately lauded as the acme of expressed Christian experience, and vilified as rabid outpourings of religious egoticism.

Why were they written? The primary and basic psychological reason is undoubtedly his thwarted homiletic faculty. His religious experience had to find expression, opportunity for which had been afforded by the pulpit. This now denied him, he turned to the letter. He often refers to the ban on his preaching as his heaviest cross.² Secondly, there was the pastoral motive. The condition of the South West was a grievous burden to him. He pours out letters that are warning, anxious, hortatory, castigating the known sins of his flock, vindicating his doctrine, warning against Episcopal heresy. Thirdly there was the propagandist motive. He did all he could as an exile to win the nobility to his cause, indirectly through wives and relatives or by direct appeal. He constantly sought fresh correspondents and endeavours by the witness of the exile to win the heart of the Laodicean. There is a distinct literary motive. Despite his protests he was proud of his growing literary fame. The last hundred and fifty letters have constant reference to the multitude of his correspondents and old friends, like Hugh McKail, are put off with a brief note to make/

1. Vide additional note p. 903.

2. Vide additional note p. 905.

make room for the many. There is evidence of hurry in the more frequent repetition of thought and phrase of the later letters.

Corresponding to these four motives four literary traditions mingle in the letters. The evangelical homilist is always present in them: many are homilies on the Christian life, based on his own experiences, illuminated by passages of sound Scripture exposition. As in sermon, so in letter, the presentation of the glory of Christ is the greatest theme. He is preaching by letter. The pastoral motive gives him the tradition of the pastoral epistle. The influence of the Pauline epistles is clearly evident in the salutations. His letters to his parishioners are modelled on these and even reminiscent in cadence of II Corinthians. Paul was the obvious model for his task, and there is distinct evidence, in form, thought and style, of study of the Epistles for the work in hand. The letters are also in line with a new literary and propagandist form, the "testimony." In France the converts to the new faith wrote "testimonies" to the strength of the faith which had converted them. These were published by the Huguenots with a definite proselytising purpose. The Catholics retorted by publishing testimonies of perverts from the Huguenot party. These increased in literary scope to include death-bed speeches, or any other material likely to serve a propagandist purpose. Rutherford seems among the first to use this propagandist form in Scotland by the anonymous publication of the "Last and Heavenly Speeches of Viscount Kenmure" (1649). In the "Killing Times" the number of testimonies increased and later were collected in books, such as "Naphthali" and the "Cloud of Witnesses." They became a favoured form/

form of Presbyterian reading. McWard edited the letters in "Joshua Redivivus" as a collective testimony with a propagandist purpose. The individual letters themselves are often little testimonies. He deliberately sets out to witness. Much of his so called ego-centricity is due to this conscious intention and heightened by it. It is inseparable from the form of a testimony. He is a man witnessing for Christ in order that others may be brought to witness. There is lastly a literary tradition. It may be negligible, but the regent of Humanity would know the Letters of Pliny and may have decided to become a letter writer but with more inspired objective.

Round the style of the letters controversy has chiefly raged. There is a fact worth noticing: even as a good deal of the "ego-centricity" is due to the fact that he is consciously "witnessing", so much of the "indecenty" is largely due not to any native delight in the erotic but to the literary model -~~the~~ Canticles- which he follows. In both cases the ego-centricity and eroticism are formal rather than inherent and natural in the man. He is much less a religious erotic by nature than Donne, for example. Erotic imagery was the fashion of the age in poem, pamphlet and pulpit. Rutherford, perhaps in this even an unconscious propagandist, sought to use the imagery of the earthly to win men to a higher love. He considered he had precedent in the accepted interpretation of the "Song of Solomon." Taylor Innes's theory of a dual personality was probably due to the recently published "Dr. Jekyll and Mr. Hyde." Rutherford was an intensely religious man, but no mystical erotic. His use of testimony and his clothing it in the imagery of Canticles lends colour to the charge, but as/

as has been seen, these are literary conventions. There is no reason to doubt his sincerity, for a man may be sincere whether he write well or ill. He often writes well; passages glow with religious emotion, destroy with scorn or strike with the homely metaphor or vivid epothegm of the sermons. His worst fault as a stylist is that Biblical language and cadence are not quite fused into his own native thought and style, with the result that passages seem phrasical quotation or imitative reminiscence, e.g. "For this cause write I unto you that my sufferings may glorify my royal King."¹ "That ye should in any sort forbear the receiging of the Lord's Supper but after the form I delivered it unto you according to the example of Christ our Lord."² Such passages can be found in every letter.

The Letters at Work

The motives behind the Letters have been stated. These were not all concurrent. Rutherford came only gradually to the role of Apostle consolatory to a persecuted Church. The sixty Anwoth Letters were spread over nine years and written as the occasion directed. The early Aberdeen Letters were likewise written to the need of the minute. Bonar's dating is again inaccurate, so his growth towards such a position cannot be traced fully. Despite his protests that he did not wish "to be much thought of", he yet tried to fill the above role, which the demand for his letters certainly thrust upon him. It was probably the furious out-put of his pen in March 1637 occasioned by the imposition of the Service Books and its reception, which strengthened his desire and intention to exhort and encourage and incite all whom

1 Letter LXXXIX

2 Letter CCLXIX

his pen could reach. More than fifty of the Aberdeen Letters are of this date. The route of these Letters was by sea to St. Andrews, through Fife to Edinburgh, Edinburgh to Lanark (or Glasgow), Ayr and the South West. Along this route he constantly seeks new correspondents.

In their relation to the external affairs of the Church the Letters are more a by-product of them than an agent in them. They did not stir the mighty to action; they are not propaganda in the sense that the Letters of Junius are propaganda. Their chief historical importance is that they made the fame of their writer, who returned from Aberdeen to find his voice of increasing weight in the counsels of the Church. Value they had with lesser, but more faithful men than the Peers and kept them true to the cause they held. Row, himself a correspondent of Rutherford, writes, "They did great good, not only to those to whom they were written, but to others to whose view in providence they came, so that sundry began to gather them together.....for in them are handled many necessary cases of consciencealso they speak much of the times and the bishops' tyranny..... also there are in them some prophecies concerning the downfall of the bishops fulfilled by proof." The letters were regarded as inspired. A successful prophet could not but make a successful propagandist.

The letters may be related shortly to concurrent events. The earlier except for his brother's trial, refer little to actual occurrences. His zeal, even in Aberdeen brings threats of more remote exile.² He is in as close touch as circumstances will allow with

1 Row, Hist. of Kirk, 397

2 Letter LXXI

Dickson and the South West, which the failure of a New England expedition and the outing of the Irish ministers had filled with Presbyterian preachers. There is in the letters ceaseless agitation against the Service Book, Book of Canons, and King James' Psalms which increases towards March 1637. Easter 1637 had been fixed for their imposition. The great output of letters in March 1637 reflects the agitation against this by the Presbyterian party. Henderson's letters¹ of March 27th which were "apples of gold unto me", may have conveyed the knowledge that the imposition had been postponed. Now he speaks with a note more daring and passionate than hitherto. "I have a fire within me. I defy all the devils in hell and prelates in Scotland to cast water on it."² "But here in matters of conscience we must hold and draw with kings and set ourselves in terms of opposition with the shields of the earth."³ His mind is being forced by circumstances towards the doctrines of the Lex Rex. The agitation against Episcopacy is even stronger than apparent to a modern reader.

His Christology and ecclesiology are interwoven. Christ's winning his bride can be readily equated with "felling the bishops and houghing the ceremonies." Opposition^{sit} to the latter was a necessary part of Christological experience which he believed all should share. Thus what is on the face a Christological thought can have a secondary, more polemic, even propagandist⁴ meaning. "Fear not to back Christ for he will conquer and overcome" can refer both to Christ's power in the soul, and to support of Presbyterian principles also. This intrusion of the propagandist in the experiential theologian was a common place

1 Letter CXV

2 Letter CXXVI

3 Letter XXXVII

4 Letter CXXI

in the Letters.

Between March and September 1637 there is an even flow of letters and a steady growth in literary consciousness and purpose. These like CLXXI show it has become ~~frequent~~ ^{common} for people to solicit him to write to their friends. There is much concerning practices but little concerning events; with regard to the latter he is more in the position of informed than informer. High and low, rich and poor, parishioners and peers, receive letters whose predominant theme is "Steadfast in the Presbyterian Faith, I, an exile, witness to its truth and ultimate triumph." Dating is difficult, but there seems to be a thickening around the middle and end of June. The threatened imposition at Easter had not materialised, the bishops postponing it to October, but Charles, in a Proclamation issued through the Privy Council on June 13th, enforced the purchase and use of the Service Books in strenuous terms. These summer letters (vide those to Craighall) show a preoccupation with the ceremonies, and ^{show} that men were turning to him for guidance in this matter. They are all nine (with the exception of one to Lady Culross and the Craighall correspondence) written to the South West, chiefly to Galloway. He is deliberately strengthening opposition to the storm he knew was coming.

The storm broke with the riot in St. Giles on July 23rd. Thereafter ensued the intrigues of proclamation and petition. The Council met on September 20th to give effect to a letter of Charles re the Service Books but were beset by a concourse of nobles, lairds and ministers who presented no less than sixty-nine petitions against the Service Books. Choosing three of these the Council promised to communicate/

communicate the answer to the petitioners Before October 17th. On this date the three proclamations of Charles postponed the answer to the petitioners and ordered them to leave Edinburgh, removed the law courts to Linlithgow, and more definitely imposed the Service Books. The reply was the "National Petition" drawn up by Balmerino, Loudon, Dickson and Hedderson, copies of which were sent to the country for signature.

This period is one of intense activity in the Letters. Letters CCXXIX-CCLXXIII are all dated September 1637, the bulk of them between September 5th and 9th. This group is written to a more widely scattered audience due in measure to the growth of his correspondence, but also to the more national aspect which the whole matter now possessed for him. The mantle of national prophet sits on his shoulders as affairs move to a crisis. "Scotland's withered tree shall blossom again."¹ "Christ's glory of triumphing in Scotland is yet in the bud and in the birth, but the birth cannot prove an abortion. He shall not fail nor² be discouraged till He hath brought forth judgement unto victory."

The prophecies mentioned by Row abound most in this gast group. The writer is aware that the hour is at hand. All his male correspondents are signatories of the "National Petition." The preservation of the Kirkcudbright Petition is interesting. On October 18th when the Petition was drawn up it was decided that some copies be made "whereto far different presbyteries may put their hand for the present."³ Kirkcudbright Presbytery drew up ~~their~~ petition on parchment and had it signed between October and November. It is exactly the sphere of

1 Letter CCLXXXI
3 Rothes, Relation, p. 21

2 Letter CCLIII

Rutherford's influence, West Kirkcudbrightshire, which signs most largely. All the names of his correspondents are there, twenty from Anwoth, fifty-seven from Kirkcudbright. It is signed by Chalmers of Gaitgirth in Ayrshire. In CXXXVII (dated only "Aberdeen 1637") Rutherford, writing to Lady Gaitgirth, thanks her husband for "his care of me in that he hath appeared in public for a prisoner of Christ." The signing of the Kirkcudbright petition may thus have been the occasion of some agitation for Rutherford's return, fostered by Chalmers. Letter CLXXXVII encourages the people of Galloway to draw up a supplication on his behalf. No time could be more fit than now. The signatories to the Kirkcudbright Petition^s are adequate testimony to his work in the South West.

Few letters come from Aberdeen after September 1637. This is perhaps explained by the setting in of the winter season, but it may be that he is girding his loins for the more active battle. He is more hopeful. "I am fully persuaded of Christ's victory in Scotland." The growing power of the Tables is reflected in his last letter to Loudon which shows more the spirit of a winning cause.

His last letter from Aberdeen is undoubtedly that of February 4th that dated June 11th is obviously an error for January 11th. His own reference to his exile as lasting eighteen months dates his return in February 1638. The object which drew him South was the signing of the National Covenant.

The Letters at Work - (2) The Correspondents

Rutherford's correspondents are varied enough. Peers, peasants,

lawyers, soldiers, minister, lairds, wives of the great, wives of the humble. What is pertinent to the point of view from which these letters are studied is that there are definite differences of approach to them all. Despite his own fixed point of view, and introspective mind he makes an attempt (maybe not always successful) to enter into the mood of the recipient, and despite Taylor Innes's assertion to the contrary into their mind also. The Craighall correspondence, his later conduct in the "contenticle" controversy shows that he made some effort to understand respectively an alien condition of mind and position in doctrine. Doubt, fear, sin-consciousness, grief, love, joy are all known to him. Through these emotions he seeks to enter into contact with the recipient, intent on the scriptural injunction to rejoice with them who rejoice, and weep with those who weep. This method of gaining a hearing may be open to criticism; but others have played on these and on the unworthier emotions of men for far worse purpose. There is no need to doubt that his sympathy was genuine. Derogatory stress has been laid on his letters to women. Those to Lady Kenmure and Marion McNaught were to people of importance likely to influence their husbands. Only sixty out of the two hundred and eighty Aberdeen letters are to feminine correspondents; mostly to wives of lairds likely to influence a husband or a son. At the bottom of his emotionalism and his literary mannerism is the cause of Christ and his Kirk. He seeks to save the unbelieving husband by the wife, perhaps more especially to stir him to the cause as evidence of that saving. But in his letters to the peers there is little that

1 e.g. Lady Boyd, Lady Mar, Lady Culross.

could be called erotic or effeminate. Pungent and virile, they show a stancher man than the recipient often was.

Nor is he entirely lacking in tact. The Craighall correspondence shows how he feels his way to a closer knowledge of the mind and opinions of his correspondent. The same appears in that with Loudon and Lady Boyd, to mention only two. There is always a measure of restraint in the first letters which decreases as he becomes more conversant with the political views of the recipient. In the later letters, personal knowledge and the urgency of his cause make him more outspoken. The letters to Cassilis and to Loudon are interesting. Those to the former are more restrained than those to the latter, because of his known loyalty to the Crown. Even his first letter to Loudon is moderate enough. "I am not of the mind that tumults in arms is the way to put Christ on his throne, or that Christ will be served or the truth vindicated only with the arm of flesh and blood." His first letter to Cassilis is even more moderate. The second letter to Loudon is more bold; it touches on the prerogative and goes on, "suppose the bastard laws of men were against you, it is an honest and generous error if you slip against a point or punctilio of standing policy"; but the corresponding letter to Cassilis omits any mention of the prerogative. The last letter to Loudon is violently denunciatory, even that to Cassilis shows increased vehemence. They were both now committed to the cause of Presbyterianism.

The Craighall correspondence best shows him at work. The letters are written in a judicial manner, weighing the pros and cons of Church

1 Letter CXVI March 1637

2 Letter CCLVIII

3 Letter CCLXVIII

and state, ceremony, and abolition thereof, temporal and eternal, exactly, because they are written to a jurist. The first letter is an answer to Craighall who has asked his opinion on the ceremonies and refers to him a Mr. Laudian's views that they are things indifferent. It is a guarded reply. Craighall was son of Sir Thomas Hope, Lord Advocate and himself a Lord of Session. Sir Thomas was a zealous Puritan, friendly to the Covenanting cause, secretly sponsor to the National Petition. But he and his son held Crown office, the father had by nature of that office prosecuted Balmerino and also drafted the Act of Revocation. There was thus enough to make extreme Presbyterians a little suspicious though unjustly so. Hence Rutherford's first answer is guarded. The most he says is that ceremonies are popish, and Laudian's arguments for their passive acceptance weak. Even for an early letter this is mild; he fears a trap. "I desire not my name take journey and go a pilgrim to Cambridge for fear I come to the ears of authority. I am sufficiently burnt already." More correspondence is interchanged. Letter CLXXIV is more outspoken and trenchant. "A marquis (Mamilton) or a king's word when ye stand before His tribunal, is lighter than wind. Consider how many in this kingdom ye shall cause to fall or stumble if ye go with them." The postulate that the King's will justifies is resolutely refuted. His next letter is curt and disappointed owing to rumours of Craighall's pledge to the King to support the ceremonies. Letter CCXXVII is one of the most dignified he ever wrote. Unlike many of the others it

1 Letter LXXXVI

does not strive or cry aloud but has the calm reasoned note of earnest pleading, asking Craighall at least to wait on victory if he will do nothing to help it. His last letter to him is more formal suggesting that Rutherford is still doubtful of the Judge's orthodoxy, but the same reasoned, balanced note prevails.

From the close study of the letters, Rutherford is thus seen to have adapted or sought to adapt himself to the mind, mood, or position of his correspondent. This is itself part of the art of the Propagandist. His subsequent fame bespeaks his success.

The Letters at Work - (3) The Matter.

It is difficult to classify the matter of the letters. One may allow Row's "causes of conscience.....much of the times and bishop's tyranny.....some prophecies." The writings of men like Dickson, Blair Livingstone and Rutherford show that their religion was a deep personal experience essentially Christocentric. Rutherford's letters are an attempt to communicate such an experience to others. Harnack's view is that such an experience is ipsa natura incommunicable. Yet at least the letters are windows which reveal a man's soul to his fellows, and the glimpses they got were sufficient to encourage most, and convert some. His analysis of his own cause led many to believe he could analyse and prescribe a cure for theirs, so that he came into the rôle of spiritual adviser to the more evangelical part of the Presbyterian party! as cases of conscience were closely allied to cases of polity vide the Craighall letters, this was of no small advantage to the propagandist.

God and the Devil, Christ and sin, Presbyterianism and the ceremonies/

ceremonies, were all correlated antitheses of good and evil. In exile Rutherford himself drew up a "Directory" for dealing with cases of conscience. In Letter CLVII Fleming of Leith asking for a Christian "Directory", he sends him "what he would have been at himself" but says it was not completed. Since then an old M.S. has come to light. "A Reflex upon a man's Misspent Life" By Samuel Rutherford.¹ It is an enlarged version of the letter and is in three parts. (1) Challenges, i.e. spiritual questionings of the soul: (2) Helps to a more exact walking with God: (3) Supplementary. Some ways of benefitting. The whole is a little treatise in sound practical theology and is possibly the Directory he essayed in Aberdeen. There is always of course, the possibility of someone having redacted the Letter. The caligraphy ~~ixx~~ of the M.S. is uncertain.

Rutherford is always seeking the troubled heart. Even when he does not know its state he hypothetically postulates its condition, and answers its, as often in the letters to Lady Kenmure. Debarred from polemic, he constantly finds the battle in his own soul, and as if that were insufficient, seeks it also in the souls of others, in his fervid imagination outlining its attack, repulse, counter attack, defeat and victory. He could not cease from mental strife.

"Much to the times." In the Letters is little direct reference to contemporary events - doubtless his carrier told much more than was written - but much to contemporary practices. There is trenchant criticism of the Service Book and steady growth of the view that a King who imposes it must be resisted. In four separate letters, with Anwoth

¹ In the possession of J.D.Ogilvie, Milngavie.

a case in point, he upholds the view that the people alone have the right of electing a minister. Much of the substance of his treatises can be found in germ in the letters. No one from peasant women to ~~men~~, escapes the inculcation of the divine right of resistance to tyrannies, and as feeling grows stronger, of resistance to any who impose them. In this aspect of the letters he is the open and avowed propagandist.

"Some prophecies." To Rutherford there seemed an exact parallel between his position and that of the seer of Patmos. He shows all through his homiletic and partiality for quotation from the Apocalypse. The theme of the ultimate vindication of the persecuted righteous was one he often preached and firmly believed. In the letters his denunciatory passages are Johannine or Jeremianic in note, the former predominating in the latter letters as victory appears nearer. Fortunately for the prestige of the writer, Presbyterianism did triumph, and to those who had read them the prophetic passages seemed little short of inspired. "Some prophecies which the Lord caused his servant to utter have now since fulfilled by proof and experience."^I Such was Row's opinion and the opinion of many more. It is unfortunate that the "prophecies" of the letters helped to inspire the pseudo-prophetic preaching of the later Covenanters, so mercilessly satirised by Scott in Ephraim Macbriar and Habakkuk Mucklewraith. In the present case the vindicated prophet grew great in the counsels of his Church.

I Row. History of the Kirk, (Wodrow Soc.) 396-397

THE TRIUMPH OF PRESBYTERIANISM.

The Covenants.

The period between 1633 and 1643 has been traversed by the pen of so many historians, that as far as the development of the political situation is concerned, little that is new and true can be found to say about it. The distortions of some recent historians may be novelty; they are not history. Two elements dominated and decided the fate of the nation, a preaching Kirk and a protesting and impoverished nobility. Without the work of the Presbyterian ministers such as Rutherford, Dickson, Blair, Livingstone and many lesser men between 1625 and 1638, resistance to Charles might have been much less religious and national, much more political and feudal, especially if Charles had been able to supply the whole land with ministers of the type of some of the Aberdeen Doctors. Without the support of baron and laird the Presbyterian would have found his task in the country one of almost unsurmountable difficulty. The landed classes controlled the ministry of the church through their patronage, and in the appointment of Rutherford and men like him, we have seen them using it as a political weapon to break the power of the Bishops. Scotland swung over to the Presbyterian faith decisively and for all time

between the Act of Revocation and the Covenant. The establishment of Presbyterianism therefore, owed much to the political needs of the feudal party but as a religion it was so preached and inculcated by an able and zealous clergy that when the nobles sought later to temper its nature they failed, and when later still they sought to abolish it they brought years of suffering and blood on Scotland, and in the end again failed. At the present moment they were paying the piper - as little as possible of course - but after 1638 for twenty years the Kirk was to call the tune.

Every act of Charles subsequent to 1627 had driven the two parties into closer alliance. He used all his father's political artifice with none of his father's political cunning. In Scottish affairs James VI had shown much practical wisdom and many good intentions. Charles was quite prepared to treat the land of his birth as a mere province, and nationalist indignation as well as national religion played a part in rousing all classes against him. By an astute arrangement James had gained control of the Lords of the Articles through an Act of 1609. The nobles chose eight bishops, the bishops chose eight nobles and the sixteen chose eight from the commissioners for barons and burghs. As the Bishops were King's men and chose similar minded peers the Lords of the Articles were subserviently Royalist. This Committee drew up all the Acts of Parliament and the Estates merely met again at the end of session to

sanction the Bills which it presented. In 1633 on his visit to Scotland, Charles had all his ecclesiastical legislation sanctioned by the Estates. He mulcted Scotland for a heavy grant - to be spent elsewhere - and further raised religious hostility by procuring an Act giving him power to determine "the apparel of Kirkmen." The Estates sought to offer opposition but Charles overawed the assembly and was even accused by the Presbyterians of tampering with the votes. He left after making a few new peers but few new friends.

He proceeded politically from bad to worse. The nobles who had opposed him in 1633 had drawn up a "Supplication" justifying their course of action - a much milder affair than some of the Bonds with which his predecessors had been browbeaten. A copy found its way out of Lord Balmerino's possession into the hands of Archbishop Spottiswoode. Charles had Balmerino tried for high treason - Charles acquired the habit of calling plain speaking high treason - He was found guilty by eight votes to seven, but opinion even amongst his own supporters forced Charles to use the prerogative of mercy. He only succeeded in further acerbating feudal feeling. His next steps were fatal to the existing ecclesiastical regime.

The Second Book of Discipline and the Book of Common Order still held their place in the discipline and worship of the Kirk. There was some dissatisfaction with them as has been seen, but this dissatisfaction was towards

having them 'purified' not towards a more liturgical supercession. The imposition of the new "Book of Canons" in 1636 followed by the Service Book, without reference to Assembly or Parliament raised the whole land in revolt. In some sort of anticipation of this Charles set up the Court of High Commission, only adding more and more fuel to the now fiercely smouldering fires of opposition. Professor Hugh Watt has shown that the 'lupus in fabulâ' of the affair was Laud, and not the rather timorous and tentative Scottish Bishops. In imposing the Service Book especially, he was indulging in that political practice described by Americans as flying a kite; this Prayer Book, more medievalised than its English prototype, was a try out in Scotland before imposition on England. (1) The attempt failed in Scotland; that failure encouraged Parliamentary opposition withⁱⁿ England, which aided by the Scottish military exploits contrived the downfall both of Laud and Charles. Two things particularly roused the Scottish temper, the rendition to the King in the Book of Canons of power to determine every detail of ecclesiastical law discipline and worship, and the 'Romanising' nature of the Prayer Book. As the above writer has pointed out the "Sacrament" had become the central ordinance of Scottish religious life. Also, as has been seen, the past decade had witnessed the communion seasons as great well springs of religious life and conversion through powerful evangelic

Note (1) Church Hist. Soc. Rec. Vol.VII. III.

preaching. To howl Mass in the 'lugs' of the hearers on such an occasion was to them intolerable sacrilege. A break was coming, would have come between Charles and his people without this final insult - for insult it was, flouting every class of his people, Kirk, Estates and commonalty; the opinions, the wishes, the interests, the feelings of none were consulted - but it might not have been so final and decisive but for this mad gamble of Laud. Whatever else the Scotsman's religion was, it was anti-Romish. John Knox had inculcated in him once and for all hatred of 'popish practises." The Thirty Years War was most bloodily before him and tales of Romish atrocities lost nothing in the telling in an age when they ran from mouth to mouth. He could not be expected to discriminate, as some of his descendants, between the nice distinctions of medievalism and Romanism. He saw the apparent forcible intrusion of practices which his fathers had cast out and he rose in arms against it. Upon the popular hatred of Romanism Kirk and nobility fastened. It can be attributed to opportunism; it was, then, honest opportunism for they also hated with the same hate. The National Covenant was truly a Covenant, the later Covenant was a bargain.

Petition after petition was addressed to the Privy Council against the Liturgy.

Jenny Geddes flung her stool in July 1637. The Council temporarised by suspending the reading of the

Prayer Book till the King's wishes were known. Charles sent back word peremptorily ordering the establishment of the Liturgy. The nobles and lairds, twenty four of the former, two to three hundred of the latter drew up, signed and presented the "National Petition" to the Council demanding the withdrawal of the Service Book and the removal of the Bishops from the Council. In the number of lairds' signatures we see how well the parish propagandist and evangelist had done his work; that of Rutherford, the greatest of them all, has been noted in relation to this very petition. Further rioting followed. The "Tables" were formed - four representatives from each of the four orders, nobles, lairds, burghers, and ministers. By them a "Supplication" was again drawn up and presented to the Council. Evasion and equivocation failed that sorely harassed body, and they again promised to lay the matter before the King. Charles's reply was an inane proclamation ordering the petitioners to disperse. The Tables replied with the National Covenant, ably drafted by Henderson, Hope, and Warriston, based on the "Negative Confession of Faith" drawn up for James VI in 1581. As a condemnation of Romish practices few could scruple to sign it or the final oath of defence in support of the Crown and true religion. It was a truly national protest for since the War of Independence all classes had never been so united in a common purpose. There was, of course, some boycott and compulsion in the signing, but the other side - and their

historians - could hardly complain of that when they recollected Charles's conduct in the Parliament of 1633. Aberdeen which had enjoyed teachers and pastors of learning and character alone remained recalcitrant, to be coerced into Covenanting by the warrior who later looted her for abiding by the Covenant.

Bit by bit Charles was forced to give way. Book of Canons and Liturgy were withdrawn and a General Assembly called which met in November 1638 with Henderson as Moderator and Warriston as Clerk. The Assembly disregarded Hamilton's formal dissolution; Bishops, Canons, Liturgy, Articles of Perth and Court of High Commission were all swept away. Charles resorted to arms and the fiasco of the "First Bishops' War" ending in the Pacification of Berwick ensued. Tension for the moment eased and an Assembly which had Royal sanction was called. To make assurance doubly sure it sanctioned all the acts of the preceding Assembly and procured an Act in Council imposing the subscription of the Covenant on the whole nation. Hamilton in the 1638 Assembly would give the King's imprimatur to nothing, Traquair the present Commissioner was prepared to give it to everything, while seeking at the same time to subvert, by all means in his power, everything to which he assented. Hitherto none of the nobles in the Covenanting party had been outstanding as leaders. Their unity, rather than their leadership had procured their ends. From 1639 onwards the

Earl, subsequent Marquis, of Argyll began to dominate their councils till their disruption into two parties at the Engagement. Largely through his working Parliamentary, as well as Church, reform was extorted from Charles in the next few years. (1)

In 1640 Charles again tried armed coercion, to be ingloriously driven back from the borders of the Northern Kingdom. The Scots occupied Newcastle and stayed there for a year, an unfortunate year for Charles. The Scots in the North gained the abolition of Episcopacy and the legalisation of their Covenant and its imposition. Their Commissioners in England saw the fall of Laud, the doom of Strafford, the abolition of Star-Chamber, Court of High Commission and Council of the North; they returned to Scotland, having established friendly contacts with the English Parliament whom the Scottish rising had so timeously helped in its struggle for freedom, and having drawn from English pockets the sum of £200,000 for army expenses.

When Charles made concessions they were fatally too little and too late. It now seemed to him politic to win back the nation he had flouted. He had no wish to see the alliance between the militant Scots and the recalcitrant Parliament further strengthened. He came to Scotland determined to please. His autocratic temper was sorely tried. Concession after concession was wrung from him, Parliament was "democratised" into a free debating Assembly

(1) vide infra p. 566-569

and the appointment of Crown officials and the judges was taken out of his hands and placed in theirs. He had succeeded in detaching the discontented Montrose from the main body of the Covenanting party. Montrose's party engaged in an obscure plot to overthrow Argyll by kidnapping him, along with Hamilton who had now entered into political collaboration with Argyll. The plotters even purposed assassination. The 'Incident' as it was called was ill timed. It showed an utter lack of political capacity in the participants. Charles protested with truth that he had no hand in the business. Montrose was under detention for his share in the "Cumbernauld Bond" - an anti-Argyll version of the old feudal practice - and his part in the whole affair is obscure. Argyll was astute enough to manage the affair, and possibly to magnify it, so that his power and prestige, on his return to Edinburgh from Kinneil House, whither he and Hamilton had fled for 'safety' was greater than ever. Much has been written about this affair. The truth seems to be that Argyll adroitly used an abortive and gauche attempt of his opponents at the old feudal snatch and grab raid to make sound political capital for his party. The capital was troubled when the news of the Irish Rebellion and the Ulster Massacres broke upon Scotland. The Scottish hatred for Rome became a bloodthirsty fury directed against Irish Papists. When Charles treated with these same Papists he lost all hope of keeping Scotland either neutral or at

his side. Meanwhile he hurriedly flung an earldom to Leslie and Leven and a marquissate to Argyll and as hurriedly left the Kingdom. When Charles left, Montrose and company were 'let out.'

On August 22nd. 1642 Civil War broke out in England. Both sides sought Scottish help. It was superlatively valuable in the opening gambit. Had Charles received the Scottish help instead of Parliament he might have won the war by decisive victories at its beginning. Now, more than anything he had done to them by Bishops, Ulster lay a bloody cloud between him and his people, as the "Lex, Rex" reveals. Ulster more than Laud brought Scotland in on the Parliament side. Argyll again used the other side's mistakes. Scotland had beaten Charles twice. Scotsmen could and did treat him rudely, but in the majority of them there existed a natural and perverse resentment against any other nation doing so to a man they still accounted a Scotsman. Such a resentment played havoc with political parties and theories after his execution. Moderate Covenanters now supported the King. The Privy Council by eleven votes to nine decided that the King's communication and appeal to his people for help alone should be read and published. Six weeks or so later the Commission of Assembly and the Conservators of the Peace - a sort of projection of the Tables with more legal sanction - petitioned the Council to publish the message of the English Parliament.

The Council in spite of the "Cross Petition" against such publication had to yield in the face of the strong opposition, and not only publish Parliament's communication, but assert that they had published Charles's merely for informatory purposes. In July the Earl of Antrim was caught with papers revealing that Charles was dealing with the Irish rebels for forces to invade both Scotland and England. "Even Mr. Lang cannot explain away this fact though the perturbation it aroused is equated with the "fearful joy children do (find) in ghost stories." One wonders what sort of banshee his seventeenth century ancestors found Colkitto's ruffians. Argyll revealed Charles's dealings and his cause was doomed in Scotland, doomed all the more when Montrose led Irish caterans to the sack. Only by his death did he win back most of the Scottish swords for his son. As the Liturgy precipitated the National Covenant so the "Irish Cessation" as it was called brought the Solemn League and Covenant into being. The opening paragraph referring to "the treacherous and bloody plots conspiracies attempts and practices of the enemies of God against the true religion and professors thereof in all places especially in these three kingdoms" is ample evidence of the common fear that cemented the union. Unity of religion, extirpation of Popery and Prelacy, preservation of Parliamentary privilege, were the objects of the League to be effected by a military alliance. The Scottish Church visualised a Presbyterian

England and would have no less as the price of Scottish aid. The English Commissioners kept their thoughts, very closely, to themselves as under the pressure of political necessity they signed for their Parliament this bargain with the Convention of Estates and the General Assembly. In the working out of the ecclesiastical clauses, we shall follow Rutherford to Westminster, Meanwhile we return to him and to the internal affairs of the Kirk in these years between the Covenant and the Contract.

Rutherford and Church Affairs
1638-1643

Rutherford returned from Aberdeen in February 1638 whether before or after the signing of the Covenant is uncertain. There is no contemporary record of his presence in Edinburgh during that event, nor does he ever mention it in his letters. Had he been there the event would have surely found some emotional record in them. He returned with the combined prestige of a martyr, prophet, theologian, preacher and propagandist. His formerly local reputation was now national. The few letters of these years are significant. That to the persecuted Church in Ireland and that to the parishioners of Kilmacolm, are very much set pieces of writing by a man aware of his fame and position. To say this is not to question the sincerity of the sentiments expressed. Parochial affairs gave way to national and Anwoth saw less of the man who formerly hardly left the district. His first public appearance was when, on the eve of the Hamiltons' arrival in Edinburgh in June 1638 with the King's Proclamation on the Covenant, he preached in the College Hall to the Nobility, Commissioners and Townsfolk, and "fells the fourteen bishops and houghs the Ceremonies." He incurred with Cant, Douglas, Livingstone and Blackhall, the displeasure of Hamilton for preaching the extirpation of the prelates. Enforced silence had engendered increased vehemence. Warriston mentions his sermon without special note,² but from now dates the acquaintance of the two, which was to produce the "Lex Rex," but also to have baneful effect on Rutherford in the days of the "Protester" controversy. The latter

1 Baillie, I, 79

2 Johnstone of Warriston's Diary, I, 369

have been among those who welcomed Hamilton on June 8th, and among those who supported Warriston as he read the Protest against the King's proclamation on July 4th. He was not yet in the inner council of the church, possibly because Henderson felt his vehemence a danger to negotiation. He was employed as a propagandist. At the desire of the citizens of Glasgow, he and Cant were appointed to preach there and receive their subscription of the Covenant.

From this time till December he resumed his parochial duties. In December, along with Dalgleish and McLelland, ministers, and Earlston and Knockbrex and W. Glendinning, elders, he was chosen by the Presbytery as Commissioner for the Assembly of 1638. At the Assembly the validity of the elders' commissions and of the commissions of those appointed by the votes of elders was questioned by Hamilton. Dr. Strang, Principal of Glasgow University, had a fortnight previously protested in his Presbytery against the voting of elders in the election of commissioners and had framed a protest, signed by six other ministers. This found its way to Hamilton who used it to delay the receiving of commissions by encouraging others to protest against the presence of "lay" elders and those elected by such. Baillie, Dickson, Henderson and Rutherford were appointed to confer with Strang and have him resign from the protest - which in a half-hearted way he did. For the first time Rutherford was officially employed in controversy for his cause. From now, the duty of semi-official polemic for the Church was gradually given to him. Committees for the investigation of Ceremonies, for the planting of Churches, anything which called for the propagandist rather

an the diplomat^s were incomplete without him. He seldom drew up
 formulatory "paper" but was frequently called upon to criticise such
 e committee for considering the Ceremonies of which he was one was a
 ther formless affair, and ended in a paper of Baillie's being read
 a report. Rutherford was also appointed with others to deal with
 nes Affleck in re reputed Arminianism.

In this Assembly Rutherford admitted the only cause of his censure
 have been non-conformity. He cited the declination of the Court
 High Commission's judicature, but did not here mention his opposition
 Arminianism as a definite charge against him. He added he could
 t no copy of his sentence as Sygserf had illegally got the clerk to
 d what had not been part of his sentence, to wit, that he should
 ercise no ministerial functions in the King's dominions. He was
 eared of any blame in the matter. Johnstone's comment on the affair
 dryly humorous: the court which sentenced was illegal "therefore
 ought to be condignly censured for entering into ward." Reference
 d also been made in the King's Proclamation, to some commissioners
 hereof some were under the censure of this Church, some under the
 nsure of the Church of Ireland for avowed teaching against monarchy."
 e reference was obviously to one of the unsubstantiated charges
 ought against Rutherford. Blair in the Assembly refuted the charge
 applied to him. Both had undoubtedly theoretically supported re-
 stance to the King on religious grounds, Rutherford with no uncertain
 ice, but they were not anti-monarchical. At this Assembly Commis-

Baillie, I, 148
 Peterkin, 150

2 Baillie, I, 173
 4 Peterkin, 148. also additional
 note p. 909.

lons from the College of Aberdeen applied for Rutherford as Professor of Divinity. The matter was referred to a Committee. He was not in the commission for investigating the charges against the bishops nor did he witness against Sydserf - indeed the latter's action against Rutherford was not even made a count against that Bishop.

There is little record of his work in Galloway in 1639, either in letter or document. ~~In July 1639 a Commission of Assembly visited Breudbright Presbytery.~~ The whole countryside was engaged in furnishing resistance to Charles. Baillie relates the fear of invasion via Carlisle, so Rutherford is likely to have been extraordinarily busy. He was again Commissioner at the Assembly of 1639. A proclamation of Charles of February 27th had stated many acts of the Assembly of 1638 to be illegal, e.g. the assumption of power over the press. The annulling threat of the Perth Articles, which had been ratified by Parliament was also technically illegal and Charles so voiced the matter that the question was not whether the Service Book should be received or not but whether he were King or not.¹ The functions of the present Assembly was to clarify and ratify the acts of that of 1638 by passing them through an Assembly that had the Royal consent, so that many of the Acts are recapitulations of those of 1638. The atmosphere was less tense; a dry jest was not infrequent. Henderson answered Craquair's fulsome praise of him by saying he hoped "the Commissioner was not contradicting his Majesty's Declaration which called him an ignorant Moderator"² The record of the personal of various

¹ Peterkin, 210

² Peterkin 242

committees and sub-committees is lost; Rutherford doubtless served many of them. He was one of the committee for the trial of Dickson's transportation to Glasgow. Despite his own protests, after Edinburgh and St. Andrews had both suited for him at this Assembly, he said Mr. Samuel by far the greatest ^{of the} voices of the Assembly, was ~~desired~~ ^{desired} to go to St. Andrews to serve in the ministry and make such ^{shall afford} ~~will give~~ help in the College as God ¹ will give him ability for." He was again called to this work of examining heresy. With Baillie he dealt with Robert Hamilton of Lesmahagow who persisted in Arminianism and declined the Assembly. ² A penitent Mr. Hamilton, overcome by Rutherford's arguments, or ^{by} fear of the Assembly, submitted and subscribed to the canons of Dort, but was referred to his Synod for further dealings, as laird Auldbar remarked, "It is not four hours since he was converted."

The removal to St. Andrews was a diplomatic one to widen the sphere of his preaching, teaching and propagandist powers. He was made a professor "that he might make many able ministers." Howie the principal of New College, had been an Episcopalian but was relaxed and retained though his two colleagues were dismissed. Rutherford was placed to keep the College steady in Presbyterian principles and to see that Howie kept them. He was also appointed colleague with Robert Blair that he might have full exercise of his preaching faculty. The weight of his new duties precluded Rutherford from any great part in the course of events between Assemblies 1639 and 1640.

Peterkin, 254.

2 Peterkin, 261, 263.

The Assembly of Aberdeen of 1640 was itself a piece of propaganda. a Presbyterian demonstration in a town hitherto the stronghold of episcopacy. But the Presbyterians were not at one amongst themselves in the effort to reach unity Rutherford was to exercise a moderation not generally credited to him. The source of trouble was private meetings." Baillie's version of the affair is as follows. The Scots in Ireland, being forced to countenance the Liturgy, absented themselves from public worship. Their ministers being banished, "they in that time and place of persecution comfort themselves with prayer and reading and other exercises of religion, sometimes by night sometimes by day." "Some of these people intended a voyage to New England and coming into contact with some Brownists, the latter did give divers towards their conceits." ^IOthers of these refugees, fleeing Scotland, continued their practices there, but these were overlooked. His anxiety to label ^{"Independent"} anything suspect as extraneous to Presbyterianism, Baillie overlooks the fact that there was a definite Scots tradition of "private meetings," which may be traced through Boyd and back to Huguenot practice. In the Catholic provinces Protestant worship was legal only in private houses. Boyd seems to have fostered and encouraged the practice in Scotland. On June 24th, 1624, he was summoned before the council for keeping private meetings, and confined to his house. His pupils and colleagues are now sponsors of these meetings - Blair, Livingstone, Dickson, Rutherford. The first two had been ministers in Ireland, and probably organised and suggested the meetings there. Rutherford, as already seen, adopted and encouraged them, even going the length of writing a treatise defending their lawfulness/

Baillie, I, 249-254. also Guthrie: *Memoirs*, 2nd Ed. 77-81.

awfulness "in greater numbers and for more purposes than yet we have practised." This practice in Scotland and Ireland, was therefore due to the exigencies of the moment and situation, and the counsel and practise of Boyd and his disciples, rather than to Brownist interference. Even the "novations" attributed to Leckie and his supporters such as objection to ecclesiastical use of the Lord's Prayer, are extremes of Puritan doctrine rather than specifically Brownish or Independent. From the pages of Independent, Puritan and Presbyterian controversy it will be seen that the term Brownist was one of reproach at all alike eschewed, but used loosely to damn any extreme of doctrine they were not prepared to accept. As used by them all it has little relation to fact. There is no evidence of Independent doctrine developed at Amsterdam and Leyden exercising any great influence at this time in Scotland. Baillie used the term Brownist rather inaccurately for English Puritanism, some extreme tenets of which found a te but specially fostered blossom among the adherents of the "novations." Had Rutherford or any of the others gone to New England, they might have become Independents. His early doctrine of the Church, as his Catechism, is not advanced Presbyterianism. There was an certain similarity to the Independents in their practice. But for him the "meetings" were always an exigency extraordinary; the furthest it was ever advanced was that it might be a useful help to the Church. No independent doctrine was ever formulated, but gear of such a doctrine caused much trouble in the Church courts.

The immediate disturbance arose over the Laird of Leckie's private worship. At private meetings in his house he had made derogatory remarks/

ks in his prayers ~~stigmatizing~~ the life and doctrine of Mr. Henry
 ie, his pastor. Guthrie and the magistrates of Stirling sought
 ppress the meetings. The matter was brought to the Assembly of
 but was hushed. Henderson, for the sake of order, expressed
 lf against these meetings, whilst a paper given in by Leckie
 d that his tenets differed little from the Presbyterian. The
 expedient of making Guthrie preach in favour of family worship,
 Blair against private meetings was tried. But as Blair was not
 chant enough in the former, Guthrie refused to sponsor the latter.
 ll committee of which Henderson, Blair and Dickson were members,
 ficially promulgated the finding that family worship was to be en-
 aged, but issued caveats that these were not to develop into
 nised "meetings." Guthrie came to the 1640 Assembly determined
 e-open the question. He used the Assembly's sitting at Aberdeen
 anvas the North East in his favour, crushed the suggestion that the
 er should be left to Presbyteries to deal with, and proceeded with
 indictment of Leckie uttering "many things ^{verie} odious if true." A
 oway commissioner declared "a number of uncouth passages concerning
 Samuel Rutherford, Mr. John McClelland and Mr. John Livingstone."
 he absence of Henderson the brethren lost themselves in a riot of
 onalities. A committee largely to Guthrie's mind was drawn up,
 gh Rutherford was on it. The latter behaved in a restrained
 er, contenting himself with upholding the Scripture grounds for
 vate meetings. Baillie admits his proofs were unanswered, and
 tions the treatise Rutherford had written on private meetings and
 ir uses. The latter was prepared to be conciliatory in the interests

ies

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the Church. Letter CCXC answers a query on the casuistic point to whether private prayer during public worship is legitimate. The closing sentence of the letter, "Whatever hath been by practice before I examined this custom I purpose no more to confound worships" while it refers to the matter in hand, also suggests that he is acting in line with orthodox tenets and avoiding Puritan extravagances which he may formerly have practised. Along with Blair he agreed to withdraw his opposition to an Act against private meetings, or at least to be silent while it passed. Baillie's draft Act was rejected and Guthrie's accepted. Two of its clauses, that read prayers are lawful and that ministers only should expound Scripture, were accepted unanimously. The clause that family worship be limited to members of one family was opposed but finally passed with the exception of ministers' family worship to which all might resort. Rutherford always abhorred schism, though he seldom showed himself as conciliatory at this Assembly. But for the good sense of Dickson and himself, a serious split might have occurred. Guthrie was an opportunist, and later events showed, a time server. He used the fact of the Assembly being held in the North East to suit his own purposes, as the South West, which upheld the more evangelical principles, was not largely represented.

When the Assembly met in St. Andrews in 1641 Presbyterianism was militantly and ecclesiastically supreme, more able to set its house in order without fear of internal dissension causing disaster. During the stirring events of 1640-41 Rutherford remained in St. Andrews, engaged in preaching, teaching and in the management of the College. Bowie's/

Howie's mismanagement of the College rents compelled him to complain to the committee of the Estates. A commission, of whom Rigg of Thorne was one, investigated. Howie offered to resign. His demission came before the Assembly in 1641, where he was more than fairly treated and his stipend paid him for life.

The "novations" still perplexed the Church. When Baillie returned from London he found Leckie and his supporters intent on the repeal of the Act of the Aberdeen Assembly anent private meetings, and on the indictment of Guthrie. Blair, Dickson and Rutherford were less conciliatory than formerly, owing to slanders concerning their practising of private meetings. The Assembly was held at St. Andrews probably as a demonstration in that town, but for easier communication with the Estates was transferred to Edinburgh. Ramsay, the former Moderator, preached the opening sermon which Baillie deprecated as giving the impression that the Kirk had fallen into a terrible schism. Dickson retaliated in the afternoon, by passionately defending the private exercises of religious people, and hitting at the former conformity of men like Ramsay. When the Assembly moved to Edinburgh Henderson was chosen as Moderator. To settle the question Argyll and Ossilis arranged a meeting between the Edinburgh ministers and Rutherford, Dickson and Blair with Baillie as mediator. Rutherford's party seems to have had the support of the Edinburgh citizens and pressed for the repeal of the Aberdeen Act or further explanation of it. It was finally agreed to ignore that Act and draft another. A draft Act of Dickson's was rejected but that of Henderson was approved by both

Baillie, 1359 ff.

ties. This Act ultimately became law but was not fully promulgated till 1647. Blair ~~pleaded~~ ^{pleaded} ~~seriously~~ for peace and abstinence from such meetings as in former times had been ^{very} profitable, but now were unexpedient, unlawfull and schismaticall."

The evangelical party to which Rutherford belonged thus acted in the best interests of the Church. The "novations" to which their opponents objected were trivial, e.g. omitting the Glória, discountenancing read prayers, and kneeling in the pulpit. They merely aimed at a worship freed from all the trammels of liturgy. They had in former years encouraged the private exposition of Scripture. These "novations", however, were all common in the worship of the evangelical Scot of the South West, long before Independency ever raised its head in Scotland. Rutherford had played no little part in establishing them. He now changed his stand-point - for a very good reason. He had no desire, whilst sympathising with the Independents, to follow the ultimate implications of their doctrine, which by a casual and accidental agreement in a few ultra-Puritan practices suggested. The practices of the Irish refugees which in no small measure started the controversy, had been just those ultra-Puritan practices developed by Boyd's disciples in the South West, their meetings the necessary outcome of persecution. But contact with some Independents added an alien note, of which Leckie's prayers with derogatory mention of Mr. Henry Guthrie, was an example. The "authority" of the Presbyterian Clergy was of too recent acquisition to allow it lightly to be attacked. For this reason and also because his

esiastical views were becoming more rigid, Rutherford agreed to suppression of the Meetings which he had himself used and encouraged. With regard to the "novations" he was never convinced that extreme Puritan view was wrong, and his assent to the oppositions shows a spirit of conciliation with which he is not generally credited.

He concurred with Blair in the dictum which they gave to their adherents, that since there was now a settled and orderly ministry, the conduct of worship and time and place there-of could safely be left in their hands. The Act passed by the Assembly was very much of a formula, encouraging mutual edification, glossing over the matter of private meetings which breed "Error, Heresie, Schism, Scandall, Self-conceit." Both sides could interpret a good deal of the Act as they pleased, and a further Act had to be passed in 1647 against secret worship to clarify the whole matter. In the present Act, putting odious names on the godly is especially forbidden - for the sensitive Mr. Guthrie. An additional Act forbade all "novations" except those approved by Assembly.

Rutherford was by now in the inner circle of the Church councils. He is not a director of them like Henderson, nor was he yet, like Jackson, the leader of the more evangelical party, which was to split so sadly on the "Act of Classes." But he was becoming the critic in whose exegetical and controversial talent they depended for defence, the reviewer of any of the party's "papers," less hesitant in opinion than Blair, less "crabbit and crochety" than Calderwood. His fame

for a year or so rivalled by Gillespie. Gillespie had the appeal of youthful genius and a clearer utterance, but his scholastic background, great as it was, was not as colossal as his colleague's, and, while his argument may be less exhausting, it was also less exhaustive than Rutherford's. To the latter was given the work to which he was comparatively suited. He writes to Lady Boyd concerning his business, going through the country on affairs of the Church. Teaching, preaching, propaganda were his specific work. There is no record of his participation in any of the political intrigues which preceded or followed Charles's visit in 1641. He was a partisan of Argyll but his letters record his distubance at the internal dissension in the land.

The Assembly which met on July 27th, 1642, on the eve of the Civil War, had been preceded by the Irish Massacres. The zeal of the former assemblies in deposition had spread to the Synods and Presbyteries, and the Assembly found itself having to correct many arbitrary sentences. The earlier purist doctrines of Rutherford had been carried to extreme in Galloway. Ministers who came there from other parishes were tried in the same way as expectants. Gilbert Power of Steneykirk was arbitrarily deposed for suspected non-conformity to the Covenant. A interpretation of the "novations" Act was craved, but the matter was evaded by leaving it in the hands of the Presbyteries. In the case of Affleck who was transported to St. Andrews, Rutherford and Blair intervened and procured his translation to another charge, contrary to the former's own doctrine of the validity of popular election. The letters of Charles and Parliament were answered diplomatically by

erson. The Scots however were not now ecclesiastically defensive aggressive. "For what hope can there be of Unity of Religion One Confession of Faith, one Form of Worship and Catechism, till there be one Form of Ecclesiastical Government." The climax of affairs made it necessary for the Church to have constant guidance. The Assembly Commission which in subsequent years was to have power of a little legislature was appointed. "The Commission to the General Assembly which before was of small use is likely to become almost a constant judicatory^{ory} and very profitable, but of so much a strain that to some it is terrible already." ² Of this Commission which sat from Assembly to Assembly, Rutherford was one. The task laid upon it was to prepare drafts of a Confession, Catechism and Directory of Public Worship and "in all ways further ^{the} Great Work ^{of} Union ⁱⁿ this Island in Religion and Kirk Government." ³ To the Commission Maitland reported on his return from King and Parliament in England and conveyed the Parliament's desire of having some ministers "to assist them in their synod against the 5th November or when it might be called." Baillie through Argyll procured the decision that elders also should be sent as essential in a Presbyterian cause. Through the manoeuvring of the same peer Henderson, Douglas, Rutherford, Gillespie, Baillie, with Maitland, Cassilis, and Warriston as members were chosen. ⁴ As if in preparation for his work in England in the cause of uniting the two Churches, Rutherford at this time published his first major work in English "A Peaceable and Temperate Answer for Paul's Presbytery in Scotland."

Assembly Answer to English Parliament (Henderson) Peterkin, 325
 Baillie, II, 55
 Act of Assembly Creating Commission, Peterkin, 330
 Baillie, II, 55

In June 1643 occurred a recrudescence of the Novations controversy. Some of the South Western ministers led by George Hutchison (afterwards of the Tolbooth) persisted in condemning the practices of kneeling in the pulpit, repetition of the Lord's Prayer and the Gloria Patri. Their objections were drawn up in a treatise and protest. Hutchison corresponded with Rutherford on the matter, claiming his support probably from his former practice. The matter was referred to the Commission of Assembly. Henderson, Douglas, Rutherford, Blair Gillespie, Baillie formed a sub-committee of the matter. Rutherford, Blair, Gillespie, with Warriston and Calderwood, "our best penman," promised to write answers to the objectors' papers. But this move to get the three men who had been so prominent in the South West to answer the "papers" was not successful. At another meeting, previous to the Assembly, Rutherford and Gillespie went even further than the objectors on the point of scandal, probably with reference to those who had been conformist to Episcopacy or non-conformist to the Covenant. Their attitude was stiffened by Guthrie's - their old opponent's - opposition to the Commission's declaration against the Cross Petition. At this point of scandal Rutherford and Gillespie parted from their old angelical allies Dickson and Blair. It is the germ of the controversy of the Resolutioner and Protester. The scrupulosity about admitting recusants, already seen in the purists of the South West, (e.g. Power's deposition) was not unfavourably regarded by Rutherford, whose early teaching it may have been due in no small measure.

The matter was hushed up in the 1643 Assembly because of the

sence of English delegates negotiating the Solemn League and Covenant. Guthrie claimed the re-imposition of the Aberdeen Act which had been explicit against those private meetings but had not been promulgated. Henderson maintained that subsequent Acts made it unnecessary and left the matter to Presbyteries and Synods. Guthrie was kept quiet by being suspect for his declination to read the Commission's declaration against the Cross Petition. The whole matter of meetings, novations and scandal was evasively settled by the decision to draw up a Directory for Public Worship and the appointment of a Committee thereto. In all this as noted, the germ of the two later parties in the Church is seen, one purist, the other politic, one carrying the doctrine of scandal and exclusion to a dangerous extreme, the other tempering it with Christian charity, mayhap, but also with worldly wisdom. Baillie especially notes Rutherford's attitude. "I found many inclined, especially Mr. Samuel, though he professed it duty to answer satisfactorily all their arguments, for peace cause, to pass from the use of the conclusion and bowing in the pulpit, especially if we agree with England." Policy and the necessity of a united Church in Scotland made him a supporter of the anti-novation legislation but his sympathies were largely with the purists of the other party. When the latter applied the doctrine of scandal to the active politics of the Church in the Acts of the Classes, he inevitably came over to their side. That Act and the rupture it caused was the product of the two parties already forming in the Church.

Rutherford was now a leader in the Church councils and one of the Moderator's assessors. Those formerly tainted with Episcopacy

1 Baillie II, 95. Peterkin, 349

2 Baillie, II, 94

were ignored in the Church councils. Mn. A. Ramsay, J. Adamson, and W. Colvin are "miskent" - probably suspected of Royalist tendencies. On the other hand no trafficking with Independency was countenanced, as shown by the Assembly Act on "Books of Separation" coming into the country which are ordered to be given up and burned.

The other Acts of this Assembly, the reception of the English Commissioners and the drafting of the Solemn League and Covenant are national history. Rutherford was on the Committee which met the English Commissioners and on that responsible for drafting the Solemn League and Covenant. As a result of these negotiations he moved into the position of a national ambassador for Scottish Presbyterianism

THE PREPARATION FOR WESTMINSTER

Scottish Presbyterianism and English Independency before 1643

The need of carrying more than carnal warfare into England speedily became apparent to the Commissioners at Newcastle in 1640. On October 15th a letter on this matter was addressed to Baillie asking that he should come "with a number of your Canterburian's Self-Conviction together with the warrands there-of, and all such papers and proofs as may serve for the purpose." On the 5th November "It is proposed that not only Mr. A. Henderson, but also Mr. R. Blair, Mr. George Gillespie, and I should all three go to London; Mr. Robert Blair to satisfy the minds of many in England who loves the way of New England better than that of Presbyteries used in our Church; I for the convincing of that prevalent faction against which I have written; Mr. Gillespie for the crying down of the English Ceremonies for which he has written." The war of pen and propagandist was to supersede that of powder and shot. The above proposal itself shows a definite propagandist plan. Henderson was the leader, diplomat more than scholar, drafter of treaties and of church laws, rather than dialectician and theologian, though not mean in the latter capacities. Blair, reputedly favourable to evangelical Puritans was likely to win them over to a form of Presbyterianism. Baillie, the milder opponent of Episcopacy, was not so far from the men of Ussher's stamp. Gillespie was the trenchant opponent of the Ceremonies, and could be relied upon to confute all adversaries by the brilliance of his dialectic. With the exception of Blair, for whom Rutherford is substituted, this is later the personnel of the Westminster Commissioners. Rutherford fills the place of Blair because

1 Baillie, I, 269

since the publication of his "Peacable Plea" in 1642 he was the acknowledged Scottish authority on the Independent Question.

The propagandist plan was assiduously carried out. From 1640 treatises on the different aspects of Church controversy flowed from the pen of all these men. That each of them dealt with some special aspect shows co-ordination and purpose in all their propagandist labours. Baillie's "Canterburian's Self-Conviction" had appeared in 1640. It was a general accusation of Anglican Arminianism and "Popery." He followed it in the next year with a "Parallel of the Liturgy and the Mass Book" - a work on much the same lines. Thereafter the Scots found themselves more suitably placed for propaganda, with their Commissioners present in the City of London itself. Henderson published anonymously a small tract "The Unlawfulness and Danger of Limited Prelacy." It was a warning from Scots experience that concessions to Charles and Prelacy would be as dangerous in England now as they had been in Scotland in the time of James. Baillie backed it up by a more scholarly work on "The Unlawfulness of Limited Episcopacy." That the true Church ideal should not lack presentation Henderson printed "The Government and Order of the Church of Scotland." It was tactfully done. In it he says "a description, not a demonstration of the Church of Scotland is intended, non jus sed factum, their doing simply and not the reason of their doing." It was a clear succinct summary of Church practice in Scotland as based on the Books of Discipline. It obtruded no divine right, though it claimed Scripture warrant. It contained no Scripture proofs or dialectic reasonings, but was, as he states, a clear description of practice. To his henchmen was left the task of vindicating/

vindicating every thesis of it in their copious polemic. Gillespie had made an early and daring fame with his "Dispute against the English Popish Ceremonies" (1637). He refuted their necessity, the more moderate doctrine of their expediency and the die-hard doctrine of their lawfulness with vigour, scholarship and conviction. His is the fullest treatise on the subject. In London in 1641, in line with his colleague's work, he published an "Assertion of the Government of the Church of Scotland." This dealt with two aspects of that Government - the ruling eldership and the Presbyterian system of courts with full proofs, scriptural, scholastic and natural. This defence was more directed against Episcopacy than Independency, as the former was still the greater danger. As compared with the "Peacable Plea" there was much less quotation and refutation of the Independent authors. Blair's pen was silent: he was appointed Commissioner for the sake of the Independent question, but nothing on that matter comes from his pen. Baillie mentions him, however, as having ready a pertinent answer to Bishop Hall's Remonstrance.

The Scots Commissioners were in touch with the leading Independents "The English ministers of Holland who are for the New England way, are now here. . . . They are all on good terms with us. . . . As for Brownists and Separatists of many kinds, they mislike them as well as we. . . . Our questions with them of the new way, we hope to get determined to our mutual satisfaction if we were rid of Bishops; and till then we have agreed to speak nothing of anything where-in we differ." The reason of the silence of the Scots on Independency was clear: the enemy was

1 Baillie, I, 311

still in the land. It explains also why, when Rutherford's controversial did appear it took the form of a "Peacable Plea". It contains no personal abuse, no vindictive tone, little dealing with the work and theories of contemporary Independents. It is a scholarly examination of Independent thought from Barrow to Hooker. The tone is more detached than in any subsequent work. It is as impartial as it was possible for Rutherford to be and fairer to the Independents than any of their Episcopalian adversaries had been.

Blair's silence on the Independent controversy was therefore dictated by reasons of policy, maybe by a personal unwillingness to take up his pen on the matter. By 1642 circumstances had changed. Episcopacy, the common enemy, had been broken, and the English Parliament was seeking a national Church in its place. In April 1641 the idea of ecclesiastical unity between England and Scotland had been mooted, though Henderson deprecated any hasty action. English Puritanism was anti-prelatic rather than definitely Presbyterian or Independent. None knew yet what form the new English Church might take. Hence the need of an educational propaganda in England for Presbyterianism, and a more defined controversial against the Independents than, for example, that of Paget. Hitherto the Independents had had the best of the exchange. Barrow, Johnson, Ainsworth and Robinson had been able to taunt the English Presbyterian with subservience to Episcopacy. The Presbyterians, even the Smectymnuans, had had enough to do defending themselves against Episcopalian attack. No very adequate refutation of the Independent doctrines existed. Some former Puritans, who had attempted it, had, like Johnson and Parker, been won over to Independents/

dent, or in the case of the latter, semi-Independent views, whilst the answers of Davenant and Paget are rambling and not too pertinent.

Almost the first scholarly and acute answer to their doctrine comes from Rutherford. It was written to be published in England and for an English audience. This answer was the "Peacable Plea". In the preface he states that he is not defending his faith merely because it is national but because of its intrinsic truth. The object of his work is "so we might live to see.....England and Scotland coming together weeping and asking the way to Zion." It is a "peacable" plea, restrained, if argumentative, and free from personal and even impersonal scurrility. It is an effort to win English Puritans to Presbyterian principles by pointing out the actual, exegetical and historical fallacies of Independency, rather than an attempt to crush the Independent views in a controversial war. This was to come later. As he had been accused of holding these same views, Rutherford may have felt it incumbent upon him to deny them by a publication such as this. Published in 1642, it probably occupied most of 1641 and is entitled "A Peacable and Temperate Plea for Paul's Presbyterie in Scotland.....Wherein, the arguments on the contrary are friendly dissolved, etc." A complete study of the essentials of the Independent doctrine, the Plea deals with their every aspect; the moderate views of Robert Parker, the intra-congregational Presbyterianism of Francis Johnson, the advanced views of Robinson and Ainsworth and the exegesis of the latter, collaterally asserting the Presbyterian doctrine. How much the Presbyterian theory of Church membership was hammered out on

1 Peacable Plea, To the Reader. p. 3

on the anvil of controversy with the Independents, is clearly evident. Rutherford here formulates his strictures on Independent thought by a criticism of Parker and a more destructive criticism of Barrow, and Ainsworth. Before summarising the "Plea" one may briefly inter-relate the thought of these men.

The armoury from which the Independents drew a great part of their argument was the "De Reiteia Ecclesiastica et Christi Hierarchica Opposita" of Robert Parker, a Colleague of Jacob at Leyden. After a dispute with Jacob he came to Amsterdam and became an elder of the English Presbyterian Church there. Paget accused Davenport and the English Independents in Holland of misinterpreting his doctrines, especially regarding synods, as being more favourable to the Independent idea than in reality they were. He hinted that as this work was in Latin, their lack of scholarship might be the cause of the misinterpretation. The real position was that the Independents, having by force of circumstances evolved a system of their own, were now, like all other ~~seceders~~, Lutheran or Calvinist, compelled to rationalise and justify it. Persecution separated them into small congregations and deprived them of ordained pastors, as the fate of Barrow, Greenwood and Penry deterred many sympathisers who were in orders from ministering to them. They were therefore driven to elect and ordain pastors from their own numbers contrary to all accepted church practice, Roman, Lutheran, or Calvinist. Hence came the need for an apologetic, justifying such procedure on scriptural grounds, and for one which also vindicated the pastoral authority of such men. Brown, the founder of

Independency, had certainly advocated pure and Independent churches, but does not emphasise the right of the people to elect and he makes the Independent pastor an autocrat in his small realm. There is little emphasis on the pastor's responsibility to the people. "A pastor is a person having office of God and message of God, for exhorting, moving especially, and guiding accordingly, for the which he is tried to be meet and thereto is duly chosen by the church which called him, or received with obedience where he planteth a church." The pastor did not have his power from the people but from God. He differs from Presbyterians in that the pastor was chosen from among the congregation rather than from those undergoing training for the ministry. Ordination to him was by the elders of the congregation. How much circumstances dictated his theories is evident.

Barrow, the lawyer, with intensely democratic views, carried the whole position to extreme. He found a universal solvent for all difficulties in his doctrine of the church as the body of pure believers. To them were given all power and authority from Christ which they could delegate, but to them all were alike responsible pastor, elder and individual member. In matters of faith, morals and discipline they only could make final decisions. The adoption of this doctrine among the earlier Independents caused much internal strife. The absence of an external doctrinal standard and of a higher authority than the congregation made this inevitable. When the latter alone interpreted the Word, there were often two or three interpretations and faction ensued; when it interpreted morals the results were often

1 A Book Which Showeth the Life and Manners of All True Christians, Section 53

worse, and a separation occurred in Amsterdam over the high heeled shoes of the pastor's wife. The absence of a higher authoritative court made a brotherly conference of little use when passions were aroused. Great as was Barrow's contribution to ecclesiastical thought, it had its limitations; Francis Johnson's remedy lay in the doctrine that the congregational power was exhausted when they had elected elders and that thereafter jurisdiction vested in the latter. This was opposed by Ainsworth.

For the good estate of the Independent Church therefore a sound doctrine of pastoral authority was required. Such the Presbyterians claimed to possess in their system. But the English Presbyterians had not yet got a working system and the pages of Paget, for example, show them much abler in criticism of their opponents than constructive of a doctrine of their own. A reconciliation of Independent and Presbyterian theory was attempted by Robert Parker in his "De Politeia Ecclesiastica." The main theses of Parker went back to the Conciliar Movement and Gerson's doctrine that the keys of doctrine and authority were given to the universal church and by it conferred on the pastors. His exegesis of the Petrine passage was that the keys were given to Peter as a believer. "Potestas Ecclesiastica essentialiter ac primario infra ecclesia tanquam in subjecto proprio residet." He goes on to distinguish between the power resident in the congregation and its exercise as vested in the eldership to which he gives certain authority. At the same time he pleads for the consociation of churches in synods and classes. ² Round this matter his interpreters wage war

1 Parker, "De Eccles. Polit." Bk. III, Ch. I

2 Ibid. Bk. III, Ch. 22

Davenport, the Independent, claims that these synods are for brotherly counsel and advice only;¹ Paget² maintains that Parker entrusted far more power to them than this, quoting from Parker - "Churches may communicate together by letters: and although there be no authority in one church above another, yet many churches join together, either in a synod or by letters, have authority over one church offending."³ The question of the authority firstly of the pastor, secondly of the courts of the church was therefore pre-eminent. There was a danger that a semi-Presbyterian Independency or a Semi-Independent Presbyterianism like Parker's might become the religion of the English Puritan, through a desire to compromise with the Independents. Hence against Parker's work, Rutherford first directs his attack on the subject of the source and nature of ecclesiastical authority.

1 Davenport, "Apologetical Reply", p. 242

2 Paget, "Defence of Church Government" p. 98 ff.

3 Parker, "De. Eccles. Polit." Bk. III, Ch. 21, p. 324

The "Peaceable Plea."

Ministerial Authority.

The opening chapters of the "Peaceable Plea," deal with the source and nature of ministerial authority. At the outset Rutherford denies that such authority implied any power of catagoric and final interpretation of Scripture in its owner. Noting the theological source of Parker's doctrine in the Parisian School, he denies that the "keys" signifying authority in doctrine and morals were given to the Universal Church because given to Peter as a believer. He maintained the orthodox view that they were given to him as pastor for the Church To him the idea, developed by Best and Jacob from Barrow, that the keys, being given to the Universal Church its members by election, confer their authority and powers on the pastor, is indefensible. The Independents' favourite stated cause of a congregation on a desert island, without a pastor, being forced to ordain one to valid office and function, is no sound argument for the congregational conferring of pastoral authority but only a dubious exception. The office bearers of the Church have their power immediately from Christ by free gift; the most that the Church does is to mediate the orderly designation of a man to office. This ecclesiastical power given to office bearers is supreme, including both power and exercise of the keys for which they are responsible to Christ alone. Rutherford interprets the "ecclesia" of the "Tell the Church" passages as referring to a pastoral court and not to the congregation and concludes that the view of the Church being complete without pastoral power of the keys, having

1 Peaceable Plea, 6

these in itself, is unscriptural. Best's and Robinson's exegesis of the passage in support of the latter view is dismissed. He demonstrates fallacies in their argument.....If authority is given to all believers then women may wield it; but the Independents themselves opposed this: practice, proof and precept are all at variance..... He points out the manifest impossibility of all leaving their duties to settle some minutiae of church business. Rather, casuistically he argues from the distinction of the Visible and Invisible Church: it is possible that a pastor may not be a believer in his heart, therefore to be a believer is no "material" condition of the pastorate. Thus Peter did not receive the keys as a believer. With greater patristic learning than any of his opponents he proves the ancient dogma of the church to have been that the elders alone have the keys of authority and discipline. He shows great acquaintance with Cyprian and Chrysostom, attracted by the former's sense of the dignity of orders and owing his acquaintance with the latter not unlikely to Boyd, who had such unusual acquaintance with, and predilection for his works.

The relationship of church and eldership and the control which one may exercise over the other is next examined. That the church of believers, sincerely professing the faith and believing, is the only first true Visible Church he would not gainsay. It is the body of Christ and will infallibly be glorified. He admits that it is superior in dignity, stability, causality to the Church ministerial which is not infallibly glorified. The Church of believers is redeemed - the pastor may not be - has the promises of Christ for perpetuity -

which the pastor has not. The pastor is an end to its salvation. But this does not mean, as Parker implies, that the Church of believers is above the Church ministerial in jurisdiction. The Independent argument, drawn from the case of the Colossians and Archippus, to prove that an individual congregation has jurisdiction over the pastor, is refuted. From sundry passages, I Timothy III 4,5, V. 17, Romans XII. 1, he proves the superiority of elders to the people. The ministerial Church is subordinate to the multitude of believers, even as the means is to the end, but not inferior, even as Christ, the means of saving the Church, is not inferior to it. Parker argues that where there is more people there is more grace; Rutherford counters that ministerial power, in officio, does not depend on grace or the sacraments' efficacy would depend on the state of grace of him who administered them. A minister is subject in some things to the ruling elders or his congregation, but they cannot deprive him because they cannot ordain him. He disallows Parker's analogy of the people's nomothetic power over its ruler and his responsibility to them, because the pastor has not his power from the people but from Christ.² A pastor is not to be deposed for a few indiscretions. The congregation can never give power to^a pastor, even though all pastors were dead; that power is always Christ's. What consent therefore is due by the people to ministerial acts? For Rutherford it is the tacit consent of those present. A majority consent is not needed otherwise the absentee could claim to disobey. There is nothing judicial in such consent and the people's concurrence is taken for granted. His view on this

1 Peacable Plea, 36

2 Peacable Plea, 46

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matter is quite rigid. He gave great civil power to the people in "Lex Rex"; he is the staunchest of all Scottish theologians in support of the people's right to elect; he asserts, in this very book the principle of the Barrier Act, but he gives no voice to them whatsoever in disciplinary and doctrinal matters. Calvin, Bucer, Beza, Junius all state that things should be done in a measure "consentiente plebe," even this he opposes. "I ask whether or not that which watchmen command from God's Word and authoritatively and judicially in his name ought not to stand as an obliging Mandate and Canon even when the Believers gainsay?"

Chapter V is an examination of Parker's theory, differentiating between pastoral power and the exercise of it. Rutherford traces to Gerson and the Parisian School the idea of the Church's delegating the exercise of the power resident in her to certain men. Such doctrine is faulty, for in Scripture pastors are ordained only by pastors not by the people. Election only puts a man in a state to receive ordination.² No mystical grace is communicated by the Church of believers to the ministerial Church. These are in two different categories; the Church of believers is the mystical body of Christ, but pastors may be reprobate. The latter can receive grace only directly from Christ, according as they themselves are believers. "Ourselves your servants" 2 Cor. IV 5, only proves the pastor the Church's servant as the physician is the body's. By a very able reductio ad absurdum he destroys a good many of Parker's tenets, though the latter

1 Peacable^e Plea; 49

2 Peacable Plea, 56

himself would have eschewed much of their ultimate implications. The matter is summed up in the sixth chapter, where he denies that Christ has in any sense left the government of the Church in the hands of the multitude of believers, either directly or by making pastors responsible to them or by its delegating that power to the pastor.

Presbyterian government is a wise combination of the monarchic, aristocratic and democratic principles. Government by the collective body or coetus fidelium, is contrary to the word of God. Rutherford's arguments are the scriptures for the office of elders, interpreted as implying intention on Christ's part of instituting a ministerial Church. That the heads of families alone should speak, as advocated by some Independents, he thinks a falsification of their own case, and the creation of a representative Church which in other senses they deny. The furthest he goes is to say that no grave decision, such as excommunication, should be taken without the people being aware of it. They may be admitted in synod to speak in an orderly way, but they have no power of juridical decision or the result would be anarchic. He voices his distrust of this "popular" doctrine, as being too near the Anabaptist which "takes away all magistracy under the New Testament - all relation of master and servant, upon the ground that we are all free men." This is an obvious canvass of the Parliamentarians. "I am far from thinking ^{that} our worthy brethren do allow of this conclusion, but the principles are too sibb and near of blood."²

The Nature of the Church.

He now proceeds to examine the nature of the Church, and the

1 Peacable Plea, 65

2 Peacable Plea, 69

Independents' assertion that the only Church known in the New Testament was a congregation of believers, voluntarily meeting in one place, making a voluntary profession of faith without any system of Church courts. A sound exegesis of the wide scope of the word Church known in Scripture is given.¹ He points out that according^{to} the Independents' assertion, as above, every family is a Church. If any man's profession of faith should be false, he considers that on their own definition it makes their claim to be a true Church to be invalid. Against this he maintains that the preaching of the Word and the administration of the Sacraments are notes of the Church even though held forth to unbelievers, for the mission of the Word is to redeem. Further historic proof of his case lies in the nature of the New Testament Church. Jerusalem was one Church, yet had three thousand believers. All these could not meet in one place or break bread in one place; There must have been several congregations, but under one jurisdiction. This shows forth a presbyterial or as the Independents mis-call it, a "representative" Church. He cites Ephesus, Antioch, Rome, Galatia as further examples of this. The word "Church" never signifies just one congregation, e.g. "Saul made havoc of the Church." He examines the senses in which the Church Presbyterial is representative. It is not a representative Church, in the sense which Robinson gives to the doctrine, namely that the Church rulers do no more than announce the judgement of the people. Nor is it representative in the sense that the people give to these rulers supreme power and promise to be tried by them in all things. Rutherford lays down the principles that

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1 Peacable Plea, 65

presbyters are only to be obeyed if their commands be lawful and convenient and if the matters enacted are first referred to the Elderships of particular congregations.

In the eighth chapter the passage Matthew XVIII 17-18 is expounded with much greater learning than in Chapter IV of Gillespie's "Assertion." The Septuagint, the Greek and Latin Fathers, the Schoolmen, the Renaissance Scholars, Calvin, contemporary theologians are all cited. The Scots theologians rested a good deal of their argument for the divine right of Presbytery on the words of Christ, "Tell the Church." Altogether it may be said that the Independents may have been right in interpreting it as referring only to the society of believers, but the conclusions they based on it were as rigid^{as}, intolerant^{as}, and more fallacious than their opponents'. Parker was a little dubious himself as to whether the orthodox interpretation of the age had not a measure of truth. He tried to compromise by saying the passages did in a sort refer to the eldership. There is evidence from the quotations throughout that Rutherford had Parker before him as he wrote.

Church Membership.

The question of membership now arises. His line of attack halts at Parker and pushes at Ainsworth. The former had too much respect for the traditional Calvinist doctrine of the Visible and Invisible Church to discredit it altogether. Ainsworth, an acute Biblical scholar, was prepared to do so in order to vindicate his theory that the only true Visible Church is a company of visible saints, called and separated from the world and voluntarily professing one faith. In this he is a direct disciple of Barrow, Rutherford opposes to Ainsworth's/

Ainsworth's his own doctrine of membership drawn from the orthodox Calvinist dogma. All members of the Visible Church, he admits, should, de jure, be saints, but, de facto, whether you take a wide national, or narrow congregational view of the matter, they are very often not: their profession may be false. Hence Ainsworth's doctrine rests on what he considers a fallacious assumption. That the Visible Church, as such, is composed of saints is impossible. The sole criterion of membership of the Visible Church is a profession of faith. The sincerity of that profession determines whether a man is, before God, a member though profession, sincere or insincere, is adequate, provided his life be not scandalous, for recognition de facto, as a member of the Visible Church. With the more Christian view he insists that men must not be asked to prove to the Church that they have grace. Who knows where grace lies? For, as much grace may be under many ashes as a piece of gold among mountains of earth.² If the Word is to be preached only to believers, then its converting power is limited. He wisely objects that this doctrine of membership narrows the scope of the Word to groups of select, when it should be given to all. Besides he argues (and in this his New Testament exegesis is sound) the New Testament Church was a very heterogeneous mixture; all the Apostles required as a condition of membership was a profession of faith. Did not our Lord accept Judas? Arguing from the parable of the wedding garment, he makes hearing of the Word a sufficient condition. "There is no more required to make members of the Visible Church, as visible, but that they ~~hearing of the Word is essential to him~~

1 Peacable Plea, 95

2 Peacable Plea, 99

be within the net, hearers of the word." Turning back he insists that the preaching of the Word is an essential - to him the greatest essential of the Church -: even the excommunicate, who are not to receive the Sacraments have the right to it. In passing he notes the argument of Barrow and Ainsworth that any gifted man may preach and refutes it as Socinian and unscriptural. A further deduction he makes from his own argument, re the preaching of the Word: since it is a note of the true Church the magistrate can compel men to adjoin themselves to a church to hear the Word. With the civil power in Scotland now behind him he could assert this categorically. In a later work "Survey of the Survey," circumstances forced him to find some modification of this view, though he never resiled wholly from its principle.

Separation.

Because of Royal coercion, the Independents had separated from the English Church and stigmatised the more moderate Puritans for not doing so. This fact turns his mind to the antithesis of membership - separation. The question as he puts it in the tenth chapter, is, "whether or no it be lawful to separate from a true Church visible, for the corruption of teachers. and the wickedness of pastors and professors, where faith is begotten by the preaching of professed truth." He takes a wider view than the Independents ever reached. We are only to separate from all communion in which we may fall into sin, but not wholly from the Church or from the hearing of the Word and the prayers and praises of the Church. - The evidence of his letters shows that in Aberdeen he attended an Episcopalianised Church, though often unedified by its doctrine. Ainsworth argues that the Protestants separated from Rome/

me as a justification of his own Separation. Rome herself made the separation, counters Rutherford, There was always a true Church, even Rome, and a body of men who within her held fast to the fundamentals of Christianity - witness the Waldenses. Rome herself has made separation from these truths. We have not separated from Rome's baptism or from the Apostles' Creed. Rome's heresies have estranged her from the true Church. Collateral national Churches cannot be said to be separated from one another. Of Rome he says that it is a Church, teaching and professing and having something of the life and being of true Church. The Reformers' calling and orders from her are valid because, within her, they swore to defend the truth of the true Church which they did. Something extraordinary also there is in their calling and orders, but there is no need, like Ainsworth, to justify those as derived from the people.

Now he attacks the extreme Independents, and Barrow's doctrine of separation as expounded by Ainsworth and Robinson. One must not, he says, separate from a church for sins of fellow worshippers: Christ counselled His disciples to obey the Pharisees. He counters, with sound historical exegesis, the rather far fetched arguments of Robinson from Old Testament ritualistic practice, for separation. The hearing of the Word by evil men along with good, in no way affects its appeal to the latter. Again he points ~~out~~ to the heterogeneous nature of the New Testament Church. If wickedness of people in a church pollute the public worship, then it would be hardly possible to communicate with

1 Peaceable Plea, 131

2 Peaceable Plea, 139

with safety in any. ¹ It is unreasonable to expect the believer to separate on the grounds of wickedness in a fellow worshipper for he cannot know who is a hypocrite. Such a doctrine makes the value of the Word and Sacraments depend on our fellow worshippers, which is absurd. To separate for the sins of a pastor falls into another extreme; it verges on the Romish doctrine of making the value of the Sacraments depend on him who administers them. He admits that an unsavoury pastor diminishes the appeal of the Word, but even hearing of unsound doctrine should not cause separation. We can keep the sound and reject the unsound. He ends the chapter by saying that even when we separate from a Church overturning the foundations of religion, as from Rome, "we are to keep a desire of gaining them, howbeit not a brotherly fellowship with them."

Chapter eleven contains the usual war of Scripture quotation, exegesis and refutation of arguments in the foregoing case. For the eschewing of infection from sinful men Rutherford shows it is sufficient to separate from them in the Church. "It is not God's means of eschewing infection to lowpe out of one true Church into another for one fault." The infection of one never pollutes the worship and Sacraments for one not guilty, or even the holiest Independent Church he earnestly points out, would not escape pollution. That it is not lawful to communicate with the holiest Church in act of false worship he grants, but that every act of false worship makes a true Church to be a false Church, or no Church is inadmissible. This is a subtle sponsoring of the cause of the English Presbyterian who had remained in the Episcopal

1 Peaceable Plea, 145

establishment, even though its worship was tainted. These chapters are a plea for separation inside the Church, with a view to reformation as against complete schism.

Baptism.

After dealing with membership of the Church and separation from it, he turns to the related question of the Sacrament of Baptism. He opposes its denial to children whose parents are not known believers even while admitting that some of his own co-religionists support that practice. All children within the visible Church are to be baptised, he argues, from the Jewish practice of circumcision, from the practice of John the Baptist, and from the mercy of God Himself. He draws on the Covenant theology of God makes the Covenant of Grace with a Christian people so their children, even though born of wicked parents, enjoy the rights of that Covenant and people. (Federal holiness is not personal holiness, but the idea of a people set apart to God by covenant.)² Who can say that God lays the fathers' iniquities upon the children in spiritual and eternal punishments? If the parents' state of grace alone entitles a child to baptism, who can tell which parents are in a state of grace? Membership of an individual church is not necessary for baptism, which is a privilege of the Church Catholic not of a particular Independent Church. None are to be refused baptism for their children who profess the faith and are of Christian communion. The doctrine that children of wicked people are not to be baptised till they become of age is anabaptist. The free administration of this Sacrament is no profanation of it.

1 Peaceable Plea, 165

2 Peaceable Plea, 170

Church Courts and the Individual.

In chapter thirteen Rutherford comes to the question of the relationship of the individual congregation to the Church courts. "Those of the Separation and others whom we love and reverence, deny that congregations are subject to synods, Presbyteries and national assemblies holding that the latter can only give counsel and advice, but have no jurisdiction over a Church." This was in a measure Parker's view, held by the more moderate Independents and by some English Presbyterians. It was likely to be a stumbling block to the thorough-going Presbyterian dogma. Hence Rutherford's attack on it. He asserts the nature and relationship of Presbyterian and synodical power. The Presbytery has equal power with the synod, intensive but not extensive. There is no Scripture case for a single congregation exercising supreme jurisdiction. There is no instance in Scripture of ordination by a congregation or even by a pastor and congregation.¹ Apostolic practice was ordination by a Presbytery of elders. He brings further arguments in support of the Presbyterian system from the laws of nature and necessity and from the discrepancies and absurdities which he believes occur in the Separatist practice. He reverts to the principle that the keys are not given to the congregation, therefore they have no juridical authority. He deplores this doctrine as tending to the removal of a public ministry and the making of it only 'ad bene esse' and not 'ad esse simpliciter' of the Church.² He shows the anomaly of the theory of congregational jurisdiction which makes the congregation judge, jury and accuser in one. Most of these arguments are similar to those in

1 Peacable Plea, 189

2 Peacable Plea, 194

the second part of Gillespie's "Assertion of Church Government."

Chapter fourteen is an exposition of Acts XV (the Council of Jerusalem) as the main scripture ground for the superior jurisdiction of Church courts. He rejects the Independent view that it was merely a conference and that its decrees, if they bound, bound only because they were extraordinary and apostolic, and not because they were synodical and oecumenical. With regard to the composition of the court, he allows that the Church may admit some learned and holy men who are neither pastors, doctors nor elders to be present and speak. He agrees with Parker that the material ground of commissioners at assemblies is their gifts and ~~the~~ holiness, and the formal ground the Church calling and sending them. But the whole congregation has no definitive voice in the councils. The next chapter gives further scriptural proofs of the lawfulness of synods and their power to excommunicate evil churches. He is careful to state that even with regard to the censures of national assemblies or synods, it is free to believers to reject what is contrary to God's Word. In the sixteenth chapter there is more scripture refutation of the power of Independent congregations, especially in the matter of excommunication, an aspect of Church discipline which was to be dealt with more fully in his later works. In all these questions he shows a wider and more original patristic lore than Gillespie. His studies seem almost naturally to have followed those of Boyd, though he is more acquainted with, or at least cites more often from, the Reformed theologians. On page 257 occurs an opinion which shows that he has not even yet deserted his tenets concerning private meetings. Of private persons he writes "They/

"they are to edify, rebuke and comfort one another, and this they may do, not one to one only, as some say, but one to many. So the Scripture saith. Prov. X, 21; Ephes. IV, 29. So saith Calvin, Bukkinger Beza, Davenant, Whittaker, etc."

The ~~seventeenth~~ chapter deals with the scope of the pastor's power, utterly repudiating the Independent doctrine that a man is a pastor, only in, for, and of, a single individual church. Election does not make a pastor, it only apports him a special charge. We do not, he says, countenance that a man be ordained without charge, but that is not to say he is a pastor only to a single congregation; he is a pastor of Christ for the whole Church. Though his juridical power lies with his elders, over a certain congregation, he may preach to any.

His last chapters are in line with Gillespie's "Assertion" and Henderson's "Government and Order." He deals with the practice and principles of the Scottish Church. On "ruling elders," as Gillespie has treated the subject fully in the "Assertion," he contents himself with an exposition of I Tim. V, 17, and with outlining their office and power. The relation of the Church to the magistracy is briefly reviewed. - The King's power is hortatory, "coactive," "cumulative" but not "privative." Church and State in their different spheres are both ordained of God. He closes his book with a synopsis of present ecclesiastic practice in the Church of Scotland, based largely on Henderson. His final word is still in some measure a defence of private meetings. "Our Assembly also commandeth (the General Assembly of 1641) godly conference at all occasional meetings, or as God's providence/

providence shall dispose, as the Word of God commandeth, Heb. III, 13, etc., providing none invade the pastor's office to preach the Word, who are not called thereunto by God and his Church." The pastor is not by Rutherford's doctrine here expressed excluded from holding ^{private} meetings of his own.

Relation of English and Scottish Presbyterianism

The circumstances attending on the appointment of the Scots Commissioners to the Westminster Assembly need be related only in so far as they affect the part they were delegated to play or ultimately played in it. As has been noted, the Scots Commissioners treating with Charles had arrived in London in 1640, with a definite propagandist plan, directed against both Episcopacy and "Independency. Opposition to the latter was dropped that common cause might be made with its supporters against Prelacy. Dr. Shaw inclines to the opinion that the Scots imagined "there was a Presbyterian faction ready to welcome them,"¹ but the passage from Baillie which he cites in support of this on the contrary really shows that the Scots realised that theirs was a work of conversion.² Their actual literary output at that time is further evidence of this. As late as December 1643 Baillie could write "as yet a Presbytery to this people is conceived to be a strange monster."³ Inopportune as some of the publications of the Scots proved to be in the political sense, it would be unfair to call them premature. The propagandist has to pave the way, and these early 1640-42 publications familiarised many of the English Puritans with Scottish Presbyterian ideas and proselytised some. Henderson's pamphlet against limited Episcopacy was unfortunate because limited Episcopacy was still regarded by a majority of the English Parliament as a modus vivendi in settling ecclesiastical affairs. Parliament's answer to the Scots' suggestions on conformity

1 Shaw, History of the English Church, 1640-60, Vol. I, 128

2 Baillie, I, 303

3 Baillie, II, 117

the Church Government was a polite rebuff. "This house doth approve of the affection of their brethren of Scotland in their desire of a conformity of Church government between the two nations, and doth give them thanks for it. And, as they have already taken into consideration the reformation of Church government, so they will proceed therein in due time as shall best conduce to the glory of God and peace of the Church." This was embodied in the treaty ratified in August 1641. With the Scots, however, uniformity of religion became as much an *idée fixe* as with Charles. In the General Assembly of 1641 an act was passed instigated by Henderson for drawing up "a Confession of Faith, Catechism and Directory for all the parts of Public Worship and Platform of Government, wherein possibly England and we might agree." In a letter to the English ministers, the matter of religious unity is further advanced - "that there might be in both Kirks one Confession, one Directory for Public Worship, one Catechism and one Form of Kirk Government." Henderson vouches this opinion as that of the whole Scottish Church - "We know not so much as one man more or less eminent among us of a different judgement." The entire work of the leaders of the Scottish Church in the next six years was to endeavour to make the hope expressed in this letter a permanent reality. Political circumstances at first favoured them.

An English Parliament, inferior in military power to Charles, was more tractable than a Parliament able successfully to impeach Stafford. Instead of the supplicated, it was now the suppliant and drew up a letter for presentation to the General Assembly of 1642 tendering a

1 Peterkin, 296

politic offer to reform religion and pleading for a firm and stable union between the two Kingdoms. Henderson, who drafted the reply, made it clear that the only possible condition of alliance must embody uniformity in faith, worship and church government. The Assembly's letter had the approval of the Scottish Council and was communicated to the English Commons on 26th August. Their answer expressed willingness "to cast out whatsoever is offensive to God or displeasing to any neighbour Church," and to agree with the Scots in all substantial points of doctrine. They stated their resolve to uproot Episcopacy and their intention to hold a convocation of godly divines to settle "such government as may be most agreeable to God's Holy Word." The Assembly's Commission appointed as Commissioners to negotiate with England in this matter ^{were} those who subsequently attended Westminster. The English Parliament delayed commitment till the summer of 1643 brought their military hopes to the nadir. Commissioners were despatched to Scotland and the Solemn League and Covenant was negotiated on 17th August of that year. There is no reason to attribute superior astuteness to either side in the drafting of the Covenant. The English desired a civil league, the Scots a religious union: The Scots technically achieved their object, but the instrument of their success was necessarily of the nature of a formula. "According to the Word of God and the example of the best reformed Churches" was as far as the English State would promise reform. The Westminster Assembly added a definition of prelacy which at least left a loophole of hope to the

1 Peterkin, 324

2 Peterkin, 325

"primitive" Episcopals. Henderson had enough experience of English affairs to know that the above clause was a formula and a possible source of future trouble, but he hoped to achieve much through the Westminster Assembly. He had postponed the drafting of the Catechism and Directory for which he had been made responsible in 1641 until it might be possible to draft them in common for both Kingdoms. The success or failure of the Solemn League and Covenant, therefore, depended largely on the success or failure of the Scots' propagandist activity at Westminster. Could they make England Presbyterian? They very nearly did so, till between them and the goal of their success came the stout, uncompromising figure of Oliver Cromwell.

The Covenant gave the Scottish Commissioners who were now nominated, by letter to the English Parliament, the mission of Presbyterianising England. To measure their success it is necessary to ask how far England was Presbyterian before their advent. Since the time of the Treaty of Ripon the English Puritan had been more conversant with the Scottish form of Presbyterianism and many were increasingly favourable to it. In 1641 several English ministers had written to the General Assembly for guidance regarding the power vested in congregations and had received an answer refuting congregational theory and asking them "heartily to endeavour that there might be in both Kirks one Confession one Directory for Public Worship, one Catechism and one form of Church Government." The same letter advocates the Scottish Presbyterian system of Courts and is simple direct propaganda from the pen of Henderson. The English ministers' answering letter shows how it was

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received:

"The desire of the most godly and considerable part among us is that the Presbyterian Government, which hath just and evident foundation both in the Word of God and religious reason, may be established among us, and that according to your intimation we may agree in one Confession of Faith, one Directory of Worship, one Public Catechism and one Form of Government."

Despite this the Westminster Assembly was to show a decided difference in the Scottish and English conceptions of Presbyterian principles. The radical difference may be traced to the fact that English Presbyterianism, such as it was, went back through Travers and Cartwright, to a more purely Genevan theory - theory rather than model, for Elizabeth and James gave little opportunity for establishing it - whilst Scottish Presbyterianism had been shaped more on the model of the French Protestant Church. The difference showed itself both in the spirit and the letter of their religious conviction. Early in the Reformation, Calvin had counselled the English Puritan to submit to certain ceremonies, as things indifferent, when imposed by the state. (Though Calvin desired it otherwise, the final appeal in Genevan Church affairs was to the Signory: the Smaller Council determined the choice of Elders in the Consistory.) Cartwright, the early protagonist of English Presbyterianism, accepted the same early Calvinist standpoint and ultimately deferred to the wishes of the State on matters religious, when he found it impossible to alter them. The majority of his followers adopted his policy, and the English Presbyterian lived as far as he could in conformity with the Church of England and avoided as far as possible celebrations abhorrent to his principles. It is not often noticed

1 Peterkin, 329

that in the conflict between the Scots and the Erastians the former had already achieved much in winning over the English Presbyterians, who for sixty years, had submissively accepted Erastian principles, and whom a threat from Parliament could still overawe. This policy had made it impossible for the English Presbyterian to have any definite "platform" of church government. Their best writers could only expound traditional Genevan theory, as in Paget's "Church-Government Exercised in Presbyterial, Classical and Synodall Assemblies": their most virulent could only be scurrilously anti-prelatic. Since the First Book of Discipline and the heyday of Andrew Melville, the Scots had had a definite "platform" of church government. It came from the French system where it had to be won, as in Scotland, in the face of State opposition. It combined more admirably than in Geneva the two principles of popular rights and central control. There was in Scots Presbyterianism the physique and the violence perhaps, of one who has struggled and developed by breaking the chains of bondage, English Presbyterianism was softer stuff through having remained, though sulenly in chains. Besides being of a different spirit, what development there was in English Presbyterianism was different. It suffered unavoidably from being forced to confine itself to theory, and that theory was the interpretation of the Genevan practice in the light of possible future English needs. The Scots used a practical working system as a guide upon which with some differences, they modelled their own. English Presbyterianism failed in the beginning as a national faith, because it was too submissively Erastian and theoretical, in the end because having been/

been severely uprooted by Laud, it was hastily replanted and over-fertilised by the Scots. It never had a chance of a healthy native growth.

Paget's "Defence of Church Government" is a typical exposition of English Presbyterianism and shows the radical differences between it and the Scottish doctrine, which afterwards appeared at Westminster. Little stress for example is placed on the work of Kirk sessions. As a juridical court it hardly existed for the English Presbyterian, hence their opposition to the office of ruling elders. For them the term "elder" referred by New Testament practice to the pastor, or, from more purely Calvinist doctrine, to those who advised and assisted him. Their postulated assemblies included no representation of elders. Perhaps the word "classical" which they used, better applies to their assemblies than "presbytery." Their presbytery was one which could easily have merged into a council of a primitive episcopacy, or into a convention of a federal congregationalism on Parker's model. Other differences also appeared, though the matter of the eldership was the greatest. It may be noted also that even as late as 1641 the English Presbyterian claimed no absolute divine right for his system - "We..... though we hold that Classes and Synods are most necessary and profitable for the well-being of the Church, being also prescribed unto us by divine ordinance, yet do we not hold that the essence and being of the Church doth consist in this." From this date (1641) active Scots propaganda in England begins.

It is thus difficult to estimate the growth or extent of Presbyterianism in England before the Westminster Assembly. Shaw's view is that/

that the Presbyterianism of Elizabeth's reign and that of Charles's reign were two separate sporadic outbursts with no relation to each other¹ the first was an academic movement, the second an ecclesiastical abortion. McCrie tries to trace a consistent development in English Presbyterian thought, but this continuity seems to lie in what Shaw calls "the permanent element of English Puritanism" rather than in anything definitely Presbyterian.² Masson's view is that English Presbyterian principles got lost amongst anti-Episcopal polemic and only when the Episcopacy was removed were they resuscitated from their grave. There is an element of truth in all these. Puritanism was suffering an academic exile: no seat of learning but banned its tenets, no convention existed or dared to exist where they could exchange views, exchange of controversy through publication was extremely risky. This academic and scholastic isolation of all but orthodox or conformed thinkers from their fellows may have bred great variety of opinion but it was a variety which had many unseemly blossoms. English Presbyterianism, as species, shared in the variety which English Puritanism had in the genus. It was negatively unified only by its opposition to Episcopacy. The Smectymnuans themselves differed in some points of their doctrine as is evidenced by debates in the Westminster Assembly. Their brethren differed even more, Burgess, Marshall, Calamy, Palmer, Herle, all are often found in opposition to each other. Every variety of opinion from near Episcopacy to near Independency existed: It was an unknown in quality and amorphous as a child in the womb, and it was yet to be proved whether its delivery by

¹ Shaw, Hist. of Eng. Church, I, pp. 5-6

² Masson, Life of Milton, II, pp. 531

the Scots was healthily the best. Presbytery in its Scottish form was indeed as yet a strange monster to this people. The Scots had not only to co-ordinate the English form of Presbyterianism with their own, they had to assist in the co-ordination of all the variants of the English doctrines.

THE WESTMINSTER ASSEMBLY.

The history of the legislation calling the Assembly is extraordinarily complicated. ^I Not only did the Scots seize the opportunity of the Assembly for propoganda, they were indirectly responsible for making it. It was resolved in debate in the Commons on 1st September, 1642, on the Declaration of 3rd August from the General Assembly that Episcopacy should be abolished. ²

'The government of the Church of England by archbishops, Bishops, their chancellors and commissaries, deans, deans and chapters, archdeacons and other ecclesiastical officers hath been found by long experience to be a great impediment to the perfect reformation and growth of religion, and very prejudicial to the state and government of this kingdom, and this House doth resolve that the same shall be taken away.'

This resolution was amended by the Lords but was afterwards cited in the Ordinance calling the Westminster Assembly, as one of the causes thereof. The Westminster Assembly legislation occupied more than a year. In February 1642, during the protracted legislation on Church affairs, the Commons considered the feasibility of having an advisory body of divines called together, who were fit to be employed for settling the affairs of the Church. The matter dragged till April, when a Grand Committee of the House reported on the matter and the Commons passed a resolution stating their intention of reform of the

I. Shaw. Vol. I. 124-127.

2. Shaw. Vol. I. 120 quoting the Commons Journal II.858.

/ Church, and for "better effecting thereof speedily, to have consultation with learned and godly divines." From April 1642, the Commons were engaged in preparing such a bill. No fewer than five were drafted, read, a first and second time, recommitted, rejected on differences between the Houses, or lapsed on technical grounds. The fifth bill passed and was embodied in the fourth proposition sent down to Charles, but did not receive his assent. Finally the Assembly was summoned by an Ordinance of 12th June, 1643. The Commons adhered firmly to the clause concerning agreement with the Church of Scotland being retained.

It is not possible or necessary to narrate here the Parliament's earlier dealings with ecclesiastical reform and the reaction to the Root and Branch Petition which split the House in two. Episcopacy and monarchic absolutism had become identified and many believed the sole remedy lay in the abolition of both. Events were to show that it was easier to eliminate them, than to put a competent equivalent in their place. Any idea of an ecclesiastical establishment over which it had no control was utterly alien to Parliament intentions. The Assembly, when finally summoned was given only advisory powers and was strictly subject to Parliamentary control. Its work was to search for a "modus vivendi" in the present chaos, which with Parliamentary sanction might develop into an Establishment conditioned by the need of approximation to the Scottish model in order to secure the military alliance with the Scots.

It has been noted how varied in conception Presbyterianism in England was, even amongst its own doctors. The Parliament

/ which proposed in some measure to establish it had even less idea of its inherent nature. Laud had fallen foul of squire and merchant by his intrusion into the private life of the community in the interest of sounder morals, church order, and ecclesiastical uniformity. As G.M. Trevelyan writes "The squire was thus accustomed to admit no co-partner to his rule, and had not yet formed with the parson the Holy Alliance against Dissent, which ever since the Restoration has been the almost certain factor in English politics. The village quarrel which in ever-fresh forms of class rivalry or personal pique has been going on in every English hamlet since before Domesday Book was compiled, often assumed under Laud the form of bad blood between parson and squire; the landlord, constrained by fear of the ecclesiastical courts to dissemble his anger for years together was heartily willing to vote for Mr. Pym's friend at the elections of 1640; and two years later it was lucky if he did not turn the unhappy clergyman out of the vicarage and arm his own serving men for the Parliament under the curious delusion that he had adopted Presbyterian principles".¹ There was a common hatred of Episcopacy amongst most members of Parliament; there was even a common desire for its abolition in its present form; but love of the old order and of the Prayer Book brought men like Falkland back to Charles. They had sought a compromise in some such schemes for a primitive episcopacy as Archbishop Ussher's. The rest were like Cromwell who remarked "I can tell you sirs what

1. England Under the Stuarts 176

/ I would not have, though I cannot what I would." Trevelyan writes "If then it be remembered that comparatively few persons were Erastian Presbyterian or Independent with any consistency, it is safe to distinguish the main features of the three rival schemes. They had indeed one common element, besides a sternly Protestant faith and worship; all three proposed to introduce democracy into the Church. The priest was to be subject to some measure of election and control by the people. This change would require a high spiritual level throughout the country, and a democracy of intellect such as the Presbyterian system had found or fostered in Scotland. Could English villagers be raised to the same height? If not Puritanism would again give place to the old Church establishment, ~~more~~ compatible with squirearchy and more suited to a population whose mass lacked intelligence and enthusiasm"¹ This not unfairly sums up the attitude of Parliament and people to religious reform. Parliament, being Puritan - or professedly so for Cromwell had something to say later about their Puritanism - had a desire to see a holier nation; being Parliament it was equally determined to control religious reform; being English it was reluctant to accept Scottish ideology. All this will be seen at work throughout its relations with the Assembly. Some sort of religious establishment it had to create or live in chaos. A Puritan State Church with lay Parliamentary commissioners in place of Bishops, the Presbyterian model, or a practically disestablished

1. English ^{and} under the Stuarts, 204.

/ Congregationalism were the main competing systems. There were numerous intervariations, for at the moment, in England, no one was very sure of anything in the matter of Church government. The circumstance of the Solemn League and Covenant dictated that the Scottish system should be the favoured candidate, and the Scottish propagandist mission was made legal by the Parliament of the land into which they came.

There exist a few histories of the Assembly all in their way excellent, those of Hetherington, Mitchell, Warfield, and Carruthers; even Dr Shaw's biased account has the merit of patient investigation especially when anything detrimental to the Scots can be discovered. In none has any special attempt been made to estimate the specific contribution of the Scottish Commissioners throughout the whole course of the Assembly, in the "Treaty Committee" in the Assembly itself, in the press, and in the personal contacts they made. Here and there it has been outlined. Dr. Shaw emphasises the importance of their labours only to ridicule their intransigence. When it is said that Scotland takes her ecclesiastical standards from an English Assembly, discredited in its own country, it is worth while discerning how much of these standards was in reality of Scottish origin or framed in the Assembly through Scottish influence. To attempt this is the leading motive of this study, especially as the Scottish success was not inconsiderably furthered by the argumentative skill and propagandist activity of Rutherford himself. Consideration is given chiefly to the formulation of the Westminster Standards, in which the Scots took a leading part; the other incidental work of the Assembly,

/ so ably described by Dr. Carruthers, in his *Everyday Work of the Westminster Assembly*" is only touched upon as events require.

Before proceeding to the first large issue which called for the active intervention of the Scots, namely the debates on Church Government some sort of outline of the state of parties and of affairs at the opening of the Assembly is needful. The relationship with Parliament calls for some attention. The Assembly was an "Erastian" Assembly, called by Parliament for purposes which it laid down. Yet whilst it was the creation of Parliament it was not altogether - in the bad sense of the word - its 'creature', and came to open conflict with the House on at least two occasions. In the end its achievements were nullified, not so much by Parliamentary control as by Cromwell's control of the Parliament. The Ordinance summoning the Assembly outlined its purpose and scope ~~as~~ thus, "to confer and treat among themselves of such matters and things touching and concerning the Liturgy, Discipline, and Government of the Church of England, or the vindicating and clearing of the doctrine of the same from all false aspersions and misconstructions, as shall be proposed unto them by both or either of the said Houses of Parliament, and no other." ^I The last three words were added to prevent the Scots bringing in matter outwith the Parliamentary interests and desires. The Ordinance closed with the words "Provided always, That this Ordinance or anything therein contained shall not give unto the persons aforesaid, or any of them, nor shall they in this Assembly

I. Ordinance of 12th June. Beveridge, Appendix, 148, 149.

/ assume to reverse any jurisdiction power or authority ecclesiastical whatsoever, or any other power than is herein particularly expressed". Little wonder that Robert Baillie lately came from that place where Assemblies had defied Kings wrote "This is no proper Assembly but a meeting called by Parliament to advise them in what things they are asked." Control was strict. No foreign correspondence, even with the Scottish General Assembly could be entered upon without the consent and visa of Parliament; no Assembly production could be printed without its consent; even the appointment of the scribes' amanuensis was in its hands. The subsequent refusal to accept the thirtieth and thirty first chapters of the Confession of Faith showed how completely Erastian Parliament was. Yet despite all this the Assembly enjoyed in its debates a great deal of freedom, under the influence of the Scots it became increasingly outspoken and there were occasions when neither the learning of Selden could overawe, nor the truculence of Rudyard brow-beat them into decisions which they believed contrary to divine revelation. The questions at stake, the government, worship and doctrine of the Church were large enough to allow of ample and free debate. When the Covenant was referred to the Assembly free debate ensued and the case of Dr. Burgess' opposition as narrated by Dr. Carruthers reflects credit on all parties concerned, the House, the Assembly and Burgess. When, as in the matters of ordination and of suspension from the Sacrament, the Assembly believed the Church's authority over its clerical or lay members to be

/ challenged, they opposed the Houses, as will be seen later.

Clarendon spoke contemptuously of the members of Assembly, though five of them afterwards became bishops under his own regime. Baxter wrote that "the divines there congregated were men of eminent learning and godliness, ministerial ability and fidelity; and being not worthy to be one of them myself I may the more freely speak that truth which I know even in the face of malice and envy, that so far as I am able to judge by the information of all history the Christian world since the days of the Apostles had never a Synod of more excellent divines" In a note in the Journal of the Presbyterian Historical Society of England (May 1943) Dr. Carruthers has pointed out that 68 of the members were under 45, 59 above it; only 7 were over 65. There were 126 University men of whom 34 were Bachelors of Divinity and 23 Doctors of Divinity, 52 had held fellowships. There were Latinists in Arrowsmith and Robert Harris, Hebraists in Coleman Lightfoot and Gataker; John Harris was a professor of Greek. Thirty had published books. There were famous preachers such as Palmer, Marshall and Goodwin, theologians of continental repute such as Twisse and Rutherford, even a brilliant mathematician in Wallis afterwards Savillian Professor of Geometry at Oxford. Their ecclesiastical opinions were as varied as their scholastic attainments. It was no Assembly " of elderly and pious divines whose knowledge was not only predominantly but almost exclusively biblical and who were not perhaps of much account in the world" into which the Scots came. It was the best England could

produce, perhaps only Ussher was wanting to make it the very best. Baillie, Gillespie and Rutherford ranked as highly as any present in the realm of scholarship. As far as scholastic learning and output was concerned Rutherford may well be placed as greatest of them all, ^{Twisse excepted} His work in the next few years showed his scholarship to be colossal. It was not an Assembly at all likely to accept Scottish Presbyterian ideas unless backed by cogent reasoning and sound scholarship.

The general alignment of the parties in the Assembly needs some consideration. The smallest and noisiest body was the Independents and of them Nye made the most noise, Goodwin was one of the best preachers of the time,^I Bridge was a reputable scholar; Burroughs was the party pacifier; Simpson was an ordinary competent pastor with a fair preaching reputation. These were the five leading "Dissenting Brethern", Baillie also includes in their number Joseph Caryl, William Carter, John Philips and Peter Sterry, these latter were not so thoroughgoing in opposition to the Presbyterian system and with concessions granted to their scruples would have lived peaceably under it. The scholarly Anthony Burgess and William Greenhill seem only to have given occasional support to Independent tenets and to have had no rooted objections to the establishment of a Presbyterian Church. The five Dissenting Brethern had all been exiles in Holland - Bridge and Simpson had caused a division in the Church in which they ministered jointly. With Parliament's accession to power they returned to England. They and their associates were of a somewhat different stamp from the earlier

I. See Additional Note, p. 910.

/ Independents. The ablest of them showed no scruples in accepting livings from the State, Nye the parish of Kimbolton, Goodwin later the Presidency of Magdalen College. They were at least prepared to accept state aid in setting up a congregational system, if such could be done, and were prepared to give to the magistracy certain coercive powers over recalcitrant churches. For this the politics of Nye, and in lesser measure of Goodwin, were responsible ^{though} ~~and~~ the Independents as a party cannot be labelled 'Erastian' in the sense that Lightfoot and Coleman were Erastian; the Scots themselves were joyously prepared to use the secular arm, when wielded in their support. But the five had strayed from the primitive principles of Brown whom they repudiated, even from those of Ainsworth and Johnson. Their congregational principle was apparently a half-way house between Brown and Johnson. They regarded the individual church as governed by its eldership, composed of pastor, teacher, and ruling elders, usually three of the latter, to whom chief executive power was given subject to certain control by the congregation. This idea of a congregational presbytery, as will be seen, came to influence the Presbyterian idea of a kirk session. The five only allowed the association of churches for mutual counsel and help, but they claimed, with some justice, that there was less difference between them and the strict Presbyterians than there was amongst many of the Presbyterians themselves, and far less difference than existed formerly between Presbyterian and Episcopalian. Despite this claim the Independents were the great obstructionists in the

Assembly's work and the debates reveal that obstacles, often in minutiae of exegesis, are invented by Nye and Goodwin, sometimes out of pique, sometimes out of an exuberant delight in their own obstructionist tactics. They were the English proto-type of the political Independent of New England.

The 'Erastian' members of the Assembly were Coleman and Lightfoot, both outstanding Hebrew scholars. They were drawn to their particular views by their Old Testament study of the Jewish Church and State. In such debates as elicited the defence of their tenets they had the support of the lay members notably Selden. Their temporary alliance with the Independents has been rather magnified to the detriment of the latter. Of the rest of the English members of Assembly little more need be written; the chaotic state of English Presbyterian thought has been noted. Members like Reynolds and Wallis never lost their love for the old establishment and its liturgy, others like Marshall were close to the Scots, some like Calamy had a feeling for a form of Presbyterianism more suited to the English genius. They differed much among themselves, but as a body possessed a quality lacking in the other parties, a sincere openness of mind in approaching the problem of Church government and the solution to be applied to it, and with the others they shared the common hatred for an autocratic Episcopacy.

Lastly there were the Scottish Commissioners some of whom arrived in September 1643; Alexander Henderson, Samuel Rutherford, Robert Baillie, George Gillespie, as clerical,

/ Sir Archibald Johnstone and Lord Maitland. - afterwards Lauderdale - as lay Commissioners. Other lay Commissioners, Argyll, Loudon, Balmerino took up duty at later dates and on occasion spoke in the Assembly. On their entry into English affairs these Scots were in a politically strong position. Technically, as will be seen they manoeuvred themselves into one as strong in the Westminster Assembly. They refused to sit as members of Assembly, which would only give them a few votes and would make no difference in Assembly decisions. They insisted on being dealt with as Commissioners of a National Church demanding the appointment of a liaison committee from the Assembly to meet and treat with them on all matters concerning government, worship etc. After debate in Parliament the request was granted on 17th Oct, 1643. Baillie claimed that this, the "Grand Committee" dictated Assembly policy. The Scots had thus both a voice in initiating the Assembly's ecclesiastical legislation, and a veto on it when referred back to this committee. They had full freedom of speech in the Assembly which was used incessantly and by none more ~~so~~ than ^{by} Rutherford himself.

Apart from their effective intervention in debate the position of the Scottish Commissioners enabled them, if not to impose their will, at least to impress their desires on the Assembly, and to expedite its business. It must be borne in mind that the Scots were Commissioners not to the Assembly but to the English Parliament, that they were in England to effect the fulfillment of the clauses of the

/ Covenant, especially those anent religious uniformity. Such a purpose made the attendance of the Scottish divines at Assembly debates supremely important, but they entered the Assembly by invitation; Gillespie and Rutherford became two of its most renowned debaters, leaving the field of political manoeuvre to Henderson and Baillie. The political aspect, however, and the fortune of war often dominated Assembly debate. Owing to the need of Scottish military help events favoured their Commissioners during 1643-44. The Grand Committee was composed of the Scots, the English Parliamentary Treaty Commissioners and nine of the Assembly divines. A request from this Committee was equivalent to a demand that debate on a stated subject be forthwith started. When the Scots found the Assembly slow and lagging, as for instance in the matter of the Directory of Worship, they agitated with success in the Committee to have it put pressure on the Assembly to begin the work in question. They also sought to hasten decisions of Assembly through the Committee and on to the House, and as time went on, and as need arose, they used the tactics of putting pressure on the Committee by agitation in the Assembly, also on occasion with success. This central control, which they had few scruples in using, was an irritant to the Independents, so that they made an effort to break it. An important point in the composition of the Grand Committee was the exact position of the Scots. Were they merely individual members of it or were they a

/ corporate and integral part without which it could not function? They themselves maintained the latter view. On September 13 1644 Cromwell procured an order that the Grand Committee revise "the differences in opinion of the members of Assembly in point of Church Government". The results of this order will be seen later. Marshall, usually an ally of the Scots, at a meeting of the Committee procured the erection of a sub committee of seven to give effect to the order. There were two Independent but no Scottish members upon it. One suspects Marshall of seeking to follow Oliver's rising star. The Independent members of this sub-committee now tried to have its reports on Church Government taken straight to the House. The final revision which the Scots had enjoyed was thus to be taken out of their hands and themselves treated as mere single units of the larger Grand Committee. They hit back vigorously and in the latter Committee had it moved and carried "That no report should be made of any conclusion of the committee till first it came to the Assembly and from them after examination, should be transmitted to the House of Commons."

Thus the Scots insisted on, and till all their original representatives had gone home, largely succeeded in retaining their character as national Commissioners with power to put forward and to revise any ecclesiastical formulations. The skilfull use of their position and the debating powers of Rutherford and Gillespie in the Assembly went a long way to the shaping of the Westminster Standards in such a fashion as made them acceptable to their own General Assembly. There

/ were only four Scottish divines at Westminster; but it was the ecclesiastical plan of the whole Scottish Church which they put forward; this was always behind them. They yielded here and there, but in government and worship it was Scottish procedure and practice, not the Independent, which gained the day in the Assembly, although because of the political situation after Naseby much that they formulated was never put into practice in England. The simple proof of this is, that, allowance being made for the common Puritan element in both countries, no Scottish Assembly of the age would, or could have adopted standards to any extent alien to the prevalent life and government of the National Church. This is not to say there was not some Independent influence on the Scots. There was, as will be seen, for a strong opposition must always influence the legislation and even the legislators on the other side. This influence was both direct and indirect, it worked both by permeation and reaction.

The Assembly met to advise Parliament regarding the rehabilitation of the Church of England, subsequent to the Solemn League and Covenant, to formulate in that rehabilitation standards of government doctrine and worship which would bring it into closer uniformity with the sister Church of Scotland. The procedure of the Assembly, which met after the first few months in the Jerusalem Chamber at Westminster had its virtues and its faults. It was divided into three committees which discussed the work in hand, sometimes different points of it, sometimes the same, and referred all their reports

/ back to the Assembly. At times the divines were dragged back over ground which they had already covered by the belated report of some committee. All this, while it engendered exhaustive examination caused interminable delay in formulation, and the Independents used this fault in the procedure for diligent and effective obstruction. The Assembly was presided over by a Prolocutor, Dr. Twisse of Newbury an eminent theologian and Supralapsarian; he was assisted by two assessors, Dr. Cornelius Burgess and Mr. Herbert Palmer. On the death of Twisse, Herle became Prolocutor, and on the death of Palmer, Gouge became assessor. Two scribes were appointed to set down all the proceedings. Members had to take an oath not to maintain anything except what they believed in sincerity and truth. No resolution was to be given on any question upon that day on which it was proposed. The Commons sought to add a clause forbidding long speeches; it was dropped, and indeed, it is difficult to see how it could have been enforced - especially on Mr. Goodwin and Mr. Nye. All statements were to be proved from Scripture; dissent was allowed, but reasons had to be appended and handed in to ^{the} Assembly which might pass the dissent to Parliament; decisions were agreed on by majority vote, read to the Assembly and forwarded to Parliament with any dissents and their reasons annexed to the main decisions. The Scots found long speeches and the overworking of the dissent concession the great impediments to a speedy settlement. Efforts made to lengthen sittings and fine members for non attendance met with little success. The

/ business was transacted by twenty or thirty able divines; the rest attended voted and surreptitiously read the news-sheets during the long speeches. All sorts and conditions of men were present, the business-like in Burgess, the intransigent in Nye, the prolix in Goodwin, the peacemaker in Burroughs, the mystic in Sterry, the diplomat in Marshall. Some of the worthy members, like others in a similar position, felt that affairs moved so slowly that they would be far better employed at home in their own parishes. Their payment was irregular, but not more so than Parliamentary payments in that age and better indeed than most.

The Assembly met on July 1st 1643. The proceedings of the first months dealt with the reform of the Thirty Nine Articles and with the liturgical reform of the Church of England. September 1643 brought about the consideration of the Solemn League and Covenant. Nearer agreement with the Church of Scotland mentioned in the Ordinance and implied in the Covenant became a matter of deepest political concern.

"On Thursday 12th October 1643, we being at that very instant busy on the 16th Article of the Thirty Nine Articles of the Church of England there came an order from both Houses of Parliament enjoining our speedy taking in hand the discipline and liturgy of the Church" ^I The arrival of the Scottish Commissioners in September 1643 and their insistence with the English Parliamentary Committee that matters of Church government should be settled speeded Parliament's

I. Lightfoot's Journal 17.

/ and the Assembly's progress therein.

Rutherford himself made his appearance in the Assembly on 20th November 1643. He was in all likelihood hastened to attend by word from London of the Church Government debate and the Independent opposition. Henderson was a diplomat and a Church statesman, but not outstanding as a dialectician and Gillespie who was with him may have felt the strain of constant attendance at the Assembly debates. Another debating controversialist was a necessity to the Scots. This will be noticed when it is seen, that in practically all the debates on Church government, whilst both Gillespie and Rutherford may not be present, one of them always is. The position of Rutherford and Gillespie, the two controversialists, is noteworthy. They formed a pair to balance with Henderson and Baillie. The two first belonged to the extreme Presbyterian party which afterwards became Protester; the two latter to the more politic party which became Resolutioner. As regarding Puritanic practice, as already seen, Rutherford and Gillespie were in closer sympathy with the Independents. In Letter CCCLX, the former writes, "The best of the people are of the Independent way." Yet in the Assembly on the matter of Presbyterian discipline, they were less accommodating than even Henderson. They were more ready in debate, more scholastically learned, more dialectically subtle than he. With a greater fund of learning, they had a greater fund of argument, though it might not always be relevant, but they lacked his cool judgement. Their battlefield was the floor of the Assembly, his the Treaty or accommodation Committees.

/ After Rutherford arrived, Henderson could more freely devote himself to these, and though often enough in attendance intervened thereafter, only in debates on major points. His intervention too was characteristic, generally it was assertion rather than argument, history rather than exegesis, pragmatic statement of practice rather than the reason for it, vide Lightfoot's Journal, page 60.

"Then Mr. Henderson spake concerning the business of ruling-elders that, however it be somewhat strange in England, yet that it hath been in the reformed churches, even before Geneva, and that it hath been prosperous to the Church of Scotland." Page fifty three of Lightfoot's Journal gives an even more illustrative example.

" Mr Henderson again desired, that we would be wary lest we give offence and prejudice to other churches. He also, after some further debates about this, spoke again, that we would not in metaphysical and abstract notions consider of these things, but go to work to determine what offices we think fit to be in the church, without more ado."

His touchstone in all matters was whether or not they were agreeable to the practice of the Church of Scotland, and his argument seldom strayed far from that. Rutherford and Gillespie, while seeking the same end, would have had the Assembly assent, not only to Scottish practice, but to every theory of and reason for it, as they interpreted it. The matter before the Assembly on the arrival of the Scots was that of Church Government, which was to occupy it for nearly two years.

THE DEBATES ON CHURCH GOVERNMENT.

Under pressure from the Scots, Parliament finally emitted the ordinance of 12th October, 1643, which referred to the Westminster divines the task of drawing up "such a Discipline and Government as may be most agreeable to God's Holy Word and most apt to procure and preserve the peace of the Church at home and nearer agreement with the Church of Scotland. "On the 17th October, the debate proper began. It was moved by Seaman, (and decided against the Independents) to begin with the nature and work of Church Officers rather than with " whether there were a rule for government to be had in the Scriptures".¹ The Assembly, divided into its three committees each considered this question. On October 19th, the second and third committees reported on the officers of the Church as held forth by Scripture, the report of the third committee including the preface of the subsequent "Propositions". Debate as to the number and nomenclature of these officers in Scripture went on till the 27th October, when the first committee reported on the same matter. Debate on this report began on November 2nd, with the office of pastor. Lightfoot minutes no interference by the Scots in this debate, but Baillie mentions " a paper given in by our brethern before we came According to it, the Assembly did debate and agree anent the duty of Pastors."² A minor controversy arose as to whether reading the Scriptures

1. Lightfoot, 20.

2. Baillie, 11. 110.

/ publicly, belonged to the Pastor's office. Marshall held that the reading of the Word in public was not an ecclesiastical office and the Smectymnuans along with him, inclined to the view that expounding must accompany it, to make it so. Palmer held that it did belong. The 'near' Episcopalians' thought that pastor and reader might be two offices. There was great individuality of opinion. Lightfoot says, "it was much desired to delay for fear of some inconveniences that might follow".¹ The inconveniences, doubtless, were disagreement with the Scots' paper on the matter. In his chapter on the pastor's duty in the "Peacable Plea." Rutherford says, "We acknowledge no reading pastors, but only pastors gifted who are able to cut the Word aright."² The chapter is an exposition of the pastor's duty as set forth in Henderson's Government and Order" of 1641. The paper mentioned by Baillie embodied Henderson's and Rutherford's doctrine and revealed that readers in Scotland had fallen into disrepute. Hence the Assembly's fear of inconvenience. It was finally ordered, that the public reading of Scripture belongs to the pastor's office. The Scots' wishes were fulfilled in this and in a subsequent extension of the proposition to include probationers. The other duties of the pastor's office, admitting to the Sacraments, catechising, visiting the sick, were resolved with little debate; they were

1. Lightfoot, 39.

2. Peacable Plea, 314.

/ common Puritan doctrine and conformed closely to the Scottish practice.

A belated report of the second committee on the unity in substance of the pastor's and teacher's office (voted by it on October 23rd, and presented on November 8th) occupied the Assembly till November 14th. By then the Scottish Commissioners had decided that the settling of Church Government was too protracted. To expedite it, Rutherford and Baillie were urged to come speedily. Meanwhile, the Scots gave in to the Grand Committee of Parliament and Assembly a paper embodying certain propositions for speedy establishment. They hinted that this meticulous searching of Scripture, while good in its way, was lengthy and redundant: to their mind it had all been ably done before by earlier reforming theologians. They postulated four permanent officers in the Church, -pastors, teachers (doctors), ruling elders, and deacons, church government by the first three of these, and a fourfold system of church courts, -church session, presbytery, synod and national assembly. Marshall reported from the Grand Committee to the Assembly on this paper, saying that the former had not debated it at all, but referred it entirely to them. In the light of this report, the Assembly debated the difference between pastor and doctor which had already been dealt with by the second committee. The debate lasted till November, 21st, and was the occasion of the first recorded participation of the Scots.

The Independents held that pastor and doctor were two distinct offices in substance. The majority of the Assembly

/ opposed them. The English Puritan (viz, Calamy) was of the opinion that a man could be in orders without a charge and that such a man of brilliant parts might, as Fellow in a college, be a doctor there, but this was a distinction in gifts not in office. Henderson's view, as expressed in the "Government and Order" followed closely the "Second Book of Discipline". The doctor was of use in universities and colleges, and differs in name and function from the pastor. The "Second Book of Discipline" made the doctor an elder ex officio, with power to assist in kirk government and assemblies, though he might not administer the Sacraments unless especially called thereto. Henderson in the "Government and Order" only made it expedient that he have elder's powers--,"of which some use to be chosen to be elders of particular churches and Commissioners to the National Assembly".¹ Rutherford in the "Peac^eable Plea", deducing from his own case, stated:- "Doctors, if they aim at the ministry, prophesy in our presbyterial meetings".²

Thus while the Scots approximated to the Independent view, they did not completely distinguish the offices. In practice, as in Rutherford's own case, the two offices were united and the doctor's office, or 'regentship', was a stepping stone towards the ministry. Henderson thought this debate idle; his opinion, when asked, was, "they should not in metaphysical and abstract notions consider of these things, but go to work to determine what offices we think fit to be in the Church". Even then, the English Presbyterians, who still retained some marks of their

1. Government and Order, p.28.

2. Peac^eable Plea, 319.

/ old church, especially the academic ones, would not move from their standpoint that the doctor was merely a pastor, gifted for teaching. The Independents, with Goodwin as their protagonist, having in their exile in Holland established the twofold office of pastor and doctor in the church, firmly upheld the distinction of these. Henderson moved that a committee of accommodation be appointed, but the following day, perhaps because of its failure to achieve agreement, tendered some propositions of his own. These distinguished the name of pastor and doctor, admitted their usefulness to a congregation, but not their necessity, and established them for the bene esse of schools and colleges. Though supported by Calamy, these were talked out by the Assembly. Next day, six neutral propositions of the accommodation committee were passed. These noted that different gifts were in different ministers but they might also be combined in one, that, if there were more than one minister in a congregation, he who excelled in exposition might be called a doctor, that the doctor is of excellent use in universities and colleges. The final "Propositions" (collected in Novr., 1644) show that Henderson's first proposition that, "the Scripture doth hold out the name and title of a teacher as well as of a pastor" was accepted. They also add, "who also is a minister of the Word as well as the pastor and hath power of administration of the Sacraments". This was more than Goodwin had ever claimed for the doctor's office and was added to satisfy the English Presbyterian position, in which an ordained man, without charge, could hold the office of doctor. The remaining propositions concerning

/ the doctor satisfied the Independent standpoint, for they allow^{ed} doctors in individual congregations, whether or not they held office as preaching pastors: both might exist in the same congregation. The doctor's use in schools and colleges was specially stated. Altogether the propositions gave ample scope for Scottish, English and Independent theory and practice. It is obvious that the Scottish doctrine was the half-way house in which both parties found an ultimate formula of agreement.

"The next point whereon yet we stick is Ruling Elders." It was, perhaps, anticipation of this debate that hastened Rutherford's arrival. Though not as powerful a debater as Gillespie, he had greater linguistic and exegetical knowledge and a greater storehouse of patristic, scholastic and reformed learning. If the Assembly demanded hair-splitting exegesis and massed Scriptural, patristic and doctrinal proof, as Henderson was sorrowfully finding they were, Rutherford was the one Scotsman to give it. That Henderson never interfered in debate, till the question of doctors arose, showed that in a metaphysical atmosphere he was a fish out of water, a statesman, albeit an ecclesiastical one, amongst speculative exegetes.

The debate on ruling elders saw Rutherford enter into the field of Assembly controversy. As if in answer to the purpose for which he was brought, he set forth a lengthy exegetical argument in favour of the proposition. "that besides these presbyters that rule well, and labour in the word and doctrine, there be other presbyters who especially

/ apply themselves to ruling, though they labour not in the word and doctrine." This debate was, as reported by Lightfoot, the most exegetical of all the debates on Church Government or indeed of any. It seemed as if the Scots had decided to meet the Assembly with its own weapons and the latter rose manfully to the occasion. They turned their heaviest batteries against their most formidable opponents. A minor man is left to have his say. Selden, Gattaker, Temple, Goodwin, Nye, Marshall, Calamy called forth the best of their powers, when they had occasion to differ from them.

Henderson opened the debate for the Scots by pointing out that ruling elders existed in many reformed churches and had been found "very prosperous to the Church of Scotland". (There is no doubt that the ruling elder in Scotland had become a fixed office in the Church in no small measure because such office gave lords and lairds an influence in the councils of the Church). The Assembly demanded a fuller proof and Rutherford expounded the Presbyterian interpretation of 1 Tim. V.17, "οὐ καλῶς προσετώτες ...καὶ διδασκαλία" as not referring to one man and two works, but to two distinct offices. When Vines quoted the Greek Fathers as not conceiving the text to mean two offices, Rutherford answered that Chrysostom, though he had not held a ruling elder from this place, "yet doth he hold a distinct office, viz. a deacon that doth not preach". Robert Boyd had not taught Chrysostom in vain. Gattaker and the moderate Presbyterians who were nearest 'primitive' episcopacy, opposed the institution of this office. While willing to be under the law, in an established church, they distrusted the

/ intrusion of those they believed to be lay into spiritual affairs. That the Independents also supported this office, did not lessen their distrust.

A historical error has been perpetuated by a typographical one in Laing's edition of Baillie's Letters. In that edition occurs, "Sundry of the ablest were against the institution of any such officer by divine right, such as Dr. Smith, Dr. Temple, Mr. Gattaker, Mr. Price, Mr. Hall and many more, beside the Independents, who truly spake much and exceeding well. The most of the synod was in our opinion and reasoned bravely for it." But Lightfoot shows that the Independents argued ably for the ruling elder, as one would expect from their tenets. The "Apologetical Narration" mentions ruling elders, "with us not lay, but ecclesiastical persons separated to that service", showing that they were strongly in favour of their institution. Laing's period should be placed after the word 'more', when the quotation would read, "Beside the Independents who truly spake much and exceeding well, the most of the synod was in our opinion and reasoned bravely for it." Shaw, Vol. 1. 161, reading loosely, asserts, "The Independents supported by Smith, Gattaker and Temple argued strongly against the divine institution of the ruling elder". Hetherington has made the same error in modified form. Shaw also quotes Baillie's statement that the Assembly voted, "nemine contradicente, that besides ministers of the word, there is other ecclesiastic governors to join with the ministers of the word in the government of the Church; that such are agreeable unto and warranted by the word of God, especially

/ the 12th Rom. 8; Cor.12, 28; that in the Jewish church the elders of the people did join in ecclesiastic government with the Priests and Levites according to 2nd. Chron. 19,8." His comment on this is that it is not borne out by Lightfoot's Journal (Vol. 1. 163 of Shaw). Unfortunately for Shaw, Lightfoot himself finally moved the proposition quoted by Baillie and says it "was very well liked of and voted nemine contradicente" as also was its scriptural proof. (Lightfoot's Journal p.79-80.)

The Independents were closer to the Scots at this time than at any other. Baillie (as yet) and Rutherford both write graciously of their abilities. But the opposition against ruling elders was strong. Goodwin, Bridges, Seaman, and Marshall supported Rutherford in his exegesis. Gattaker, Vines and Dr. Smith opposed him. On the 27th November, the matter was referred to committee, where the same debate spun round interminably. On the 30th, Henderson intervened characteristically, pointing out the necessity of rulers to oversee the manners of the people. Rutherford again took up the debate on the passage in Timothy and was followed by Lightfoot who maintained Chrysostom's exegesis of it. On December 1st, this passage was waived and 1st Cor. XII, 28, put forward as a proof. The debate revolved as to whether "ἀντιλήψεις" and "κυβερνήσεις" referred to office as well as gift. Gillespie argued pro, Temple contra. When remitted to committee, both sides still rejected accommodation as the matter of an officer of the church was too important to be stated in a mere formula.

/ Elders were either scripturally warranted or they were not. Acceptance of them on prudential grounds urged by Goodwin, Nye and even by Henderson himself, had not the approval either of Marshall on one side, or of Vines on the other. Neither were Rutherford and Gillespie keen on establishing the elder's office on such grounds except with Scripture warranty. Gillespie later returned to the debate with 1 Tim.V, 17. Finally a committee was formed to draw up how far they agreed and the matter settled more or less by the proposition being voted "It is agreeable and warranted by the word of God that some others beside the ministers of the word or church governers should join with ministers in the government of the church".¹ Romans, Xll, 7 & 8, 1st. Cor. Xll, 28, were adduced as proofs. Rutherford was not successful in getting 1 Tim.V,17 passed, but it was not rejected. The Assembly next considered elders in the Jewish Church as a proof for ruling elders. The question as to the nature of the elders in the Sanhedrin along with the priests and scribes, whether they were ecclesiastical or civil officers and what cases they tried all came under discussion. Gillespie, whose treatise "The Assertion of Church Government" had used this as proof for the eldership, was the chief Scottish protagonist, though Rutherford intervened once to contradict a parallel of Lightfoot. Finally Lightfoot's proposition, "that in the Church of the Jews there were elders of the poeple, joined to the priests and Levites in the government of the Church" was carried. It was subsequently

1. Lightfoot, 76.

/ prefixed to the major proposition of "Other Church Governors".¹ Rutherford and Gillespie would have liked eldership as in the Scottish Church established *divino jure*, but there is little doubt that Henderson stayed their vehemence. He knew that the question of the subordination of Church courts in the Presbyterian system was to follow and foresaw the folly of alienating the moderate English Presbyterians, whose support he would require against the Independents.

The final proposition on "Other Church Governors" which was sent up to Scotland was "As there were in the Jewish Church Elders of the people joined with the Priests and Levites in the Government of the Church (as appeareth 2 Chron. 18,8,9,10.) So Christ who has instituted a Government and Governors Ecclesiastical in the Church hath furnished some in his Church beside the Ministers of the Word with gifts for Government and with commission to execute the same when called thereunto; who are to join with the Minister in the Government of the Church (Rom. 12, 7. 8. 1 Cor. 12, 28) which Officers Reformed Churches commonly call Elders". The English Presbyterians' objection to elders rested in his conception of orders. They were loath to admit into office any 'lay' element. To many of them elders as in the Independent churches and in the Scottish Church seemed laymen who had not undergone proper training for ecclesiastical office. Nye, for the Independents, Rutherford and Gillespie for the Scots, in their controversial^{works} and in the

1. Propositions concerning Church Government, p.6.

/ Assembly maintained that there was no such thing as a 'lay' elder. The English Presbyterians view of ordination was more sacramental than that of the other two parties; to ordain had still something of divine mystery in the function; for the Scots it was an orderly setting apart to office. Yet when Rutherford, and especially Gillespie are claimed as upholders of the 'presbyter' theory of the eldership care must be taken not to press their views further than they themselves would have taken them and to remember they were in a measure dictated by the needs of politics and controversy. At the present moment they were trying to win the Independents and were glad to find themselves at one with them over the nomenclature of the office of 'other church governors', so they readily subscribed to Nye's dicta "there is no such thing as lay elders'. The Second Book of Discipline stated "The Eldership is a spiritual function, as is the Ministry"., but no particular argument for 'lay' or 'presbyter' theory can be founded on this statement. The distinction between 'lay' and 'clergy' was less hard and fast amongst the Scots and Independents than amongst the English brethren. The need of maintaining the office of elder forced the Scots to a higher theory than in practice they followed; they claimed a ruling eldership 'divino jure' yet the administration of the Sacraments was retained to the minister as also the authoritative preaching of the Word. For this of course they claimed the Scriptural warrant of the Timothy passage, but they in effect made the elder of lesser rank and ordination. The two conflicting theories will always

/ be disputed but it should be remembered that the Westminster statements on the doctrine were historically conditioned, indeed very much so. Later evidence shows that the Scots won over not a few of their former opponents for in the "Directory of Church Government" of 1647 'other church Governors' were more specifically referred to as Elders. After most of the Scots had left the Assembly the debate arose on the "Erastian Questions" of the House of Commons. It was proposed that "the government which is 'divino jure' is that which is by preaching and ruling elders in presbyteries and synods by way of subordination and appeal." The defenders of the proposition include Gouge, Burgess, Marshall, Delamy, Calamy, Young, Ashe and others, many of whom had at first resolutely opposed the office of ruling elder.¹ With regard to the whole matter the fact was that the English Presbyterian was averse to laymen in church office. The opposition had to prove, either that elders were no laymen, or that laymen could hold church office. The latter thesis was abhorrent to the majority and could never have been accepted, so the debates centred on the first with its proof texts. Though some of the latter were not accepted it has been made apparent that by 1647 the Assembly had come round to the acceptance of the office of ruling elder as part of the 'esse' of the Church.

The proposition concerning Deacons caused little debate. Rutherford's contribution was a speech on their perpetuity. On December 22nd, he took the Covenant before the Assembly,

1. Mitchell, History of Assembly, 191.

/ which, now that its work on Church officers was concluded, aimlessly turned back to consider the character of the Apostles. Thereafter from January 2nd to February 2nd, it was occupied with the debate on ordination (vide infra p. 132).

On 19th January, the first committee reported (1) that Scripture holdeth out a presbytery in a church (2) that a presbytery consisteth of ministers of the word and such other public officers as have been already voted to have a share in the government of the church. On 25th January the Scots gave in a paper containing propositions with proofs concerning their Church government. This was an expansion of that given in on November 14th, 1643, or rather an expansion of its fourth heading, "that assemblies are fourfold". The November paper of Henderson had contained no proofs. This was loaded with them, and is unmistakably the work of Rutherford and Gillespie, containing all the arguments for eldership and presbytery. At the same time, the Scots gave a book to each of the Assembly, "touching their own government".¹ It was ~~probably~~ Henderson's "Reformation of Church Government in Scotland" ~~"Government and Order"~~. All this was preparation for the forthcoming debate on "Presbytery". It was becoming increasingly obvious that certain points concerning Ordination could not be settled until the major business of Presbytery was resolved.

On February 5th, the crucial debate began with the Proposition, "The Scripture holdeth forth that many congregations may be under one Presbyterial government". This was the lengthiest debate of the Assembly and is reported in full in Gillespie's

1. Lightfoot, p.119. cf. also additional note^{to} p. 149.

/ notes. Goodwin's opening speech seems to have set the tone of this debate, as Rutherford's had done in that concerning ruling elders. This time the debate was syllogistic and highly polemic, rather than exegetical. Texts were hurled from side to side, rather than investigated for their truth. The metaphysical discussion, which wearied Henderson, became ultra-metaphysical. Nor did Henderson follow it. The task was left to Gillespie assisted by Rutherford. The former's notes are a masterpiece of their kind, showing an intensely acute mind. He can memorise the whole argument of an opponent, however fine drawn, and, refuting point by point, trenchantly vindicate his own cause, as in his memorable attack on Selden. Rutherford's mind was as acute, though in this debate he did not speak at such length. Throughout it, he was at work on his "Due Right of Presbyteries". Every minute point raised in the Assembly was stored in his mind for refutation therein. The close inter-relationship of these two will be seen in the examination of "The Due Right", where the heavy artillery of the Fathers, Schoolmen and Reformers is turned on point after point of his opponents' argument. In debate, Gillespie may have been the more rapid marksman, but Rutherford had the fuller quiver. The later works of Gillespie viz. "Aaron's Rod Blossoming" as compared ^{with} ~~to~~ his earlier "Assertion of Church Government" show his learning and argument greatly enriched by contact with Rutherford. The latter, however, had a liking for the Parthian shot, for seizing an ^{argument} incontrovertible for his own case and putting it in incontrovertible syllogistic form, as in the famous Assembly where Lord Seaforth "would not

/ have Mr. Samuel trouble us with his logic syllogisms.^I He was to trouble the Independents in the same manner.

The arguments of the debate need not be largely discussed here, as they will be dealt with in the "Due Right". The Independents' negatives to the proposition were considered up to the 21st February, when they were voted out. They argued from their own conception of a church, that a Presbyterial church made ministers and elders, to be ministers and elders, not of one, but of every church in the presbytery, which was an anomaly. They asserted that the right of excommunication resided in the congregation; as it did not reside in the Presbytery it could not be used as an argument for church courts. They supported their view from the case of the Corinthian fornicator (1 Cor.V) and from the "Dic Ecclesiae" passage (Matt. XVIII.17). These the Assembly refuted with the traditional argument of Presbyterianism. Gillespie led the attack, prompted by the little man, who sat supplying material for him to weave skilfully in forceful argument. When the side issue of Excommunication was raised, Rutherford spoke more frequently, showing the fatal insistence on supreme ministerial control of that censure which was later to split the Presbyterian cause in Scotland itself.

From 22nd February to 13th March, Scripture proofs for many congregations under one presbytery were examined. They are those originally put forward in "The Assertion of Church Government" and the "Peaceable Plea". The authors of these works were their ablest exponents and were supported by Marshall, Vines, Seaman, Herle and Gattaker. The debate

/ Presbytery was mostly left to these men, and Marshall, leader, was an ardent supporter of the Scots. On February 22nd, it was voted that the believers mentioned in Acts, 1, 15, etc. belonged as members to the Church of Jerusalem, on the 23rd, that they were more than could ordinarily meet in one place in exercise of worship and of government, on the 28th, that many apostles and other preachers in the Church of Jerusalem import that there were many congregations, on the 5th March, that the elders of that Church are mentioned in Acts XI and XV, on the 7th, that the apostles did the ordinary acts of presbyters as presbyters in the Church of Jerusalem, and that this shall be brought to prove the presbyterian government at Jerusalem. On March 13th, by the cumulation of these, it was voted "that the instance of the Church of Jerusalem shall be brought to prove that many several congregations may be under one presbyterian government".¹ These arguments, together with minor votes on detailed aspects of the proofs represent much of Rutherford's and Gillespie's collated thought. The argument, especially Rutherford's, developed by him in debate with Goodwin, is that the apostles acted, not as apostles, but as presbyters in the Council of Jerusalem. The accuracy^{of} their exegesis may now be questioned; yet in this, as in many other instances, the exegesis of the Scots was accepted after due deliberation by the Assembly.

But the debate was not brought thus far without some ecclesiastical manoeuvring. An unofficial attempt of the Scots at

1. Lightfoot, 174-214. and Gillespie's Notes of Westminster Assembly, 30-42.

/ accommodation between themselves, the English Presbyterians, and the Independents was brought to nought by Nye's attack, in the Assembly on February 26th, on Presbytery as inconsistent with the civil state. As the Assembly was filled that day with members of the Houses, Nye's attack was dictated by reasons of policy. On Friday, 8th March, an accommodation committee of four Presbyterians, four Independents and the four Scottish Commissioners was appointed. Marshall gave to this committee a summary of the work of the unofficial conference before mentioned. Vines, the following day, gave in the English Presbyterians' terms of accommodation which were practically an assertion of Presbyterian government. Following this, the Independents gave in their terms, closely in accord with their "Apologetic Narration". These admitted Presbytery in a prudential and advisory way, but asserted non-communication with an errant church as the highest form of censure, a Presbytery could impose. Five propositions were agreed to in this committee and submitted to the Assembly on March 19th.¹ They were, however, waived as the debate on Ordination was in progress.

On April, 10th, a review of the votes on Presbytery was presented by a committee appointed thereto. The propositions collected determined its Scriptural institution, composition and ecclesiastical power. A minor debate on the "fixedness of congregations" developed, but as a point of government it was decided to be a thing indifferent. Proposals to include the

1. Gillespie, 37-41.

/ propositions on Presbytery with those on Ordination sent up to Parliament were rejected as the Scots preferred to have the propositions complete before their presentation. All this time Rutherford is daily enlarging his "great book against the Independents", which was to come out in May, 1644.

The Assembly next proceeded to a matter largely dealt with in the "Due Right"-the power of congregations. At the beginning of the debate, "Mr Rutherford still urged that we might keep clear in this that we should not infringe the power of particular congregations"¹. He was, of the Scots, the most ready to recognise the congregational rights in the Presbyterian system. Baillie mentions a paper given in to the Grand Committee at this time" wherein we asserted a congregational eldership for governing the private affairs of the congregation from the 18th of Matthew"². Rutherford was certainly the inspirer, if not the author of this paper, which embroiled the Scottish Commissioners with the die-hard Presbyterians at home. Nye was on certain occasions to quote from the "Peaceable Plea"^e, attempting to show that Rutherford went, on some matters, almost as far as his own party.³ The division of congregations by the bounds of dwellings, the plurality of elders in the congregation, that no single congregation, which may conveniently join together in an association, may assume unto itself all and sole power of ordination, were all voted. The Scots intervened chiefly in

1. Lightfoot, 255.
2. Baillie, ll. 182.
3. Gillespie, 60.

/ the 'plurality of elders' vote, as certain of the Assembly conceived one ruling elder sufficient in the Church. Rutherford and Gillespie spoke so insistently that the point was carried. It appeared in the "Propositions" as, "For Officers in a single Congregation, there ought to be one at least, both to labour in the Word and Doctrine and to Rule, Prov. 29, 18. 1 Tim. 5. 17. Heb. 13. 7. It is also requisite that there should be others to join in Government 1. Cor. 12, 28. and likewise it is requisite that there be others to take special care for the relief of the poor, Acts. 6, 2. 3. The number of each of which is to be proportioned according to the condition of the Congregation". Further on in the Propositions under "Of Classical Assemblies" the elder's name and place therein, and in their own congregation is made clear "That there were many Elders over these many Congregations, as one Flock appeareth, Acts 20, 17. 25. 28, 30, 36, 37." The other propositions were debated mostly by the English Presbyterians and, in the last, which practically deprived the Independents of the congregational right of ordination, the Scots hardly intervened, knowing that their cause here was safe, and not wishing to offend the Independents more than consisted with the establishing of it: it was more critical to have ruling elders conceded by a majority of English Presbyterians, who were safe enough as regards the establishment of Presbyterianial ordination. It was the more specifically congregational elements of Presbyterianism, such as the power of ruling elders, (dearest to Rutherford of all the Scots), that the Scots

1. Lightfoot, 261.

/ found it hardest to persuade the English Presbyterians to accept.

From now until August, the Assembly was employed chiefly with the "Directory for Public Worship". In August, Warriston came down from Scotland with letters from the General Assembly to hasten Church Uniformity on the lines of the "Solemn League and Covenant". The Scots handed in to the Grand Committee a paper by Henderson on the evils of delay. The Grand Committee, by way of answer, suggested that the committee for the Summary (of Presbytery and Church Government) hasten their report and that the Assembly return to the matter of Church Government.

The order of debate on the remaining propositions occasioned some discussion. The English Presbyterians, through Vines and Herle, wished to begin with the power of congregations and to work upwards therefrom, whereas the Scots wished the fourfold assemblies of the Church resolved upon, for the politic reason that by so doing they would be able to present a scheme of government to the King at Uxbridge.¹ The Scots' wishes were ultimately carried and the Assembly proceeded to debate. "It is lawful and agreeable to the word of God that the Church be governed by several sorts of assemblies." The Independents quibbled over the word "church"; but it was agreed that the word was not used "to bring in any design but only to bring in the debate". The proposition was passed on September 6th. That on Synods was passed on the 17th Sept., the succeeding proposition "Synods are made up of pastors, teachers, and other church governors" occupied the Assembly

1. Gillespie . 65.

/ for some time and was finally passed as "pastors, teachers, and other Church governors, as also other idoneus persons where it shall be deemed convenient, are members of these assemblies which are called Synodical when they are called thereto". The clause concerning idoneus persons was a sop to the Independent Cerberus. "That Synodical assemblies may be of several sorts, as provincial, national and oecumenical" was passed with very little dabate. The subordination of assemblies and the right of appeal through them though it was the crux of the whole difference between Presbyterian and Independent, was passed after four days debate. - "it is lawful and agreeable to the word of God that there be subordination of congregational, classical, provincial, and national assemblies for the government of the Church." Only in the last question did Rutherford speak at any length. On October 8th and 9th it was voted that "the said assemblies have power to convent before them those in their bounds, and that they have some power in church censures.¹ When these propositions were finally passed the Scots had succeeded in their chief task of having the Presbyterian system, adopted by the Assembly. Only details such as numbers of commissioners, etc. remained to be filled in. The speed with which the last propositions were passed was due to the political situation. The defeat of Essex which balanced the victory of Marston Moor made Scottish military help more necessary than ever and the Scottish Commissioners had thus a strong political hold over the Assembly. Baillie also mentions that they had "sundry means of haste in

1. Gillespie, 87 and 88.

/ agitation with our private friends." ¹ The Independents also trusted to their political dealings with Cromwell to secure for themselves immunity from any Presbyterian legislation passed by Parliament on the advice of the Assembly. On 15th September Cromwell had procured an order from the House to refer to the Grand Committee the matter of accommodation, or toleration of the Independents. This was produced in Assembly on the 16th September. The Grand Committee met on the 20th and appointed a sub-Committee of English Presbyterians and Independents to give effect to the Order. The sub-Committee reported back on the 11th October but was instructed to bring a complete report on the 15th. When finally the Grand Committee met, the whole question was shelved, on the grounds that it was not in order to discuss objections against a proposed rule of Church government till such had been completed by Assembly and Houses of Parliament. The proceedings of this sub-committee were therefore suspended. This attempt to undermine Scottish rights in the Grand Committee has been noted.

On 8th November, Dr Burgess presented to the House the propositions on Presbytery, the Independents dissenting to the third proposition. Warriston's speech of 2nd December, asking that the Assembly complete the work on Church Government for presentation to the Scottish General Assembly in January speeded affairs, and all the votes on Church Government were collected and presented to the Houses on 11th December. The Independents objected to three - Ephesus as an instance of

1. Baillie, ll. 228.

/ Presbytery, subordination of assemblies, that which denied power of ordination to a single congregation. The Scottish Commissioners, Rutherford and Gillespie especially, were kept busy assisting in the answers to these objections and the matter passed into a pamphlet warfare which died the death of exhaustion.¹ Throughout December and January (1644-45) the Propositions were debated by the Houses and in the main passed by them. They were approved as a basis of Uniformity by the Scottish General Assembly of February 1645, and were embodied in principle in some of the proposals put forward by Parliament during negotiations with Charles at Uxbridge. Failure of these left Parliament "to establish its church system by its own act and authority". Throughout the summer of 1645 it was busy debating in Committee the Directory for Public Worship, and the practical effecting of the Propositions. Regarding the latter a sub-committee of the House was appointed to confer with the Divines and the Scottish Commissioners and also to call in advice from the city ministers. In the actual erection of the Presbyteries the Scots played little part. The only two ecclesiastical Commissioners in London from January to April, 1645 were Rutherford and Henderson, and the former was chiefly occupied in the Excommunication debate and in penning his work on that subject. Believing that the erection of Presbyteries was as good as accomplished, the Scots were now keenest that there should be a comprehensive Directory of Church Government published, to which the Church of Scotland, and the Presbyterian

1. Vide "The Reasons Presented by the Dissenting Brethren..... together with the Answers of the Assembly" etc. London 1648.

/ Church of England when established could both subscribe. This was the gist of a paper given by the Scots to the Grand Committee and read in Assembly on 14th April, 1645, during the debate on the congregational aspect of Church Government. The Assembly delayed giving effect to their urgency for a fortnight being employed with the question of Church membership, and the debate on the gathering of Churches. On May 6th a committee was appointed to methodise all the votes concerning Church government and to collect them into a Draft to be presented to Parliament. After sundry interruptions the Draft was finally completed on 3rd July, passed the Assembly on the 4th and was presented to the House on the 7th. The Draft incorporated and expanded the Propositions of December 1644. The Propositions on Presbyterian jurisdiction added to it will be considered later (vide infra). The subsequent history of the Draft in the English Parliament, till it was embodied in the "Form of Government" of 1648 need not be considered here. It was brought down to Scotland by Baillie and Gillespie and laid before Assembly in 1647. Both it and the Propositions of 1644 were printed together that they might be examined by the Presbyteries. It was remitted to ^a Committee in 1648 and again in 1649. The records of the 1650 Assembly are lost, but there is no account of the Directory of Government having passed the Assembly. Mitchell in his history of the Westminster Assembly¹ claims that the Directory was Henderson's special work, a fact not borne out by the records of the Westminster Assembly nor by I. Mitchell. History of Westminster Assembly. 259-263.

/ internal evidence. The Directory was explicitly the work of the Committee appointed by Assembly on 6th May, and was based on their preceding votes. The only difference additionally favourable to Scots doctrine was that the name of elders is more explicitly used. The nature of the Directory is that of a revision. The earlier Propositions e.g. those on Church officers and on Presbytery are more succinctly stated. There is on the other hand considerable addition concerning the congregational element in the Church¹. The constitution, membership, purity of the Church are all dealt with. Separation is declared unlawful as also is the gathering of congregations from Presbyterian churches on the plea that their government is unlawful. The whole Directory shows that it has passed through the alembic of the controversy concerning separation and congregational integrity. The statement that Henderson culled the materials of the Directory "in part at least from his treatise on the Government and Order of the Church of Scotland, in part from the discipline of the French and Dutch Protestant Churches," has no relation to the facts of its composition. Mitchell cites no proof for this exceedingly general statement. If any Scotsman's influence is seen in the later propositions of the Directory one would be tempted to claim that of Rutherford who was at this time busily employed in the whole controversy and whose books were in the hands of every member of the Assembly.

1. A Directory for Church Government. (Edin. 1647) p.69.

THE DEBATE ON ORDINATION.

A subsidiary but important debate emerged during the larger debate on Presbytery, that on Ordination. A preliminary debate on this in which Rutherford took some part arose in the discussion on the Apostles' powers. The Apostles' power of ordination and their power to appoint evangelists to ordain, as also that to order worship and settle controversies, was finally passed by January 8th. The Independents had opposed these votes fearing that the matter had been raised for "prejudice and far ends", i.e. to predetermine the sole right of the Presbytery to ordain. Seeing a loophole in the decision that the Apostles' power was extraordinary and ceased, they did not press the matter. Gillespie too, entered a caveat against the using of Acts XIV 23 as a proof for ordination since the word $\chi\epsilon\iota\pi\omicron\tau\omicron\nu\epsilon\acute{\iota}\nu$ was for him a proof for the peoples' right in election and had been construed "ordaining" only by Episcopal translators. The Scots were careful not to have any ambiguity concerning the difference between election and ordination.

Doctor Temple's report on January 9th commenced the debate proper of Ordination. "That preaching Presbyters only, are to ordain" was the mind of most of the Assembly. This the Independents stoutly resisted. Rejecting any inner or even ecclesiastical meaning in the act, they gave in their finding "that as far as participation of the elders in the work is concerned, ordination is simply the solemnisation of the

/ officers' outward call and (2) there is no proof that in the Act of Ordination there is a derivation from the elders' as such, of such power as gives formal being to a church Officer." ¹
 On the 26th January Parliament ^{be} sought them to hasten the matter as many vacant churches needed pastors. The doctrinal part of Ordination was laid aside whilst the Assembly dealt with the practical problem. It decided "that in extraordinary cases, and until a settled order can be had extraordinary means may be employed". The second proposition of the committee who reported concerning this, gave power to ordain jure fraternitatis to certain ministers of the city. This caused hot debate. The Independents feared it as the thin end of a Presbyterian wedge and the proposition was dropped on February 2nd. till the larger question of Presbytery should be settled. On March 18th 1644, the Assembly having passed their propositions on Presbytery again took up Ordination. Dr. Temple further reported from the third committee. The lawful calling of the minister as requisite to ordination was easily passed. Trouble arose on the proposition "That none may be ordained to that office without designation to some particular place." Those Presbyterians in whom some trace of Episcopal tenets still lingered, opposed it strongly. Calamy, the Smectymnuan, argued against it. It was undoubtedly inserted by Scottish influence and Marshall who was in closest touch with the Scots and had lately been to Scotland, was its chief English supporter. Calamy, who had himself been ordained long before he had accepted a charge, argued against the

1. Lightfoot. 115.

/ proposition on the ground that it would invalidate the orders of many godly men and held out for the older English practice. The Independents, as far as they took any part in the debate, were for the proposition that ordination must be with designation to place. Rutherford was very careful to distinguish between election and ordination, that the Scots might not seem to uphold the Independent doctrine which made both in essence the same. Finally it was voted, "that it is agreeable to the Word of God and very expedient that such as are to be ordained ministers be designed to some particular church or other ministerial charge." The Scottish Presbyterian view had thus largely prevailed, though ordination without designation is not definitely forbidden. The relation of congregation to the ordinand was then debated in the proposition, "that those who ordain him are to recommend him to the congregation and have their consent, unless they can show just cause of exception against him." Various opinions emerged, some giving more, some less power to the Presbytery in electing a minister. Rutherford is himself the most congregational of the Presbyterians, stating that "The Scriptures constantly give the choice of a pastor to the people. The act of electing is in the people and the regulating and correcting of their choice is in the Presbytery." ^{Exactly where the right of electors} ~~The right of election as to~~ ^{was vested, W&S,} ~~where vested was,~~ however, glossed over, and a proposition, very much of a formula, drawn up.--"No man shall be ordained a minister for a particular congregation if they can show just cause of exception against him." (The essence of this formula

/ was to be put forward as a 'via media' in the patronage disputes of a much later date). The final propositions concerning ordination as an act of Presbytery were voted with little debate on March 22nd and 25th 1644. All of these were drawn up by a committee and presented to the Assembly on April 3rd. After debate on these, the Assembly at the instance of Lord Warwick, turned to consider a Directory for Ordination and appointed a committee along with the Scottish Commissioners to draw it up. This was done by 19th April, when the Directory and the doctrinal propositions, including that concerning "extraordinary cases", were voted to be sent up to the Houses. These propositions were taken down to Scotland, along with those concerning Church Government, and presented to the General Assembly of February 1645. They were printed for the consideration of Presbyteries but not ordered to be practised. The London Commissioners were ordered to conclude Uniformity on their basis, as soon as ratified by the English Parliament. They were never so ratified. The House of Commons whittled down the doctrinal part of Ordination to an Ordinance dealing with "extraordinary cases" and added a preface of their own to the Directory. Through the efforts of the Septs, the Assembly achieved the insertion of certain alterations in the Ordinance, which was re-issued in September 1645, as valid for one year and again in August 1646, as valid for three. In 1648, it was incorporated in the Ordinance for Church Government, which had no limitation.

The alterations which were procured plainly showed Scottish

/ influence. In the preface of the Ordinance reference was made to the Bishop "having more ascribed unto him, and by him assumed than was meet". To Rutherford this seemed to imply that something was meet, and the inveterate foe of all Bishops attacked to such effect, that the preface altered by ^{the} Assembly and thereafter by the House ran "unto him ascribed and by him assumed as in other things, so in the matter of ordination, that was not meet". (Episcopal ordination, however, was not to be disclaimed by any who had received it.) The definition that ordination as "an outward solemn setting apart of persons for the office of the ministry in the Church is an ordinance of Christ" was also inserted in the preamble through Scottish pressure. The candidate for ordination had to take the Covenant. The charge to the people was expanded by the Assembly to read "to exhort and charge the people in the name of God willingly to receive and acknowledge him as a minister of Christ, and to maintain encourage and assist him in all parts of his office, and to obey and submit to him as having rule over them in the Lord". But the Lords, if prepared to "love and honour", were not prepared to 'obey' so the last clause was struck out.

Though the Scots were not satisfied with this Ordinance, they had achieved not a little. They had gained for the people a certain, if limited voice, in the election of the pastor, for the Directory provided for objections to life and doctrine. They had had the principle of Presbyterian Ordination admitted. The form of Ordination also was much closer to Scottish use than to previous Episcopal or contemporary Independent practice.

No notice the pen of the ...

/ The Propositions of 1645 had been ratified by the General Assembly as a basis for a "Uniformity betwixt the Kirks" provided that the English Parliament adopted them. As has been seen Parliament debated and ratified the propositions severally, but the ultimate success of the Army destroyed all hope of a treaty of Uniformity or of the establishment of a Presbyterian Church of England. The "Directory for Church Government and Ordination of Ministers" of 1647 never became law in the Church of Scotland; Calderwoods opposition in the first instance, and the chaotic disturbances of the succeeding years prevented its passage through the Assembly. But most of the content of these formularies has passed into the life and practice of the Scottish Church. Practices not adopted, such as a representative composition of the provincial synod, are still be worth ^{careful} ~~wild~~ consideration. The importance of Westminster for Scotland was that it crystallised Scottish thought on the Scottish Presbyterian system and doctrines. The reading of any passage in the Propositions together with the relevant passage in the Directory shows how much the one was the child of the other, dressed in a more orderly garment, a little more warmly clad, with a little extra Scottish homespun in the texture of the apparel. The briefest look even at the earlier propositions shows how much the Scots have gained; the Headship of Christ in the visible Church - as against the Erastian and in a certain sense the Independent; the establishment of the eldership as an office, eventually by name - as against the bulk of the English Presbyterians; the establishment of a Presbytery with juridical powers - as against the

/ Independents; the plurality of elders in a congregation - as against English Presbyterians; the establishment of elders as equal members of assemblies - as against original English Presbyterianism; the establishment of Kirk sessions, called congregational assemblies - more or less unknown to the English Presbyterian. All this was made legal in the Ordinance of August 1648 published as "The Form of Church-Government to be used in the Church of England and Ireland", though few of its proposed twelve Presbyteries were ever erected to carry out the terms of the Ordinance. With few if any exceptions the Scots had embodied in the Directory all the cardinal elements of Scottish Presbyterianism.

But they in turn were influenced by the Independent opposition. They were made more conscious of the congregational element in church life. More emphasis was laid on the Kirk session as a court; this congregational assembly was the 'presbytery' of Independents of Johnson's school. The Kirk-sessions place as a court of the Church had been somewhat ambiguous. The First Book of Discipline makes no mention of them by name. The Second Book of Discipline states "The first kind and sort of assemblies although they be within particular Congregation, yet they exercise the power authority and jurisdiction of the Kirk with mutual consent, and thereafter bear sometime the name of the Kirk," and adds "When we speak of the Elders of the particular Congregations we mean not that every particular Parish-kirk can or may have their own particular Elderships, specially in *Landward*; but we think three four, more or fewer particular kirks may have one Eldership common to them all to

/ judge their Ecclesiastical causes". The Act of 1592 reads "Anent particular Kirks if they be lawfully ruled by sufficient Ministers and Sessions they have power and jurisdiction in their own Congregation in matters Ecclesiastical". There is a conditional element and uncertainty of definition in each of these statements and nothing to prevent Calderwood's deduction that the Kirk-session was but a sub-committee of the Presbytery. Henderson in his "Government and Order" refers to this ^{court} as the "church session particular eldership or consistory;" entrusts to it the administration of local affairs and punishment of immorality in certain degrees and permits of the deacons being in attendance; but this like a good part of the Government and Order was an ideal aimed at rather than a fact of universal practice as yet. Westminster gave sanction and dignity to the elders' office. A whole theology was established behind it. The inquisitorial and disciplinary powers of the eldership, though also claimed by the Scots, had been the rigorous characteristic of the Independent churches in Holland and New England. Contact with Independent Puritanism as much as the Kirk's accession to power was ^{the} cause of the increasing agenda of discipline cases in Kirk sessions. The Kirk session became a separate, if subordinate court; Puritan Congregationalism added strength to its establishment in disciplinary power. The same contact confirmed the Scots in their dislikes of patronage. Rutherford came to regard the free election by the people as the only true way of placing a minister and afterwards so worked as to have the procedure of free election made law.

/ English Presbyterianism, though they made some concessions to it, influenced the Scots but little; formulas generally allowed each to keep their own practice, and the Scots had come more to give than to get new standards.

There is one trace perhaps largely accidental of English Parliamentary influence on Scottish practice. It has been noted in the Ordination question, certain concessions were wrung from Parliament through Scottish pressure. Dr. Mitchell has noted that the procedure of the Parliamentary Ordinance rather than that of the Assembly Propositions has passed into Scottish use. In the Propositions and the subsequent Directory the presiding minister demands of the congregation before ordination if they are willing "to receive and acknowledge him as the Minister of Christ and to obey and submit to him as having rule over them in the Lord". This conveyed to the people the opportunity to reject the minister, and at one and the same time gave the minister spiritual jurisdiction over them when accepted; both of which were distasteful to the Lords. Thus in the Ordinance the acceptance and promise were taken to be implicit in the call, and after the minister elect has been ordained the request to the congregation was for all due honour and support. Though the Directory was nearer the Knoxian Form of Admission of Ministers this practice of the Ordinance had prevailed in the Church of Scotland. The doctrinal part of the Directory, the trials of the candidate, the opportunity for exception to life and doctrine before the Presbytery, the profession of Christian

1. Mitchell, History of Assembly, 294.

/ faith and pledge to Reformed doctrine, ordination by the laying on of hands. (neutralised in the Ordinance by the omission of 'by') all of which the Scots strove for and gained in the original Propositions, although never to find a place in the English Church nor to be established by the legal sanction of the Directory in Scotland, in the course of time passed into law and practice in the latter country. The closeness of the Directory for Ordination to Henderson's Government and Order, in form rather than in phraseology, may have led Mitchell to ascribe the whole of the Directory for Church Government to him. The Scots had taken their ideas of Church government to England and received them back in order. The Directory for Ordination follows Scottish practice but it is a more orderly statement than anything in the Books of Discipline, Knox's Liturgy or Henderson's Government and Order. Scottish doctrine, despite the occasional need for an accomodating formula, gained at Westminster precision of statement in the prescription of form and practice.

THE DUE RIGHT OF PRESBYTERIES.

Baillie's letter to Scotland of Jan. 1st 1644 mentions that "Mr. Rutherford's other large work against the Independents is on the press and will do good." On March 22nd he writes "Mr. Samuel is very necessary to be here, especially because of his book which he is daily enlarging and it will not come off the press yet for some short time." ¹ Later, referring to the General Assembly of July 1644 he says "Mr. Samuel's great book against the Independents will be but then coming out and it were very ⁱⁿ expedient he should be away at this time." ² The Scots expected some "affronting reply" to his work. It therefore appears that his book was put to the press, stopped and an addition put to it, stopped and further additions inserted. There is further internal evidence of this in the treatise itself (vide infra). It was published probably in the beginning of August 1644.

On his coming to London, Rutherford had evidently been given the task of composing a further work against Independency, this time against the forms and theory which had been more specifically developed in New England. This was also intended as befitting the importance of the occasion to be a fuller more scholarly, and elaborate refutation of their tenets. He approaches the controversy from a different angle, instead of a "Peaceable and Temperate Plea" it is "The Due Right of Presbyteries", though he adds as a sub-title, Or "A Peaceable Plea for the Government of the Church of Scotland." Though still unmoved by any personal rancour, this

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1. Baillie ll. 159.
2. Baillie ll. 161.

/ treatise is more assertive and provocative than its predecessor. The works to which he is replying also show the altered field of attack. The moderate and scholarly work of Parker is less dealt with than Hooker's "Way of the Church of Christ in New England," and Robinson's "Justification of Separation". A good deal of the treatise is spent in discussing the answers of the New England Churches to questions which after they had refused to send delegates there, the Assembly had sent out to them. Rutherford had been brought to England to assist in the formulation of standards which would unite all three kingdoms, so his pen is directed chiefly against those features of Independency which would cause congregational or national schism. The chief theme of the "Peaceable Flea" had been pastoral authority, its source, nature, and relationship to the Church. But Presbyterian and Independent were now even more at variance over each others' pastoral power. The chief theme of the "Due Right" is the institution and constitution of the Church, the folly of separation from it, and the necessity of a systematic government within it. These had been treated in the "Peaceable Flea" mostly in relation to the "Power of the keys". Now the latter question is only treated as part of a larger question which it had ultimately engendered; the institution and constitution of the visible Catholic Church. Rutherford possessed the widest knowledge and the deepest learning of all the Scottish Commissioners, so to him belonged the task of a comprehensive propaganda and controversy against Independency in all its forms. Unfortunately the orderly composition of his treatise suffered by having material inserted

here and there as the debates in the assembly progressed. Pages 144 - 174 are such an insertion. They are added to what was originally a small section on officers and elders in the Church, answering some thesis of "The Way of the Church of Christ in New England". Entitled "a more special consideration of Ruling Elders, Deacons and Widows they are his answer to the Independent and other arguments on these questions which occupied the Assembly in November and December 1643. Much of it was an expansion of his speech on 1 Tim. V. 17. made on November 23rd. It was probably inserted when the book was put to the press at the end of December 1643. Pages 288 - 48⁴ is a similar addition. The matter of this insertion is a summary exposition and argument of the propositions voted in the Assembly during February and March 1644. This is supported by Baillie's statement of March 22nd concerning Rutherford's "daily enlarging" of his book. That page "498" (484) goes back to 185 shows how mechanical some of the addition was, with little attempt to weave it into the main course of thought. The actual treatise comprises pages 1 - 140, 241 - 288, 185 (in reality 485) to the end. The "Due Right" is Rutherford's greatest work in the sense that it comprises all his thought on the Presbyterian system, and is composed by a mind sharpened rather than tired by the debates in the Assembly. His later books, "The Divine Right of Church Government", "The Dispute against pretended Liberty of Conscience" "The Survey of the Survey" are all expansions of matter already well if not better handled in the Due Right. For purposes of clarification the main work is here divided into nine sections in the account given of its teaching I. Church Government. II Church Membership.

I 484 is in reality 498. II This comprises three papers, viz in its 243, 246, 248.

/ III. Ordination and election, IV. The Purity of the Church, V. The privileges of Church Members, VI. Separation, VII. Baptism and the Preaching of the Word. VIII. Church Censures, IX. The Power of the Magistrate: Toleration and Patronage. A study of these sections will show how closely the work followed the Assembly debates. Rutherford is revealed as the most learned though not exactly the most lucid expositor of Scottish Presbyterian doctrine. All who came after drew largely on this work in defence of their tenets. He did so himself, for his later works though learned expansions are echoes of the *Due Right* dying out finally in the *Survey of the Survey* an embittered academic disputing on matters which have lost interest in Cromwellian England. This chapter endeavours to give as full and succinct an account of the *Due Rights*, as Rutherford's method permits, because despite the faults of his method style and argument it is the complete compendium of Scottish Presbyterian apologetic in the seventeenth century. The numbers inserted in the account are page numbers for reference.

1.

The "*Due Right*" begins as controversial against the "*Way of the Church of Christ in New England*" whose doctrines Thomas Hooker developed from Francis Robinson. Rutherford begins by attack on the basic principle that the Church in the New Testament instituted by Christ, to which he has given the "keys", the Seals of the Covenant, the officers and censures of the Church, the administration of public worship, etc., is a *coetus fidelium*, a company of believers meeting in one place every Lord's Day for

/ the administration of the Holy ordinances of God to public edification, that is, to the localised congregation. For him the most that can be said of such a body is that it is the matter of the Church. As a Church it lacks institution for it lacks those who can administer the Sacraments or perform pastoral actions. It has no power to create such men, since ordination is not by God's word given to the coetus fidelium. The only power officers appointed by such a body have, is a certain power of order, such as of a president in a meeting, they could not possess any power of government and discipline over the people. The Church is not complete without governing officers, and to these governing officers the "keys" are given. There follows an exposition of the Petrine passage ^{which refutes the view} ~~refuting~~ that the "keys" are given to believers, as an argument that the local congregation has all power within itself. With great learning, greater than that of the "Peaceable ^{Rutherford} Plea", he pours out patristic argument on the subject, quoting obviously from the original sources (p.12). He maintains that Matthew XVIII, 16-17 will not bear the interpretation of the ecclesia as a local Church; and all antiquity, the Schoolmen and the Reformers are brought to destroy such a construing of it.

In his second chapter he clearly distinguishes secular and ecclesiastical government. Secular power of government he admits vests in the people who convey it by election, but ecclesiastical power is supernatural from Christ and cannot be conveyed by them. To put ecclesiastical power in the hands of officers by election only is the intrusion of a civil way into a supernatural body. The impossibility of all the people meeting for all occasions of

/ Church government and the inadvisability of their so doing is demonstrated, as is that of making them judge jury, and witness in an ecclesiastical cause. Though he excludes none from hearing a cause tried yet the presence of the people thereat is not necessary. The independents' argument that supreme juridical power vested in the people, from the case of Archippus in the new Testament, is rejected. Carried to extreme he points out, this doctrine would mean that every man, woman and child could usurp all Church functions. He refutes Robinson, who argues that according to the Presbyterian view, if there are no officers there is no forgiveness, by showing that Church officers are only one means whereby God-saving grace is made known (31).

In the third chapter the presence of the people at and in Church censures is further dealt with. ^{at} He enters on the rather speculative difference between questions of law and questions of fact. In a question of law the people may judge, that is, they may decide whether some matter or doctrine is according to the law of God. 'People under eldership are not mere instruments moved only by superiors, because they are moral agents. They are to give all diligence that they be not accessory to unjust sentences less they partake of other mens' sins.' But in question of fact the case is different, e.g. as to whether or not a person is guilty. In this case the people cannot know all the facts and it seems that they are to consent to the sentence of the court, for 'the Lord seeth what confusion and tyranny should follow if one might be both judex, actor, and testis, the judge, the accuser, and the witness' (46). Sound enough as some of

/ these dicta are his own later history in the years succeeding 1650 showed that when questions of law and of fact became inextricably mixed the light of his thought was insufficient to illumine a pathway to their reconciliation.

From this legalistic excursus, pertinent enough in its refutation of the congregation as a heterogeneous court, he returns to the further consideration of the New Testament Church and to the denial in the "Way of the Church" of any national or provincial Church therein. Rutherford maintains that if he proves communion in government between Churches, he proves them one Church (53). He cites the familiar instances of Jerusalem, Galatia, and Ephesus as provincial Churches. He admits in passing, the more limited sense of the word "church" as applied to one congregation. A National Church he says need not meet altogether, they are a Church if united in one ministerial government. "There ought to be a fellowship of Church communion amongst all the visible churches on earth". By Christ's institution there is one universal Catholic Church, (Eph.1V.4.) From this, whether or not they exist de facto, there should be Oecumenic and general councils to foster this communion; for as well as its inner bond of the spirit, Church communion should have its outward manifestations also (59). The national Church of the Jews is discussed, how it agrees with, how it differs from the Christian ideal of a national Church. With some sophistry, he selects the arguments which most suit his case, and explains away any which appear to overturn it. From this he is enticed into a discourse on excommunication in the Jewish

/ Church as an argument for ecclesiastical censures, and deals with the matter of 'separation' rather prematurely. He admits that the power of excommunication may vest in a little body on a remote isle, but much more so in the greater body of all visible churches. Excommunication in one Church in order to avoid contagion is excommunication in all. From it as an ordinance protective in function he adduces the clear need of a provincial church.

11.

The next subject of consideration is the actual membership of the Church. "All who would be saved must be added to the Church," so states the "Way of the Church". There is a necessity says Rutherford of joining ourselves to a visible Church as a means of salvation, either by a formal or rational profession of faith. But such a necessity is not categorical. "If some die without the Church, having faith in Christ, and want opportunity to confess Him before men, as repenting in the hour of death, their salvation is sure and they are within the invisible Church" (79). But such a church is not a small local body of saints, and the idea that salvation necessarily depended on belonging to it, as the "Way of the Church" asserts, is refuted from all the Fathers and Reformers. (He) explodes the faulty exegesis of "without are dogs" (Rev. XXII) and of 1. Cor. V. What formal act makes a member? (83) Consideration passes to a manuscript treatise which he possesses dealing with the idea of a Church Covenant constituting membership, even as constituting the Church. He deals now with the actual practice of the New England Churches. Their

/ way of forming a Church is outlined - A number of Christians with a gifted elder meet together till a sufficient company of them are well satisfied in the spiritual good one of another. They acquaint the Christian magistrate of their purpose of entering into Church fellowship and convene on a certain day. One in the name of the rest propounds the covenant which asks for a public declaration of their conversion and a public profession of their faith. All give a vocal covenanting to walk in that faith and promise not to leave the said Church without the consent thereof. Further New England dicta are that a Church of infidels must be converted before anything be done for them; Baptism makes none members of the visible Church; a Church fallen cannot be accepted until all within it renew their covenant. Some of the Theory, much of the usefulness of all this, Rutherford concedes. He differentiates the Covenant of Grace between God and sinners with such a Church covenant as this. He agrees to a Covenant between men and God in Baptism and in the Lord's Supper, "virtually and implicitly renewed." He admits also an explicit and vocal covenant in the peoples' assent to a new pastor and in a man's profession of faith when he assumes membership of the Church. What he most strenuously refutes is that this "covenanting" as expounded by the New Englanders, definitely constitutes a Church. To make such a covenant so binding that one cannot leave the Church without the consent of its other members is to tie "where God hath not tied". The question as Rutherford sees it then, is not whether there is a tacit and a virtual

/ covenant when persons become members of the congregation (88) nor whether such a covenant may be lawfully sworn - he thinks it may, excepting the condition not to remove without consent - but whether such a covenant, by divine and apostolic warrant, is the lawful, necessary and apostolic institution and form of a visible Church. He asserts strongly that it is not. To make a man no member of a Church unless he takes such an oath is unscriptural, therefore, such cannot be a necessity to Church institution. In the New Testament admission was by profession of belief and Baptism which is the seal of our entry into the Church. The Covenant of Grace to which all Christian men attest is a sufficient and comprehensive covenant concerning their duties. The most that can be said for the Independent's Church Covenant is that it strengthens the weaker man faithfully to perform the obligations of the Covenant of Grace and of the Gospel. The New Englanders admit the British Churches may be true Churches, because "there is a real, implicit and substantial coming together and a substantial professing of faith and agreement, which may preserve the essence of the Church in England and other places, though there be not so express and formal covenanting as need were." To this Rutherford replies that the New Englanders refuse to admit those driven from England by Prelacy till they swear their Church Covenant, which is a practical denial of their belonging to a true Church (99). There follows further exegesis ^{from} of the Old Testament showing that the Independents' Covenant is not there embodied as either a formal or a material cause of the Church. Baptism and profession of faith is what makes a man a member of the Visible Church. The idea of a Covenant doing so comes perilously near

/ Anabaptism, for it makes none members of a true Church but those who take it, and children cannot do so. It does not avoid the question to say, as some of the Independents do, that Baptism is a sign of our relation to the invisible Church; it is a sign and seal of the visible Church.

Independent objections to the imposition of a national Confession of Faith are considered and the usefulness of such a practice maintained. As oath to true religion is a special remedy against backsliding. "A platform as it is conceived in such a style, method, characters and words is a human ordinance, but we swear to no platform in that consideration; but a platform according to the truth contained in it in which sense only it is sworn unto." (137) Confessions are therefore, to be believed in so far as they are agreeable to God's Word and lay upon us an obligation secondary only. "Yet are they not so loose as we may leap from point of faith and make the doctrine of faith an 'arena gladiatoria'. Here he announces a principle in the practice of which he was in later years by no means perfect. Perhaps like Knox in some matters he admitted the principle, but was convinced that no other interpretation than his was the truth of God.

(⁽¹⁴⁴⁾ Here the first insertion of material from debates in the Westminster Assembly occurs.)

111.

He now returns to some of his arguments to lead up to Ordination. The Church of believers may be a mystical Church, it is the matter of a church, but not a governing Church, for the "power of the keys" is not resident in it. Robinson's scriptural

/ arguments, formerly refuted in the "Peaceable Plea", and now restated in his "Justification of Separation", regarding this are refuted - the fact that the Church of believers may exist before the Officers in time, does not mean that they have supreme power over the latter . The swearing¹ of Covenant gives the people no right to appoint and ordain officers. Ordination is now discussed. Rutherford admits that though a man sins in accepting ordination from a prelate yet the ordination is lawful, even as Romish Baptism is lawful, because Prelacy though different in nature from the office of a true pastor, is yet consistent in some subjects with it. Dealing with the other extreme, congregational ordination, he says, that, though election by the people may make a man a minister, in some cases, yet it is not the essential cause of a called pastor. It is, he considers, only an exception dictated by extreme necessity. Ordinarily the established order and calling of pastors, is by succession of pastors to pastors and elders to elders. It is given by scripture to pastors only, to ordain. Rutherford examines the claim of the Church of believers to ordain pastors as put forward in the "Way of the Church". The Apostles ordained pastors, and pastors, not the people, succeeded them in that act. By ordination a man is made a pastor of the Church Universal though not a Universal Pastor. He concedes that election by the people and some other thing may supply the want of ordination only in an exigency of necessity. Election is now considered. The people have God's right to chose. He supports this from scripture and the early Fathers. (201). The calling by the people doth not make a man a pastor. But the Independents ask, from whence then had the Reformers their calling to a pastoral charge? Rutherford answers that,

/ though the calling of the Reformers was not extraordinary in the sense in which the Apostles were called, yet in view of the exceeding evil of the times, there was something extraordinary and of God in it. Luther's oath to preach the Gospel did oblige him as a pastor; thus his calling according to the substance of his office is valid. His oath to preach the Roman faith, exacted from him, was unlawful, and did not oblige him. "His gifts being extraordinary his spirit heroic and supernaturally courageous and so extraordinary, his faith in his doctrine great, that he should be blessed with success in his ministry, extraordinary, his calling on these considerations may well be called extraordinary though not immediate or Apostolic." ⁽²²⁹⁾ Moreover, he states, there has always been a true Visible Church to give such men their calling. There have been orthodox teachers throughout all ages, so there must have been orthodox people who believed them. There has thus been a pure Church Visible (and Protestant) since the Apostles' time. There was the church of the Waldenses. In his historical arguments he draws largely from the "Altare Damascenum" of David Calderwood. The calling of the Reformers was from the true visible Church that was always inside the corrupt Roman one. Besides this there was something valid in calling from the Roman Church, which asks men to preach God's truth. If we admit, as Robinson does also, that Rome's baptism is valid there must be something valid in the calling of our pastors. From all this the calling of the Reformers is proved lawful and valid and thus the calling of the pastors of the Presbyterian Church is valid also.

IV.

He considers next the 'purity' of members in a Church. (241)

He ridicules the Independent idea that there must be no less than seven members, but agrees with them that a congregation ought not to have an unwieldy number. He objects to trial of the grace of the member before he is admitted, because grace is a note of the Invisible Church and the Church Visible cannot judge of it. He cannot see how the Independent congregation can judge the inner life of a man though he certainly admits its right to exclude the scandalous. According to the "Way of the Church" the members of the visible church are "visible saints", sons and daughters of the Lord God, temples of His Holy Spirit". He proceeds to discuss the relation of such members to the Visible and Invisible Church. The Invisible Church is the only perfect Church with whom the Covenant of Grace is made. If members of the Visible Church are really chosen saints, as the Independents maintain, then the Visible and Invisible Church is one and the same. This is impossible, for no visible Church is free from the possibility of error. The Church Visible, as visible, has no right to the seals of the Covenant, but only as far as the people within it are God's pardoned and sanctified people. "A visible profession of the Truth and Doctrine of godliness, is that which essentially constituteth a visible church and every member of the Visible Church....." We again do teach that the scandalously wicked are to be cast out of the Church by excommunication, and these of approved piety are undoubtedly members of the Visible Church so these of the middle sort are to be acknowledged members of the Church though the Church have not a positive certainty of the

/ judgement of charity, that they are regenerated, so they be known." ^{to be Baptised, ----- to be free of gross scandals ----- is} Arguing against the exclusiveness of the Independents profess^A that they be willing hearers of the Doctrine of the Gospel. (251) he maintains that if Church members are not to be Church members till they are converted and visible saints, then the function of pastor and of preaching is practically worthless. (254) This exclusiveness approaches perilously near the Roman doctrine of Extra Ecclesia^m nulla salus. The Fathers acknowledged that there were good and bad in their Churches. Our Lord had Judas among the disciples. Moreover the new Englanders insist that those admitted must be saints not only by profession but in sincerity and truth; yet, de facto, they are bound to admit some who are not so, for their judgement must err and their Church's institution becomes faulty. The scriptural arguments in the Way of the Church on this point, are now considered, - especially that which seeks to make the Jewish Church typical of a pure Church of saints. Robinson's scriptures on this are also refuted. The authoritative preaching of the Word is a note of the Visible Church, and the true hearing of this is a note of the communion of its members. The excommunicate are not to be cut off from the hearing of the word, and thus even they are in some sense members of the Visible Church, though they be debarred from the "seals". (274) The anomaly of the Independents practising excommunication in a theoretically pure Church is demonstrated. In closing the chapter Rutherford gives a little treatise on the history of excommunication, with great wealth of patristic and Reformed lore. (282-288) He takes up the argument as to whether or not discipline is a note of the Church. He ^{notes} ~~admits~~ that it may be considered not necessary to the ^{being} ~~essence~~ of the Church Visible as such, but it

/ is absolutely necessary to its ~~being~~^{well being}. His conclusion is that it is a necessary note and inseparable from a Visible church, whole and entire, and not lame and imperfect (280)

The next series of interpolations now occur and will be considered later. (152 - Page)

V.

Page 185 (~~185~~) returns to consider the admission of members and their privileges, as dealt with in the fourth chapter of the "Way of the Church". Rutherford holds that no believer of professed piety can be denied the seals of the Covenant because he is not a member of a particular Visible Church. Profession of belief is sufficient for him to receive the seals. He seeks to safeguard any human abuse of the latter by distinguishing between the "voluntas beneplaciti" and the "voluntas signi" of God. By the "voluntas beneplaciti" the seals in reality belong only to the Invisible Church and are ~~effectatious~~^{efficacious} only to the elect and saved. But as the church is also a visible body, there is according to the "voluntas signi" or the approving will of God, an orderly giving of the seals to all professing the faith. The Church may lawfully give the seals to those to whom the Covenant of Grace does not belong by God's decree of election. The Church may add to the Church Visible those whom God adds not to the church Invisible, and cast out of the Church Visible those whom God may include in the Church Invisible. Thus Rutherford accounts for human errancy. From these premises, he proves that the Sacraments are not to be denied to a professing believer. A minister in one church may not exclude a member from another

/ from the Sacrament (without cause) just because he is not a member of his own church; for "the Visible Church is not one parish but all professing the faith of Christ". Old Testament arguments from Jewish practice are exploded. (190) Rutherford attacks the actual practice of excluding members from old England because they are under "public scandal and reproach". "It is an offence that they come to us, as members of no particular church visible (for they leave that relationship when they leave their habitation)." So runs a New England manuscript in his possession. But says he, "this is to be wondered at, their offence is due to suffering for pure religion and in that Church (of England) many of you had your Baptism, your conversion, your calling to the ministry." How can it be an offence not to be members of an Independent church in England when no such may be had there? The manuscript also adds that it is "a public offence that they have worshipped God according to the precepts of Man". Yes, is his answer, and this is to be repented of, but "submitting to an anti-Christian government doth not make ministers no ministers, so as they must receive ordination to the ministry anew. Peter's fall took not away his Apostle-ship. (193-194.)

Sundry other papers from New England are dealt with. On the question of baptising children, he writes that he sees no need for a parent to be a member of a particular congregation before his child may be baptised, for Baptism is a seal of our entry into the Visible Church. The relationship of pastor to church is now considered. He rejects the Independent doctrine that the call limits the office, and that a pastor is only pastor to one

/ congregation. In the first place this is unapostolic and would destroy all missionary endeavour. Secondly, when the individual church, for no fault of his own rejects the pastor, on this theory both nomen and esse of a pastor would be taken from him. By calling and ordination a man is made a pastor, by election he is restricted ordinarily to be pastor of his flock. A pastor is a pastor of the Catholic Church, but not a catholic pastor of the Catholic Church as were the Apostles. Another question which he deals with more fully later, is "whether or no children are to be received into that Visible Church." This too, is linked up with his present consideration of membership, for although they were baptised the Church of New England refused to admit the emigrants to their congregation because it was contrary to their belief that children were received into the Visible Church by Baptism. Rutherford enters on the nature of the Sacraments, refuting the Roman doctrine that they worked ex opere operato (which the Independents also strenuously opposed), but pointing out that they came near the Socinian view that these were but naked signs, by denying Baptism to be a seal of entry into the Visible Church. This he asserts strongly it is, besides also actively working by exhibiting the grace of God.

VI.

Separation is now considered (220) and dealt with ^{under} ~~in~~ three headings, (1) With what Church retaining the doctrine of fundamentals we are to remain, (2) Whether our separation from Rome be not warrantable, (3) Whether we may lawfully separate from true Churches for the sins of these Churches. (His consi-

/ -deration of the first is interesting in view of his later harsher interpretation of the doctrine of fundamentals.)

He reduces matters of faith to three, (1) Fundamental points, (2) Supra fundamentalia, super-structures on fundamentals, (3) Circa ^afundamentalia, things "about" matters of faith. He rejects Praeter fundamentalia, things indifferent as not coming within any category of a body of divinity. "Ignorance of fundamentals" ^scondemns as does ignorance of supra fundamentals built on them".

Belief in these is necessary to salvation. Things about the foundation, circa fundamentalia, are all things revealed in the work of God as all histories, miracles, and chronology, "Things concerning Orion" "that Paul left his cloak at Troas." We are commanded to learn this knowledge but it is not necessary to salvation. "Many are in glory (I doubt not) who lived in the visible church and never knew ^{that} Samson killed a lion." (222)

Regarding the points, fundamental, knowledge of them is necessary to salvation and to keep communion with a true Church. We have to separate from a Church altering or subverting the foundations. God's Word not the Church, (as Rome holds) is the guide in fundamentals. But even in this matter of fund^aamentals a man may lack faith in one or more, and yet be saved. Evidence of knowledge of fundamentals is something that needs careful consideration. "There is a conscience simply doubting of fundamental points, this may be a habit of sound faith, (2) a scrupulous conscience which from ^{light} ~~like~~ grounds is brangled about some fundamental points, and this is ^{often} in sound believers who may and do believe, but with a scruple." (125[^]) Only the pertinacious unbeliever is irrevocably damned. Moreover in fundamental points themselves

/ there are lesser and greater, and these are to be believed necessitate praecepti because God commands them, but happily non necessitate medi. Our own believing is various in fashion, some believing more intensely, some with more knowledge than others. "It is possible many be in glory who believe not explicitly but only in the disposition of the mind" (226). (Some of this seems strange from the disputer against all Toleration). Though knowledge of fundamentals is necessary to salvation it cannot be easily defined what measure of knowledge of fundamentals and what determinate number of fundamentals doth constitute a true Visible Church and a sound believer. Rutherford's conclusion is that they are all saved who believe all the fundamentals materially, though they cannot distinctly know them under the reduplication of fundamentals nor define what are fundamentals and what not. If a church retain the fundamentals yet if those within her are forced to believe as truth, something everting the foundation of faith, they are to separate from her. Hence comes our separation from Rome. Against Robinson he maintains that separation from a true Church "where the word of God orthodox is preached and the Sacraments duly administered," we think unlawful. The former's text: "be ye not unequally yoked with unbelievers," hardly supports his case as it is as good an argument for separation only from the idolatry of the mass, etc.

From this Rutherford turns to the question of separation as put forward by Robinson. We are not to communicate at the same table as evil persons, says the latter: but the former denies that by doing so he has any share in their evilness.

/ The Lord's table is as near to the Communion of saints as any possession that the saints on earth have, and this say the Independents must not be polluted. Rutherford argues that all who are baptised have a right to communion with Christ, in remission of sins and regeneration sealed in Baptism, and in one common Saviour and common faith preached in the Gospel. This Communion cannot be declared unlawful and this fellowship "a lying sign" simply because all baptised, hearing one Gospel, and making an avowed profession, are not known to be regenerated. He shows justly that the Apostolic Church, such as the Church of Corinth, was not a body of saints in the sense in which the Independents interpret the word. Moreover in separating from the ungodly in a church, separation he states is also made from the righteous who remain. The remedy lies in the exclusion of the ungodly from the Lord's table. Texts of Robinson for separation are refuted. If a man be not converted but not scandalous, it is contrary to the word of God to excommunicate him, or to separate from the Church which does not do so. Even if the Church does not cast out the scandalous person we are not to separate from it any more than the Godly forsook the church of the Jews wherein there were many such. He maintains that the true Church called and chosen from the world is the Invisible Church, not the Visible Church as the Independents hold. Their whole error lies in failure to recognise the difference between these two. Rutherford concludes that one may, in an impure Church, separate within it from those impure and hold no communication with them, but not from the best part in it, nor from hearing the

/ Word. "There is no just cause to leave a less clean church (if it be a true Church) to go to a purer and cleaner, though one who is a member of no church has liberty at election to join that church which he conceives purest and cleanest." The duty of members is to stay within and purify such a church. From an adulterate church like Rome, one may and must separate.

Vll.

From discussion of this he returns to consider, in reference to the "Way of the Church" the question of Baptism. (255)
 In this treatise the Baptism of children of unbelieving parents had been denied. Even an excommunicate man may have a seed of faith in him, says Rutherford, and for this reason his child is to be baptised. The child's right to Baptism comes through the father's right, but it cannot be taken away by the father's sin as the Independents maintain. He questions if the father's faith is the essential ground of the child's right, because as Beza holds no man is saved by another man's faith, nor can the parents' faith be imputed to the child. Children are baptised because they are born in the Christian faith which was that of their forefathers, so that even those of Papists and excommunicate Protestants, which are born within our Visible Church are baptised, if their forefathers' faith was sound. The nearest parents are the conveyers and propagators of a federal holiness to their posterity. As a Jew, though evil, born in the Jewish nation had a right to its privileges, so much more a Christian child born in a Christian nation has a right to the privileges of the Christian Church. Moreover the

/ children of unbelieving parents might be elect. Are they to be denied Baptism? God extends his mercy to a thousand generations of them that love Him, and keep his commandments (Exod.XX). This he interprets as an argument for the federal holiness of the child. Godfathers are for him only a civil use e.g. as witnesses.

The next part of the "Way of the Church" to be considered is that dealing with Church censures, but as he has already dealt with the people's power in these, he passes on to the Independent doctrine concerning the preaching of the Word. ⁽²⁴⁶⁾ "Is the preaching of the Word the ordinary means of converting souls, and in this work is it efficacious because preached by pastor as pastor or because preached by one gifted to do so?" The Independents appear to give a negative answer to both these questions. Rutherford upholds the pastoral preaching of the Word as the ordinary and only efficacious means of conversion. Despite his obvious error here, one would agree with much that he says concerning the preaching of the Word as an ordinary means of conversion, while agreeing with the Independents that all gifted men, who wish to do so, sincerely, should preach, and may do so powerfully. Even here certain of Rutherford's strictures might be applied as wise caveats. He deals with some of the answers given by the Churches of New England to the questions sent out from the Westminster Assembly. In one of these, the New Englanders had stated against preaching as an ordinary means of conversion, that conversion did not always follow it, and that when it did, was not in virtue of the pastor's office but in virtue of the blessing of God. This he opposes by

/ saying that he does not hold office ex natura to have influence and he admits the blessing of God is needed. But the New Englanders, he maintains, confuse the ordinary preaching with efficacious preaching; for the latter both pastoral preaching and the blessing of God is needed (268). The instrumentality of private Christians in conversion may be admitted, but to preach the scriptures demands an official sending and calling. An anomaly arises through the nature of the Independent Church itself, for if all its members are saints, then the sole work of the pastor is to confirm, not convert; yet conversion is the definite mission of a pastor. The doctrine that gifted men may preach without official calling is Socinian and heretical, and he accumulates all the arguments of the Reformers against this. He is prepared to admit that in an unconstituted Church, a gifted man may preach, but not in a Church constituted. Public preaching is the ordinary means of saving those who believe. Pastors are called of God to make members of the Visible Church members of the invisible also. The pastor has his formal calling ^{by} of the laying on of hands, his inward calling from God himself. Gifted men may admonish privately. He turns to deal with Robinson's arguments on this subject as they are put forth in the "Peoples' Plea for the Exercise of Prophecy," and vindicates his own theses against him, -- the gift is not calling e.g. a man may be gifted for the kingship, but not called to it; by this argument women might preach. Gifted men have no authoritative power from the Word to bind and loose. Robinson's arguments to prove that preaching in the Old Testament and in the New Testament was often by

/ 'laymen' are refuted (not always correctly, viz. 280-284).

As between the two opponents the cogency of scriptural arguments is fairly evenly balanced.

VIII.

Again Rutherford turns back to the "Way of the Church" to consider the manner of the Church censures in New England. The New Englanders deny that they carry any matter either by an overruling power of the Presbytery or by the consent of the majority, "but by general and joint consent of all the members of the Church and we are of one accord as the Church of Christ should be". Any not assenting through ignorance, "we labour to bring to our mind by sound information. If any by pride do not assent, we take away his vote from him"⁽³⁰⁸⁾. In answer to all this, Rutherford ^{says} that unity is to be much desired. But in the first place we carry nothing in a synod because it is by the majority of voices, but because the thing itself is agreeable to the Word of God. In practice the Independent theory of unity in the consent of the congregation has been the source of further separation.- "for if twenty do not agree with twenty, they separate into two Churches."⁽³⁰⁹⁾ Good men like Paul and Barnabas may differ and a synod is the only lawful way of healing the difference. God has given to pastors as overseers a superiority whereby they are by office and government above the people. This power is limited and conditional; they may declare only the will of Christ and must conform in all their doings to his Word. While the Church of New England appears to acknowledge a Presbytery whose work it is to teach and rule, and whom the people ought to obey, and to condemn all merely popular govern-

/ -ment, yet Rutherford maintains that in principle they give the power of the "keys" to the people, and so invalidate the real power of Presbytery. People may elect, but not ordain elders, in a constituted church. No congregation can ex-communicate elders. The power of the elder is far greater than that given to them by the New Englanders, of merely convening the people. The authoritative power of teaching, which the Independents allow to pastors must be supported by an authoritative power of government, if it is to be efficacious. That the elders have only a directive power in censures, i.e. that they only direct the congregation to the sentence they are to pronounce, Rutherford resolutely opposes. The power given to the elders in the "Way of the Church" to dissolve and separate from an unruly congregation, is an anomaly in a church which claims that the power of the keys resides only in the believers. (311 ff)

The inter-communion of Christian Churches is his next theme. The "Way of the Church" had stated that members of sister Churches giving no offence were admitted to Communion. Rutherford asks why then, if they agree to communion in the Lord's supper, will they not have it in Baptism, Discipline and Synods. This is too narrow an idea of Church communion, if they admit only members of a sister church, not under offence, for there are many godly members in churches under offence. He charges them with a very loose use of the word 'communion'. Their 'communion' cannot be that of the Church Invisible, for the Independents denied such a doctrine. In practice they hold little visible communion with other churches.

/ That the New Englanders allow to communion those with recommending letters, is really a tacit admission, contrary to their theory that the believer has a pre-existent right to communion as a member of the visible Church. In relation to this, he considers the authority of synods, *jure divino*, to compel churches to obedience. ^(330 ff) If one sort of synod is proved lawful by Scripture, he holds that all others, Sessions, Presbyteries, and General Assembly are lawful. Disclaiming the doctrine that synods are infallible, he maintains their authority is limited only by the concordance of their decisions with the Word of God. He states their divine institution, and the reasons of moment for them, e.g. that no man should be judge in his own case. Appeals through various Church courts are a natural procedure and, drawing much from Calderwood, he quotes historical evidence for this. If there is a communion of God's gifts to the Church, there should be, he argues, a communion of authority for dispensing them. The Independent doctrine that synods are merely advisory is Socinian. Three ideas of inter-communion between churches are discussed. The Independents claim that the only sentence which can be pronounced against an offending church is that of non-communion or the withdrawing from communion with it. This, he maintains, is in reality no sentence, for it leaves the offending church still in its sins; neither has such a sentence any juridical authority. Synods must exist for the excommunication of an offending Church. In their idea of expanding the church, the Independents have too exclusive a doctrine. When a church becomes too large, a portion comes out as bees out of a hive, and forms another church. But in this case no provision is made for converting the heathen and

/ the new church is formed only of those already converted.

LX.

(352 ff)

(~~352~~) The magistrates' power over the church is now dealt with. He removes invidious suggestions that presbyterial government is subversive of magisterial power and his dicta on this subject are as follows:- Force of the sword is not God's way of planting the Gospel in a heathen nation, nevertheless a Christian Prince who conquers such may compel it to abstain from any scandalous false worship, which dishonours Christ, giving opportunity to pastors to preach the Word. In a nation which has embraced the Christian Faith, the magistrate may compel men to profess the truth. He can compel them to external acts of worship, though he cannot compel their wills or mind. He may command them to use the means of religion, though he cannot force a religion itself. Arguments against this, as a compulsion to hypocrisy, he counters by saying that men are compelled to many another thing of less immediate good, which if left to their heart, they would not do. The Christian magistrate may command acts of divine worship under pain of civil punishment and punish when these commands are transgressed. He asserts strongly the magistrate's power of the sword to punish heresy as against the Arminian and Socinian doctrine that heretics should not be punished by civil penalty. Reformed opinion is that seducing heretics are to be put to death.

(~~361~~) The Appendix entitled, "A further consideration of compelling or tolerating those of contrary religions and sects in the Church" occupies the last hundred pages of this work. It

(361 ff)

/ was doubtless inspired by the policy of the Independents in appealing from Assembly to Parliament, which took final issue in their "Apologetic Narration" of February 1644.

Rutherford does not mention this work by name, but he is at least conversant with some rough drafts of it and many of his arguments are anticipatory of its main thesis. (The "Apologetic Narration" was, of course, published before the "Due Right" but much of this Appendix was written contemporaneous^{ly} with it.)

The question of compulsion and toleration brings Rutherford back to that of fundamentals and non-fundamentals. He asserts that certain of the latter are to be held with the same certainty as the former because they are according to the Word of God. He holds the doctrine of the absolute infallibility of Scripture. ^{of the plenitude and plenary perfection of God's Word (372).} Presbyterian government, though not a fundamental of salvation, is to be held as of divine right.

The Independents hold along with the Socinian that these non-fundamentals should not be held with the same certainty, for a new light may be given upon them. (In the "Apologetic Narration" they had determined, not to make ^{our} present judgement and practice a binding law unto ourselves for the future.....

.....which principle we wish were enacted as the most sacred law of all others in the midst of all other laws and canons ecclesiastical in Christian states and churches throughout the world.")^I This doctrine, Rutherford eschews as subversive of the constitution and institution of the Church of Christ.

A fluctuating conscience is no good interpreter of the Word of God which is sufficiently clear of itself. He has little sympathy for the erring conscience which believes in error

I Hanbury, Historical Memorials, II, 224.

/ sincerely. His considered opinion is, "Arminians, Socinians and Anabaptists imagine that their conscience is the nearest rule of their actions which is most false". Quoting a sentence which suggests he has been studying some draft of the "Apologetical Narration", 'our present judgement is never a binding law to us for the time to come', he points out the fallacy that it could ever be a law such as the Independents would make it. Our judgement is regula regulata and not regula regulans. Conscience, as conscience, is no more Pope to us than the dictates of the Bishop of Rome. His main argument against toleration of the erring conscience is that a small error may breed a great schism in the Church.

Further consideration is given to the Magistrate's relation to the Church. The Christian Magistrate, as a Christian, and not as a Magistrate is a member of the Church. There is no such Magistrate as one having power to make laws both civil and ecclesiastical. The Magistrate has civil power over men to compel them to their duties. He is not debarred from the oversight and care of ecclesiastical affairs; he is the "minister of God to thee for good" and is to see that the Word is preached, the Sacraments purely administered etc., The intrinsic end of his office is thus higher than the propagation of the material good of his people, for he is to see that their spiritual good also is cared for. Such flagrant spiritual faults as open idolatry, a king may punish without consulting the Church. This, however, gives him no nomothetic power to make laws within the Church. Kingly power is subordinate to Church power, but this subordination

/ is mutual, Church power is subordinate to kingly power, both are in their kind and sphere supreme. (He states, 'I mean kingly power as kingly conjoined with the collateral power of Parliament'.) He develops this thesis, showing how the King as a Christian is subordinate to the Church---- even in a wrongful act of kingship----and how the Christian and Church officers as men, are subordinate to the King. The Magistrate determines, not what matters of faith are to be believed, but what heresies or infringements of creed are to be visited with civil penalty and the nature of that penalty. Again drawing from Calderwood, he gives instances where kings refused to encroach on doctrinal affairs in Church conferences. He states, however, that no ecclesiastical synod can meddle with the temporal affairs of men, nor forbid erroneous doctrine, scandals etc., under pain of bodily punishment.

What is the King to do in a case of Schism? In an equal rupture nothing extraordinary is to be attempted, if ordinary ways can be had. The King may command the sincerest part to convene in a synod and do their duty. In the case of the prevailing of the corrupt part, the King may act extraordinarily, and nullify unjust canons. This is in reality part of his 'cumulative' power, by which he preserves the rights of the Church, and not an exercise of 'privative' power (i.e. the depriving of the Church of certain rights), of which he has none within the Church. The King is not the kingly head of the Church, nor can he make laws for it. He can give effect to its laws by a civil sanction. He is not even co-equal in matters ecclesiastical with other church officers,

/ because the coactive power of the King and the spiritual power of the Church differ completely. He denies Hooker's doctrine in the "Ecclesiastical Polity" that pastors rule the Church as it is an invisible body, by preaching the Word within it, and also his doctrine that, as the Church is a visible politic body, its government is committed to the King. To him (Rutherford) this would give the power of deposing from office to the King; but only they who ordain may depose, and ordination as an ecclesiastical function is not vested in the monarch. Hooker had maintained that the King, because he had power of granting honours in his kingdom, might deprive a bishop of office, but not of his holy orders; Rutherford admits of no distinction between office and orders. He declares that the King has no power in ecclesiastical place "any more than he can take away maintainance allotted by public authority unto hospitals, schools, doctors and pastors". In this he is the radical pupil of Knox. "God hath here a sort of propriety of houses and goods as men have". The King's sole power over office and place is to prevent a heretic holding office or preaching in a sacred place. He may punish unto death a pastor for a just cause, but he has no power to deprive him of his pastorate ecclesiastically. Some think the King may convocate synods but churchmen have this power if the King be averse. The magistrate as careful of the spiritual welfare of his people has power to convene a synod, even as he has power to cause the Gospels to be purely preached, and also to send men to it. This power is positive not negative. "For the Church of herself hath from Christ,

/ her Head and Lord, power of convening, without the King, beside his knowledge, or against his will, if he be averse." The doctrine that the Church may depose a sovereign, is refuted. The whole of this part of his work shows a dependence for argument on the historical citations of Calderwood's "Altare Damascenum".^I It is obvious that his mind is turning to speculate on the nature of kingly power itself. With the encouragement and help of Warriston, he was not long after this to publish the "Lex Rex".

After the Appendix, the question of patronage is dealt with. It had been brought up in the "Way of the Church". Such a power (of patronage) is only a branch of the Magistrate's and is ^{dc} cumulative to protect, not privative. ^(p 459) The patron may not forestall the free election of the people by tying them and their free suffrages to a determinate man. If a man has given goods to the Church, it entitles him to no interfering power in it. Charity should ask no reward. If a heritor has created a church, it was but his duty. "Christ is only Lord and proprietor and just titular of all rents dotted for the maintainance of the ministry, and under Christ when the place vaketh, the rents recurr to the Church as the proper proprietor under Christ." The patron can give no right to any person to be presented and ordained, for no man can give to another that title and right which he hath not in himself. (463)

The Insertions./

I Due Right, 413, 416, 417. Calderwood, Altare Damascenum, 29, 20, 36 etc.

THE INSERTIONS.

The first insertion to the original work was made in December and January 1643/44. It is mentioned by Baillie (vide supra p 208.) and occupies pages 144 - 178 of the work. "A More Special Consideration of Ruling Elders, Deacons and Widows" is its title. It was almost certainly originally a paper passed round amongst members of Assembly as a canvassing of support for the Scottish doctrine of Ruling Elders.^I It is a "write up" of Rutherford's opening speech on this matter in the Assembly itself. Some of the phraseology is identical with that speech as reported by Lightfoot.^{II} It consists of an elaborate piece of exegesis on 1.Tim.V.^{17.}~~17.~~ The insertion of this text amongst the proofs of the proposition on Ruling Elders would have meant the complete acceptance of the Scottish doctrine. For them, this was the cardinal and vital text. Rutherford's paper is concerned with the vindication of the text as holding forth two offices as against two functions of one office. Appeal is made to Chrysostom in support, though the latter interpreted the text as applying to deacons not elders. The ten objections against the text in support of the elders office need not be entered on here. They were brought forward in the Assembly itself, and answered by either Rutherford or Gillespie. Despite their efforts, however, the text was not accepted. The part concerning deacons is largely concerned with the Independent view that the magistrates now care for the poor, (viz. The Poor Law of Elizabeth!) and that the deacon's office should

I. cf. p.181.

II Lightfoot, 63.

/ ~~is~~ cease~~d~~ in the Church. Rutherford maintains that the deacon is to administer the charity of the Church but he has no preaching or ruling power.

After noting his agreement with Chapter 10 of the "Way of the Church" in the matter of purity of worship, Rutherford goes back to the "Communion of the visible Catholic Church." This is a synthesis of his own views, and an answer to contrary opinions put forward in the Westminster Assembly. It comprises sixty-five pages. Next follows "A Patern of a Juridical Synod," an exposition of the council at Jerusalem comprising sixty-nine pages. Lastly there is "The Doctrine of the Presbyterial Churches of Jerusalem, Corinth, Ephesus and Antioch vindicated" (60 pages). The similar size of these chapters, the nature of their subject, the more narrative style of their construction, the frequent reference to 'our brethern' show that they were all the typical Rutherfordian paper circulated round privately to canvas votes in the "Presbytery" debate which lasted throughout February and March 1644. The "paper" is now expanded and inserted in the major work. All this inserted material verifies Baillie's statement in his letter of 26th March that Rutherford was daily enlarging his book in the press. (vide supra 138) It deals with all the questions arising in the Assembly from January to March, 1644, and ^{was} ~~were~~ Rutherford's contribution to these crucial debates which are so faithfully recorded by Gillespie. Gillespie debated daily; Baillie intrigued; Rutherford pamphleteered and circularised; Henderson oversaw everything and co-ordinated their efforts. Such is the

/ picture one visualises of these crucial months.

"Of Communion of the Visible Catholic Church."^I

This is a recapitulation and synthesis in a more narrative style of all his previous thought on the subject. The orthodox Protestant doctrine of the Church visible is stated. To the Church's minister Christ has primarily and principally committed the power of the keys. He gave this ministerial power to the universal guides of The Catholic Church, the Apostles, as they did represent the Presbytery of the Catholic Church (not as representing an individual congregation). Power ministerial is given to a congregation, say the Independents, as they are a flock of ^{the} redeemed. According to the Word of God, says Rutherford, power of discipline and the exercise of the Word and Seals as vested in pastors is sufficient to make one visible Catholic Church. When Christ gave gifts to the whole Church Catholic, he gave them to particular congregations only as parts of the whole. The relationship of these parts to the whole rests in their being under a common jurisdiction. Rutherford gives the relationship of Church, Presbytery, Synod and National Assembly; All are parts of the Church Catholic. Furthermore, excommunication if it is to be valid or useful, means excommunication, not only from a particular congregation, but from the whole Catholic Church. Hence power to excommunicate lies, not in the congregation, but in the ordained ministers of the Catholic Church.

Some objections which the Independents had brought forward in Assembly, are answered. (It is noteworthy that he mentions

I. Due Right, 289 - 354.

/ none of the Assembly Independents by name). They had argued that the impossibility of holding a universal Presbytery or council of the Catholic Church militated against the doctrine, that there could be such a body as a Catholic Visible Church. But, reasons Rutherford, because the wickedness of men prevents a general Council of national Churches this does not invalidate either the lawfulness of such, or the estate of the Catholic Church Visible. The variety of a matter determines the council by which it shall be tried. Things of local, of neighbourly, of provincial, of national importance are all dealt with in their corresponding courts. As also what concerns one is a matter of importance to all, and what concerns the majority may be of importance to one congregation, association in Presbytery is vital and necessary. *Quod tangit omnes, ab omnibus, suo more, tractari debet.* Christ has given power to his ministerial church to deal in separate case and manner with all these matters. There is no need for a Presbytery to derive its power, say of excommunication, back to a presbytery of the whole Catholic Church. A further objection had been that if the Presbyterians denied power of excommunication to the individual congregations because they were only part of a church, then they could not claim it themselves, because they were only part of a provincial Church; nor could the provincial church claim it for it was only part of a national church; a national church could not claim it for it was only part of the Catholic Church; a Catholic Synod was obviously impossible, therefore, the whole Presbyterian claim breaks down. (This was obviously some of Goodwin's sophistry in

/ the objections which the Independents kept on raising during the three weeks of February 1644, until they were ultimately voted out). In answer Rutherford shows how for the good of a single congregation an association of contiguous churches in Presbytery, with disciplinary power, is necessary and scriptural. He next proceeds to the consideration of the passage which occupied the assembly from 16th February to 21st February, Matth. XVIII 17-18. The Independent objections to this passage as implying a ministerial and governmental church, their interpretation of it as the body of believers, are refuted on much the same grounds as in the "Peaceable Plea", but this time with more direct relation to the arguments of Bridge#, Goodwin and Nye (he avoids referring to them by name). The false syllogism that if a man is a classical elder or pastor in Presbytery over twenty congregations, then he must bear the same relation to each of these congregations, is exposed as ~~absurd~~. The relation of the Presbyter (1) to his own Church, (2) in collegio, is defined. The Elder acting in Presbytery and acting in his own congregation does not exercise two offices, but performs two acts of the same office. In all ordinary acts of spiritual jurisdiction the ruling elder only performs in the church whereof he is an elder. The powers of a congregation, of a Presbytery, of a provincial synod and of a national Church, do not differ in form and essence but in extent. The way of "brotherly consociation" of churches for mutual advice and help is as likely to be full of difficulties as the way of Presbytery. The over-ruling power of Presbytery does not nullify the power of the congregation, any more than a man who is out-voted in a congregation has his individual power

/ therein taken away by a majority vote against him. The Presbyterian system of church courts is scriptural, and from all social and legal analogy, essential to the bene esse of the church. Sundry other syllogistic arguments of the Independents against Presbytery, mainly cast in the reductio ad absurdum form are answered, e.g. "a pastor is ^{not} a pastor ^{but} only in relation to his own church, therefore he cannot do pastoral acts either of order or jurisdiction in a Presbytery "(346) This leads Rutherford to show the relation of pastor to his own congregation, to other congregations and to the Presbytery; he has juridical power with his elders, and pastoral power in his own congregation. Because he is pastor of the Church Universal, he may preach and administer the Sacraments on occasion in other churches, or if he is a missionary, he may preach at large the Gospel of Christ. He has power of jurisdiction in the courts of the church whereof he is a member.

This little "paper" lost in the middle of the "Due Right" is perhaps the clearest and most succinct statement of Presbyterian doctrine that Rutherford ever wrote. It is argumentative, for he never ceased to argue, but less syllogistic than usual and singularly calm in tone. There is in it some measure of "sweet reasonableness," little expected in a polemicist of the seventeenth century. Even yet there is little acerbity in his work.

"A Patern of a Juridical Synod." ^t II

The Thesis of this is that in the Council at Jerusalem (Acts XV) the Apostles did not act through an inspired Spirit and by Apostolic authority, but only as elders, doctors and teachers in ordinary way in council assemblies, so that they

II Due Right, 355-425.

/ might show forth a pattern of a juridical synod for the church in all future time. The Independents maintained that the Apostles acted with extraordinary and Apostolic power and thus the Synod could not be claimed as a proof for the institution of Church courts. Rutherford's arguments are of course, the Presbyterian arguments of his age - Paul, an Apostle, submitted a matter to the Council which he could have determined himself by his own Apostolic power; he accepted delegation from the Church of Antioch to it. He must therefore, have meant to show forth a pattern of how affairs ecclesiastical should be ordered. The Apostles acting in the Synod proceeded by way of counsel, not by Apostolic enunciation. Any ordinary members of the Church of Jerusalem who were present, were present de facto and not de jure; they had no power in the council which had not only doctrinal power but # juridical also. He states with regard to Synods and provincial councils that they rather command churches and Presbyteries to exercise and use their power of jurisdiction, and see that they so use it, than exercise the use of it themselves. (They of course, have power to do so). The Apostles were actuated by an infallible Spirit in setting up the Council but not by an Apostolic Spirit. Independent arguments against these theses are now answered. He points out that Church power is not derived, either by ascent from power supposedly resident in a congregation, delegated to representatives in superior courts, or from power of an oecumenical council issued down through various courts to the people. It is resident intrinsically in every part of the church and flows from Christ. He denies that a Synod only declares in a doctrinal way what is scandalous or that this Council did this

/ and no more. The last pages of the Paper furnish abundant arguments that the Jerusalem council was juridical as well as doctrinal and not merely a brotherly meeting for counsel about the church's wellbeing.

The paper also has an intimate association with the events of February and March 1644. On page 406 he remarks that his argument has been "close mistaken." The argument referred to occurs on page 360 to 363, forty pages earlier in the paper (it deals with the immediate inspiration of the Apostles). In the paper itself there is a distinct hiatus in thought. On page 363 from considering the more exegetical aspect of his argument he turns to the speculative consideration of intrinsic church power. It is just possible that the first portion pages 255 - 263 may have comprised a paper supplying argument for the Presbyterian case in Act XV. This was debated on March 12th and 13th, and his paper may have circulated before these dates. Arguments in it were refuted by the Independents in the Assembly and on March 13th Rutherford himself entered into the debate, with arguments much similar to those of his paper. Pages 363 ff. may have been added to refute his refuters. The whole passage under discussion was successfully passed on the 13th March.

The Doctrine of the Presbyterial Churches of Jerusalem, Corinth, Ephesus, and Antioch. I

As has been seen, the debate from 22nd February to March 6th centred round the instance of the church at Jerusalem as a proof of the institution of Presbyterian church in the New Testament. The arguments used by the Presbyterians in the debate are here

I. Due Right, 425 - 484. (498)

/ recapitulated, those of their opponents all refuted. It is proved impossible for the multitude of believers to have met in one church. There was a multitude of teachers in Jerusalem. - Christians of diverse languages in Jerusalem could not all be one congregation - but they were all one church because they had meetings of elders in collegio and the Apostles acted as elders in the Presbytery. Similar arguments are adduced from other new Testament Churches. This paper also has an addendum in the form of an answer to Mather's "Answer to Herle" on the matter of the Synodical propositions of the Churches of New England. (476-484) It deals with the people's power in the Synod and their right of excommunication. As the question of excommunication was beginning to bulk largely in the Assembly's debates, this addendum may have been a separate little paper of Rutherford in support of Herle included amongst the others, and printed here for want of a better place to put it. It gives no arguments which he has not already put forward.

The matter of all these "papers" is also embodied in the Assembly's Answers to the "Reasons of the Dissenting Brethern". Rutherford's 'papers' were his answers to the sundry preparatory "papers" which they constantly circulated.^I

I Vide additional note, p. 913.

THE DIRECTORY FOR THE PUBLIC WORSHIP OF GOD.

From May, 1644, when the preliminary Excommunication debate was suspended, until October, two things kept Rutherford incessantly employed: the formulation of the Directory for Public Worship and the composition of "Lex Rex". The ecclesiastical 'bête noire' of the Scottish Presbyterians was the "Service Book". It was pressure from their Commissioners which caused Parliament in their October injunction to the Assembly to empower it to "treat concerning a Directory for Public Worship." A further Order of 17th Octr., gave the Grand Committee too, power to treat concerning such a Directory. The latter appointed a sub-committee of five to meet with the Scottish Commissioners to prepare the Directory. Others of the Grand Committee who wished to attend might do so. This sub-committee was to report to the Grand Committee which in turn was to report to the Assembly.¹ It is noteworthy that the drafting of the Directory is given to the Grand Committee originally, and not to any of the Assembly's three committees. Baillie gives no reason for this, nor do any of the historians of the Assembly remark upon it. It seems strange that the propositions concerning Church Government were left to the Assembly to formulate as they desired, whilst the drafting of the Directory for Public Worship was given to the control at least, of a Committee which had a strong percentage of laymen. The Sub-committee, which performed the actual work, was, of course, clerical--Marshall, Palmer, Goodwin,

1. Lightfoot, 117.

/ Young, Herle and the Scots. The Directory was not any more specifically an instrument of alliance, as embodied in the Covenant than the Form of Government; to all appearance it would seem secondary to the latter. But it was made to pass through the Grand Committee before going to Assembly, a process to which none of the propositions on Church Government were to be subjected. (This procedure was laid aside on 3rd April, when the drafting of the Directory was transferred by the Parliament to the Assembly itself¹). The Scots may have been calculating, correctly or incorrectly, on a greater anti-liturgical feeling in the House than in the Assembly. To them too many of the latter's members seemed diffident in parting with the Book of Common Prayer (with the exception of the Independents) and later objected to the harsh treatment it received in the Preface to the Directory. It represented much that was best in English Protestant tradition. By manoeuvring so that the Directory was given to the Grand Committee, the Scots hoped for its more speedy formulating, arguing that the propositions given in by it to the Assembly would meet with less opposition, and the hated Liturgy be more speedily abolished.

In this hope of speed, they were in the first few months disappointed. The sub-committee proceeded little more expeditiously in this than the Assembly in the debate on Church Government. The Scots had counted on the anti-liturgical fervour of the Independents and had hoped to avoid an early

1. Lightfoot, 239.

rupture over governmental points by turning the attention of the latter to a common Directory for Worship.¹ But the Independents proved as contentious in this as in other matters, and showed no great love for a Directory drawn up preponderantly at Scottish instigation. Though contentious, however, they in the end became at least conciliatory in the interests of the Church. Little record exists of the work of this sub-committee; only a few references in Baillie's Letters and two pages of notes in Gillespie. But the speed with which the items of the Directory were given in, in June 1644, shows that its work was the basis of the matter presented. The first meetings of the sub-committee dealt with ordering the work of the Sabbath, the Scots entering a caveat against the lengthy reading and exposition of Scripture before the sermon. Goodwin, who considered himself slighted in some way, caused trouble at the beginning by objecting to all Directories and particularly to the order of the directory for public worship on the Sabbath. To remedy matters, the Scots invited him to dinner and "spent an afternoon with him very sweetly".² As he took an active part in the later work of the sub-committee, the dinner was probably good. Early in February, the Scots had allocated to them the "matter of all the prayers of the Sabbath Day". When this was finally given in, Baillie states that it was "well taken by all the committee".³ Next they were assigned the

1. Baillie, ll. 117.

2. Baillie, ll. 123.

3. Baillie, ll. 140.

/ directory for the Sacraments. To Marshall was apportioned the directory for Preaching, to Palmer that for Catechising, to Young Reading of Scripture and Singing of Psalms, to Goodwin and Herle Fasting and Thanksgiving. The Scots gathered even more of the work into their hands. "Mr. Marshall's part against Preaching, Mr. Palmer's anent Catechising though the one was the best preacher and the other the best catechiser in England, yet we in no ways like it, so their papers are passed into our hands to frame them according to our mind". The Scots' draft of a directory for the administration of the Sacraments, especially that of the Lord's Supper, encountered even in the sub-committee considerable¹ opposition. The Scottish practice of the communicants sitting at one table was discountenanced. They had also inserted a clause whereby the minister was allowed to exhort the communicants while they were in the act of partaking. Dr. Smith told a story of "a Scotsman which had in a Church here used exhortations at giving the elements but some conscientious people thought it troubled and distracted their minds". This may have been a hit at Rutherford. It was his practice and that of his colleagues in the evangelical revival in the South West and it was undoubtedly he who had such a clause inserted. The fitness of those who partook was also considered, but the debate on Church Government drew the members of the sub-committee away from their labours on the Directory.

1. Gillespie, 101 & 102.

/ On the 3rd April 1644, The Lords requested the Assembly to hasten the Directory and the Assembly appointed the twelve divines of the Grand Committee to be a committee of Assembly for the work of the Directory. At the same time they urged the sub-committee to hasten its work. As any of the twelve divines of the Grand Committee had always been at liberty to attend and assist the sub-committee,¹ there was little confusion or alteration of personel in the new committee.

On 21st May, Rutherford moved for the speeding of the Directory and was supported by Marshall. A report was ordered for Friday 24th, and was duly given in by the chairman of the Assembly's committee for the Directory on that day, "largely concerning the Lord's Day, Prayer and Preaching". Lightfoot was absent, so no full statement of the debate occurs. "The business about the Sabbath and the Directory for Prayer was passed".² It is evident from the Directory itself and from reference in Baillie's Letters to the work of the sub-committee, that the Assembly's committee presented what was largely the work of the latter. That work had been carried out chiefly by the Scots. One may claim the Directory to be the most specifically Scottish production of the Assembly, though in some instances concessions were made to English practice. The general order of divine service, as embodied in the directories, concerning "Assembling of the Congregation", "Public Reading of Holy Scriptures", "Public Prayer before Sermon", "Prayer after Sermon" follows with minor differences that in Henderson's

1. Baillie, 11, 117

2. Lightfoot, 277

/ Government and Order", which was based on Knox's Liturgy. The only difference between English and Scottish practice was that English used ~~only~~ ^{only, that} one prayer [^] before sermon which included confession, thanksgiving and petition. The Scots used two ^{one before, one} ~~and~~ ^{after -} kept the intercessory prayer for Church, King, people and congregation ~~till~~ ^{came after} ~~after~~ the sermon. An adjustment was made by the insertion of the following:—"We judge this to be a convenient order in the ordinary public prayer; yet so as the minister may defer (as in prudence he shall think meet) some part of these petitions till after his sermon, or offer up to God some of the thanksgivings hereafter appointed in his prayer before the sermon". Thanksgivings according to the English practice are inserted after the sermon. Regarding probationers reading the Word and preaching, and in the insertion of a caveat against diffuse, discursory reading of Scripture, The Scots had their wishes carried, in the first case through the argument of Rutherford. ¹ It was noted that the matter of the prayers was given to the Scots to draw up. As they stand in the Directory, they are more than an outline and less than a liturgy. In them are some indications of the pen of Rutherford. Perhaps the first draft of them was written by him as the most gifted of the Scots in devotional writing. After revision by his colleagues, they were further revised by the sub-committee and by the Assembly's committee. In the Assembly itself, they were passed with little debate. Many incidental phrases, the

1. Lightfoot, 283.

/ expression of a deep sense of national guilt, the concern for the conversion of the Jews, point to Rutherford's hand.

The directory on Preaching of the Word occupied most of the time between June fourth and eighteenth. In the sub-committee its drafting had been given to Marshall, but as his effort did not satisfy the Scots entirely, was given to them for revision. Whoever was responsible for it, produced one of the finest things ever written on the subject. It is succinct, clear and eminently sound. It is applicable to preaching in any age, - possibly the most timeless and permanent piece of writing in the Directory. The Assembly's alterations in it were negligible; any that were made emphasised the need of clarity in preaching the gospel message. "Wisely framing all his doctrine, exhortations and especially his reproofs, in such a manner as may be most likely to prevail; showing all due respect to each man's person and place and not mixing his own passion or bitterness" :- so runs the Directory. Its tone suggests that a good deal of the evangelical experience of Rutherford and Gillespie passed into it during the sub-committee stage. Rutherford indeed had passionately insisted on having such a directory inserted.

The production of the directory for the Sacraments again opened the dispute which had vexed the sub-committee. The Scottish origin of this directory is obvious. The order of administration of the Lord's Supper closely follows that in the "Government and Order" and even preserves some of its phraseology. The disrepute of the Prayer Book left the English Presbyterians without any model upon which to base this directory and

/ Henderson's original draft was gladly accepted. Certain of the Scottish practices in it, they were not prepared to accept, and the most acrimonious debate in the whole Directory ensued, Rutherford heatedly defending the Scottish standpoint. The main source of disagreement was the position of the communicants at the table. As to whether they should kneel or sit, Rutherford strongly advocated sitting, as most convenient and based on historical practice, but in this was prepared to accept a formula. The radical difference lay in the position at the table itself. Scottish practice (vide "Government and Order", the "Peaceable Plea") "Altare Damascenum" and "Book of Common Order") was that the communicants came forward from their pews to the table at which the minister presided and there partook; ^{another} ~~a successive~~ company followed them until the whole congregation was served. This manner of celebrating was laid down in the "First Book of Discipline" as 'convenient' but custom made the Scots assign to it almost divine institution. Dr. Burges^h alone advocated the Scottish procedure, backed by Rutherford. On 21st June, the latter insisted on the communicants sitting 'about the table' and objected to the insertion of a qualifying "where it may with convenience be". The clause was referred to committee, was again debated from 24th to 28th June and on July was recommitted. At last, Rutherford, while insisting that the Scots held this matter to be a thing most necessary, "yet for peace and conformity's sake" desired that it might be recommended only. Although this was opposed by the Independents and by Herle, it was voted by the Assembly on July 3rd. ¹ Next day, the Assembly considered the practice

1. Lightfoot, 292.

/ of the communicants coming to the table in companies (interesting as showing the Scottish source of this directory). On July 2nd, Marshall had reported from the committee, "as the communicants are to exercise their faith, so is the pastor, by some short sentences, by intervals, to stir up their affections thereunto. After all have received the cup, they rise and new ones come to their place and, in the time of their removal some psalms to be sung, as psalm 22, 103." This is practically verbatim from the "Government and Order" (24). The matter of companies was now brought up as a concomitant of sitting at the table. English opinion was against the Scottish practice, but for the time being the fervour of Rutherford prevailed, and the Assembly voted, "it is lawful that the congregation come in several companies to the table." (This clause was ruled out of the final version of this directory.) Two other minor items were raised. The pastor's exhorting the people while they partook had been a cause of disagreement in the sub-committee and was now aired in the Assembly. "The First Book Of Discipline" instructed the pastor to exhort the people or read some suitable passage of Scripture whilst they partook. Rutherford and Henderson argued for the practice whilst the Independents and Herle opposed, Herle holding that the minister's speaking detracted from the spiritual good of the act of receiving. Nye thought that in this matter speech could not help devotion. Rutherford insisted from Matthew XIV, 23, that Christ spoke while the Disciples were partaking. The Assembly ultimately decided that every one should do in this business as he thought best. It was next debated, regarding the breaking of

/ bread, as to whether the communicants should distribute it to one another. Rutherford pleaded for this from Luke XXII, 17. This was granted, though no clause concerning it was thought necessary in the directory.

Why were the Scots so uncompromising in the details of this directory? For one thing, they were under pressure from home to make no more concessions. The paper which they had given in on congregational eldership has been noted as also the fact that Rutherford was probably its inspiration. Baillie writes,¹

"Mr. D. Calderwood, in his letter to us, has censured us grievously for so doing; showing us that our Books of Discipline admits of no Presbytery or eldership but one; that we put ourselves in hazard to be forced to give excommunication, and so entire government, to congregations, which is a great step to Independency. Mr. Henderson acknowledged this and we are in a peck of trouble with it."

The Commissioners were therefore determined to make fewer concessions. Rutherford, if responsible for the censured paper, may have felt it incumbent upon him to defend most vigorously all Scottish practice. Moreover, the Scots had only two Sacraments -- an inheritance common with the English Protestants -- and secondary only to the preaching of the Word. As the visible sign of unity, it seemed to them all - important that both nations should be uniform in celebration, even in the smallest detail. Knowing the loose practice of the Independents, they were determined to leave as little as possible to individual discrimination. They certainly prevailed, for this directory is based largely on the Scottish usage;

¹. Baillie, 11, 182.

/ even the consecration prayer owes much to that in Knox's Book of Common Order.

The Directory for Baptism caused less debate. It also was formulated in sub-committee by the Scots, from their own practice.

Baillie writes,¹

"We have carried with much greater ease than we expected, the publicness of Baptism. The abuse was great over all this land. In the greatest parish in London scarce one child in a year was brought to the Church for Baptism. Also we have carried the parents' presenting of his child and not their midwives as was their universal custom."

Opposition to making public Baptism the law of the Church came only from Palmer and Lightfoot, through their natural love of any long-standing English usage which they could claim was not ceremonial. A discussion on the lawfulness or conveniency of dipping added nothing to the matter of this directory which passed the Assembly on August 8th. On October 9th and 10th, however, the Scots had further additions inserted. The font was moved from a 'superstitious' position (i.e. the Church door). They insisted, too, that a profession of Faith was to be procured from the father at the baptism of the child. This was contrary to English practice, but "the Scots did urge it mightily because of the use of it in all reformed churches".² It was finally voted that the parents should make profession at the baptism of his child, but this profession was narrowed down to a short series of question and answer. An interesting difference of opinion arose here among the Scots them-

1. Baillie, ll. 204.

2. Lightfoot, 315.

/ -selves. Baillie writing later of this directory says,¹
 "As for ^{the} changes in our Church, I had laboured with my
 colleagues to have eschewed them all and found Mr. Henderson
 not much from my mind; But others were passionate for them and
 at last carried, first Mr. Henderson and then me to their mind.
 The Belief in baptism was never said in England and they would
 not undergo that yoke. When they urged, we could not deny, but
 the saying by many was a fruitless and mere formality and to
 others a needless weight; and the saying of the Commands was no
 less necessary. We got the Assembly to equivalent interroga-
 tories, much against the mind of the Independents and we were
 assured to have the Creed a part of the Catechism."

From Gillespie's notes it would appear that Rutherford supported the Independent view. "Mr Rutherford said, " It is not seemly to catechise Christian parents at such a time." Henderson contradicted; he desired that "The Assembly may be loath to depart from the form of all the Reformed Churches who use interrogatories and profession of faith in baptism."² Gillespie 'swithered' but came round to Rutherford's point of view and as Baillie seems to infer they prevailed on Henderson to modify his demands. The interrogatories were eventually scored out and the phrase "requiring his solemn promise for the performance of his duty" inserted in the Baptismal Directory. Dr. Mitchell has led evidence from the Journals of the House of Commons and the House of Lords respectively to show that it was

1. Baillie, ll. 258.

2. Gillespie, 89. 90.

/ at Scottish instigation that this change was made, although it is not mentioned specifically in the Act of Assembly approving the Directory.¹ It was sanctioned both by Assembly and Parliament. His conjecture is that the Scots got rid of these vague questions "in order that they might be at liberty to retain the practice sanctioned by their own Book of Common Order and various Acts of Assembly of exacting a fuller profession of faith at that time. Actually the Scots got rid of them to prevent trouble at home. 'Novationist' and 'anti-novationist' were likely to dispute this matter hotly and a church treating for uniformity could ill afford to reveal an ecclesiastical discord. So the Church's leaders had this formula, to which both Scottish parties could agree and use ancient or more modern practice, inserted in the Directory at the more remote Westminster, where it was less likely to embroil the ecclesiastical warriors in the Scottish arena. The doctrinal part of this directory is very Rutherfordian. As much emphasis is placed on the child's right as on the parent's duty. The children are "Christians and federally holy before Baptism and therefore are they Baptised."

On August 17th, the directory for Public Thanksgiving passed with little debate. After sundry alterations, notably that which added, "as in the Church of Scotland" to the clause concerning sitting at the Lord's Table, the Directory was practically completed. A committee was appointed on August 20th to draw it up in final form. The Assembly committee drafted the preface, which was debated in late October and early November, 1644. Its violent attack on the Book of Common Prayer shows a Scottish origin.

1. History of Westminster Assembly 219-222.

/ Having suffered so much from the imposition of such a book, the Scots were determined to procure a strong denunciation of it. If Neal's statement is correct, several of the Independents were on the committee which drew up the preface.^I The Assembly may have added them to the committee for the Directory, in order that differences of opinion between them and the Scots might be there thrashed out and propositions formulated which would pass the Assembly with little debate. With Marshall, the Smectym^uan as convener, the Scots as members, and the strong admixture of Independents, who were as bitterly anti-liturgical as the Scots, it is not to be wondered at that the committee produced such a harsh and stringent criticism of the Prayer Book. Some differences there were regarding the intent of the Directory, as expressed in the preface. Baillie feared that one party would turn it into a 'straight Liturgy' and that the other, the Independents, "would make it so loose and free that it should serve for little use".^{II} But the concluding paragraph was finally worded so that its actual nature as a 'directory' was made clear. It was presented to Parliament on November 21st, 1644, and passed the Houses with slight alterations, the chief being the removal of the larger clause concerning those who were to come to Communion and the substitution of "the ignorant and scandalous are not fit to receive the Lord's Supper"; from the same directory they removed the words, "as in the Church of Scotland".

Supplementary directories on the Sabbath, Marriage, Burial, Visitation of the Sick, The Psalms, Holy Days, and Places were debated in Assembly, ordered and sent up to Parliament during December. These supplementary directories seem to have been given

I. Neal (1837 Ed.) II, 275.

II Baillie, II, 242

/ to the ordinary committees of Assembly, for on November 21st, Dr. Stanton reported from the second committee on a Directory for Marriage. Rutherford spoke lengthily in the ensuing debate, opposing any sacramental view, and even denying that it was part of the worship of God. He admitted that there was something religious in it, affirmed that marriage 'formally and essentially' consisted in the consent of the parties and pointed out that the Directory dealt, not with marriage but with the solemnisation of it, and that therefore the Church should provide a directory for the instruction of those entering on this new condition and give the blessing of God to it. The directory as passed certainly shows strong modifications from the former Episcopalian view of marriage and the celebration thereof, to the Scottish view of it as a civil contract, solemnised by the Church because it entails many religious duties. It is noteworthy that it is the one question on which the Scots joined hands with the small Erastian Group; Lightfoot and Rutherford are found battling together in defence of marriage as formally a civil contract. The Erastian, however, did so from his respect for common law, the Scot from his opposition to anything approaching the sacramental view of the Roman Church.

The directory for Burial next claimed the attention of the Assembly. If the Scots had had their way, little directory would have been needed.¹ Rutherford started off the debate by saying, "There is no more reason for any part of worship to be at the going of a person out of the world than at his birth"². Scottish usage deprecated anything resembling prayers for the dead. They opposed

1. Baillie, II, 245.

2. Lightfoot 338.

/ also the practice of funeral sermons. A formula had to be obtained by which the English would be free to continue this practice, and the Scots ^{to} avoid it. "Here was the difficulty, how to keep funeral sermons in England for fear of danger by alteration, and yet to give content to Scotland, that are averse from them. -- At last we fixed on this, -- "That the people should take up thoughts and conferences concerning death, mortality etc., and the minister, if he be present, shall put them in mind of that duty. (Lightfoot had the penultimate 'that' changed to 'their'). The mind of the Assembly was that these words give liberty for funeral sermons. And thus have we done the directory for burial"¹ It may be remembered that Knox had preached a funeral sermon for Moray and that the Book of Common Order was oracular in this matter "The minister if he be present and required, goeth to the church if it be not far off, and maketh some comfortable exhortation to the people concerning death and resurrection". The debate on the directory for Holy Places revealed the extreme Puritan in Rutherford, who denied any special sanctity to the place of worship:-- "No designation of any place to public worship doth make that worship more acceptable". All the Puritans agreed in this--Scots, Independents, and Presbyterians alike, only those who still had respect for older English forms, such as Palmer and Herle, made any protest against the assertion of such a principle, which, carried to extreme, stabled Cromwell's horses in the House of God. The other minor directories caused little debate and need not be dwelt

1. Lightfoot, 340, also Baillie, ii, 245, 247.

/upon here. In the formulation of this Directory, the most Scottish product of the Assembly, Rutherford, of all the Scots plays the most important part. Constantly in attendance, he argues, expounds, debates, cajoles here and condemns there, until he sees each proposition voted, as closely in accordance with Scottish practice, as Independent obstinacy or English traditionalism will allow.

Dr. Leishman's account of - or attack on - the Directory for the Public Worship of God holds forth two main theses;^I

1. It failed to find any real acceptance in Scotland and England, in England because it bore too much of a Scottish impress to satisfy either Independent or Episcopalian, in Scotland because it contained too many concessions to English opinion, which concessions were either abrogated by the Assembly or by general neglect in favour of older usage. 2. The promulgation of the Directory was part of a process which went on even after the Restoration, a process by which through Independent influence, chiefly in the Protester party, the worship of the Church was stripped of all beauty.^I The first half of his first statement is undoubtedly true. The Directory was too Scottish for English minds. But with regard to the other half:- Was it too English for the Scots? Was it also, as his second thesis implies the vehicle of an evil Independent leaven which was to sour the Church of the future? His statements are not altogether well founded. For example the prevalency of private baptism after the Restoration is attributed to Independent influence on the Protesters who were, according to him the majority, or at least dominant party at the Revolution. Rutherford, the leading

I. The Westminster Directory, ed. Thomas Leishman, D.D. 1901, viii-xliii.

/ Protester divine was the most resolute opponent of private baptism, which was far more due to Episcopalian than Independent influence. If the Protestors had baptised in private it was because of persecution in the Killing Times. There is also a measure of contradiction in the two statements, for by one the Scots are represented as *antipathetic* to the Directory, by the other they are accused of carrying its principles to extreme conclusions. The Book of Common Order and the Directory have each their merits and demerits; The former had by 1645 lost its position in the Church. As Dr. Ainslie writes "It will be a mistake of the imagination to picture to one self the Church of Scotland as having in use up to 1645 a much loved service-book, which everybody was familiar with and depended upon for the exercise of Public Worship, and that then another book of quite a different kind was brought in and was foolishly allowed to displace the former one. Such was not the case with the Book of Common Order and the Directory respectively"^{1.} The Directory was not the alien supplanter; it was the native successor of the Book of Common Order, for the Directory, as is seen by the amount of drafting that the Scots got into their own hands, was in many ways the most Scottish production of the Assembly. Modifications of Scottish practice are tempered fairly evenly to left and right. Admittedly the Independents influenced Scottish ecclesiastical thought. The agitation for the abolition of the three 'nocent' ceremonies, - the ministers private devotion in the pulpit, the

1. J.L. Ainslie. Records of Church Hist.Soc. Vol. VIII. Part 1.

/ use of the Lord's Prayer in public worship, the use of the Gloria Patri at the end of the psalm - were due to ultra-puritan or if Dr. Leishman will have it, Independent influence. But the Scots met the Independent more than half way in Anti-liturgical fervour. The fury at Lauds Liturgy had not cooled down and they were prepared resolutely to disown anything which to their still heated minds, seemed meaninglessly ritualistic or repetitive. The baleful gifts of Independency were the hysterical outpourings and prophesyings which came to mar the preaching of the Word, and the 'purging' practice which wrecked the Church, rather than any process of liturgical impoverishment resulting from the establishment of the Directory.

The Directory was largely a Scottish production owing most to Henderson's Government and Order and through it much to the Book of Common Order. A comparison with the English Liturgy and with the Book of Common Order, shows which of the two was its spiritual predecessor. When it was sanctioned by the General Assembly the old Scottish communion practices, of sitting at the table, of a short exhortation by the minister during the partaking, and of the singing of a psalm as others sat down, were enjoined to be kept. As the Directory was a directory, not a liturgy, this was quite in keeping with its purpose. The only 'nocent' ceremony discharged was the ministers 'bowing in the pulpit' which "though a lawful custom in the Kirk be hereafter laid aside for satisfaction of the desires of the Reverend Divines in the Synod of England and for uniformity with that Kirk so much a desire to us". It was in 1645 the only legal concession made to Independent Puritanism though subsequent Assemblies laid aside the Lord's Prayer

/ and the Gloria Patri in public worship.^I

^I Vide additional note p. 918.

THE DEBATES ON CHURCH JURISDICTION AND EX-COMMUNICATION.

The question which occasioned most debate and engendered the hottest strife in the Assembly was that concerning the power wielded by the Presbyterian synods. Out of it arose the matters of Church censures excommunication and of appeal from the final ecclesiastical court to Parliament. No questions kept Rutherford and Gillespie so engaged in dispute as these. As they were closely woven into the texture of Presbyterian ecclesiastical doctrine, a good deal of preliminary debate upon them occurred.

On the 8th January, 1644, the second committee reported "Pastors and teachers have power to inquire and judge who are fit to be admitted to the Sacraments or kept from them, as also who are to be excommunicated or absolved from that censure." Opposed by Independents and Erastians this proposition was remitted back to committee. Dr. Stanton again reported on January 19th, "that there is a power of censure and absolving from the censures of the Church." He outlined the committee's grounds of future investigation as (1) what the Church is that is to exercise censures (2) what kind of censures these are (3) by whom and in what manner they are to be exercised. The committee was authorised by the Assembly to proceed on these lines.¹ The whole matter cropped up as a side issue in the debate on the proposition, "That many particular congregations may be under one Presbyterian government." This debate or rather the part of it employed in countering the Independent arguments against the proposition, (6th to 21st Feby., 1644), is an epitome of the whole question of Church jurisdiction

1. Lightfoot, 115

/ as it was subsequently agitated in the Assembly. It began with Goodwin objecting to the scriptural grounds for the proposition and switched over to debate on the intrinsic power of a congregation as opposed to that of a Presbytery. The Scots maintained that there were juridical acts which a Presbytery alone could do, such as to excommunicate, the Independents that such an act could not be done by a Presbytery but only by the congregation. Congregational power in Church censures was debated hotly. Warriston, Gillespie, and Rutherford argued strongly against it. Warriston pointed out that the words "coram populo" did not tie all the people even to be present at excommunication, any more than in Scots law execution which was "coram populo" bound the people to be present. The Independents sought to prove that full judicatory power vested in the congregation and that there was no necessary ground for its being juridically under a Presbytery. The Scots controverted every proof they brought forward. Even Warriston entered into exegetical battle. After debating 1 Cor. V, the Assembly allowed Bridges to bring in his arguments from Matthew XVII, 17-18, proving a congregational Church from "Tell the Church". He was of course resolutely opposed. Selden took up the lines to prove that Christ meant here a Sanhedrin which had the mixed nature of a civil and ecclesiastical court, hence excommunication needed civil sanction. On the following day Gillespie answered him in the speech that is now historical. It was the ^{assertion} collaboration of his and Rutherford's ^{combined} arguments. Composed the night before, it was given and entrusted to Gillespie as having the best debating style.

1. Lightfoot, 152.

/ Having on this side issue touched all the main points of debate on Church jurisdiction between Presbyterian, Erastian and Independent, and settled none, the Assembly proceeded to vote on the simple proposition from which they arose and to leave them for later consideration. The debate is interesting as showing Rutherford's increasingly close connection with Warriston.

Among other propositions presented by Stanton on 3rd March, was one that "No single congregation may ordinarily take to itself all and sole power in elections, ordinations and censures, or in forensically determining controversies of faith, cases of conscience, and things indifferent". As debated and passed on 10th May, it stated, "No single congregation which may conveniently join together in an association may take unto itself all and sole power of ordination"¹. The proofs of this were debated on 15th May and 16th May, Rutherford being the Scottish spokesman on this occasion.² The narrow margin by which the proposition was voted (27-19) shows that in this matter many of the Presbyterians inclined to Independent views. Baillie writes,

"The leading men in the Assembly are much at this time divided about the questions in hand of the power of congregations and synods. Some of them would give nothing to congregations, denying peremptorily all examples, precept, or reason, for a congregational eldership, Others, and many more, are wilfull to give to congregational eldership all and entire power of ordination and excommunication and all. Had not God sent Mr. Henderson,

1. Lightfoot, 262.

2. Lightfoot, 266.

/ Mr. Rutherford, and Mr. Gillespie among them, I see not that ever they could have agreed to any settled government."¹

As before mentioned, The Scots had endeavoured to make some concession to this congregational element in the Presbyterian party, an element to which Rutherford in many things (such as right of election) was not unfavourably disposed provided the jurisdiction of Presbytery was upheld. The Scots were hard pressed to educate the English Presbyterian in a system which maintained equally the right of the congregation and the right of the Presbytery, without confusing the issues. The English Puritan tended to go wholeheartedly to an Independent or exclusively Presbyterian extreme. "Some of them would give nothing to congregations denying peremptorily etc." (vide supra). It says much for the propagandist activity of the Scots that in a year's time the English Presbyterians had a much clearer idea of the system they sponsored and the Independents were left to fight their battle in the Assembly aided only by the few Erastians in it. The publication of the "Due Right" at this time and the circulation of ^{numerous} ~~countless~~ little "papers" brought the English Presbyterian to a closer acquaintance with the details in theory and in practice of a system which had formerly been only speculative and ideal.

The matter of the Presbytery's power of jurisdiction was also being discussed in the accommodation committee appointed on 8th March, 1644. The nearest agreement they reached was, that in the case of a scandalous church the elders of several churches

1. Baillie 11 177

/ could acquaint their own churches and withdraw from communion with it. Baillie gives the only extant account of its proceedings.

"We have met some three or four times already and have agreed on five or six propositions, hoping by God's grace to agree in more. They (the Independents) yield that a Presbytery, even as we take it is an ordinance of God which hath power and authority from Christ to call the ministers and elders or any in their bounds before them to account for any offence in life or doctrine, to try and examine the cause, to admonish and rebuke, and if they be obstinate to declare them as ethnicks and publicans, and give them over to the punishment of the magistrates; also doctrinally to declare the mind of God in all questions of religion with such authority as obliges to receive their just sentences; that they will be members of such fixed Presbyteries, keep the meeting, preach as it comes their turn, join in the discipline after doctrine. Thus far we have ^{on} gone ₁ without prejudice to the proceedings of the Assembly."

The Ordination debate put a stop to these proceedings for the time being. A report of Coleman from the first committee on the acts of Presbytery, including ordination, censures, etc. was read on the 21st March. No debate upon it is recorded.

The Assembly on 25th April (1644) appointed a committee to draw up a summary of the whole proposition on church government. To this committee it was clear that while the

1. Baillie, 11. 147, also additional note.

/ nature of Church officers, a good many of their powers, the Presbyterian^d system of Church courts were all now settled, the juridical and disciplinary powers resident in officers and in courts had yet to be determined. The Independents were prepared to yield grudgingly an "advisory" power to Church courts and a "declaratory" power of censure to officers. Further they would not go. All the preceding debates had come to nothing because of the Assembly's desire to avoid an irrevocable rupture. Urged to a greater speed by the House, the Assembly committee for the summary of Church government presented these draft propositions for debate - Officers of particular congregations have power (1) authoritatively to call before them scandalous or suspected persons (2) to admonish and rebuke authoritatively (3) to keep from Sacraments authoritatively (4) to excommunicate. In connection with these the Assembly voted on 21st May "authoritative suspension from the Lord's table of a person not yet cast out of the Church is agreeable to the Scripture." Lightfoot maintained the Erastian argument that none who came should be suspended from the Lord's supper. Goodwin argued that suspension was not by the minister alone. Rutherford spoke largely on the scriptural proofs for the proposition which occupied the next two days.¹ Debate on the Directory for Public Worship intervened and all matters concerning ecclesiastical jurisdiction remained in abeyance till August.

On the 20th August, along with other recommendations concerning the Directory and the Confession, Palmer suggested to the Assembly that it finish Government and then turn to

1. Lightfoot, 270 - 275.

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/ Excommunication.

From Baillie it appears that the arrival of Warriston from Scotland, and pressure from the Scots, procured this injunction from the Grand Committee. On 4th September, the final votes on Church Government were passed by the Assembly. (vide supra). Having settled the manner of government, it now passed to the question, which had perplexed them in so many side issues - the exercise of it - church jurisdiction. On 4th October, Dr. Temple reported from the third committee, -- "The Assemblies mentioned have power (1) to convent and call before them any person within their bounds (2) To hear and determine such causes and differences as come orderly before them (3) That all these assemblies have some power of censures." ² With Gillespie's addition, "whom the ecclesiastical business before them doth concern" the first of these propositions was voted on the same day. The second was voted on the 7th October. On the 8th, the third was debated and voted. A motion that 'excommunication' be added to the proposition was deferred at Gillespie's suggestion that it needed fuller consideration. As the Independents now relied more on intrigue in the House, than on obstruction in the Assembly, these all caused little debate. Rutherford was at this time engaged in seeing "Lex Rex" through the press, and so the charge of seeing them through the Assembly devolved principally on Gillespie.

The right of Church assemblies to juridical power established, the Assembly proceeded to determine its nature. On 14th October, it began the debate on Excommunication. From the first, Erastian

1. Lightfoot, 305.

2. Gillespie, 87.

/ opposition to Church jurisdiction was manifest. No sooner was the proposition, "there is such a church censure as excommunication" tabled than Coleman argued, "If there be such a church censure as excommunication, then the Scripture holds out two distinct governments in a state; but the Scripture doth not hold this out". The Assembly argued in return that Excommunication was not derogatory to civil government.

On 15th October, occurred an interesting debate defining the nature of the Grand Committee. The Independents maintained it was one committee and implied that it had a good deal of control in ordering debate in the Assembly. In short, they would have made it a practical example of the semi-Erastian principle of the "mixed court" determining ecclesiastical affairs, on the lines of Selden's interpretation of the Jewish Sanhedrin. The Assembly held the view that it was two committees, acting jointly under one chairman and that it (the Assembly) need only report progress" to the committee of the Lords and Commons that are joined with the Committee of Assembly to treat with the Scots Commissioners". It was willing to accept recommendations from the Committee but it was open to its members to determine in what order they should treat of any of them.)¹

On October 16th, the debate returned to 1 Cor. V. as a proof for Excommunication and to the 'traditio Satani' as embodying it. As some of the Assembly objected to the latter, the passage in toto was passed as a proof. Rutherford supported

1. Gillespie, 92.

/ every clause of the proofs. "Let him be to thee a heathen and a publican" in spite of some scrupling by the more moderate, was next passed as a proof. The proofs of the "an sit" of Excommunication now decided, the Assembly took into consideration the "ubi sit". On 24th October, the second committee reported that this lay in the Presbytery -- "A presbytery over more congregations than one hath power as of ordination so of excommunication."¹ Marshall wished the Assembly to begin by considering whether the congregation had this power or not and so to work upwards. Palmer thought that it should first decide upon the 'ubi sit' of the lower category, suspension from the Lord's Table. The Scots supported him that they might postpone violent difference with the Independents as long as possible. "Ruling officers of a particular congregation have power to suspend authoritatively from the Lord's Table a person not yet cast out of the Church" was voted to be debated and argument from Rutherford and Gillespie prevailed in having it passed.

November and December 1644 were occupied in presenting the Propositions on Church Government, clearing up the details of the Directory for Public Worship and answering the Independents; Reasons for Dissent from the Propositions concerning Church Government. On 23rd December, the Assembly promised the Houses that something about excommunication would be considered and sent up speedily. On the 27th, it appointed a committee to take into consideration the report concerning Excommunication, - whose report is not clear. Shaw thinks it was probably that of Temple of October 4th but no record of its being debated exists.

1. Gillespie, 95, 96.

/ The Scots now endeavoured, as in the case of former directories, to have the basic material penned by themselves. In anticipation, they had prepared a Directory for Church Censures and Excommunication. Writing on 26th December, Baillie says,¹

"We have drawn up a directory for church censures and excommunication; wherein we keep the practice of our Church but decline speculative questions. This we hope will please all who are not Independents; Yea, I think even they needed not differ with us here; but it yet appears they will to separation and are not so careful to accommodate as conscience would command peaceable men to be."

Concerning this, he later tells us, "Mr. Henderson has ~~brought~~^{drawn} it up by way of a practical directory so calmly that we trust to get it past the Assembly^{the} next week, without much debate. The men whom most we feared profess their satisfaction with that draft."² Marshall presented this directory to the Assembly on December 30th. Gillespie says he and others revised it.³ This revision was probably by the committee appointed on the 27th, — Marshall, Seaman, Herle, Palmer and Vines. Dr Temple, possibly annoyed at the sub-committee's neglect of his own report, moved that the Directory be remitted back to committee, but this was waived and the following day the Assembly debated the Scots' Directory for Excommunication.

This was read on the 31st December and the first portion

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1. Baillie, 11, 248.
 2. Baillie, 11, 250.
 3. Gillespie, 97.

/ which dealt with "the order of receiving penitents" (later changed to "the order of such proceeding with offenders who manifest repentance before excommunication")¹ passed with little debate. The second paragraph, "the order of proceeding to Excommunication" caused more discussion. The most disputed point was that excommunication could be more summarily proceeded with in an atrocious case of sin. The Independents craved a definition of an atrocious sin. Nye denied that anyone could be proceeded against till he had refused to hear the Church and showed himself obstinate. Rutherford argued for summary procedure in certain cases from 1 Cor. V -- Paul had ordered the Corinthians to deliver the fornicator to Satan, not for an obstinate attitude to the Church, but for the deed that he had done. Palmer supported the Independents against summary procedure. Gillespie moved that, "without the usual degrees" be changed to "proceed more summarily and shortly". It was finally changed to "with more expedition" and thus voted. The sentence runs "Where the offence is so heinous that it cries to Heaven for vengeance, wasteth the conscience, and is generally scandalous, the censures of the Church may proceed with more expedition".² The Assembly made a memorandum that they would determine what 'atrocious sins' were to be taken into account. It next debated who were to excommunicate. As drawn up by the Scots, the proposition with regard to this had run somewhat to the effect that after judgement by the classical presbytery, it may declare a man to be excommunicate "which shall be done by

1. Gilliespie, 99

2. Directory for Church Government (Edin. 1647) p. 18.

/ the ministers and elders of the congregation whereof he is a member with the consent of the congregation, in this or the like manner. (The method of dealing with the offender follows.)

The Independents objected to this mentioning of the minister with the elders as implying that if he were not present excommunication would be invalid. Some of the English Presbyterians, who still disliked the office of ruling elder, objected to the mention of elders as the office was not explicitly held forth by name in the Directory for Church Government. As the paragraph stands in the Directory, (published Edinburgh, 1647) the word 'eldership' is used to include minister and elders in a formula. The idea of the people's consent in excommunication was disliked by some others among the English Presbyterians, as coming too near the Independent doctrine that the people had a juridical right in the sentence. Vines explained this idea, in a sense very close to Rutherford's, as a mere tacit consent in the promulgation of the sentence. The clause was let stand and each took his own interpretation from it. In drafting this Directory, Henderson certainly intended to concede some voice to the people in the matter of excommunication. In this, he is at one with Calvin, and Beza, who placed in it a 'consentiente plebe', which Rutherford, in the "Peacable Plea"¹ denied. It is difficult to reconcile the stress he laid upon patient dealing in excommunication in the "Government and Order" with

1. Peacable Plea, 49.

/ that now laid on summary procedure. It may be that he considered evils and scandals more prevalent, but, in all probability, he was pressed to a harsher dogma by Rutherford and Gillespie. Rutherford himself was changing. In the "Peacable Flea", he had pleaded for great meekness and "longanimity" with an offender, even if obstinate; opposing Nye in this debate, he refused these even to one not obstinate. Contact with many 'scandals' and with the harsher, if brilliant mind of Gillespie, whom he so often partners in debate, is hardening even further his own rigorous doctrines. On January 3rd, Baillie and Gillespie left for the General Assembly in Scotland and Rutherford and Henderson were left to see this Directory through the Assembly.

On January 7th, the debate became more heated, when the Assembly came to consider the 'ubi sit' of excommunication. Marshall in a speech outlined three variants of this -- "Some hold it (excommunication) only in the congregational presbytery (Independents) ; (2) others think that both the congregation and greater assemblies may do it (Scottish Presbyterians² and their supporters) (3) others, it may be, think that particular congregations may not do it (English Presbyterians nearest 'primitive' Episcopacy)¹". There were shades of opinion in all these parties, even among the Scots. Marshall justified his procedure in taking up and presenting the Scots' Directory as it had been shown to the Independents before the debate and seemed to him to contain a sound ground for accommodation. Henderson asked for a confer-

1. Mitchell, Minutes of Westminster Assembly, 30.

/ -ence with the Independents, if that would settle matters smoothly, but Goodwin questioned if it would do any good. Rutherford agreed with Goodwin because, he said, "Many learned writers have^d written accurately as to what is the primum subjectum potestatis jurisdictionis and never yet settled this controversy." He maintained that the sentence in the Directory already quoted which named the classical presbytery, eldership and people as sharing in excommunication was ample in scope, without any further doctrinal argument. The wording, he argued, contained nothing that condemned either side, that which vested juridical power in the presbytery or that which vested it in the congregation.¹ This paragraph was, however, given to a committee for accommodation. On January 9th, the Assembly debated upon the excommunication coming to the preaching of the Word. Scottish practice had always admitted him to it. Coleman argued that, if a man were admitted to the hearing of the Word, he should also be admitted to the Sacraments as they too had a power in moving the heart of a sinner. In this he was practically alone. Many wished excommunication to be ab omnibus sacris. Next day, the debate diverged into whether, if a man is admitted to the preaching of the Word, he has also part in the public prayer of the Church. The argument was probably that in admitting him to one, he was, ipso facto, admitted to the other, and so, in some sense, to communion with the faithful. Rutherford casuistically held that any part the excommunicate took in public prayer was of none effect. All this and the consideration of causes

1. Ibid, 31.

/ for which any person was to be excommunicated was remitted to a separate committee. The committee which was considering excommunication by the eldership had five new members and the Scottish Commissioners added to it. The remainder of the Directory was recommitted to them. On January 15th, Rutherford and Nye had a passage at arms over the minister's pronouncing sentence, Nye stating that it was one of the least ministerial acts and that the whole validity of the sentence lay in the suffrage of the people. The 16th saw Marshall again reporting from the enlarged Directory committee and having some data recommitted. The following day, absolution from excommunication was debated. The tendered form was to the effect that, "where, if nothing be alleged against him (the excommunicate) he may be brought before the classical presbytery, which being also satisfied with his humiliation and trial of his repentance, he is to be absolved from the sentence of Excommunication by the particular eldership and before the congregation where the offence is given." Rutherford and Henderson assented to this, provided the words 'upon Examination' were added after satisfied. This sounds like Rutherford's insertion. More typically Henderson's are two other offered insertions, "all who have power and interest to be satisfied therewith" and "if, after excommunication, the signs of his repentance appear"¹. The first of these would have made the people's consent in excommunication a little more explicit. "What sins were worthy of excommunication," was next debated. The paragraphs on this were ordered much as they stand in the Directory. Errors of judgement about points

1. Minutes of Westminster Assembly, 39-40.

/ wherein godly men may differ and sins of infirmity "common to the children of God" are not deemed worthy of excommunication. Sins publicly scandalous must be visited with this penalty. Two papers on the matter of sins worthy of excommunication occupied the Assembly's attention -- that of Marshall from the committee of accommodation and that of Henderson and Rutherford. The latter was more rigorous and gave the limit of the Scots' concessions. Henderson stated that if the accommodation committee's paper were put into effect in the Directory, the Church would have no means of suppressing any error. A last dispute thereon broke out between Nye and Rutherford. The former maintained that excommunication was in reality only for impenitence and the sentence would only be valid in heaven, if the sinner showed no penitence. Rutherford maintained that the Church excommunicated chiefly for the sin, as it was far too difficult to know the mind^{and heart.} of the offender.¹ The meaning of the minutes is difficult, but he appears to state that the Church must proceed to excommunication when sufficiently convinced of the sin of the offender, not after having investigated his repentance or otherwise.

The Scots did not come to Westminster with a completely ready made dogma of excommunication, for they had been living under bishops in whom this power was vested, and the First Book of Discipline and the Book of Common Order were vague, even slightly, Erastian, on some points of the doctrine; the Second Book of

1. Ibid. 45.

/ Discipline, without any dogmatic, ^e empowered the Presbytery to excommunicate. The First Book of Discipline was full of reproof for the evil administration of the law of the land. "Because this accursed papistry hath brought in such confusion into the world that neither was virtue rightly praised, neither yet vice severely punished, the Kirk of God is compelled to draw the Sword which of God she hath received." The power of the spiritual sword, as far as the major offences of murder, adultery, and civil crimes were concerned, was in the hands of the Superintendent, who eventually gave to the neighbouring ministers power of promulgation of sentence, though he himself with the advice of his assessors passed the actual sentence. The reference to the ministers was "so many as shall be thought lawful for the publication of that sentence". But the guilty person was allowed to appeal to the Magistracy; "Then may the sentence of excommunication be suspended till the magistrate be required to try that cause" (Book of Common Order). If the magistrate failed in his duty the church was to proceed. As the preamble to be read to the people stated "The civil sword is in the hand of God's Magistrate who notwithstanding often winks at such crimes" and the indictment of the unfortunate offender who had escaped the civil sword included the charge that he had "besides his crime corrupted the judges, the revengers of the blood." On the other hand the trial and acquittal of the accused freed him from the sentence of excommunication though not from discipline. It would seem that a lesser power of excommunication for apostasy to Rome and for grievous moral delinquency was granted, either to Superin-

/ -tendent or to a convened assembly of ministers and elders, the latter appearing to be more a special court called for the purpose than the specific Presbytery. When in Melville's hands the Presbyterian system became more developed, the power of excommunication was placed in the hands of the "common Assembly", the meeting of ministers and elders which afterwards became the Presbytery. "It hath power to excommunicate the obstinate" (Second Book of Discipline). But the Knoxian doctrine with its implied validity of certain magisterial rights must have been considered as being through the Book of Common Order, still in practical effect. Noteworthy in the Knoxian standards was the patient dealing with the offender, even for heinous offence which Henderson had stressed in his Government and Order and which Rutherford and Gillespie so ruthlessly discarded; There was also a respect for the judgements of the civil power in criminal affairs, even when the Kirk believed them faulty, for he whom the law acquitted the Church ^{might} warn but not condemn. The new harsh dogma was to prevail in the bitter years of Protestor and Resolutioner.

This new dogma of summary procedure and ecclesiastical exclusivism was the child of the age. The Independents might repudiate it when applied in the Presbyterian principle, as in Assembly they did. But it had long been a practice in their individual congregations and was to continue so in New England. The form may have been different, but members were cast out of their churches when they 'impenitently' persisted in what seem nowadays minor details of behaviour, as well as when they fell into mortal sin and erroneous doctrine. When they gave

/ this power to the people they brought in the deadly sin of the pointing of the finger, and encouraged a self righteous social ostracising of the offender. The older Scottish doctrine had something of the Catholic tradition in it. It was sentence of ecclesiastical outlawry. But its object was to reclaim the sinner and summary procedure was less likely to reclaim him than patient dealing. Rutherford and Gillespie in constructing their doctrine were both influenced by, and reacting to, Independent thought. In effect the dogma was an attempt at practical apologetic. They wished their own Church to be - at least visibly - a pure Church to avoid Puritan reproach so they grasped at the idea of 'casting out' and of doing it speedily for the good of the church as much as for the good of the sinner. Being Presbyterians they enlarged the scope of this process, yet by denying popular assent, deprived the hideous act ^{of} even the merit of having been dictated by public opinion. As they would have applied it and as their followers did, it was self righteous arbitrary and cruel. Knox too had the idea of a pure church, but his directions are more concerned with the power of punishment and discipline to regain the sinner. He was concerned with crime, the Westminster Directory with 'Error'. The Independent virus has entered the Presbyterian blood stream even when its doctors think they are drawing it out. Mr. James Guthrie, the ardent disciple of Rutherford and Gillespie wrote a pamphlet entitled the "Causes of God's Wrath." The title sums up the doctrine. Excommunication passes from being a sentence of punishment with reclamatory intention, to being a

/ purgative instrument for the good of the church, finally to being an insurance policy of a party deeming themselves the godly, to assure present profit and future bliss. Its users suffered, as Laud suffered, because laymen could ill abide the ecclesiastical punishment or pillorying of their moral or political offences.

On February 3rd, the Directory for Excommunication was read and sent back to the Houses. On the 4th, the Independents gave in their dissent to its being sent up and complained that, though drafted supposedly as an accommodation, the Directory was far from being such. This was untrue. The Scots had made not a few concessions. They had modified their insistence on summary excommunication. As to who executed the sentence, they allowed the word "eldership" to be substituted for "minister and elders", leaving ample room for Independent doctrine. The clauses concerning admission to preaching were omitted. The paragraph dealing with the act of excommunication mentions 'classical presbytery, eldership and congregation' but leaves it an open question as to whom the power of it belongs. In the act of absolution, the presbytery is not mentioned. For Rutherford, at least, if not for Henderson, these were great concessions. His doctrine here illuminates much of his later ecclesiastical politics. The main doctrine to which he and Henderson both subscribed was that excommunication was a disciplinary censure for the good of the soul. The 'ubi sit' of it had not much troubled the earlier Reformers, nor does Henderson in the "Government and Order" speculate much concerning it. Now for Rutherford it comes to be much more a

/ juridical sentence of Presbytery, promulgated by the minister. Such a dogma was the inevitable development of his early denial of any actual popular consent in excommunication. When he accepted also the principle of summary procedure, he gave a highly arbitrary instrument into the Presbytery's hands. Bad enough applied ecclesiastically, this principle was disastrous when applied by analogy to civil affairs. The Act of the Classes was exactly the legal adoption of a bad ecclesiastical principle, which there is not much doubt Warriston, who drafted it, got from Gillespie and Rutherford. The Act also is an arbitrary and summary exclusion by a Court (in this case Parliament or the Committee of Estates) from privileges, without due consideration of the fault punished. It was a grievous doctrine Rutherford came to form in the years 1645-46, for it became one of the chief causes which rent and destroyed the unity of the Church of Scotland subsequent to the Engagement.

The Assembly now began to consider further aspects of the jurisdiction of Church courts, in order that these might be embodied in the final Directory for Church Government. The nature of "Appeals" was mooted and debated from February 10th - 17th. The original proposition suffered little alteration despite the debate. As printed in the Directory it runs, "It is lawful and agreeable to the Word of God, that there be a subordination of Congregational, Classical, Provincial and National Assemblies for the Government of the Church, that so appeals may be made from the inferior to the superior respectively".¹ Rutherford

1. Directory for Church Government, (Edin. 1647.) p.14.

/ attacked this proposition when given in by Stanton on the grounds of its vagueness. It limited the trial of a case to the congregational court unless that case were transmitted by appeal to a higher. But there were cases, e.g. heresy, which were of great import to a province or a nation. Were these to remain untried, if not dealt with by the inferior court and carried, by appeal, to a higher? Care must be taken not to limit the bringing of cases before a competent court. The meaning and intention of "appeal" must not be narrowed to taking a judged case from a lower to a higher court. (Although no qualifying clause was inserted in this proposition, Rutherford's arguments so far prevailed that this matter was clarified in the proposition on the power of Classical Assemblies, voted some time in March or April, 1645. "It belongeth to Classical Assemblies to take cognizance of causes omitted or neglected in particular congregations and to receive appeals from them.")¹ Sundry arguments against 'appeals' ensued. Bridge# held that a case was not to be carried up by the appellant but by the judges, if they found it too difficult. This construed the Presbytery as merely an advisory body, and was rejected by the Assembly. On the following days, 'appeals' were defended, from the law of nature and from the subordination of Church courts already proved. Rutherford, speaking of an Independent publication, sorrowed that, "When I read through that treatise of the Keys of the Kingdom of Heaven, I thought it easy to labour for a universal pacification". Herle conceived "it is a part of our

1. Ibid. 12.

/ unhappiness when we are upon disputation, we fall accommodating and when accommodating then disputing." After February 18th, no record of the debate on Appeals exists, but the proposition already cited passed into the Directory for Church Government. Vines, on 3rd March, refers to it as ordered.

Rutherford again opens the debate for the Scots on "The Power of Synods". As far as can be gathered from the minutes,¹ some negative clause as to what Synods might not impose or command, was put forward, but on opposition by him and others, it was waived. It does not occur in the Directory, which simply states, "These Assemblies have Ecclesiastical power and authority to judge and determine controversies of faith and cases of conscience according to the Word".²

The report on the Power of Classical Assemblies was given in on March 18th. Its first proposition, which in the Directory deals mainly with the advisory powers of Presbytery in cases of conscience and doctrine easily satisfied all parties. The rest was recommitted.

On 27th March, discussion on the power of the congregation began. Nye gave in a paper, which covered all the old ground of debate and Rutherford, who was always ready to pounce on Nye whenever he presented argument or report, charged him with the folly of creating new debates. Nye intended obstruction. The Assembly countered, by asking the Independents to bring in their 'platform' of government concerning particular congregations. It continued, undisturbed, with the debate. Baillie states that

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1. Minutes of Westminster Assembly, 64-66.
 2. Directory of Church Government, p. 13.

/ this was a manoeuvre to keep the Independents quiet and that it succeeded as they were busy for seven weeks preparing their answer which the Assembly after all did not purpose to debate. ¹ The Independents knew this as well as Mr. Baillie and were quiet because, knowing opposition in the Assembly to be useless, they were trying by political manoeuvring to achieve what they could not gain by debate.

On April 9th, Gillespie and Baillie returned from Scotland with the General Assembly's approval of the Directory for Public Worship. The next fortnight was spent in debate on 'particular congregations'. There is little record of Rutherford speaking. Gillespie took over, to give him a well-earned rest. Yet it is clearly Rutherford's doctrine of church unity and of separation, as expounded in the "Due Right", which finds expression in this directory "of particular congregations". How closely this directory follows his principles may be seen from the following quotation from it:-²

"If any person or persons in the congregation do not answer his or their profession, but by open sin and wickedness cross and deny it; or if there be a want of some officers or a sinful neglect of officers in the due execution of discipline; yet this doth not make that congregation cease to be a Church; but requires that there be a supply of officers which are wanting; and a careful endeavour for the reformation of the offending person or persons, and of negligent officers by just causes according to the nature of the cause.

Communion and membership in congregations thus constituted,

1. Baillie, 11, 266.

2. Directory for Church Government, p.7.

/ notwithstanding the forementioned defects is not unlawful. And to refuse or renounce membership and Church-communion, or to separate from Church-communion with congregations thus constituted, as unlawful to be joined with, in regard of their constitution, is not warranted by the Word of God.

Separation from a Church thus constituted, where the Government is lawful, upon an opinion that it is unlawful, and that therefore all the godly are also bound to separate from all such Churches so constituted and governed, and to join themselves to another Church of another Constitution and Government is not warranted by the Word of God, but contrary to it." ^I

Gathering of Churches by the Independents from Presbyterian Churches on the ground that the latter's government is unlawful, was explicitly forbidden in this directory. The complete Directory for Church Government as has already been noted, was sent up on 7th July.

Meanwhile the Directory for Excommunication had come before the Houses. According to Shaw, it had been presented to them in the form of two papers, by Dr. Burgess -- "The Humble Advice of the Assembly of Divines now by Ordinance of Parliament sitting at Westminster, concerning Excommunication" and "The Humble Advice of the said Assembly concerning a Directory for admonition, excommunication and absolution." ¹ Owing to the failure of negotiations at Uxbridge, these never passed more than the committee stage of the Houses. On March 5th, a committee appointed for "Keeping the Sacraments pure" reported.

1. Shaw, History of English Church, p. 257.

/ Their report seems to have been sent up to the Commons on the 6th. On 10th March, an Ordinance was read a first and second time -- "for the election and establishing of elders in every con-gregation". It was given to a committee of both Houses, with a recommendation to consider specially the keeping from the Sacrament of the Lord's Supper of ignorant and scandalous persons. On the 21st, the Commons debated the Ordinance and referred it to the Assembly to express particulars of that ignorance and scandal for which it considered persons ought to be suspended.¹ Regarding this, a committee of Assembly reported to it on 24th March. The Commons decided (March 24th-27th) "that there are persons so ignorant and scandalous that they shall not be admitted to the Sacrament of the Lord's Supper" and that a person not having a competent measure of understanding concerning God the Father, Son and Holy Spirit, should not be admitted. Particulars of the exclusory sins went to and fro between Parliament and the Assembly, till, on the 17th April, the House adopted a fairly full list, including drunkards, swearers, blasphemers, such as have not a competent measure of understanding concerning the state of man by creation, redemption by Jesus Christ etc. The Commons added that examination and judgement of such persons as should not be admitted for these scandals was to be in the power of the eldership of every congregation. They, however, appointed a highly Erastian committee to draft the Ordinance giving effect to this. Legislation passed in May gave the eldership power to suspend for any scandal, "as is passed by

1. Minutes of Westminster Assembly, 71.

the vote of this House". A suspended person was enabled to appeal through the succession of Church courts to Parliament. Writing on 25th April, Baillie regrets this clause in the Ordinance, but states that the Scots were prepared to counsel acceptance of the ordinance for the time being till the ecclesiastical courts were fully erected.¹ "We are hopeful to make them (Parliament) declare they mean no other thing by their appeals from the National Assembly to a Parliament than a complaint of an injurious proceeding; which we never did deny." ~~How far authentic would have accepted to the latter sentence, is questionable.~~

All the summer, a sub-committee of Parliament, a committee of the Assembly and the Assembly itself dealt exhaustively with this matter, with occasional assistance from the Scots. During these heated discussions, Coleman preached his famous Erastian sermon on July 30th. Finally in the first weeks of August, there came the three petitions from the Assembly to the Houses in which its members declared plainly their claim jure divino to suspend from the Sacrament any such as they should judge to be scandalous or ignorant. They asserted that in this matter the state had no power.

"For albeit there may be amongst learned and pious men difference of judgement touching the particular kind and form of ecclesiastical polity, and some particular parts and officers thereunto belonging, yet in this one point there is a general consent, that as Christ hath ordained a government and

1. Baillie, 11, 267.

/ governors in His Church, In His name, and according to His will to order the same, so one special and principal branch of that government is to seclude from ecclesiastical communion such as shall publicly scandalise and offend the Church of God, that thereby being ashamed and humbled, they may be brought to repentance and glorify God in the day of visitation"

So runs the petition of August 4th.¹ It asserts the bond of the Solemn League and Covenant as obliging them to uphold this doctrine. The second petition was more explanatory and argumentative, pointing out that the Church was using no arbitrary power and that this power had already been granted to the Church in other nations.

"Only we crave leave to entreat you to consider that other Christian states which are jealous of the encroachment of an arbitrary power and very tender of their own just liberties, have granted the full exercise of the power of censure² upto the elderships of their Churches."

Baillie expresses the mind of the Scots on the whole situation.

"Ever since the Directory came out we have been pressing for a power to hold all ignorant and scandalous persons from the table; with much ado this was granted; but so as we be-hoved to set down the points of knowledge the want whereof should make one ignorant; upon this we agreed. But for the scandalous, when we had long essayed, we could not make such an enumeration, but always we found more of the like nature which could not be expressed; therefore we required to have power to exclude all

1. Petition of Assembly, 4th Aug, 1645, from Mitchell, Hist. of West Ass. 293-4.
2. Petition of Assembly, 8th Aug. 1645, from ibid. 299.

/ scandalous as well as some. The general they would not grant as including an arbitrary and unlimited power. Our advice was that they would go on to set up their Presbyteries and Synods with so much power as they could get; and after they were once settled, then they might strive to obtain their full due power. But the Synod (the Assembly) was in another mind; and after divers fair papers at last they framed a most zealous, clear and peremptory one wherein they held out plainly the Church's divine right to keep off from the Sacrament all who are scandalous; and if they cannot obtain the free exercise of that power which Christ hath given them, they will lay down their charges, and rather choose all afflictions than to sin by prophaning the Holy table." ¹

Before 1640, the English Presbyterians were stigmatised by the Independents as submissive and Erastian. Now the position has altered. The Independents seek Parliamentary support; the Presbyterians have become truculently anti-Erastian, even proceeding further than their Scottish educators in assertion of the jus divinum of Presbytery. It is not even the politic advice of Henderson and Baillie that they are prepared to embrace, but the militant doctrines of "The Divine Right of Church Government" and of "Aaron's Rod Blossoming."

The Subsequent Parliamentary debates on excommunication, its means, method and material causes need not be followed here. These lasted from August 1645 to March 1646. During most of the time, the Assembly was busy formulating the Confession of

1. Baillie, 11, 307.

/ Faith, but were in constant negotiation with Parliament concerning Excommunication. Sometimes on the verge of concession, Parliament would change and revoke their decision. In October they issued an ordinance and immediately recalled it. The City of London presented, through its aldermen, a petition drawn up by its ministers in support of the Assembly's demands. Parliament lost its temper and returned a sharp answer. The Scots all this time, as far as they could, encouraged the Assembly to insist on their demands. In January, the City again petitioned. The policy of the importunate widow took some effect, for the House passed a series of Resolutions, extending the list of excommunicable offences and appointing civil Commissioners to try such in every province, before notifying the offender to the eldership. The Resolutions dismayed Scots, City and Assembly alike. A final Ordinance passed both Houses by 14th March, "for keeping of scandalous persons from the Sacrament of the Lord's Supper, the enabling of congregations for the choice of elders and supplying of defects in former ordinances, and directions of Parliament concerning Church government. Baillie thus describes the Ordinance.¹

"They have passed an Ordinance, not only for appeal from the General Assembly to the Parliament, for two ruling elders, for one minister in every Church meeting, for no censure except in such particular offences as they have enumerated; but also, which vexes us most, and against which we have been

1. Baillie, 11, 357.

/ labouring this month bygone, A Court of civil Commissioners in every county, to whom the congregational elderships must bring all cases not enumerated, to be reported by them, with their judgment, to the Parliament or their committee.....

This troubles us all exceedingly; the whole Assembly and ministry over the kingdom, The body of the City is much grieved with it, but how to help it we cannot tell."

The atmosphere was all the more tense because in the Assembly itself the divines were debating the chapter in the Confession on the Autonomy of the Church, "That Jesus Christ, as King and Head of the Church has appointed an ecclesiastical government in His Church in the hand of Church Officers, distinct from civil government". Coleman, sick unto death as he was, was waging lonely warfare for Erastian principles against the combined forces of Rutherford, Gillespie and many of the English Presbyterians.

The Assembly's retort to the Ordinance was a Petition, chiefly against its appointment of Commissioners to judge of scandals. The Petition asks, "that the ^{several} elderships solely may be sufficiently enabled to keep back such as are notoriously scandalous from the Sacrament of the Lord's Supper" and affirms that it expressly belongs to the elders "by divine right and by the will and appointment of Jesus Christ and that by the help of superior Assemblies, all inconveniences feared from maladministration are prevented."¹ Parliament voted the Petition a breach of privilege. sent deputies to acquaint the Assembly with their decision, and gave in to it certain queries

1. Mitchell, Hist. of Westminster Assembly, 305.

/ regarding the jus divinum of Church government. These latter concerned the divine right of the Presbyterian system ---- congregational eldership, Presbytery, synod, national Assembly, and appeals to these or through them. The divines immediately proceeded to answer them. Their consideration really completed the debate on the question of the Autonomy of the Church, which had languished since Coleman's death. The actual propositions stating it were passed on 7th July, embodied in chapter XXX of the Confession, but never sanctioned by Parliament. The Commons, however, modified their Ordinance by removing their Commissioners so that the Assembly became more normal in atmosphere. The queries, though answered by the Assembly, were never embodied in any formal document. They found expression in the "Jus Divinum Regiminis Ecclesiastici", composed by the ministers of London.

No more detailed account of the Erastian controversy need be given at present than is necessary for the outlining of Rutherford's part in it. On 7th July, the Assembly passed the Paragraphs asserting the Autonomy of the Church, and the right of administering discipline, in no small measure encouraged thereto by the eloquence of Rutherford, Gillespie and Warriston. In theory and in practice, however, many of its members admitted qualifications in the complete severance between Church and State. Though they were at one in asserting the headship of Christ, there were many divergences as to how far the state could intervene in affairs ecclesiastical, and how much the Church should suffer it to do. Even the Scots showed some differences. Gillespie and Rutherford are the most diehard of the anti-Erastians; Henderson is a little more moderate; Baillie, as later events showed, was

/ the most complaisant of the four. Again a certain section of the London ministers were more anti-Erastian than the Presbyterians of the country. It is a mistake to think that the Independents held much of the Erastian standpoint. The debate on Chapter XXX of the Confession shows that they too had differences of opinion. Nye was nearest to the Erastians, but in many ways the alliance of the Independents with the Erastians was like that of the Pharisees and Sadducees; a common enemy was the only bond. The Independents voted in favour of the separateness of ecclesiastical from civil government as expressed in the first proposition of Chapter XXX of the Confession, Lightfoot only, voting against.¹ Other propositions in favour of Church censures, formed in answer to Parliament's queries as to what was of divine right, found Independent support.² One may say that Coleman was the most whole-hearted Erastian, and that Lightfoot only a less violent supporter. Gillespie and Rutherford are the absolute anti-Erastians. Between these antagonists were many varieties of opinion, though political circumstances forced their possessors to take one side or the other. The Independents, in the final vote, on the severance of the two jurisdictions, had to step over and vote, not with Lightfoot, but with the Scottish Commissioners.³

1. Mitchell, Minutes of West. Ass., 252.

2. Ibid, 255-256.

3. Vide additional note p.921.

LEX REX.

I.

"Lex Rex" was published anonymously in London in 1644, "By Authority." Rutherford's authorship never seems to have been questioned, and whether or not he wrote it. In 1661 he would have been hanged for it. Row, in his "Life of Blair" gives an account of its production. He tells us that when Rutherford had written a part of "Lex Rex", he submitted it to Blair for criticism. Blair dissuaded him from publishing it on the ground that such a subject was fit only for juriconsults and lawyers. He accepted Blair's advice for a time. "But shortly thereafter, being at London one of our Commissioners to the Assembly of Divines, Lord Wariston, did again yoke him to that work and (as was thought) did not only assist ^{to,} but did wholly complete and finish that work, anno. 1645".^I

An interesting fact is to be gathered from Row's statement. As Maxwell's book, "Sacro-sancta Regum Majestas", to which "Lex Rex" was a reply, was published after Rutherford came to London, it follows that some of Rutherford's work must have been written before it appeared, with some different objective. Internal evidence supports this conjecture. Questions 28-37 deal with the "Lawfulness of Defensive Wars" and with the practical case of the Scots taking up arms against Charles. The writers controverted in this portion are Ferne, Arnisaeus and Barclay. There are only two references to Maxwell. The first of these appears half way through Chapter 29, and comprises from the middle of it to the end; the next occurs in Chapter 33 from the middle to the

^I. ROW, "Life of Blair" p.365.

/ end. The argument of these insertions (for they are obviously appended loosely to earlier materials) is supplementary to the preceding thought of these chapters. In this portion (Question 28-37) Barclay and his party are referred to as "Royalists" - Royalists say, Royalists aver &——. In other parts of the "Lex Rex" the reference is to the "Popish Prelate" and his assertions are interwoven, interspersed and refuted throughout. It therefore appears that Rutherford, before going to England and on the occasion of the Covenant, had taken up his pen in justification of the Scots waging a "defensive war" This treatise is embodied in the portion of "Lex Rex" specified. He probably laid aside this work, acting on Blair's counsel. The colossal learning shown in the whole treatise could also hardly have been acquired in the few months between the publication of Maxwell's treatise and that of "Lex Rex." The date of the nucleus on "Defensive Wars" is further fixed by two things. The whole ten chapters of it resound with fury at the "bloody Irish." It is obviously written after Argyll's publication of the Earl of Antrim's papers which had revealed Charles's secret dealings with the Irish (late May, 1643). Even direct reference to this occurs. "The King hath now made a cessation with the bloody Irish." ¹ All references to the Cessation deal with proposed landings of Irish which suggests that the treatise was written while negotiations were going on. The whole pamphlet was in support of Argyll's policy, and is further dated by the fact that it begins by defending him indirectly against

¹ "Lex Rex" 165. The citations throughout are from the 1843 edition.

/ the charge of wishing to depose Charles. Montrose at this time was becoming loud in such charges. The facts therefore point to the summer of 1643 for the penning of the tractate on "Defensive Wars". It was probably written during the negotiation of the "Solemn League and Covenant," but perhaps before it was signed; at least the reference to treaties with England given in its last Chapter makes no mention of the "Solemn League." The purpose of the pamphlet was to strengthen the desire in the people for a defensive alliance with the English Parliament against Charles. (As these chapters of "Lex Rex" form a separate entity it is proposed to deal with them as such and entitle this nucleus "Defensive Wars.") In the "Defensive Wars" Rutherford deals with an immediate practical issue. He has to justify on defensive grounds what may militarily be an offensive war. He finds it difficult to distinguish between the defensive and the offensive war, so finally concludes that as far as the Scots were concerned their intention is defensive, though their military action may be offensive. To such an action many were lukewarm and not a few were hostile. ¹ To convert the former and confute the latter was the object of the pamphlet. ²

II

It is an incendiary piece of fireworks, ^{Smouldering And} sparkling with fury, filled with a venomous antipathy towards the "bloody Irish and barbarous cut-throats," ridiculing with a savage irony Charles's prerogative, his promises and his prudence. Small wonder it is that his son sought the author's head. Fear of an Irish invasion

1. Robt. Baillie's Letters, II, 102.
 2. Vide additional note, p. 923.

/ (many of his friends had suffered cruelly in the Ulster Rising) weighed cogently with Rutherford as a reason for resistance to Charles and an alliance with England. Charles' treating with the Irish is subjected to constant vituperation; "No second Ulster here" is the burden of his outcry. The tragic fate of Montrose's Irish troops showed that his countrymen shared Rutherford's opinion of them. The King's prerogative is an accursed thing. "The man who is King may command an idolatrous and superstitious worship, send an army of cut-throats against them because they refuse that worship---may imprison, deprive, confine, cut the ears and slit the noses, and burn the faces of those who speak and preach ^{and write} the truth of God;---the man I say in these acts is a terror to good works - an encouragement to evil." ¹ The King's promises are ironically mocked. "He hath a ^{metaphysically subtle} piercing faith in miracles, who believeth that armed Papists shall defend the religion of Protestants." ² ^{The King's} "His coming with armed men into the House of Commons to demand the five members is very symbolical.---His coming to Hull with an army saith not he had no errand there, but to ask what it was in the clock." ³ Of the Royal prudence and wisdom Rutherford has little appreciation. Charles is "a King overawed by bloody Papists" and "forced to command an unjust war." ⁴

The preacher in Rutherford regarded the war primarily as a crusade though he spends nine of ten chapters vindicating it as a defensive war. Strangely enough he dismisses as unworthy one of

1 "Lex Rex" 145 2 "Lex Rex" 165.
 3 "Lex Rex" 165 4 "Lex Rex" 140.

/ the strongest practical arguments for his case, namely, that Charles having conquered England would undoubtedly turn on Scotland, and should be resisted now. His chief argument is this. It is my Christian duty to help my neighbour when he is fallen into sore straits through misfortune or through his own sins. Most certainly I am to help if I am asked, even if I am not asked, nay even if he refuses my help; for he says, "if a neighbour nation be jealous of our help and in a hostile way should oppose us ⁱⁿ our helping (which, blessed be the Lord, the honourable houses of the Parliament of England hath not done), though malignant spirits tempted them to such a course, what, in that case, we should owe to the afflicted members of Christ's body, is a case may be determined easily." ¹ It is the argument of a Crusader. For him the answer was Crusade and invade. The war was doubly blessed, for England being rescued not only from tyranny, but also from the damnation of Episcopacy, would be brought to the salvation of the Presbyterian faith.

He insists, however, that the war being waged is a defensive war since both Scots and English are resisting a King, who, if not a tyrant, has certainly committed acts of tyranny. With the exception of those dealing with the immediate issue, all the arguments legal, moral and Scriptural which Rutherford uses in "Defensive Wars" are those which had already been used and abused in the controversial pamphlets of the Bishops' War. The best summary of these is John Corbet's "Ungirding of the Scottish Armour", ² which is an answer to "the Information for Defensive

1 "Lex Rex" 188.
2. Vide additional note, p. 925.

/ Arms" drawn up by the Covenanters in 1639, and embodies it in a word-for-word reply. Rutherford's work is a more impassioned, but also more scholarly, treatment of all this former apologetic for defence.

Briefly he deems Charles may be resisted in the present case because he has acted as a tyrant, impelled thereto by bad advice. He has broken his coronation oath to defend the Protestant religion and govern peaceably in its interests. He has acted unconstitutionally in raising an army and declaring war without consent of Parliament. In this the Scot is at one with the English Common lawyer in the interpretation of their respective constitutions. But there is an interesting difference. Rutherford would not have admitted Ship-Money as a cause for armed resistance. He writes, "I would not think it fit easily to resist the King's unjust exactors of customs or tribute It is better to yield in a matter of goods than to come to arms, for of sinless evils we may choose the least." ¹ This may be typical, for Scotland had no John Ball, Jack Cade or Wat Tyler.

His more general juristic argument for defensive war is as follows. Danger to a people's life and religion is alone considered ground for resistance. Charles by his actions had put both in jeopardy. Self defence is a natural law which a people must obey. (It will be seen later that he makes a great use of the distinctions of Aquinas - or rather of his pupils - "Lex Naturalis", the law of nature; "Jus gentium", the law of nations;

¹ "Lex Rex" 141.

/"Jus positivum" or "civile", positive law, or the law of a Kingdom, in expounding his theories. Here also he uses them. The right of resistance as already shown is defended because Charles has broken some of the positive laws of his Kingdom.) Of self defence he writes, "It were a mighty defect in Providence to man if dogs by nature may defend themselves against wolves, bulls against lions - if man, in the absence of the lawful magistrates, may not defend himself against unjust violence." ¹ The Christian action under danger to life and religion should be to try supplication next to essay flight, finally to resist to the death. Scotland had tried the first; the second was impossible; the third only was left. Withal in the case of sudden inroad, the third only may be possible. "If the King send an Irish rebel to cast me over the bridge and drown me in a water, I am to do nothing - but nature and the law of self defence warranteth me to horse him first over the ^{bridge} and then consult how to defend my self at my own leisure." ²

Rutherford was not without humour. He sees also a Breach of the Law of nations (Jus Gentium) in the Irish Treaty. In the "De Jure Belli et Pacis" Grotius had allowed resistance to a monarch who sold his Kingdom. The Irish Treaty was such an action on the part of Charles, and he points out that even royalist protagonists like Barclay, Ferne and Arnisaeus allow resistance in this case.

With regard to the civil or positive laws of a Kingdom it is stated that the people may resist either King or Parliament in acts which are contrary to these, presumably in acts against the

¹ "Lex Rex" 163.

² "Lex Rex" 165.

/ life and liberty of a people or detrimental to the principles of Common Law. "Obedience is relative to a precept, and it is menservice to obey a law not because it be good and just, but upon this formal motive, because it is the will of a mortal man to command it." ¹ Thus, in war, "the subjects must look ^{more} to the cause of the war ~~more~~ than the authority of the King." ² This is the plea of the conscientious objector, yet Rutherford's party in the Act of Classes had little sympathy for those who looked to the cause of the war rather than the authority of the Kirk.

The moral and Scriptural arguments of his case are those which were handled mercilessly by both sides in the pamphleteering of the Bishop's War, indeed those which are still torn and tortured by the pacifist and his opponent. To Rutherford there is no virtue in suffering 'per se'. Self flagellation is by no means the essence of sainthood. Absolute submission to evil men was commanded to Christ alone. "God hath not said to me in any moral law, 'be thou killed, tortured, beheaded,' but only 'be thou patient, if God deliver thee to wicked men's hands, to suffer these things.'" ³ Resistance must be offered to those who work evil, for evil is not God's will. Flight is only a negative form of resistance. War is evil, but participation in a righteous war is not a sin.

Neither passive resistance nor violent resistance is incompatible with Scriptural teaching, but as he denies that man is ever commanded to suffer needlessly, he throws all the weight

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1. "Lex Rex" 150
 2. "Lex Rex" 187
 3. "Lex Rex" 141

/ of his argument and exegesis against the doctrine of passive resistance as the sole Christian weapon against tyranny. David and Saul, Elijah and Ahab, Jeremiah as a non-resister, Uzziah and the priests all the Scripture arguments for either side which had appeared in the pamphlets of the Bishop's War are examined, used or discarded with an exegesis which is often just and penetrating, but sometimes casuistic. Here, and this is strange in a Seventeenth Century Divine, Rutherford does not depend chiefly on Scripture arguments, or at least argument from Scripture practice. He writes, "Practice in Scripture is a narrow rule of faith." ¹ Jeremiah's counsels had little to do with the present case. His exegesis in the political is much freer than in the ecclesiastical tractate.

Corbet, in his "Ungirding of the Scottish Armour," had claimed that the Covenanters could only depend on Old Testament argument, not on the New Testament. Without dealing with matters still controversial, it may be said that Rutherford attacks pacifism based on a narrowed New Testament ethic as violently as he supports the right of resistance from Old and New alike. He holds with the Calvinist of his age that Christ's non-resistance was a special case, and that the general import of His teaching in this matter is aimed at forbidding revenge for injury and insult, not at preventing resistance to evil and evildoers. So also he interprets the teaching of Paul and Peter. The obedience to rulers commanded in Romans xiii he believes is

¹ "Lex Rex" 179.

/ only to those who are a terror to evil doers, and Charles was a terror to the good. The pacifist and non-resister shut their eyes to the present evil case. He cannot see why "Protestants in ^{and} England and Scotland should remain in their houses unarmed while the Papists and Irish come to them armed, and cut their throats, and spoil and plunder at will,"¹ any more than the majority of men in 1940 could see why the Germans should do the same. Non-resistance seemed the surest way of encouraging tyranny, forging bondage, and intensifying evil.

Dealing with the Fathers who support non-resistance, Rutherford's main retort is that they are men and fallible (Tertulian was a heretic.) He balances their authority with that of the reformed teachers - Calvin, Beza and Buchanan - who support his cause. He is hardly accurate in this, and noticeably gives no verbal citations, for early reformed tradition had leant to passive resistance, even in Calvin, though he qualifies obedience to the King by "as far as God's law will permit."

In the "Defensive Wars" Rutherford shows himself a zealous partisan of Argyll. He is a Scotsman and a scholar, but a Scotsman before he is a scholar, for his burning love of liberty makes him twist arguments to suit his case that a scholarly reason could hardly approve. Sometimes he is himself aware of it; sometimes, as in dealing with Jeremiah and the Fathers, his case simply breaks down. Strictures on Monarchy appear in

1 "Lex Rex" 158.

/ Major, Boece and Buchanan, but these are largely academic. No Scotsman, with perhaps the exception of Knox, had, till the time the "Defensive Wars" was penned, been so fervent in defence of liberty or so virulently outspoken in criticism of a reigning monarch. "To me, obedience passive^r is a chimera, a dream, and 'repugnantia in adjecto.' " ¹

III

When Rutherford arrived in England he found himself in the midst of the controversy centring round the doctrine of the Divine Right of Kings. Pamphleteer, poet and Prelate were all embroiled. The pens of Prynne, Milton and Rochester were ~~all~~ equally acid. In such a controversy the author of the "Defensive Wars" needed little instigation from Wariston^r or anyone else to join. His pen must have itched. The publication in 1644 of the "Sacro sancta Regum Majestas" of John Maxwell, Bishop of Ross, was what made it scratch, more literally screech, for Maxwell was a bishop, an "apostate," a Royalist, and being these worst of all a Scotsman. Maxwell's work is a vindictive reiteration of all the monarchist tenets and a pungent attack on the Covenanters. It is a catalogue of the argument of all the writers on Divine Right, showing a certain ability of thought as well as of vituperation. It may have been felt that a Scotsman was needed to answer a Scotsman, and Wariston "yoked" Rutherford to the work, if indeed he needed any yoking.

There is no reasonable ground for supposing that Wariston

¹ "Lex Rex" 155.

/ actually finished the work. It is all in Rutherford's style and an obvious answer to Maxwell in which his first work on "Defensive Wars" is embedded 'in toto' with little effort to link it up with what comes before or after. Chapter 43 has a multitude of references to Scottish acts of Parliament. These are all from Sir John Skene's "Acts of Parliament" published in 1597. Wariston would have this with him in London bound up with subsequent printed Acts of Parliament (from which there are also citations). Some of the quoted Acts, mostly of James V, and the minority of James VI, give sound authority for the limitation of the royal prerogative; others would take a very strained interpretation to support any such meaning. Wariston was not above a very far-fetched interpretation of the law when it suited his ends, but Rutherford's scholastic training allowed him to turn the most seeming inconsistency to suit his case. Whether the interpretation of the Acts is Rutherford's or Wariston's is not evident. One may choose between the Jesuitical lawyer and a hair-splitting Divine. The close connection between the two is apparent. It is likeliest that Skene's "Acts of Parliament" was ⁱⁿ Wariston's possession. With the actual writing he had little to do.

"Lex Rex" may have been an instrument of policy as well as of propaganda. It was penned and published at the time of the negotiations between Charles and the Parliament at Oxford and Uxbridge in 1644 and 1645; which clearly showed the influence

/ of the Scottish Presbyterians. The Proposals demanded a reformation of religion according to the Covenant, a prescription of the King's supporters, the nomination by Parliament to all places of importance in army and navy. These were largely drawn up by Wariston, who obtained the consent of the Scottish Parliament to them, and when finally presented to Charles in 1645 (January) at Uxbridge, were rendered more severe by demanding the King's taking of the Covenant and assent to the new Directory of Public Worship. "Lex Rex" is a justification in political theory of all these demands and impositions.

ate

When the final demands were made on Charles, Wariston was in Scotland attending the Parliament and Assembly of January, 1645. Left behind to negotiate for the Scots were Lauderdale, Loudon and Henderson. Argyll and Wariston may have suspected the 'politique' in Lauderdale and the temporiser in Loudon and been determined to let Charles know the real political temper of the Scottish nation or of the Covenanting party in it. Charles is reputed to have read "Lex Rex". If he did, it is not to be marvelled at that he broke off negotiations with the party which sponsored it. Were these negotiations ever meant to succeed? The Scots might have supported Charles if he had abandoned Episcopacy, but "Cromwell in allowing and even aiding them to influence the character of the terms was well aware that their ecclesiastical policy put an insuperable bar in the way of peace." ¹ Now the King was made aware of a greater bar. If

¹ Cambridge, Mod. Hist., Vol. IV 327.

/ "Lex Rex" voiced the feelings of the Scottish people all his princely prerogatives and privileges were to be utterly denied and dissolved. Did Argyll, who now largely controlled the destinies of the Scottish State, wish, any more than Cromwell, that the negotiations should succeed? He was loath to relinquish the power he had obtained, and a Scotland which supported Charles would be one ruled by a Hamilton or a Montrose. Was "Lex Rex" published to show that temporising or even yielding on the ecclesiastical question alone was an insufficient condition of Scottish support? The time of a peace negotiation was hardly the time to publish an anti-monarchist treatise.

The close connection between Argyll's policy and the "Defensive Wars" has been seen. He sponsored a democratic policy for ends as yet unfathomed. Rutherford was a democrat sincerely and from no personal end. The date of Montrose's letter on "Sovereign Power" is uncertain, but the apostrophe at the end is significant.

"And you great men - if any such be among you so blinded with ambition - who aim so high as the Crown - And thou, seditious preacher, who studies to put the sovereignty in the people's hands for thy own ambitious ends - as being able, by thy wicked eloquence and hypocrisy, to infuse into them what thou pleasest - know this, that this people is more incapable of sovereignty than any other known. Thou art abused like a pedant by the nimble witted nobleman." ¹

¹ Buchan, "Montrose", p406.

/ Rutherford was of all the Scottish clergy the most notorious for reputedly anti-monarchist tenets. Montrose certainly had him in view in this passage, and it is quite conceivable that he had at least heard of the original treatise mentioned by Row. He believed that the Clergy were preaching democracy for their own ends and that Argyll was behind it. One wonders if Argyll subsidised the publication of "Lex Rex" or was the cause of so many copies being in the hands of the ministers at the General Assembly of 1645. Guthrie writes that every member of the Assembly "had in his hand that book lately published by Mr Samuel Rutherford which was so idolised that of peace and order would have been judged ^{stuffed with positions that in time} ~~damnable treasons~~, ^{yet} whereas Buchanan's Treatise was looked upon as an oracle, this ^{were now} coming forth, it was slighted as not anti-monarchical enough and Rutherford's "Lex Rex" only thought authentic." ¹ The sincerity of the reformer has unfortunately been often made to serve the ends of the politician. The publication of "Lex Rex" may have been an influencing factor, if a minor one, in Charles' decision to break off the negotiations and follow the path which led him to the scaffold.

The treatise was reissued in 1648 under a different title, "The Pre-eminence of the Election of Kings." The sheets are the same as the edition of 1644; only the title is changed. This reissue was during the negotiations with Charles at the time of the Engagement. The intention may have been to make clear to Charles the conditions on which he could have the undivided

¹ Guthrie "Memoirs", 1748 ed., 177.

/ support of the Scottish nation. It was again reissued in 1657 as a "Treatise of Civil Polity." This time Cromwell, not Charles, was the arbitrary tyrant. The "Humble Petition and Advice" of 1657 embodied a new scheme of government. The "Treatise of Civil Polity" was put forth in relation to it to show that the same political maxims held good for Protector and Monarch alike.¹

The literary cause of "Lex Rex" was the 'Sacro-sancta Regum Majestas.'² Along with Wedderburn, Maxwell was the most inveterate Episcopalian in the Bishop^s party. In 1631 he had preached a sermon on the 'jus divinum' of Episcopacy which was repudiated even by the Bishops themselves. In the liturgical changes sponsored by Charles and Laud he was leading negotiator and in some respects instigator. Arminian as he was he had an absolutely determinist and fundamentalist doctrine of divine right as applied to Episcopacy and the Kingship. He expounded the latter in the 'Sacro-sancta' in 1644 and the former in the "Burden of Issachar," 1646. Exile gave acerbity to his pen; it may be kind to attribute an unwholesome sycophantic note to his poverty or to the fashion of the age. His first work is more or less an expansion of the doctrine of the Divine Right of Kings put forth by James VI in the "True Law of Free Monarchies" with more intellectual sincerity and pertinence, for James was a Calvinist and could find in a fundamentalist interpretation of Scripture some solid grounds for his doctrine. "Lex Rex" was the answer to Maxwell and suffers from this fact.

1. Vide Bibliography, p. 946.

2. Vide Additional note p. 928.

/ Whole passages are a word for word refutation, and construction and thought thus lack sometimes coherence. But deeper thinking and a fiercer faith shine everywhere despite prolixity, casuistry and scholasticism.

IV

The sources of Rutherford's political doctrine will be examined 'calamo corrente' as they appear in his work. A word may be added here regarding his Scottish predecessors in this field. What approximated to a democratic tradition did exist in scholastic and reformed thought in Scotland. Boece, Major, Lindsay, Knox, Buchanan and Rutherford manifest a clear line of continuity. The Kingship established by Bruce was "a limited monarchy based on the will of the feudal community and conditioned in its exercise by the concurrence and consent of the community."¹ This theory is implicit in the works of all these men and had indeed become almost a commonplace of scholastic political theory as developed by Aquinas, Aegidius Romanus, and later by Cusanus, Gerson, William of Occam and Marsiglio of Padua. In Boece, this theory is imposed on the fanciful history of prehistoric Scotland. Parliamentary speeches are inserted verbatim, and equally fictitious instances of the deposition and Parliamentary control of the Monarchy abound. The Celtic Monarchy, however, was elective. Major is a liberal historian in a truer sense of the word. "The staunch champion of Mediaeval constitutionalism" Mackinnon calls him. Dicta illustrating this occur everywhere

¹ Mackinnon, "Constitutional Hist. of Scotland," 190.

/ in his work. "It pertains to the Three Estates in any matter of extreme difficulty to deal with doubtful matters affecting the Kingdom and on occasion for good and sufficient reason to depart from the common law." ¹ The Three Estates alone have power of emergency taxation. "The power of the King depends on the whole people and they may depose him for worthlessness and elect another." ² His distrust of the populace is still mediaeval and aristocratic. "It is from the people, and most of all from the chief men and nobility who act for the common people, that Kings have their institution." ³ This is feudal constitutionalism, and in fact the Estates, when not the register of the will of a strong King like James I or IV, was often the tool of a noble faction. Yet Major writes: "There is absolutely no true nobility, but virtue and the evidence of virtue, that which is commonly called nobility is naught but a windy thing of human devising." ⁴ All this was capable of further development, as developed it was by his pupils, Knox and Buchanan.

The "satiric rage" of Sir David Lindsay is a thing apart in a sense from political theory, but his hatred of injustice, his sympathy with the poor and his unsparing castigation of social evil make him the most truly democratic of all, neither Knox nor Rutherford excepted. John the Common-Weal may feel his satire, but he has his entire sympathy.

Knox and Buchanan were pupils of Major. The same political bias appears in their histories as in his, but it was Buchanan

¹ John Major "Hist. of Greater Britain, S.H.S." 243.
² John Major, "Hist. of Greater Britain, S.H.S." 214.
³ John Major, "Hist. of Greater Britain, S.H.S." 215.
⁴ John Major, "Hist. of Greater Britain, S.H.S." 46.

/ who first elaborated it in a work of political theory, the 'De Jure Regni apud Scotos'. Buchanan's theory of the origin of the State is a scholastic blend of Aristotle and Aquinas. Men have the instinct to association implanted by nature or rather by God. Self interest as a contributory cause is admitted (a more typical renaissance thought), but by itself it might rather dissolve than keep social unity. The medicinal element essential to a state's continuous existence is justice which is to be maintained by laws rather than by kings. The king is the servant of the law whose creator is the people acting through a council of representatives chosen from all classes. The body of judges and not the king is the interpreter of the law. The duty of the latter is to set an example of virtuous living. The tyrant is characterised and castigated mercilessly and resistance and tyrannicide are both commended. Buchanan uses many of the arguments against passive resistance already noted in the "Defensive Wars." His exposition of Romans xiii is ^{parent} identical ~~with~~ of Rutherford's. The theory engendered by Cusanus and Marsiglio that the relation between the king and the people is of the nature of a contract is established. The people grant the hereditary exercise of power only on the condition that justice is done and the law administered. If the king breaks this condition, the people may depose him. But here Buchanan stops. Who exactly are to depose the King? Who shall judge him? What must be done if many subjects aid him in a bad cause? These are

/ all left unanswered - and these were realities Rutherford had to face. Buchanan himself admits that much of which he writes is speculation. The "De Jure" is a Ciceronian essay in good, if pedantic Latin, but while the hand is that of the Renaissance scholar, the voice is that of a mediaeval schoolman. There is no thought or mention of the individual rights of the people. Nevertheless, by his sturdy assertion of the democratic principle in Government, even if he fails to show how it could be made a working principle, Buchanan is the political ancestor of Rutherford. He dedicated his work to James VI, "not only as a monitor, but also as an importunate and even impudent dun——" "that it may guide you beyond the rocks of flattery and not only give you advice, but also keep you in the road you are so happily entered, and in case of any deviation, replace you in the line of your duty." ¹ But his pupil answered with "The True Law of Free Monarchies" whose child was the "Sacro-sancta." The issue of the "De Jure Regni" was the "Lex Rex", but between them intervene Suarez, Vasquez, Hooker, Bodin, Grotius, and a host of Reformation and Renaissance political thinkers.

V

"Lex" and "Rex" are for Rutherford the servant of the State, even as the State was the servant of the people. To understand all his political theses it is important to know what he conceives to be the origin and more especially the end of the State.

He begins his work by discussing the origin of the State.

¹ "Dedication to De Jure," 1843 Edition.

/ Like Aristotle, Aquinas, and his more immediate predecessor, the Spanish Jesuit Suarez, Rutherford finds the origin of human society and the State in the social instinct of man implanted in his heart by God. Man, as Aquinas says, is "animal sociale et politicum." Other factors contribute to the founding of the State such as the uniting of families for mutual defence, and he follows the historic approach of Bodin in seeing in the family a primitive sort of State and in their uniting for causes of material well-being the beginning of ^{the State's} ~~its~~ formation. Unlike Bodin, however, he draws democratic, not autocratic, conclusions from the family theory. In this primitive society men are born free and equal nor, as he is to show later, despite altering forms of political government, do they ever lose this innate freedom and equality.

Unfortunately, they are also born sinful. Rutherford, the Calvinist, had no illusions about man in a state of nature. To check evil and preserve peace in the constituted society, Government is necessary, and God must have put the power of accomplishing this end in man's nature. The natural man may not readily submit to government, may even rebel against it, but there is a moral part in him which desires it. Calvin had stated that in his fallen state man had still a residue of intelligence and judgment left; short of achieving salvation, he conceded a good deal of scope to the human reason. Rutherford holds that this reasoning part in man is that which both submits to and begets forms of government. Government

/ 'per se' he believes to be from God Himself; forms of Government are from the people a product of human reason and of the 'jus gentium.' These two concepts, natural law ('lex naturalis') and the law of nations ('jus gentium') occur again and again in the "Lex Rex", and as they are conceived as playing a supremely important part in the origin and formation of the State, they must be examined.

Greek philosophy conceived of law as the impersonal conclusion of human reason. Late Roman jurisprudence tended more and more to make it an expression of will. Aquinas sought to combine the rational and the volitional in his concept of law. The idea of God made him stress the volitional, rather than the rational, and 'lex naturalis' is conceived of as part of the eternal law of God, a direct emanation of Divine will. From this natural law, all human law develops, and is only law in so far as it coheres with it. On the whole, Schoolmen and early Reformers adopt his standpoint. But the Renaissance lawyer saw differently and again law is viewed as a product of reason. The Schoolman held that the 'jus gentium', the common ideas of right in all nations, was part of the 'lex naturalis.' To Grotius, and men of his stamp, the gradual growth of common rights which was the 'jus gentium' by trial and error produced and built up the 'jus naturalis.' Thus a rational and empirical explanation was given to the 'lex naturalis' which Schoolman and Reformer believed to be the product of Divine volition. The influence of Aquinas was strong in the Church, Roman Catholic and

/ Protestant alike, and the theologian was now faced with a position he would not surrender, but with arguments he could hardly refute. Suarez and the Spanish Jesuits developed a theory by which they made 'lex naturalis' the product of Divine volition and the 'jus gentium' the product of human reason. This was a position with which Calvinist theology found no disagreement, and it was adopted by many of the Reformers, Rutherford among them. His philosophical legal theory is pure Suarez.

Natural law as being part of the eternal law of God is the highest form of law, and even the 'jus gentium,' authoritative as it may be, is valid only in so far as it is in concordance with natural law. It is sometimes difficult to find what Rutherford includes in natural law for he gives no clear definition of it, and announces it merely as a great principle whose authority and working all will understand and obey. The right of self-defence, the power of Government, the movement of heavenly bodies, the Decalogue as embodying 'salus populi suprema lex' are all part of the law of nature. Thus 'lex naturalis' sometimes approaches to a working principal of life, sometimes to a politico-ethical concept, sometimes, as when he is forced to admit the subordination of the weak to the strong and the foolish to the wise, it appears as an axiomatic physical condition. The unifying factor is that these are all emanations of the Divine will in the physical and ethical sphere of human activity.

/ From this it will be seen that his construction of natural law is a somewhat selective affair. Natural law is inviolate. To establish a course of action as justified by it is final. Many things are therefore blatantly placed in this category that they may be so established. He allows a graded validity within the sphere of natural law. For instance the axiomatic principle that the weak is subject to the strong is of less value than the law of self preservation. "Nature's law in extremity for self preservation hath rather a prerogative royal above all laws of nations and all civil laws." ¹ Calvin had said very little concerning the rights and claims of individual men, perhaps because, theologically, for him they had none. Rutherford lifts the preservations of the life and liberty, not only of the people, but of the individual into the supreme place in the law of nature.

Owing to the discursive and apologetic nature of his work, the difference between 'lex naturalis' and 'jus gentium' is not always manifest. He holds Suarez' view of what the 'jus gentium' is, a body of law and practice emerging from the national life of the peoples whose authenticity is tested by its consonance with natural law. It is of great, though secondary importance. For instance, Government by kings is in the 'jus gentium' class and so mutable. The royalists sought to make it a 'lex naturalis'. Finally the specific civil laws or the common law of a kingdom come in to the old scholastic category of 'jus positivum' or 'civile', and were at the will of Parliaments and people to change. This threefold conception of law is embodied in the working of the

¹ "Lex Rex" 67.

/ civilised state. "Lex naturalis" is immutable and inviolable. One comes to see that natural law means for Rutherford the Divine right of the preservation of the individual. A 'jus gentium' may be mutable, but only after grave consideration and if proved discordant with natural law. Positive laws may be changed by those who made them. The whole rights of King and people are brought to the touchstone of these legal conceptions. As a tribute to this theology, he does state that God is working in all these forms of law, willing all through men, formulation and change alike. As a predestinarian he had to do so, but it is the external imposition of the theologian on the political philosopher.

The idea of the end of the state is best summed up in the author's own words requiring that "all law, policy, magistrates and power be referred to the people's good as the end and to their quiet and peaceable life in godliness and honesty." ¹ In this same passage he emphatically refutes the doctrine that the state (here as embodied in the King) is an end in itself; a doctrine already stated by Machiavelli, to be ~~the~~ best formulated by Hobbes and to be most practised by the totalitarian states of the twentieth century. Aristotle, Aquinas and Suarez alike saw the end of the state as being to make men good - though virtue had perhaps a different ethical content for Aristotle than for the Christian theologian. St. Thomas believed that this goodness was best achieved in "the unity that is called

¹ "Lex Rex" 119.

/ peace." In "Lex Rex" the end of the Christian State is surely nobly set forth as "the people's good in a quiet and peaceable life of godliness and honesty." Riches and power are dismissed as of minor importance. All these conceptions of the origin, cohesive principles and end of a state determine his attitude to the form of Government pertaining in it and especially to the theory of monarchy put forward by James VI King of Scots, for Maxwell is an echo of that monarch.

In 1598 (the year of the "True Law") James had established his power in Scotland by the application of his shrewd native intelligence. The Scottish Parliament had done little hitherto to win either the respect of King or people, but a Scottish Parliament allied to a Presbyterian ministry might become a decided nuisance to the Monarch. He saw in England the close connection between civil and religious agitation. Scotland might catch the infection. James was a Calvinist and a Predestinarian. The age accepted Scripture proofs and predestinarian principle as ultimate criteria of truth, so James sought to establish absolute monarchy on grounds which the Presbyterians themselves regarded as valid and thus to destroy them with their own weapons of warfare. When one wonders at fundamentalist and predestinarian views of monarchy flowing from the pen of Arminian clergy, it may be remembered that they got them from a Calvinist King.

VI

One may first of all examine the Divine institution of Monarchic government claimed by James and Maxwell and then notice

/ Rutherford's refutation and counter-theory. First come the Scripture arguments. Kings in Holy Writ are directly appointed by God. "By Me Kings reign" (proverbs viii. 15); "Ye are God's" (Psalm lxxxii. 6); "The Powers that be are ordained of God" (Rom. xiii.); "This is the law of the King who shall reign over you" (I Sam. viii. 2)-(where Mishpat is translated "Law" and not "manner" as in the A.V.)- are all adduced as proofs. The anointing of Saul and David is used as a symbol and type of God's immediate creation of the monarch, even the Kingship of Nebuchadnezzar over the Jews is pressed into service to illustrate the divine right of absolute Kingship. This too is inherent in the law of nature, the chief argument being that the King's power in the state is identical with the father's in the family. His right also may be based on conquest. The subjection of the weak to the strong is a natural law, and a King who retains his conquests (as James's predecessor had presumably done) has obviously God's approving will behind him. Men are born Kings because as in the case of David's line God ties the Kingship to a family. This was more than the Divine right of Kings; it was the Divine right of the Stuarts. When Maxwell added to this that the sovereign partook of a ray of divine majesty, he seemed to present a semi-deification of that race. Finally he says, "God makes Kings by a special and eminent act of Providence."

Rutherford admitted a divine origin for monarchy, but denied that it conveyed any right to absolute rule. He disposes of

/ his adversaries' Scriptural arguments more or less satisfactorily. For instance, regarding "by Me Kings reign," he points out that all men, not Kings alone, perform their actions by the grace of God. The other "Proofs" may show the divine origin of Kingship and the divine control of Kingship, but confer no absolute right. He has as little difficulty in proving the Jewish Monarchy to be elective as his opponents in proving it a divine autocracy. Here, in dealing with Scripture incident, he shows the same freedom as in the "Defensive Wars." "The anointing of Saul cannot be a leading rule to the making of Kings to the world's end." ¹ In Deut. Xvii he himself found sound Scriptural ground for the limiting of royal power by law and election.

The claim to Divine right through natural law is denied because he refuses to put fatherly power in the family and Kingly power in the state in the same category. The first is by natural law, but the second is mediated by 'jus gentium.' On Divine right, established through conquest, upheld by God's approval, he is more reserved, for he has to face a historic fact in Scripture and else where. He falls back on the hidden will of God. Conquest, especially just conquest- "a stronger king, for pregnant national reasons, may lawfully subdue and reign over an innocent posterity" ²- may give some title to the crown. But no conqueror can claim that he is an instrument of Providence, that he may be is known only in the hidden will of

¹ "Lex Rex" 191.

² "Lex Rex" 48.

/ God, and indeed he is to be resisted for man can only act on the revealed will of God which by natural law ordains that they resist tyranny in the interest of self-preservation. Bloody conquerors have no extraordinary revelation from Heaven ¹ - how often has history seen them claim it! If conquest there must be, the victor must impose no undue hardships or violent conditions. Title by conquest is of human and not Divine origin.

If title by conquest is valid, title by birth cannot be, and vice versa, for if an alien prince conquers a hereditary King, you have two anomalous claims based on a presumably Divine natural law. There is no Divine Covenant tying the crown to a race as in the time of David. ² The "ray of Divine majesty" is met chiefly by ridicule.

Rutherford's criticism is not all negative for he announces his own clear convictions of the origin and rights of Kingship and they are high ones. No less than the royalist he believes kings are of God. Since government is by Divine institution, Kings are of Divine institution as indeed autocracy or democracy ^{is} are of Divine institution, but established by 'jus gentium' not 'lexnaturalis.' These forms are mediated through the will of a people who choose who shall rule. The institution of the office is by God; the application of the man to the office is by the people. He labours to avoid the charge of Jesuit doctrine as in Bellarmine and Suarez that Kings are a human institution having only God's "naked approbation" and brings his Calvinism to the

¹ "Lex Rex" 48.

² "Lex Rex" 48.

/ rescue. Over all is the Providence of God, but "Providence worketh by means." God certainly predestines the office and the man to the office, but he determines the wills of the people that by their free suffrages they choose such and such a man for it. It is thus plain that in human relationships and concerns the will of the people is a cardinal factor, limitating any absolute right of the King, for if Divine origin confers Divine right, they have as much nay more of it. His is the Jesuit theory of Bellamine, Suarez and Vasquez Calvinised by a Scotch Presbyterian. On one side is the voluntary will of the people; on the other is the "supervenient institution of God."

With regard to the actual instrument of election, Rutherford places it in the hands of the Three Estates to avoid the charge of giving power to the unruly hydra-headed populace, but as will be seen, he would place far more power in the democratic than in the aristocratic component of the Estates. "What other calling of God hath a race, family of a person to the crown but only the election of the Estates." ¹ He has no predilection for hereditary succession or against it, provided it is recognised that the Estates settle it. Conditions determine the case. "In a kingdom to be constituted, election is better; in a constituted kingdom, birth seemeth less evil. In respect of liberty, election is more convenient; in respect of ^{and} peace and safety, birth is safer and the nearest way to the well." ² Rutherford's principles are the same as those which inspired the Whig formulators of the Revolution Settlement and its implicit, if not

¹ "Lex Rex" 8.

² "Lex Rex" 46.

/ explicit doctrine of an elective crown. In this, and in other ways, such as insistence on the freedom of judges from the power of the crown, he points directly to Locke.

VII

The limitation of the absolute power of the monarch was a natural corollary to the qualified theory of divine origin put forward in the "Lex Rex". This limited power was implicit in the contract relation between the sovereign and the people who elected him. This contract theory holds supreme place in the political thought of the late 16th and the 17th centuries. It had its origin in the doctrines of Cusanus and Marsiglio that all human law had its validity in the consent of the people, hence also the authority and power of the King conceived as legislator depended on that consent. "All politic society is based on the consent of men", writes Rutherford. The monarchomachs of France and Holland further developed the theory that the people in electing a King, hereditary or otherwise, gave to him a certain power only on condition that he ruled in their interest in things civil and religious. When he ceased to do so, the contract lapsed and the people could resume the power. James VI saw the danger of such a theory and set his own Calvinistic doctrine against it, but other royalists sought to use the theory itself. Hooker and Maxwell maintain that the people made a supreme and final rendition of power into the sovereign's hands. They cannot reassume it. Even Suarez, whom Rutherford follows closely is inclined to make the rendition almost final.

/ It is the doctrine of the monarchomachs, especially that of the 'Vindiciae contra tyrannos' that Rutherford adopts. To the idea of contract between king and people for the peaceable government of the latter, federal theology added that of a covenant before God. Duplessis-Mornay (or whoever wrote it) elaborated this in the 'Vindiciae.' There were in reality two contracts: that with the king and people co-contractors to maintain the worship of God, and that between king and people, where the king pledged himself to rule justly and the people to obey him. The great text, of course, which Rutherford takes almost a chapter to expound, is "Jehoida made a covenant between the Lord and the King and the people that they should be the Lord's people, between the king also and the people." (II Kings ~~xvii~~^{xviii}). This theory of contract remained purely governmental in the hands of the late 16th and early 17th century 'politiques.' Dunning shows that though it supposedly placed the power in the hands of the people, by conceiving of the governing class as their representatives, it was often decidedly reactionary.¹ The governmental contract merged into the social contract, developed so differently by Hobbes and Locke. Hobbes maintained that each man agreed with his fellow to give up all right of governing himself to another provided his fellow did the same. The surrender was final. Locke maintained that the only right given up was that of the individual to punish by natural right, offenses against himself or the community.

¹ Dunning, "History of Political Theories" Vo. II, 77.

/ Rutherford in many ways comes very near to Locke. The theologian in him could not resist the covenant idea, but it may be said that the coronation oath of a Christian King is a Covenant. It was because Charles broke this oath and Covenant that he was to be resisted, since it is a valid legal principle that when a contract is broken by one party, the other is released from its ties. The idea of a contract in the "Lex Rex" goes far beyond thinking of the people as a vague body represented through a governing class. Rutherford opposed the veto of an Upper House in legislation (going far beyond Locke in this), and maintains the right of the people to depose members of Parliament. He is concerned with the rights of the individual in the community. After all the danger of having one's throat cut by an Irishman was an individual problem. The signing of the numerous Petitions which preceded it and of the National Covenant itself is an attempt, if a somewhat formal one, to announce the rights of the individual in the ordering of the State. The English Common lawyer talked of the rights of Englishmen, but would have been satisfied with the rights of his class. Justice, said Rutherford, should be as cheap to the poor as a draught of water. He was concerned with the rights of men. The weak spot in his argument is that he does not make clear how the people are to enforce their consenting power on a recalcitrant king or Parliament, if it is disregarded. What sanction they are to apply is never made clear, and it would appear in some cases that armed rebellion is the only remedy.

/ From dicta here and there one gathers that the sanction is abolition of an Upper House and control of the county and burgess representatives by those who elect them. He avoids too flagrant a criticism of the aristocracy for his party depended on their favour. His doctrine is best summed up in his own words, "All politic power is based on the consent of man." The King's power is "but a birth right of the people, borrowed from them, they may let it out for their good, and resume it when a man is drunk with it." ¹ He was a man of the people, who felt as they felt, hoped as they hoped, sorrowed as they sorrowed. It was impossible for him to understand the people as a vague aggregate or a theoretical repository of power.

The King's power, therefore, is not absolute but fiduciary, limited by natural law, by the law of nations and by the positive laws of the State. All these latter are referred to the end of the State already mentioned - namely, the people's good in a quiet and peaceful life of godliness and honesty. From this it follows that 'salus populi suprema lex', that the safety and welfare of the people must be the intent and purpose of all civil law. Thus the content of the law itself and not the authority of the lawgiver is what gives validity. "No law is good because the will of a King makes it so." ² Like Buchanan, he asserts that all law must have the authoritative influence of the people behind its promulgation, but whereas ^{the former seems to think the actual pro-} the people sufficient, ^{mulgation and tacit consent of.} Rutherford stresses the content of the law in concurrence with the consent of the people. Laws, therefore, "ought not to be

¹ "Lex Rex" 123.

² "Lex Rex" 138.

/ made so obscure as an ordinary wit cannot see their connection with fundamental truths of policy." ¹ Not only should law be intelligible, but justice should be cheap. As passionately as Lindsay satirised the absence, so passionately he demands the existence of these two things - simpler law and surer justice. Many of his legal citations on the limiting of kingly power are from Acts some times (as Parl. II, James I, 45) motived by a strong king himself demanding justice for the poor man and providing him with an advocate. The sophistry of the English Common lawyer would often have "scunnered" Rutherford. Because of the demands of a true justice, he opposes all acts of prerogative in the king. The only allowance of prerogative to a King is the power to dispense with the letter of the law in a case where such a law may have been broken by a citizen to accomplish an act of security for State or people. Pardon of culpable offenders is ruled out as a dangerous principle. Other rights, such as coinage and the raising of an army in an emergency, he concedes in so far as they tend to the civil security. Reminiscent of Melville are the words, "Better the King weep for the childish trifle of a prerogative than ^{that} Popery be erected and three Kingdoms be destroyed." ²

Rutherford insists time and time again on the freeing of the judges from the power of the King. He himself had suffered from a judicatory controlled by the sovereign. The judges, he maintains, do ~~not~~ ^{not} owe their authority to the King, but, like him,

1 "Lex Rex" 137.

2 "Lex Rex" 125.

/ derived it from the people for whom they judge. He cites laws of Scotland whereby the King is prohibited from interfering in acts of judgment and any letter of interference made null and void. (Act 47, Parl. II, James VI, 1581: "a minority" Act.) He demands the abolition of the hereditary jurisdiction and sheriffdoms, some of which existed in Scotland to an even later date. The interpretation of the law is to be in the hands of the judges - No King can ^{distort} ~~alter~~ a just law, not even Omnipotence.¹ In seeking to free the juridical faculty from the appointment and control of the King, Rutherford is at one with the Revolution Whig. His advice to the judge was the text of Leviticus, "Thou shalt not respect the person of the poor, nor honour the person of the mighty, but in righteousness shalt thou judge" (Lev. xix. 15)²

VIII

When the writer of the introduction to the 1843 edition of "Lex Rex" remarks that some of its ideas may be thought too democratical for modern times, he perhaps had the Parliamentary ideas of "Lex Rex" in view. Rutherford visualises a much more democratic institution than existed in his day. A Convention of three estates with an equal right in all affairs of State is the ideal. This body should be elective. He does not see why an Upper House should exercise a veto or why nobles should have special privileges. "I see not what privilege~~s~~ nobles have above commons in a court of parliament by God's law, but as they are

1 "Lex Rex" 138.

2 "Lex Rex" 131.

/ judges, all are equally judges, and all make up one congregation of God's." ¹ "That our nobles are born lords of parliament, and judges by blood, is a positive law," ² i.e., a law which may be changed. He just shrinks from saying must be changed. In Letter CCCIX, at this time, he writes, "The House of Peers are rotten men." The convention he visualises has power to choose its officials and executives who are responsible to it. The King may convene Parliament as its highest administrative officer, but Parliament possesses this right in itself. No Parliamentary Acts are irrevocable, but may be amended and repealed by subsequent Parliaments. To Parliament the King is absolutely responsible; to the people, the Parliament. The weakness here is that he does not quite separate the legislative from the executive and judicial functions. It must be remembered that many of these existed side by side in the Scottish Parliament and that the Court of Session was only a hundred years old.

The cry, outcry, or war-cry of the English Parliamentarian was Life, Liberty and Property. Life and Liberty were as dear to Rutherford as to them. Resistance when these were in danger was a Divine duty. Property was not so sacred. It has been seen that he refused to counsel armed resistance to unjust taxation. If the English Common lawyer had succeeded in establishing the inviolable right of property, especially for his class, he would have been content to surrender a good deal

¹ "Lex Rex" 34.

² "Lex Rex" 94.

/ of his religious liberty. It was otherwise with the Scot. He admits a certain state control of property. In a state of emergency a man may be obliged "to give all he hath for the good of the Commonwealth and so for the good of the King in as far as he is head and father of the Commonwealth." ¹ The sanctity of private property is vindicated strongly enough. In a way, Royalist was as keen in this matter as Parliamentary, and even Bodin finds the absoluteness of a King limited by it. In "Lex Rex" private ownership seems to be half way between the law of nature and a law of nations, and only to be entrenched upon in a state of grave emergency. The King had no absolute mastery over the private property of his subjects. His power is fiduciary. He rules to preserve their interest in that property. They may from it pay just taxes, but not his bad debts (i.e., expenses incurred without consent of Parliament or money put to a bad use). "I dare not pray ^{that} all our King's debts ^{may} be paid; I have scarce faith so to do." ² Nevertheless, charitable subsidies may lawfully be paid to Charles though their imposition is little better than princely begging. In monetary and fiscal affairs, Rutherford only sought reform through legislation and passive resistance, not by arms. In putting life and liberty before property he was nobler minded than many of the politicians of his own time or since.

In Rutherford's eyes, absolute monarchy is indeed a chimera and, if the monster does take concrete shape, it is to be dealt with as monsters are, and is to be destroyed. Like monarchomach

1 "Lex Rex" 67.

2. "Lex Rex" 233.

/ and Jesuit, he holds that a private man may kill a tyrant and, justifying this, says that tyranny is never obscure long. One tyrannous act does not make a King a tyrant, but the King is to be resisted in such acts and, if he persists in them, is to be deposed by Parliament and people. Rutherford's partiality is for a limited monarchy. Yet different nations may have different forms of government which are all equally sound, for neither fewness nor greatness of numbers make a government good, only its effectiveness in procuring the safety and well-being of a people. The discussion as to whether monarchy, aristocracy or democracy, or one of the many blends of all is best he finds a "dark way." ¹

"To me it is probable that the monarchy 'de jure', that is, lawful and limited monarchy, is best even now, in a kingdom, under the fall of sin, if other circumstances be considered." He found in it a wise combination of the monarchic, aristocratic and democratic principles. In one passage, with some humour, he cites the things which limit a king - he may not marry whom he pleaseth, he may not eat what meats he pleaseth, nor is it in his power to be buried where he pleaseth. The King's duty is to guide the State and set an example of gracious morals. He is the most eminent servant of the State. ²

IX

These are the doctrines of "Lex Rex". They are not systematically developed, but they are there. His thought suffers from the literary mechanism which proceeds by assertion and

1 "Lex Rex" 190.

2 "Lex Rex" 113.

/ refutation, refutation and counter-assertion, by question and answer, by syllogism and 'reductio ad absurdum.' He is not ~~altogether~~ ^{entirely} an original thinker; much of what he says has been said before, perhaps better, but not more fearlessly nor more sincerely. His doctrine of resistance, his theory of contract and consent, his justification of tyrannicide had all their place in scholastic teaching. But by Rutherford's time these have become practical issues and are accordingly all the more passionately stated. He is more sincerely concerned for the welfare of the people than English Puritan or Revolution Whig. His vision is truer than the former's in seeing that extraordinary taxation may be a dire necessity and is not to be resisted merely because it is heavy, and his democracy is greater than the latter's for he had small use for a House of Lords. His doctrine of an elective crown, of a limited monarchy, and of a judicatory freed from royal control are those of the Revolution. His faults lie not so much in his doctrines as in the way he seeks to prove them especially in a too mechanical use of 'lex naturalis' and 'jus gentium' and of scholastic methods of argument. There is little in his pages, with the exception of justified tyrannicide that has not become embodied in the modern constitution. If the roots of "Lex Rex" are in the somewhat arid field of late Mediaeval Scholasticism, the branches reach out to the Revolution, even to the years of Chartist Reform and the practical fruits of its doctrine are still enjoyed by men.

Rutherford may be the child of late Mediaeval thought, of

/ Major of Knox and of Buchanan, but he immeasurably further advanced in the democratic ideal. This is due to three things. First, the doctrines in question had become practical issues. Second, Calvinism which democratised the clergy had ultimately the same effect on the lay professors of that creed; though Calvin may have counselled non-resistance to princes, the countries which adopted his peculiar blend of theology became stoutest in resistance to them and most democratic in their constitutions. The last factor was the immense amount of political thinking done between the time of Buchanan and Rutherford. Rutherford's sources are ~~enormous~~^{massive}. Aristotle and Ulpian, Aquinas and Aegidius Romanus, Gerson, Marsiglio and Cusanus, Hotman, Althusius, and Grotius, Suarez, Vasquez and Bellarmine, Bodin, Barclay and Ferne, James VI and Maxwell - Greek Philosopher, Roman jurist, Mediæval Schoolman, Conciliar advocate, Spanish Jesuit, Dutch jurist, English pamphleteer, French royalist are all made to contribute to the argument, or refuted in their doctrine. There is little reference to the Reformed theologian. As their witness differed from his, Rutherford's, as he could not abuse, "miskens" it, as Mr Baillie would say. His doctrine of tyrannicide is more Bellarmine than Beza; his doctrine of contract more Duplessis-Mornay than Calvin, but his love of the people is more Rutherford than anybody else. All the colossal learning shown bears evidence of first hand study of the works in question.

The style of the work is very unequal. Much of it is dull,

/ dreary and scholastic, even pedantic, but suddenly in the midst of the dullest passage an amazing epigram which puts the whole case in a nutshell blazes out, "Conquest without consent is but royal robbery." ¹ "Power to do ill, without resistance, is not security." ² "Justice should be at as easy a rate to the poor as a draught of water." ³. One wishes that he had indulged in the apothegm more often. His illustrations are often homely and not without a dry Scotch humour. When he comes to speak of freedom, of the threat to Scotland, of the tyranny of the King, his pen blazes. He startled his contemporaries and perhaps not so much by his doctrine as by his personal attack on Charles. He shows a vivid power of biting irony, dry sarcasm and open savage scorn all at Charles's expense. He startles by his fearlessness. He compares Charles to a furious Nero; he suggests he is a bloody monster; he subtly mocks the Stuart fondness for talking about "Our Royal wisdom." There be more foolish kings in the world than wise, and kings misled by idolatrous queens - Ahab ruined himself and his posterity and his kingdom." ⁴ Charles is compared to Nero and Ahab, and called "this man Charles"; his wife is stigmatised as Jezebel. The son had "Lex Rex" burned by the hangman, and the author was designed for the same hands only escaping by death.

His doctrines were never put into practice in Scotland, for the Scottish Parliament hardly survived his death fifty years. Nor in Rutherford's own time did they find acceptance. Cromwell

1 "Lex Rex" 175

2 "Lex Rex" 179

3 "Lex Rex" 95

4 "Lex Rex" 122

/ came to power five years after the publication of "Lex Rex". Wariston, who "yoked" him to the task, became a servant of the Protector, forswearing by that act the principles he had sponsored. Argyll when in power was ^{latterly} as factious as any other noble. Rutherford in his old age drew away from these two men whom he had loved much because, amongst other things, they had drawn away from the ideals they had encouraged him to set out in "Lex Rex". He was before his time. Scotland was not ready for the changes his doctrine would have brought. The fiasco of the "drunken Parliament" followed his death. Many of his contemporaries, even of his friends, thought of him only as an unruly extremist. They did not see how great the principles underlying his monarchomachy were. If to love liberty, and to hate injustice, is to be an extremist his nation for centuries has been a nation of extremists.

THE DIVINE RIGHT OF CHURCH GOVERNMENT
AND EXCOMMUNICATION.

Introduction: The Polemics of Rutherford and Gillespie.

"Aaron's Rod Blossoming", "The Divine Right of Church Government Excommunication", "The Coleman-Gillespie Disputations", "Jus Divinum Regiminis Ecclesiastici", were all products of the "Erastian" controversy. As far as ~~the~~ Assembly and Parliament are concerned, the controversy was a blind alley, for Parliament conceded nothing of its final right of decision in affairs ecclesiastical. But the strife exerted a strong influence on Rutherford's mind. Alike for good and ill, it quickened his hatred of secular control in ecclesiastical affairs. On the one hand, on his return to Scotland, he agitated for and procured the abolition of secular patronage; on the other, he became increasingly intolerant in his assertion of ecclesiastical rights and privileges. One notes the crescendo in intolerance even in the title pages of his books; the first is a "Peaceable Plea"; the second is a "Due Right" and the third is a "Divine Right".

The Erastian question proper centred round Excommunication. This aspect of it became firmly focussed in the mind of Rutherford and Gillespie. They came to look on excommunication as an ecclesiastical sword, forged for offence against the threat of the civil. . It became the counter-offensive weapon of anti-Engager against Engager; worse still, it became the infliction of a spiritual penalty for what was in many cases only a civil offence. There is little doubt that the plenitude of suspensions and excommunications in the years following the Engagement is due to the

/ the unhappy predominance. which a rigorous doctrine of excommunication gained in the minds of three men - Gillespie, Rutherford and Warriston. The fruit of the Westminster debates on excommunication was presented to the General Assembly of 1647 in the CXI Propositions, concerning the Ministry and Government of the Church. These were penned by Gillespie, assisted by his colleagues. Eight of these Propositions were embodied in the Act of Assembly, authorising their printing for the consideration of the Universities and of the Presbyteries. This synopsis of anti-Erastian principles was eagerly seized upon by many of the clergy and bore a bitter fruit in the Resolutioner-Protester controversy.

Writing in July 1646, Baillie states, "Mr Rutherford, Mr Gillespie and your friend, are all on the press again for the defence of our Church and truth of God against divers errors." Immediately preceding, he refers to "Mr Gillespie's large and learned treatise." "Aaron's Rod" was probably published in the Autumn of 1646, the "Divine Right" possibly preceding it a little. In his preface to the latter, Rutherford says, "Others can, and I hope will, add riper animadversions to Erastus." These two works, on the same subject, published almost simultaneously, give an admirable insight into the different minds and methods of the two colleagues so much at one on points of doctrine. Gillespie's work is undeniably the most lucid and orderly. He uses the historical method of dealing with his subject. The First Book of "Aaron's Rod" deals with Jewish Church government and examines the case which the Erastians made for themselves from it. The Second Book treats of the growth, causes and precepts of Erastianism and

/ and of the power and privilege of the magistrate in things and causes ecclesiastical. The Third Book concerns Excommunication, considers Matt. XVIII, the question of Judas receiving the Lord's Supper, the Sacrament as a confirmatory, not as a converting ordinance, and the Church's sole right to exclude. He states his polemic method in his preface. Of his opponents, he says, "I have not declined them but sought them out where their strength was greatest, their arguments were hardest and their exceptions most probable." Gillespie seeks to select and destroy the chief corner stones of the Erastian edifice and so bring about the collapse of their whole argument. Rutherford's method is different, more diffuse, discursive, scholastic. His literary output at Westminster was thrice that of Gillespie. He was continually in residence in London, and more even than the former in demand for penning the 'papers' ~~which~~ which the Scots circulated ⁱⁿ the Assembly. He more easily ^{responded} replied to this demand than his colleague, because he had an even more fertile, more original and more retentive mind, and Gillespie was not meanly gifted with these qualities. The latter's manner of study was 'intensive'. With great learning, great powers of application and concentration, he would bend his mind to a given thesis and produce an ordered and brilliant exposition. His "Popish Ceremonies", "Assertion of Church Government" and now "Aaron's Rod" all show such a mind at work. His posthumous "Treatise of Miscellany Questions" is the 'left-overs', the material which he could not fit into the scheme of his larger works. With Rutherford, there could have been no "Miscellany Questions" for most of his books are 'miscellanies' of questions. Every aspect of a case that occurred to his mind, for refutation,

/ refutation, exposition or proof went into the work in hand.

His method is 'extensive'. What Gillespie gained by study, Rutherford assimilated as he read. But the case with which he assimilated was often fatal to order, in his writing. Gillespie was the best debater, because he had the more selective mind.

Rutherford's four hundred pages of anti-Erastian controversial (the "Divine Right" contains other material besides this) is cast in quite a different mould from his colleague's work. It is a series of twenty-two "Questions", and, though these are contained in eighteen chapters, the question is the real unit. Within the main question, a multitude of subordinate ones are raised, some textual, some exegetical, some syllogistic, some historical; their variety knows no end and his wider learning only makes the number more bewildering. "Erastus his learning", "Beza his antagonist," are quoted, presented, re-presented and expounded. Every argument used by Gillespie is produced by Rutherford --- and many more --- for there is in his work, less history and more argument. Perhaps they agreed as to the respective form of their attack; Rutherford is more speculative and doctrinal, Gillespie more historical and practical, though both show ample talent in the field of their colleague. Gillespie bombed the key positions of his opponents; Rutherford bespattered the serried masses with his shrapnel. It is the fate of warfare that bombs sometime miss and that shrapnel falls spent, but in their age and time few were reckoned more powerful in the use of the weapons they employed.

The "Divine Right" falls into four main sections. In the first, Richard Hooker, the Anglican, is his main preoccupation,

/ preoccupation; in the second, Erastus; in the third, Prynne, the Parliamentary Presbyterian. In the fourth section "The Dispute Touching Scandal" he turns on his own countrymen the Aberdeen Doctors. The three first divisions correspond roughly to a treatment of Erastianism in its intellectual, its ecclesiastical and its political aspect and for convenience sake are here headed: Rutherford and Hooker, Rutherford and Erastus, Rutherford and Prynne.

Rutherford and Hooker.

I

When, in 1642, the Scots were directing their propaganda towards the South, George Gillespie wrote his "Dispute against the English Popish Ceremonies", a pungent attack, with memories of Laud sharpening the pen of the author, and the most orderly, if most virulent, Scottish treatise on this question in which Gillespie was undoubtedly his Church's greatest apologist. In it the imposition of ceremonies as things necessary in religious worship was repudiated as restricting the liberty of the Christian, since no such imposition could be made by naked will and authority without reasons being given to satisfy the conscience. The more subtle argument that such ceremonies, if not definitely commanded, were nevertheless expedient to the 'bene esse' of the Church met the same uncompromising rejection. To the Scot they were but a preparation for greater Romish evils, they hindered edification and a clear knowledge of God, they had occasioned terror and cruelty, perverted the minds of the weak and disturbed the peace of the Church; the ceremonies were unlawful and idolatrous and Gillespie's scriptural and historic arguments against them were, as such, cogent

/ cogent as any, even Hooker's, in their defence. In his eighth chapter he denied that their lawfulness could be based on any warrant or ordinance of the magistrate and took up briefly and in outline the doctrine of Church government expanded in the "Divine Right" and to a certain extent in his own "Aaron's Rod Blossoming". His conclusion dealt with Hooker's thesis that ceremonies were things "indifferent" and might be worthily used for a good purpose, opposing to it the Kirk's claim that these were not things indifferent because she had abjured and repudiated them.

No one can seriously and favourably compare Gillespie's prose style with Hooker's. But a man, though meek and reasonable, may not always be right, whilst another, though violent and tactless, may not always be wrong. For the logic of it Gillespie proved as ably that the Scots were right in throwing out the ceremonies, as Hooker that the Anglicans were right in keeping them. Each regarded the other's as an imperfect Church. Years earlier from an untroubled study Hooker could write "I see that certain reformed Churches, the Scottish especially and French, have not that which best agreeth with Sacred Scripture, I mean the government which is by Bishops.... which to remedy is for the one altogether too late and too soon for the other." Neither Laud in the first instance, nor Henderson afterwards thought it "too late" to attempt to reform their neighbour. The Scots had now assisted in the overthrow of the Anglicanism so beloved by Richard Hooker and the only Scottish divine who could compare with him in scholarship, Rutherford, four years later followed up the work of his junior colleague in an attempt to destroy the apologetic for forms, and especially for a Prayer Book

/Book still acceptable and dear to many Englishmen. His learning was as great, but his style and language fall far below that of his great opponent - not that, as we know, Rutherford could not write great prose, but controversy was for him a technical science in which beauties of style, if he ever thought of them, gave way to the piling up of serried minutiae of refutation. Untroubled by his fame he attacked the man of whom Clement VIII had said "There is no learning that this man hath not searched into; nothing too hard for his understanding. This man indeed deserves the name of an author, his books will get reverence by age, for there is in them such seeds of eternity that if the rest be like this, they shall last till the last fire shall consume all learning." ^I

Richard Hooker much more than Erastus was the father of English 'Erastianism' in its intellectual aspect, and neither Hooker nor Erastus ^{was} ~~were~~ needed to instruct the Common Lawyers in their special brand of that creed. Later in this work Rutherford attacked Erastus, but on the purely Erastian question, that of Excommunication. The question of complete State control of Church affairs was never in all its aspects considered by Erastus, and when Rutherford came to consider such a doctrine it was with Prynne, Presbyterian martyr, but Erastian common lawyer, that he fought. Meantime the intellectual and philosophical arguments of Hooker for the Erastian principle as applied to the imposition of ceremonies claimed his first attention.

Although the 'Erastian' eighth Book of Hooker's "Of the Laws of Ecclesiastical Polity" had not yet been printed, Hooker had amply revealed his standpoint in his Preface. The philosophical idea of
 I Cambridge History of English Literature, Vol III, p.415, quoting Walton.

/ of the sovereignty of natural law eduuced in his first Book gave Common Lawyers such as Selden an intellectual argument for Parliamentary control of the Church. Hooker's work had been occasioned by the Puritan controversies over the 'ceremonies' in the time of Elizabeth. The Scots had lately freed themselves from these trammels, but found that the English divines still loved Hooker and many were dissenting from the hard words spoken of the Prayer Book in the Directory for Public Worship. Hooker was the arch-enemy of all that Rutherford prized; he had elevated Reason to the status of Revelation; he had pled in powerful and stately prose for the retention of the ceremonies; he had made the law of nature as important, if a not more important, guide in moral conduct as Holy Scripture; he maintained that Scripture laid down only the necessities of doctrine and practice and dictated no infallible and perfect platform of Church government; above all, he held Bishops to be a necessity. He was the true father of 'Seldenism' for the eighth Book, though yet unpublished, made Church and State one body, and the King its Head, whilst stating that the monarchic power was limited by law. "The axioms of our regal Government are these 'Lex facit regem', rex nihil potest nisi quod juri potest." So in effect Parliament became controlling head of the English Church as monarchic power waned, as was seen in the Parliamentary defeat of the Church's attempt in 1535, to alter the Prayer Book. In 1644 Hooker, though long dead, spoke through his disciples; his piety had won respect; his Erastianism appealed to the Parliamentarian, his defence of English forms to the more conservative members of the Assembly. He was English and apparently

/ apparently eirenic, Rutherford was Scottish and manifestly angry. The great root difference lay in their theology. For Hooker God was Law, and the acts of his Will emanated from his Law. For Rutherford God was Will, and his Laws were acts of his Will. The conception of God as Law educed the doctrine of a progressive revelation in nature and in Scripture. The conception of God as Will established creation, creature, and Church, by ~~a succession of~~ ^{an} immutable and ^{yet} scrupulously detailed decrees. From the distance of three centuries it can be seen that Hooker though reasonable is not always right, Rutherford though rigid is not always wrong. The latter at least showed that Hooker's appeal to Reason as an ultimate authority in religious matters was neither so final, so imperative, nor so reasonable as at first sight appeared. He placed it even lower than the Roman Catholic appeal to tradition whilst maintaining his own standard of the Inerrant Word.

II

A more complete refutation of every thesis contained in "Of the Laws of Ecclesiastical Polity" could hardly be found than the opening statement of the "Divine Right". "Christ Jesus hath so far set down and stablished a perfect Platform of Church Government in all morals, not only both for the inward but also for the outward and external Government of His House, that He hath left no Liberty or Latitude to Magistrates or Church^es whatsoever to ch^ose and settle such an orderly Form of Church Government or Discipline as is most suitable to their particular Civil Government, Laws, Manners and Customs, so this Form be not repugnant to the Word of God." ^I This was a frontal attack on the English politico-ecclesiastical citadel.

I. Divine Right, i.

He began by detailing the different circumstances of worship, moral, natural (e.g. place of worship) and mixed. Altars, festivals etc., regarded by his opponents as natural concomitants, he regarded as unestablished by Scripture proof. In the mixed category (vestments, etc.) he maintained that some of these circumstances of worship - e.g. the surplice - might acquire a superstition and spurious value "for the inconveniency of the circumstance does often vitiate the worship." For the rest, in such things as were purely natural, and where Christ had given no actual rule, the Church could only give directive instruction. He disclaimed any intention "to tie where Christ has not tied", but his opponent too could sincerely register the same disclaimer. For Rutherford, the ceremonies were gilt fetters on a free man's worship, for Hooker, the Puritan imprisoned the spiritual imagination in a bare cell. The former hacked ceremonies, altars, surplices, festivals, organs and liturgies out of the Christian fabric as unscriptural and insupportable. Had these been things indifferent, they would have been prescribed and permitted by Scripture as alterable, but to admit that they were indifferent was the road to religious anarchy. Hooker conceived the charge "Feed my Sheep" as a wide command to evangelise and govern; Rutherford, supporting it with other texts, interpreted it as an exact divine prescription of the sheepfold in shape and substance, of the character of the shepherd, and of the pasture and diet of the sheep. The noxious morsels of the English Popish ceremonies were categorically excluded from the diet.

As Hooker thus classified the ceremonies as things indifferent, his subsequent followers, lay and cleric, readily acceded the right of imposing them to the State. Selden and others further

/ further secularised Hooker's doctrine by emphasising and maintaining the doctrine that Christ's Kingdom was mystical and that He neither held, nor entrusted to pastors any rule over the external policy of the Church, which rule lay in the hands of the civil magistrate. Rutherford asserted the principles of Knox and Melville that "Christ ^{le} ~~ruled~~ ^{"must govern"} the politic external body of His Church perfectly by Laws of His own spiritual policy." Christ was the Head of the external visible Church as of the invisible mystical Church. He turned, as did every Calvinist, to the "Keys" passage, so often used by Him, to manifest that Christ had instituted a definite Church government of which He was Head; to which He had entrusted the power of discipline. This power of self government under Christ and the exercise of discipline was no more alterable than any other part of the divine plan of the Church. To Hooker, it seemed that many circumstances of Church policy and worship were so infinitesimal in importance when compared with the Moral Law or with the great Christian dogmas that they could be readily altered to suit the needs of the age and people; Rutherford admitted their lesser importance but abated no whit in stating their absolute immutability. Perhaps because of a scoff of Hooker ^{lay} at "Pastors, ^{deacons, synods and} Elders, ~~Docters~~ and ^{widows} Deacons", he announced "the office of ruling elders is as fixed as one of the ten commandments" The elements of Church policy were not only immutable, they were perfectly outlined, detailed and defined in Holy Writ; all practices outside the Word, Crossing, Kneeling, Bowing, were damnable and indeed blasphemous. Regarding the necessity of Bishops, the democrat in him prompted the sentence "As there are other forms of government, besides monarchy, there is no

/ no need for the existence of a prelatical monarch." Hooker made a right distinction in distinguishing between the ethical values of the Old and New Testament and in estimating the comparative validity of their injunctions. His opponent stated that as God had dictated word by word to Moses and David the ceremonies and practices of the Old Testament, so in the New Dispensation, He also had ordained the practices which were warrantable; any others not found therein were worthless and odious to Him. God, said Hooker, had in the Old Testament given injunction in detail because of the primitive nature of the people, but in the New Testament Christ had enounced great principles, and also laws based on them, which were changeable according to need under the guidance of human reason.

At this point Rutherford again entered that conflict with so many facets - the Arminian, the Anti-Toleration and many others - the war between Reason and Revelation. "The natural reason knoweth not what is positively morally good unless God's Word teach us." For him Reason was not the judge of God's Word; the Word was the creator of a true reason. Hooker, exercising the faculty of reason on the injunctions and commands of Holy Writ, claimed that many of them were 'occasional', being dictated for the immediate need of the time, and therefore alterable. Admitting that all Scripture was in this sense 'occasional', the Scot retorted that the doctrine of the Resurrection was 'occasioned' by man's fall. Was it therefore alterable? He took Hooker further than he would have taken himself in the overplayed rhetorical reductio ad absurdum and as often marred his own case by distorting his opponent's. But

/ But at least the belief that Christ had made an exact provision for his Church, was no more ill balanced than an overweening faith in the power of human reason. Prynne in his "Vindication of Four Serious Questions" took up the "occasional" theory of the divine ordering of the Church, holding with Hooker that Scripture merely laid down certain large principles and pointing out that there was no uniform Church government in the Apostles' time. Rutherford admitted the historicity of divine injunctions, but denied that this implied their mutability. "Points of government did grow by succession of time"; but "Fundamentals were by succession delivered to the Church and yet are ^{they} not ~~to be~~ alterable^I". Apparent contradictions in the divine ordering of the Church he would not admit, and readily explained away. Within the New Testament Christ had dictated a perfect and pure system of Church government and worship which would admit of no change by diminution or by addition. Ceremonies were idle fripperies, liturgies seducing spirits, the Reason which engendered them infected, evil and sinful.

His doctrine of Scripture lay behind all Rutherford's ecclesiastical thought. It seemed to him impossible that God would only reveal an outline plan of a Church, to be filled in by the corrupted reason or will of man. "Moses and Canonic writers are not Law givers under God, but Organs of God in writing, and mere Reporters of the Law of God."² He recognised no variations in the authority and validity of the canonic Books, no twofold division between that which was divinely inspired and that which was fact and history, no supremacy of one writer above another. "I know no Authority of the one above the other. Indeed in writing and
 1. Divine Right, 41 and margin. 2. Ibid, 62 and margin.

/ and relating to the Church, the Will of God and the Scriptures, Canonic writers are agents inspired with the Holy Spirit immediately breathing on them in Prophecy and in writing Scripture." ¹ His escape from a too literal interpretation of the Old Testament was the usual practice of the age, the classification of many of the laws and much of the anecdote as "Typical" and the foreshadowing of things to come. Much could be squeezed into, or squeezed out of a "Type" to suit an immediate argument. Denier of Reason as an arbiter of authority in religious matters, he had a super-acute rationalising faculty, expert in every trick of logic which would make the text, support an already preconceived idea. Pure exegesis and sheer adaptation exist side by side, but, whether he pressed the text or expounded it, he had ^{no} ~~little~~ doubt in his own mind that he was accurately interpreting an infallible Word whose writers "were but Organs, the mouth, pen and Amanuenses; God as it ^{immediately} were ² dictating and leading their hand at the pen."

The dictates of common sense suggested to Hooker that it was unwise, even derogatory to the Word of God to search it for guidance in trifles in this process of rationalising disciplines and dogmas already formed, whereas Rutherford believed that guidance could be sought and found therein for the meanest thing. Common sense and reason were authoritative guides only in the extra-moral acts of life. He did not exclude reason from the inner religious life, but such reason was to be led by the Spirit of God, though his opponents declared that this was a reason circumscribed by an interpretation of Scripture narrowed by formal dogmas.

Hooker's further argument that the ceremonies appealed to and spring from a natural instinct in man was no commendation to an

/ an ultra-Calvinist. "Nothing can be evil that God approveth and He approveth much more than he doth command, and the precepts of the Law of Nature may be otherwise known than by Scripture, then the bare mandate of Scripture is not the only rule of good and evil in the actions of moral men. [It is false that Scripture only doth direct us.]" So wrote Hooker and the answer to him ran "The Word of God, which is contained in the Scriptures of the Old and New Testaments is the only rule to direct us how we may glorify and enjoy Him." Rutherford sensed ~~rather than perceived~~ that the humanism of Hooker could be a disruptive power. It was the spiritual ancestor of Deism though the pious Hooker would have abhorred the latter creed. To oppose it Rutherford, Scot and Calvinist, asserted the authority of the inerrant Word. All Law was of the Will of God. The "Law of Reason in Morals" was nothing but the "Moral Law and Will of God fully contained and revealed in the Scriptures and therefore not to be divided from them, through which a great part of this Law was printed in the reasonable soul of man."²

So throughout the two hundred pages which he calls introduction this interwoven dispute was waged; between ceremony and purity, between the authority of Reason and the authority of a canalised Revelation, between the concept of God as Law and the concept of God as Will, between Prelatist and Presbyterian. Whenever Rutherford could hurl the charge of "Romish" he avidly seized the opportunity. Hooker's plea that certain things though unnecessary to salvation were of so great dignity as to have acceptance with God was for him merely a subtle restatement of the Roman doctrine of supererogation. He suspected Hooker of Roman traditionalism,

1. Divine Right, 76.

2. Divine Right, 75.

/ traditionalism, all the more so because of his felicitous language. When opposing the authority of the written Word to the Church's tradition he made one of the few happy epigrams of the work - and it was not quite original - "I see the light of the candle because of the light itself not because of the candlestick."^I

All this comprised his "Introduction"; Chapters One and Two were merely a recapitulation of all its arguments repeatedly re-iterated till the reader is weary. The ceremonies themselves were a little more specifically attacked. By a metonymic argument he made their imposition identical with addition to Holy Scripture which brought upon the perpetrator the curse of God. Hooker had suggested "that actions leave a more deep and strong impression than the Word." Nothing could have been more outrageous to Puritan thought. Rutherford's standpoint was "~~the~~ Surplice is a Doctrine of lies not because what it teacheth is a lie, for what it teacheth is Scripture, that they who bear the vessels of the Lord should be holy, but it is a Doctrine of lies because it representeth pastoral holiness by human institutions without all warrant of the Word of God."² The evil was not in the intention but in the attempt to supersede or complement the Word by unauthorised actions and intrusions. "Who truly converted from Popery, who inwardly humbled in soul, doth not abhor ceremonies, by the instinct of the new birth."^{2 3} Incidental to a controversy already noted he rejected kneeling in the act of receiving as savouring of adoration of the elements, and pleaded for sitting around the communion table as the only true way of celebrating the Lord's Supper, but conceded that "table sitting is not so necessary as that the want thereof doth annihilate the Sacrament and make it to be no Sacrament at all."⁴

I. Divine Right, 78.

2. Ibid, 130.

3. Ibid., 131.

4. Ibid., 200.

/ In the end he reverted to the practical issue which the Scots had already settled. Can the King impose the ceremonies by law? We obey laws he said, not because of the authority behind them, but because of the authority and weightiness of the matter in them. Human law he held to be derivative from divine law - though the relation might not always be clear - therefore the weightiest human laws were those most closely related to the divine. Ceremonies were, for him, contrary to divine law, so no king could impose them, no people could give power to a State to impose them, no obedience to a King or State could make them acceptable or right. He made a strong case against one tyrannous imposition, but the civil and religious affairs of the time were so entangled that his claim could also, and later in Scotland did amount to making the Kirk interpreter of many of the laws of the land as to whether or not they were right and valid.

"Of the Laws of Ecclesiastical Polity" was a masterpiece of prose incomparable with the prolix repetitive 'Divine Right'. But Hooker's position of 'reasonable' subservience to the State in the long run did nothing to deepen his Church's spiritual life, nor did it make that Church any more tolerant than her Scottish neighbour. Claims based on their apparent reasonableness can be as intolerant as any based on an inerrant Word if the mind and will of the claimant is inflexible. Rutherford was right in his claim that no State could impose a hated worship on his nation. He believed there was only one true worship and saw no wrong in it being imposed on another nation. That was his political error and led to his thesis on toleration, or rather, against it. He manifested all the faults of a rigid and indeed self-willed, dogma-conditioned interpretation of Scripture, but he exposed also in the mighty

/ mighty Hooker the fallacy of humanism, the overweening trust in human reason, and its ability to produce an ordered world in Church and State.

Rutherford and Erastus.

I

Pages 220-502 of the "Divine Right" are a critical study of Erastus's Treatise on Excommunication and especially of his "Confirmation" of the Treatise, which latter is translated by Rutherford and analysed word by word. This section, written during the Excommunication debates, was an effort to silence Coleman whom death was soon to silence. An acquaintance with Erastus's work had led Coleman, in a sermon before the House of Commons on 30th July 1645, to make certain untoward animadversions on Presbyterian doctrines. Most outrageous to the Scots were: his counsel to Parliament to "Establish as few things Jure Divino as can well be"; his disclaimer of any separate Church jurisdiction and of the divine institution of the eldership; "I could never see how two co-ordinate governments exempt from superiority and inferiority can be in one state, and in Scripture no such thing is found that I know of" "I see not an institution nor any one act of government in the whole Bible performed how it can be evinced that a ruling Elder is an instituted office";^I lastly, his rejection of Excommunication as a Church censure. The place I Cor. 5 takes not hold on my conscience for excommunication and I admire that Matt. 18 should upon any, yet these two are common places on which is erected the chiefest acts of ruling." This was a patent attempt to hand over the Scriptural defences of the Assembly to the Parliament and occasioned the bitter pamphlet warfare between Coleman and Gillespie

I Hopes Deferred and Dashed, p.24.

/Gillespie which grew the more bitter with each examination or re-examination by the one of the other's answering pamphlet. As Erastus was the source of Coleman's doctrine, Erastus was singled out for scholastic attack.

Erastus has suffered some rather ill deserved reproach. He was no 'Erastian' in the sense in which Hobbes, the advocate of supreme control of all religion by the State without regard to the individual conscience, was an Erastian. His theories in this direction were even less advanced than were Hooker's. His actual thesis and its confirmation did not go far beyond the immediate point at issue, excommunication, and even here he was more concerned with the 'an sit' than the 'ubi sit'. Only in a few passages, and there mostly by implication, did he touch on the wider dogmas that have taken his name. It must be borne in mind that he visualised an ideal Christian state ruled by the 'godly prince' and he specifically denied authority in religious affairs to the ungodly magistrate. Frederick III of the Palatine was his prototype. Erastus was no Lutheran, but Zwinglian in doctrine. When a Lutheran elector came to the throne, and through the doctrine '*cujus regio eius religio*', overthrew the Reformed faith in the Palatinate, Erastus resigned his professorship in Heidelberg, though he had little cause to love the left wing of the Reformed party who had excommunicated him for two years. He wrote "as in managing secular affairs the magistrate may not transgress the bounds of equity, justice and honour laid down in the laws of the State; so much less in disposing of and arranging religious matters and those which relate to the worship of God, is it permitted him to depart in any particular from what God has

/ has prescribed in his Word. This Word he should follow as his rule in all things without departing from it at any time in the smallest particular." ¹

Erastus hated excommunication for two reasons. It had been of old a political weapon of the Pope's, he feared it might become such a weapon in the Palatine; similarly now Parliament feared it might be thus employed by Presbyterian Churchmen in England. Again the disciplinary intentions and ecclesiastical machinery of the Reformed Churches were making, and were to make the application of this censure widespread and common. In 'Nihil Respondes' Gillespie boasted "I dare say divers thousands have been kept off from the Sacrament in Scotland as unworthy to be admitted, Where I myself have exercised my Ministry there have been some hundreds kept off, partly for ignorance, and partly for scandal." ² The layman in Erastus rebelled at this practice as ineffective and often dictated by local and personal motives. He repudiated the greater excommunication which cut a man off from the hearing of the Word, the Sacraments of the Church, the society of his fellows and all civil privilege, claiming that Christ had given no man the right so to use his fellow. (In Scotland, as noted, the excommunicate was not debarred from hearing the Word or from certain ordinary and necessary civil privileges.) He was against all debarring from the Sacraments because of serious offence, which he sought to prove unscriptural. The origin of his thesis was a practical issue, the attempt of Frederick to establish disciplinary Church courts throughout the Palatinate to elevate its people to the moral standard of the Genevans; in his dislike of his

¹ Confirmatio III c.1.

² Nihil Respondes, 20

/ his sovereign's action he was "anti-Erastian" rather than "Erastian." Like most Reformers he had no objection to the magistrate establishing 'true' religion but questioned his power to introduce or maintain a false one.

Yet theorising on magisterial power occupied very little of Erastus's "Thesis" for the establishment of true religion by the magistrate and a judicial control of it by him were natural concomitants in the 16th century. It was the relationship of the church official, and the local church official, with their people, which primarily concerned him. It seemed to him that the disciplinary courts would be less careful in judgement, more likely to descend to petty spite and vindictive sentence than the civil, so he would have all power for punishment of any sin or moral offence taken from them and given to the magistrate, to whom he held this power properly belonged. But he had to rationalise his doctrine to defend it, and it was the arguments he propounded in its defence that made his name anathema in all the Calvinist Churches, for these were capable of wider implications than he foresaw. It was because these arguments were more expanded in the *Confirmatio* and the implications more patent that Rutherford took up the latter work of Erastus so fully.

II

This section of the *Divine Right* was hurriedly composed and compares unfavourably with the more orderly treatment of Erastianism in "Aaron's Rod." In that work we are told the reason of this haste. Gillespie after stating that Erastianism, almost slain has now suddenly revived, goes on "Yea, Mr Coleman was the man

/ man, who (to that purpose) first appeared publicly; First by a sermon to the Parliament; Next by debating the Controversy with myself in writing; . and lastly, by engaging in a public debate in the Reverend Assembly of Divines against this Proposition: Jesus Christ as King and Head of His Church hath appointed a Government in the Church in the hands of Church Officers distinct from the Civil Government "_____." But the Lord was pleased to remove him by death before he could do what he intended to do in this and other particulars. One of his intentions was to translate and publish in English the Book of Erastus against Excommunication. But though God's mercy before the poison was ready there was one Antidote ready, I mean Mr Rutherford, his answer to Erastus." This three hundred pages of anti-Erastian material was a deliberate attempt of the Scots to forestall Coleman's publication of Erastus, hence Rutherford's verbatim translation of all the main passages of the Confirmatio, his embodiment of them in the text and his seriatim refutation of them.

The date of composition of the Divine Right lies therefore in the autumn and winter of 1645. Gillespie was busy with his public pamphleteering so Rutherford entered hurriedly on the task of undermining the enemy's main defences, the works of Erastus which death prevented Coleman from publishing. In these days the baleful word Erastianism became current as the label for another anti-Presbyterian heresy. In the Divine Right, written late in 1645 the word 'Erastian' is ^{only sporadically} ~~hardly ever~~ used; once in the Preface (written last), never at all that I have noticed in the two hundred pages on Hooker; 'Erastus his Argument' is ^{much more} common ^{enough} in the next three hundred pages, ^{than} ~~but use of~~ "Erastianism" ^{which} never

only occasionally meets
/ ~~never hits~~ the eye. Not even when he deals with Prynne and the specific doctrine of civil supremacy over certain ecclesiastical principles does Rutherford call Prynne Erastian or his doctrines Erastian. His reference to Erastianism in the Preface can be interpreted as applying to the more accurate sense - civil control of Church discipline. Gillespie and Baillie made the word a term of infamy and reproach among the Scots. Gillespie especially wrote up the history, pointed out the ultimate implications of the doctrine and added the ostracism of heresy. The word passed into common use between the summer of 1645 and that of 1646 because of the Assembly's difference with Parliament over the matter of Church Censures. Originally Erastians were those who opposed Church censures, they found themselves naturally backed by the civil power so the word was enlarged to describe those who upheld civil control of all religious affairs. But it was the fortuitous connection of the Excommunication question with Parliamentary claims that applied the term Erastianism to the doctrine of State control of religious life. It became a word of wide meaning, of vague meaning and, even at the outset, of debatable meaning. A persecuted Scots Episcopalian, existing miserably on the quays at Rotterdam, viewing the Church of Scotland with the rigour of Argyll's State behind her, might wonder who was an Erastian.

Yet the Scots could not, even had they so wished, leave the Erastian apologetic unattacked. Erastus had limited civil control to "things agreeable to the Word" and had denied the necessity of the Church's obedience to a pagan magistrate. But in giving the correction and punishment of moral affairs to the magistrate on

/ on Scriptural grounds, he made it quite possible for the magistrate to claim control of doctrine and worship on the same grounds. The latter claim the English Parliament was then not slow to make, and, as the recent Church of England history shows, is still very loath to relinquish. The object of Gillespie's "Aaron's Rod Blossoming" was to show the evil road the disciples of Erastus would inevitably follow. With a strange fairness to Erastus - strange, that is, in Gillespie - he admitted that his followers held views he had never propounded, and he even pointed out the concessions to ecclesiastical control which Erastus had made, but he did this to belabour the more soundly the English Erastians. Rutherford contented himself with a critical examination of Erastus's arguments as embodied in his *Confirmatio* and with a refutation of Prynne. Gillespie's work is an exhaustive and virulent attack on the whole doctrine lately developed and known as Erastianism. To him the Free Churches of the last century owe the word, which rather uncritically itself in origin, they applied somewhat indiscriminately to all their opponents. A word may be said on this partner of the Divine Right. It was written in three Books. The first dealt with Erastus's Old Testament arguments against Excommunication and opposed to his concept of a homogeneous and integral Jewish Church and State an interpretation of Jewish history which made these two bodies separate both in function and judicatory. He was, needless to say, more successful in proving Excommunication than disproving the close knit relationship of Jewish Church and State. The second Book gave an account of the rise and growth of Erastianism and debated the Headship of the Church and the power of the Civil Magistrate.

/ The last Book set forth all the New Testament arguments in favour of Excommunication. Gillespie was more orderly and lucid than Rutherford, but less learned, less accurate, less thorough. Despite Rutherford's rambling controversial - exegetical method, he managed to cover most of the doctrine educed or implied by Erastus, and here he has not learned, as in bitterness of spirit he later did, to hurl the term Erastian savagely at an opponent; Prynne, arch-Erastian as he became, he still calls learned and godly.

III

The Theses of Erastus (An Examination of that most grave Question Whether Excommunication or the Debarring from the Sacraments of Professing Christians because of their Sins be a Divine Ordinance or a Human Invention) and the Confirmation of the Theses were published six years after the death of Erastus. They were published in London under a printer's pseudonym ~~in London~~ in 1589 and Beza suspected Whitgift of instigating the publication at this critical moment in the disciplinarian controversy. Beza published his Refutation in 1590 - he had already in his lifetime written Erastus a private judgement of the Theses. Rutherford made great use of Beza in his examination of the Confirmatio and whole passages are mere verbal translations of his animadversions. Not much of his contribution was original, but he certainly did the spade work which gave Gillespie the material for his later treatise.

He began with a claim parallel to that of the State; as the State had a twofold function of directing men to good and punishing the evildoer, so also had the Church, namely, in the preaching of the Word and the administration of discipline. The latter function

/ function was not vested in a merely internal persuasive power over the conscience, but in definite acts of Church control. Of these the Church's public rebuking of the offender was one of the most efficacious. The nature and justification of Church censures - as all Calvinists held - was explicitly set forth in Matthew 18, 15-18. The crescendo of procedure based on the text was:- first, private rebuke; next, if the offender proved obstinate, Church rebuke; and, if obduracy persisted, excommunication. This was the orthodox Genevan doctrine of Calvin, Knox and Beza. The chief props of this doctrine as enumerated were: the word 'ecclesia', which he admitted could bear a secular meaning, but here in the text referred to a spiritual office of the Church; the case of the incestuous person (I Cor. 5.) and his delivery to Satan; the casting out of the lepers and the unclean from the camp; the exclusion of the morally guilty from the Passover - the last being 'typical' examples from the Old Testament illustrating the moral and perpetual truth that the rulers of the Church are to have charge of holy things and see that none profane them.

Erastus's argument against the whole procedure was based on the sincere belief that in this act man was abrogating to himself the power of God, and that in excluding anyone from the sacraments the Church inferred that they were excluded "in foro interno Dei". In practice the inference was only too common. Rutherford sought to make it clear that Excommunication did not deprive man of Heaven or separate him from the invisible body of Christ. "Excommunication hath in it neither Election nor Reprobation, Regeneration or non-Regeneration".^I When it came to an ^hescatological explanation he

^I Divine Right, 264.

/ he found himself in difficulties, his view being that while God registers in Heaven the sentence of the Church He may win the excommunicate to salvation; yet while the possibility is allowed there was no great emphasis put on the probability of such an occurrence. By excommunication a man is deprived of the "second acts of the life of God" as a discipline, and he went as far as to say "This external cutting off is ratified in heaven and Christ hath ratified it by a real internal suspension of the influence of his Spirit."¹ Though the excommunication hope of salvation is not ruined it is greatly impaired because he is cut off from the efficacious acts of the Spirit. His assertion ~~that~~ ^{"how is the} ~~"the man is~~ ^{"not delivered to Satan morally to be hardened but judicially and withal medicinally to be softened that his spirit may be saved"}² expressed the intention of the discipline, but the subsequent career of the roaring Middleton and others who experienced this cathartic ordeal throws grave doubt on the efficacy, psychology, and wisdom of the process as a means of salvation.

Erastus already doubted and spent a deal of exegetical ingenuity in upsetting the case for its defence. All the 'typical' arguments from the Old Testament, exclusion for ceremonial uncleanliness, etc., were denied, and he produced an adequate ad hoc selection of Scripture sentences in support of his own theses. He did overturn not a few of the Old Testament types for Excommunication and the strongest counter Rutherford could offer was Ezekiel 44 "no stranger nor the uncircumcised in heart shall enter my sanctuary" claiming that a man's deeds were a fairly sound index of the state of his soul and that the Church could judge him by them. But if his opponents indulged their ingenuity in this Old Testament "typification" Erastus let his own run riot in New

I Divine Right, 262.

2. Ibid, 267.

/ New Testament exposition. The doctrine of discipline was based on Mth. 18, 15. ff. He correctly enough maintained that it referred to private quarrels, but outdid discretion in interpreting "Let him be to thee a heathen and a publican" as meaning "Take the case to the Roman judge." The Lord was counselling his followers to settle disputes peaceably between each other if possible, otherwise to take them before the local rulers of the Church. "Let him be to thee a heathen and publican" advises the complete breaking off of relations between offender and offended if no settlement can be found. Exclusion from the synagogue was the punishment for serious moral offence and the whole passage may illustrate early Jewish Christian practice as based on some of the Master's words. Erastus attempts to disprove the existence of Excommunication in the New Testament Church were ill founded, because some form of it did exist. The cases were too strong against him, and his interpretation of the "delivery to Satan" as a 'miraculous killing' only exposed him to the ridicule of the critics.

In all this weary warfare and painstaking translation of the Confirmatio and of Beza's reply no new light, and seldom an epigrammatic thought, sparkled from his tired pen. Purgings - of Churches, of Parliament, of Nations - was in the air, the sovereign Puritan panacea; so Rutherford stated the second principle of Excommunication placing it higher than the first. "God's aim in this separation is not only that the cast out manⁿ be humbled and brought to repentance But also God hath a higher aim to the end that the whole lump of Christ's body be not leavened and infected with the contagion of one man." ^I Disciplinary action

I. Divine Right, 339.

/action was not a private affair; it concerned the spiritual health of the Christian society and so must be directed by the Christian Church. Here was the radical disagreement with Erastus for according to the latter such action, if necessary, and if it was to be effected without favour and prejudice, could only be performed by the civil magistrate. Rutherford, seeking to show that discipline was not purely surgical but that it had in it some therapeutic element, pointed out that the Scots did not exclude the excommunicate from the preaching of the Word since this was a converting ordinance. He was excluded from the Sacraments because these were confirming ordinances and, as excommunicate, a man was not in a state of faith.

The argument now shifted from the 'an sit' to the 'ubi sit' of Excommunication. This impinged upon the larger doctrine now specified as Erastian, although England had known Erastianism long before it heard of Erastus. Rutherford held that Excommunication was only by Church courts, and he now said very little about the people's right in it. Erastus allowed of presbyteries only for consultative purposes. He favoured if need were, a mixed court of ministers and state officials for the trial and punishment of moral offenders - anathema to the Scots because such a scheme was sponsored by the English Parliament in the discipline question and in the allied question of the appointment of ministers. In support of the 'mixed' court it was Erastus who now turned to the Old Testament and to the Jewish Sanhedrin which dealt with both civil and religious affairs so inextricably interwoven in Jewish national life. His conception of the Sanhedrin as a mixed court dealing with mixed affairs was more accurate than that of his

/ his subsequent antagonists. Following Beza Rutherford tried, not very successfully, to show that there were two Sanhedrins in the Jewish State, and all his argument sought to emphasise the dualism of Church and State and establish it by Scriptural proof.

It followed that as there was Scripture for the divine establishment of the State so there must be a defined ecclesiastical doctrine of, and attitude to the State. Rutherford sought it in posing a query which was a direct attack on the accepted English ideology. "Whether the Magistrate, by virtue of his office as a Magistrate, hath supreme power to Govern the Church and immediately as a little Monarch under Christ above Pastors, teachers, and the Church of God, to judge and determine what is true Doctrine, what Heresy, to censure and remove from Church Communion, the Seals and Church offices, all scandalous persons, and that if Pastors or Doctors or the Church teach or dispense censures, they do it not with any immediate subjection to Christ but in the Name and Authority of the Magistrate, having power from the Magistrate as his servants and delegates." ^I In the framing of this the minor Erastian question of discipline is seen passing into the major issue of the relation of Church and State, and of Christ's Headship of his Church, which became dominant in Assembly debates as relations with Parliament became more strained. The wide power, claimed in the query for the Magistrate, Rutherford gave entirely to Church courts, and assemblies without any subordination to him whatever. The Church was not subordinate to the State, not even an imperium in imperio, rather imperium *juxta* imperium, and the New Testament Church, especially as manifested in the Pauline epistles was held

I Divine Right 504.

/ held forth as witnessing the authority of a spiritual jurisdiction of Church officers. Whilst the pastor as a man was subordinate to the magistrate, the magistrate as a Christian man was subordinate to the pastor and "There is a divine injunction to rebuke even kings." The Scottish Reformed argument of Melville was reiterated in many a sentence asserting that the power of the magistrate is cumulative not privative; he might indeed cause the Church to do her duty if negligent, but he must enforce obedience to the sentences of the Church - not question them.

Church and State each saw, as they have always seen, the danger of unlimited power in the other; each could only counter by asserting an unlimited power in their own sphere. But what was their own sphere? There lay the root of the whole trouble for a man's morals, his politics and his soul refuse to be departmentalised in a desiccated form of life. Excommunication had been made a political weapon by the Roman Catholic Church. It was to be made one by the Scottish Church. Erastus and the later English parliamentary Erastians were right in detesting and fearing such a use. The only other alternative for cleaning up national moral laxity was the coercive power of the State. But to surrender to this power was for the Church equivalent to surrendering all, so the Scots vehemently and viciously attacked Erastus, long dead, and all his works and followers.

Rutherford and Prynne.

As in Hooker he had attacked intellectual, in Erastus ecclesiastical, now in Prynne he attacked political Erastianism. An eminent martyr, a popular hero, a Presbyterian lawyer - he had

/ had lately trounced Burton the Independent, his fellow martyr - Prynne needed delicate handling. Rutherford could not understand one who was a Presbyterian and an Erastian, in fact he had to suspect him of Arminianism to believe it, but in his closing chapters he ~~dissected~~ ^{criticised} without any personal abuse, ~~on~~ Prynne's "Vindication of Four Serious Questions" which had dealt harshly with Presbyterian claims for free and separate Church judicatories, and set forth clearly what the magistrate might and might not do. Prynne as a lawyer had become bitterly anti-clerical during the Excommunication and Church Autonomy debates, but he was in the way of being Parliament's barking dog, and if his ears were short his tongue was sharp.

"I wondered much when I read ~~those~~ words of the reverend and learned Mr Prynne, "that God who bestoweth no Ordinances on a man in vain must intend in instituting the Supper that visible moral un-regenerate Christians may be converted thereby as well as real Saints ^{be} confirmed." ^I This, to Rutherford, savoured of universal salvation. He had in his youth hated Arminianism because it was Erastian - though the word had not gained currency, the Bishops practised the creed - now he hated Erastianism all the more because it was Arminian in tendency. He argued that to admit freely to the Sacraments implied that men could be saved promiscuously and this parliamentary and civil control of admission, placed in the hands of perhaps unregenerate men, was little removed from free admission. ².

King or Parliament, it mattered not which, had no voice in Church censures. "So many make the King head of the Church (and

¹. Divine Right, 525.
². Vide Additional Note, p. 931.

/(and the like must be said of the little heads of inferior magistrates as of the great head)." That a magistrate was a Christian gave him no added power, only added responsibility and, if worthy, greater grace to discharge his duties which he now enumerated. The magistrate must procure Preachers and Church officers to dispense the Word, Sacraments and Discipline, but the Church is the sole judge of their sincere and efficacious administration; he must see the pastor is paid, but not deprive him of his wages; he must punish preachers of false doctrine, but the Church decides what is false doctrine; he cannot compel a man to a faith, only as a Christian man in a special position exhort them to it. This apparent leniency was circumvented in his "Toleration" arguments. "His care is that there be a divine worship that is materially and externally right and consonant to the rule of the Word." But he himself has no converting office. He is not only ~~bound~~ to permit, but ^{obliged} to procure the preaching of the Word, to convene synods and to add his sanction to the necessary and lawful constitutions of the Church in such matters as the admission of the worthy and deposition of the unworthy minister. ^I From this it appears that Rutherford did not regard the summoning of a Church court by a monarch or by a Parliamentary body as an Erastian act. In this way the Westminster Assembly was not to him Erastian, for it was summoned by Parliament for the good of the Church, but any Parliamentary control of its ultimate formulations immediately incurred the stigma. A Minister guilty of treason or maladministration must incur civil penalty, but because these were faults of the man, not faults of the pastor's office.

He enumerated certain vetoes on clerical intervention in civil affairs. All intrusion into civil councils was forbidden as was

I Divine Right, 552.

/was membership of them; the kirk of the Covenant had withdrawn from the Scottish Estates, but, as against this, the Assembly at this time was politically as strong as the Estates. It was mostly matters of economic concern such as regulation of export and import, the fixing of the rate of exchange, etc., which he cited as outwith the ecclesiastical sphere. Despite this, but to her credit, the Scottish Church was to petition Parliament for the relief of depressed areas in Argyll and elsewhere, and a fact that has been overlooked was the most alive of any Church of the age to her social duties. He allowed that, if the King or Estates made oppressive economic laws, pastors and Assemblies might petition against them, but he was against armed rebellion on this ground, though in Lex Rex he supported it for religious and national causes. As a matter of fact, he never decided in what manner popular resistance to oppressive legislation was to be made effective. From now till the defeat at Worcester, the Church through Assembly petition backed by a skilfully manipulated pulpit propaganda, was often able to delay, frustrate, or initiate and further the decisions of the Scottish Parliament. Rutherford also gave the Commanding Officer's ordering of battle as another place where there must be no ministerial interference; if one apology for the Dunbar defeat is true it would have been well for his Church had they remembered his counsel. Thus though his expressed doctrine was the non-intrusion of the pastor into purely civil affairs, the practice in Scotland hardly corresponded, for there were few affairs that were purely civil - even the land question with its problem of teinds had ecclesiastical roots - and the growth of the Church's power tempted men to use that power beyond its legitimate province. The ideal Rutherford aimed

/ aimed at was a state of harmonious balance, the magistrate encouraging the pastor in his duty and warning him in any dereliction of it, the pastor enjoying the same relationship to the magistrate. As this was based on the interpretation by each of the other's duty - a fact which he overlooked, or dismissed by saying that their respective duties were clear in the Word - this very theory of balance was itself a seed and a sword of strife and in the heyday, hectic and brief, of George Gillespie's reign in the Church mutual encouragement was often displaced by vituperative abuse. Rutherford's final statement ran "Hence I am not afraid to assert a reciprocation of subordinations between the Church and the magistrate and a sort of collaterality and independent supremacy in their own kind common to both, for every soul, pastors and others are subject to the magistrate as the higher power in all civil things, and all members of the commonwealth being members of the Church in soul-matters are subject to the Church and Pastors in their authoritative dispensing of the Word, Sacraments and Church Censures: Nor are any magistrates or others who have souls excepted." ^I Thus he opposed to Prynne the doctrine developed by the Scots which, apparently an established concord, was to become, through circumstances, fertile in every form of discord.

Though he had now said all that could be said, he persisted in a few extra chapters to produce more argument which added little. The denial of Coleman's claim that the magistrate holds power from Christ the Mediator was followed by the affirmation that the magistrate was not bound by decree of synod or Assembly, unless these were according to the Word of God, but this was granted - in theory - to every individual. The Presbyterian admitted Synods could err, I Divine Right, 560.

/ err, but Presbyterian synods were remarkably intolerant of those who questioned their judgements as being other than according to the Word of God, and in practice could become as authoritarian as the Church of Rome. On the matter of appeals, which arose from the Assembly debates on the hierarchy of Church courts he stated the Scottish Presbyterian standpoint; there was no appeal from the sentence of the Church court to the magistrate, but a complaint against injurious procedure was allowed, upon which the magistrate could order a retrial but not overrule the Church's decision. He had no scruple in using modern Roman Catholic writers in his support referring to that "excellent and learned lawyer Ferd. Vasquez" who stated "that Christ has established his Church for spiritual ends and the magistrates are not his officers." He closed by showing that Bullinger Walter and Musculus who leaned towards Erastus, were mistaken in so doing, and after all were not so Erastian as they seemed to be.

The Dispute Touching Scandal.

The end of the Divine Right went back to the beginning. This tractate is a retrospective account of Scotland's dealings with her own Erastians and ceremonialists, that scholarly and attractive body of men known as the Aberdeen Doctors, the spiritual children of Patrick Forbes. In 1638, before they were in successive years finally outed for their Episcopalian and Erastian tendencies - convinced Arminians, with the exception of William Forbes none could be held to be - a Commission comprised of Henderson, Dickson, and Cant had been sent North to procure the signatures of the ministers and citizens of Aberdeen and district, to the National Covenant. They were, as Baillie says 'but coldly welcomed.' Demands were sent

/ sent from the Doctors to the Commissioners, the said Doctors according to Baillie "hoping by disputes and janglings to make their journey fruitless." Pamphlet and pulpit warfare ensued in which Answers, Replies, ^{and} Duplies ~~and Triplices~~ crossed between the disputing Divines, the pamphlets reaching as far south as the English court. ^I Someone perhaps now resurrected the Demands and Duplies of the Doctors to twit the Scots with their own Erastianism and expose them, through the works of their own countrymen, as destroyers of form and beauty. This is suggested in the context. But the tractate bears the mark of being salvage of an earlier pamphlet, if only because of some spontaneity in passages. Reference is made to the authors disputings with Dr. Baron during his exile - in which both subsequently claimed the victory - and the tractate was at least based on notes of that dispute, on some critical data on John Forbes's Irenicum and on material suggested by the Duplies, etc. The object lesson for Englishmen manifested how Scotland dealt with even the meekest and mildest form of Episcopal and Erastian heresy. The inclusion of the tractate may have been an afterthought, with the dual purpose of serving as apologetic for the Directory of Public Worship, now by law established to supersede the Prayer Book, and of manifesting, since negotiations open and secret with the beaten Charles were now in full swing, the inflexible Scottish policy that no concession to Espiscopalianism, however small, would find any accommodating tolerance.

The introduction to the tractate was an attack on the motif of John Forbes's Irenicum. Forbes had held that "things indifferent

I. Baillie, I, 97.

2. Letters, LXXXIX, CXXII, & CXLIV.

/ indifferent," i.e., acts of worship not specially commanded and set forth in Scripture, if commanded by the Sovereign must be performed and that obedience gave an added merit to their performance; moreover, an indifferent act if performed to the Glory of God became worthy, religious and meritorious. The truth in the latter argument was balanced by as weighty a consideration put forward in Rutherford's counter, that the ceremonies were specious trappings fraught with grave danger to the spiritual life of the Church. If Forbes seems the more reasonable and the ceremonies he pleaded for relatively innocuous, one has but to read Canon Raven's strictures on the glorification of, or specialisation in tinsel in the present Church of England,^I to realise that Rutherford's caveats, bitter though they be - and no more bitter sometimes than the Canon's - are still valid criticism of the dangers of ceremonial. Rutherford acidly commented that these trappings could only "in the vain intention of the doer be referred to God's Glory", and that a man must learn from Scripture how with his life and faith to glorify God. With his early vigour he breaks out "All our Ceremonies in their use, crossing, kneeling, wearing of the Surplice, have no intrinsical goodness, no internal moral equity of Order, Decency and aptness to Edify, Wherefore it is necessary they should be done; the doing of them in Faith, and for God's glory may be obtained as well by none kneeling, none crossing, none Surplice. This is no small dash to the credit of Perth Assembly; for they saw no goodness in the Articles but that which as well might have been obtained without them. Hence

^I Canon Raven, The Good News of the Gospel.

2. Divine Right, 653.

/ Hence except the goodness of pleasing King James they had no more reason for the Ceremonies than to make an Act that all Ministers shall go to the Foot Ball, the third day of May." ¹ "In things indifferent the very malice adhering to the practice of them, howbeit it adhere not inseparably to them maketh the practice damnable." ² He stated the position developed in the tractate that neither the King's command nor the doer's intention could make these things lawful, practicable or expedient; their crime was that they led the weaker Christian astray and so were the cause of "Scandal." As Prof. G.D. Henderson points out, Rutherford held that "Erroneous opinions in points not fundamental and in super-structures being professed and instilled in the ears and simple records of others tend to the subversion of fundamentals, as having connexion by just consequent with fundamentals and do scandalise and bring on doubtings about the foundation and so bring damnation." ³ In this tractate more stress is laid on the iniquity of Scandal than on the lack of Scripture for the practices, the emphasis suggesting that the Scots feared a half-way compromise in England which would endanger the Church now established in their own land.

The main argument of the "Dispute touching Scandal and Christian Liberty" stated, "The practice of things indifferent and not necessary is then unlawful when from thence ariseth the scandal, or occasion of the ruin of our brother." ⁴ A Scandal was fully defined as "a word or action, or the omission of both, inordinately spoken or done, whence we know or ought to know, the full of weak wilful or both is occasioned to those who are within or without the Church." Thus for example, "Silence in Preachers when God's matters

¹ Divine Right, 654

² Ibid, 655

³ G.D. Henderson, Religious Life in 17th Cent. Scotland, 49.

⁴ Divine Right, Dispute touching Scandal, I.

/ matters go wrong is scandalous." ^I It was as scandalous to lead astray the wilful - prelates and Aberdonians - as to lead astray the weak - presumably English Presbyterians. Rutherford refused to concede to the Doctors that the ceremonies, product of the hated Perth Articles, were innocent in form and in intention, replying with the Knoxian metaphor, that even if she were innocent in intention, yet no honest woman ever bedizened herself with mere-tricious apparel, and the ceremonies were the trappings of the Roman harlot.

In justifying the imposition of the ceremonies the Doctors had claimed that the scandal was needlessly taken, as they were things indifferant, and at any rate, as they were imposed by authority, the virtue of obedience to authority outweighed the remote consideration of any possible scandal. This Erastianism (not here labelled as such) pleaded in the Duplies and ~~Triplies~~, angered Rutherford and Forbes's plea for a proper exposition of the ceremonies that they might be understood was ridiculed in the retort that preachers needed all their time to expound the Gospel. With regard to obedience to superiors, palliating or obviating, any scandal the answer came in Rutherford's usual syllogistic form. No man could obey a superior if he incited him to crime; the practice of the ceremonies was a way to spiritual death for the weaker brother; he who commended such practices was guilty of spiritual murder and therefore could not, and must not be obeyed. "Rulers have no right to seek absolute obedience, but only in the Lord, not against charity."

He now proceeded to deal with the 'malicious taking of scandal' which was the Doctors' efforts at vilifying Presbyterian

I Dispute touching Scandal, 2.

Presbyterian theory and practice. If you hate Rome so much, said they, why not be utterly Puritan? Why use Church bells? Why use a gown? Why use these very Churches which Rome dedicated to the Saints you malign? In using all these are you yourselves not giving Scandal to the weaker brethren? The defence was quite practical. Crucifixes, images, altars, mass cloths were instruments of idolatry used in worship originating from the will of man; they had to be abolished, because even if not worshipped, that danger was latent in their use. But a Church was a physical necessity in a cold climate, a bell a necessity for summoning the people, a gown was a seemly apparel, The Puritan view that there was nothing sacrosanct in the edifice of a Church was upheld. Dedication of a Church to a Saint was idle, useless and of no effect; as it conferred no magical sanctity, so it stained with no special pollution; it was worthless, therefore, there was no reason why purged of unseemly gee-gaws such a Church could not be used in the service of God.

Purging^{ed.} of Romish trappings it must be, and he boldly defends Knox's Iconoclasm. To hold any other view than this was^{not} a refusal to scandalise, but a giving in to a stupid overscrupulousness, which was to judaise.

The imposition of the Directory for Public Worship, now by law established in both Kingdoms occasioned some thoughts in its defence and a brief comparison with the Prayer Book. Some words and phrase in the Directory might^{be} unnecessary in themselves as words but the scheme of worship and observance laid down therein was absolutely necessary and scriptural. The Prayer Book commanded devotions that were unnecessary and alien to the Word in words that were Romish embellishments and snares of the devil. Such is the Dispute

/ Dispute touching Scandal. It is not a full treatment of the subject, only on the aspect of scandal given by concessions to Episcopalian worship and ceremonial. On the whole subject the best work is James Durham's "Treatise Concerning Scandal" written when the Author was heartbroken by the divisions which rent his Church and posthumously published in 1658. It was, despite faults due to the age and the belief of the Author in the disciplinary necessity of excommunication, a wise consideration of the Christian Duty of having a conscience void of offence toward God and man. The nature and ways of scandal and their cure, private scandal, the public scandal of immoral life, scandalous errors and doctrines, and above all scandalous divisions in the Church were all investigated, diagnosed and therapeutically treated. The Rutherford of the Letters could hardly have written better.

RUTHERFURD AND THE TOLERATION CONTROVERSY.

It has been claimed by historians such as Dr. Shaw that Presbyterianism lost the day in England because men's hearts were with the old order and the Prayer Book, and that a slow passive resentment at Presbyterianism increasingly grew in the ordinary Englishman with every action of the Scots, so that, at the Restoration, they turned with gladness to the old Anglican order. This is only a half truth, barely a half truth. Certainly, if the Presbyterians had allowed the Prayer Book to be retained in England, as earlier, if Laud had kept the same book out of Scotland, the ecclesiastical state of each country might have borne a different aspect. The Prayer Book was dear to many Englishmen, but how dear and to how many is difficult to ascertain, for not even every Royalist was a Hyde or a Falkland. The more potent foe of Presbyterianism - and of Episcopacy - was the spirit of individualism, and of eccentric individualism, working even more in religious, than in political affairs, where vested interest of land and trade still kept undue aberrations curbed and circumscribed. All the more so this spirit found expression in the multifarious sects, creeds, fantasies and fanaticisms of the age. How numerous or how eccentric these were is difficult to judge, so distorted and exploited were they by Presbyterian propaganda. Some deviations from orthodox Calvinism were slight; many of the hated Anabaptists were Calvinist in all but the Baptist principle: others like the maunderings of the poor half wit - or humorist in bad taste -

/ who said that "the Earl of Essex made him, Sir William Waller redeemed him and the Earl of ^{Warwick} ~~Manchester~~ sanctified him" manifested a diseased brain rather than a distorted theology. All were treated with a grim and humourless severity. Petitions to Parliament against heresy and even individual heretics were sent up from the Assembly. It became part of the Presbyterian policy to set forth every ludicrous, revolting or contentious eccentricity which came to light as an argument against Independency and the chaos to which it would lead.

Allowing for exaggeration, misrepresentations and invective, the years of the Civil War and the Protectorate saw a huge increase in the number of sects, decorous and otherwise which infuriated the orthodox and enlivened local politics in town and country. Edwards in his "Antapologia" to the Apologetical Narration of the Independents writes of "swarms and troops of Independents." Baxter ¹ speaks of Independency, Anabaptistry, Antinomianism and Arminianism, and combinations and permutations of them all as being rife in Cromwell's army. From the "Gangraena" of Thomas Edwards and the "Disuasive from the Errors of the Time" of Robert Baillie a catalogue of every known - and unknown - heresy, great or small, existing between 1600 and 1650 could be made. Chief amongst these were the Baptists, called Anabaptist to damn them with the reproach of Munster. There were by 1646 fifty-four Baptist churches, seven in London, and the rapid growth of this sect may have been responsible for much of the obscene vituperation they endured. - The Old Brownists were the extreme Independents with out and out toleration claims.

¹ Autobiography, 1696. 505.

/ Antinomianism was by now a personal creed rather than a religious sect, but anyone, anything and everything, that was anti-Calvinist and could not be otherwise classified was labelled Antinomian by Edwards. The Familists' peculiarities are difficult to discover, but under the heading seems to come the quietists, pantheists, mystics, or pseudo mystics, of the time. Millenaries and Chiliasts, decent and extravagant had their place. The Seekers were blind to the glory of Presbyterianism, Episcopacy, and Independency and still sought the true Church. Divorcers like John Milton, anti-sabbatarians like poor John Trask, Soulsleepers, Arians, Socinians, Anti-trinitarians, made up the number. In the Gangraena is a collection of 170 errors, heresies and blasphemies. The author simply collected and adumbrated every heresy ancient and modern which he knew, and attributed them to the sects in England. The more violent a heresy the more useful was it as propaganda. Arianism, Socinianism, and their dependant dogmas are all included, as are Arminianism, Amyraldism, and every other anathema to the Calvinist. The thoughts of religious genius, the ironies of an opponent taken seriously, the dreams of the mystic, the haverings of the village idiot are all jumbled together as alike heretical and damnable. Edwards has no sense of proportion, and consequently none of humour. "A fluent rancorous indefatigable inquisitorial and on the whole nasty kind of Christian" - the words are Prof. Masson's ¹ - it is a pity that some of the Scots followed in his literary footsteps. The latter were honestly

¹ "Life of Milton" III 142.

/ revolted by the stupidity, indecency and sheer wildness of mental deficiency which brought forth queer fruit in many of the sects and an ordered, established, and disciplinary Presbyterian Church was their panacea.

As the number of sects and opinions grew, so the demand for toleration increased. Some were prepared enough to accept toleration for themselves and deny it to others, for example the moderate Independents, in self defence, were only moderate Tolerationists. The more extreme and extravagant the opinion, as a rule, the more acute was the demand for unlimited Toleration. On the whole the sects, differing in all else, were united in their demand for Toleration and were Independent in that they were self supporting and desirous of a self controlled existence. The Presbyterians had thus a facile case for making Independency the root of all evil, though the real Independents had nothing in common with the religious fantastics. Toleration of religious difference was an abomination to Presbyterian, Romanist and Anglican because it was destructive of the keystones in their respective ecclesiastic structure, the infallible Word, the inerrant Church or the omnipotent State. Each Church had vigorous arguments against the practice, often very similar in nature and content, and Rutherford will be found citing, with commendation, Jesuit lawyers, to support his case. In all these Churches, only in the Anglican among the Cambridge Platonists, was an approach to a limited idea of Toleration made.

Few supported absolute Toleration for there were extravagancies which neither Church nor State nor sectary could

/ countenance. The more moderate of the last were willing to make scapegoats of the extremists to testify to their own righteousness and win toleration and a certain amount of establishment for themselves. The Independents howled as loud as any for Paul Best's blood. The truest sponsors of Toleration were the Baptists, its happiest exponent Roger Williams, founder of Rhode Island Colony with its laws of universal suffrage and liberty of conscience. While in England Williams published the "Bloody Tenent of Persecution for Cause of Conscience discussed in a Conference between Truth and Peace," wisely enough after his negotiations with Parliament for the status of his Colony had been completed, for he advocated the absolute toleration of all sect, error or atheism and the complete disestablishment of religion, even maintaining that neither error nor heresy need debar a man from holding high office in the state. His Independent brethren in England and New England shuddered in his company and were glad when he removed the reproach from them by becoming a Baptist. Henry Burton, the Independent martyr, and John Goodwin, the Colossus of Coleman Street, were practically absolute Tolerationists. They fell short of Williams in holding that Congregational Churches had power to deal with error in their midst, even to excommunication, and they allowed the State to encourage ministers in the confutation and elimination of heresy, barring always the application of any physical, legal, or social sanctions. Whilst disliking a National Church, they tolerated it.

/ The most dangerous to the Scots was the limited Toleration claimed by Nye and the Dissenting Brethren. The claims of Williams were equally repellent to Church and State, those of Burton and Goodwin hardly less so, for any concessions they made were so patently sprats to catch Leviathan that there was little likelihood of that monster swallowing them. But the Brethren plausibly asked for toleration of congregational practices by the established Church - presumed to be Presbyterian - and relief of the more godly of the sects from persecution and boycott. They excluded from such relief Episcopalians, Antinomians, Arians, and all holders of glaring heresies. It is difficult to discern what was their ultimate ecclesiastical policy and object. Often at Westminster, their attitude seems purely and simply 'dog in the manger', and Nye, the opportunist, tied his party so tightly to Cromwell's chariot wheels that their policy became identical with the Army's. They might have welcomed an established Independency such as existed in New England, where the Government granted great powers of discipline and wide privileges to the local Congregational Churches, although not endowing them. As Nye had no scruples in accepting revenues from Kimbolton, his policy may have visualised New England Congregationalism plus endowment. - It may be said here that New England Congregationalism was no more tolerant than Scottish Presbyterianism. - To secure the toleration at which they aimed, the Independents in 1644 had to widen their claims to gain Army support although they still anathematised flagrant heresy. The establishment of

/ Presbyterianism with freedom of worship for all decent men who differ was implied in the "Hheads of the Proposal" of August, 1647, but in October the Agreement of the People first claimed "absolute freedom in the matter of Religion and the ways of God's Worship" then grudgingly conceded that the State might set up "some public way of instructing the Nation so it be not compulsive" The rake's progress of Independency, which the Scots had feared, was almost accomplished; it was fulfilled and crowned in the Cromwellian regime. Meanwhile, the aim and policy of the Scots and their Presbyterian allies was, as described by Professor Masson, "to tie Toleration round the neck of the Independents, stuff the two struggling monsters into one sack and sink them in the bottom of the sea." ¹

Was this policy sound? The same historian writes "They (the Scots) stood stoutly to the necessary identity of Presbyterianism and absolute anti-toleration and so Presbyterianism missed the most magnificent opportunity she has had in her history."

Perhaps! but if the Scots were 'dour' the Independents were 'thrawn'. A little less truculence, a little more compromise when they were at the zenith of their power might have won the Independents to live peaceably with the Presbyterian regime. As passions died they would have merged with the larger body. If both parties had made some compromise on the Prayer Book and accepted the moderate Episcopalian into fellowship the Church of England might have been far greater in number, wider in outlook.

¹ "Life of Milton" Vol. III, 119.

happier in relation to her neighbours than her story reveals. On the other hand the reforming spirit and evangelistic zeal begotten in the Free Churches of that nation would have suffered great loss. As it was, Nye would certainly have taken offered compromise as a sign of weakness, and the Scots had no guarantee that the Independents, once satisfied, would remain satisfied. In town and country they waged a persistent guerilla warfare and so the Scots decided to fight it out with their opponents on the complete Anti-Toleration platform mercilessly attacking 'pretended liberty of conscience' scorning few opportunities to smirch and befoul the Independent nest and its brood.

There is again evidence of a Scottish propagandist plan, Baillie and Rutherford being now its agents. Their productions in relation to this controversy were:- Baillie's "Dis^suasive from the Errors of the Time" (1645) and his "Anabaptism, the true Fountain of Independency, Antinomy, Brownism and Familism" (1647), Rutherford's "Survey of the Spiritual Antichrist" (1648), and his "Free Disputation against Pretended Liberty of Conscience" (1649).¹ The first of Rutherford's works was given in to the printer before he left London in November 1647 and published early in 1648; the last was a summary of the experience of the Scottish Westminster Commissioners between 1644-47. Baillie's "Disuasive" was partly a popular counterpart of Rutherford's and Gillespie's works on Independency. Erudite and learned himself, he had a more fluent pen than his colleagues and, like Mr

1 There is ^{also} a pamphlet of George Gillespie "Wholesome Severity reconciled with Christian Liberty or the True Resolution of a present controversy concerning Liberty of Conscience (Licensed Dec. 16. 1644), 1645, a rather cursory survey of the Bloody Theomachia. also "Faces About" 1644, an answer to Goodwin's

/ Edwards, a 'penchant' for collecting gossip, so his work was more akin to the Antapologia of the latter, and he was not above plagiarism of some of its matter. Baillie's arguments were historical and pragmatic, or apparently so. He demonstrated that Independency had a bad spiritual ancestry and was begetting a worse progeny; outlining the rise and progress of Brownism at home, in Holland and in New England, he inserted for illustration all the stock scandals connected with its more fantastic elements. Though not as scurrilous as Edwards, he obviously enjoyed the narration of a scandal whilst protesting that he told it reluctantly.

But the Five Dissenting Brethren were able to withstand the onslaught and though the Presbyterians had ousted John Goodwin from Coleman Street, they could not silence his pen. The sins of Brownism tied as a millstone round the neck of Independency had not sufficed to sink the monster, so a heavier had to be found. Of course, the indefatigable Mr Thomas Edwards found it. The Baptist faith had gained ground. Why it was selected for so bitter attack is difficult nowadays to understand, for many, if not most, of the Baptists were Calvinist in all but the doctrine of paedobaptism. Helwisse, the founder of the first Baptist Church in London indeed was an Arminian; German Anabaptistry was in some ways a nasty ancestor; the doctrine of complete immersion - enemies said naked immersion - led to some gross stories of queer practices, ill founded and probably rare; but, in fact, the English Baptists leapt into ill repute, till the queer Quakers came to

/ take their place, because they were a very convenient whip with which to scourge the Independent. Ostracised by Lutheran and Calvinist they were of course Independents in their conception of Church Government, and Edwards could scream at the increase in Baptists as the evil fruit of Independency and Toleration. He did this in his "Gangraena or a Catalogue and Discovery of many of the Errors, Heresies, Blasphemies and pernicious Practices of the Sectaries of this Time vented and acted in England in the last Four Years" (1645-46). It was enlarged in a later edition. Great play was made with stories of the Baptism of naked women. He sent out for and invited such stories; some as to how, why and where Independent and Baptist pastors got their money were dirty insinuations, or wilful misinterpretations of the principle of voluntaryism; others relate the acts of the mentally deranged, or the religiously eccentric, or merely practices not conforming to Presbyterianism. Baillie unfortunately followed Mr Edwards in his "Anabaptism the True Fountain of Independency." The title was a plain statement of the Presbyterian policy of collecting millstones. He was more lucid and scholarly and selective than Edwards; the method and the intent to procure repressive action through slanderous vilification was the same. Much of the matter comes from Edwards, cleansed somewhat, but there was a rather ill-concealed glee at being able to hint at gross obscenities.

The Independent monster still refused to drown, rather

/ swam the more steadily with the current of military favour.

By 1647 the sects calling themselves Independents had multiplied; the measures of Toleration claimed by the Army in its negotiations with Charles, now in its power, encouraged bold statement of belief - or disbelief - in pulpit and pamphlet. Rutherford had been left alone in 1647 to fight a rearguard action. He took up his pen reluctantly to write "A Survey of the Spiritual Antichrist, opening the Secrets of Familism and Antinomianism." This from the Scottish side was the final drag net, every obscure heresy that had escaped notice could be crushed into these two categories. Mysticism, anti-trinitarian heresy, pantheism, were charged against the Antinomians and the reproach of David George and Caspar Schwenkfeld laid upon them. Every hidden and suspected lewdness and monstrosity were popularly attributed to "Familism". Who and what the Familists were is difficult to ascertain, even from this reputed work on the subject; mystics such as Peter Sterry were included in their number, as also was John Saltmarsh, no mystic, but a Cromwellian pamphleteer dabbling in mysticism.

When Toleration became Army dogma, Independency with its variations and aberrations was safe from politician and pamphleteer. As the shadows lengthened in the unhappy years of the Engagement, Rutherford saw the apparently fatal disease of Toleration destroying orderly religious life in England and threatening Scotland herself. Late in 1647, Edwards the irrepressible had published "The Casting Down of the Last

/ Stronghold of Satan or A Treatise against Toleration and Pretended Liberty of Conscience." In 1649 - written throughout 1648 - Rutherford published "A Free Disputation against Pretended Liberty of Conscience." as the Scottish contribution. A study of this work will show the whole Presbyterian doctrine that lay behind the bitter pamphleteering attack on the Independents, for it would be a mistake to suppose this attack only a political manoeuvre in a bid for power. But before doing so a brief note on the "Survey of the Spiritual Antichrist" may be permitted.

"A Survey of the Spiritual Antichrist."

The preface to the 'Survey' was Rutherford's closest approach to the political pamphlet, and it was much too savage to be successful propaganda. Sometimes Rutherford's intellectual interest in a doctrine so absorbed his energy that it is difficult to judge the measure or intensity of his dislike. Even with Erastus he was all argument and little invective, but here, what he felt was as much in his words as what he thought; in the preface only, for the pamphlet was alien to his nature, if not to his genius, and the "Survey" developed into a historical and theological treatise. The title told its story. "A Survey of the Spiritual Antichrist. Opening the Secrets of Familism and Antinomianism in the Anti-Christian Doctrine of John Saltmarsh and William Dell, the present Preachers of the Army now in England In which is revealed the rise and spring of Antinomians, Familists, Libertines, Schwenkfeldians, Enthusiasts, etc." The preface was entitled "A brotherly and

/ free Epistle to the patrons and friends of pretended Liberty of Conscience." It was much more free than brotherly, written by a patriotic Scotsman who never changed his principles, and who all his life would have no truck with Cromwell. Anger at the Independents' betrayal of the Covenant, consternation at their adherence to the cause of Toleration, bitterness at their deceit - and the success of it - fill these pages. Once he is moved to say "We might have believed the words of King Charles, who told us they minded not religion in that war."^I The Epistle shows a certain power of sarcastic vituperation in an argumentative form, for even his vituperation took the form of a syllogism. It is valuable as showing his state of mind after four years at Westminster.

He announced it as undeniable that thousands had been seduced to Familism, Antinomianism and other fantastic personal beliefs, without anything being done to curb these heresies, fundamental blasphemies and foul inventions of men, "although privileges of state if in a feather violated must be judged bloody and inexpiable." As a Scot, he deemed he had suffered silently long enough. "But sure it is not Christian, but Asses' patience to open the bosom and heart to lodge Familists, Antinomians, Arminians, and Arians, and what not under the notion of the godly party, and to send to hell others sometimes judged the godly party because of two innocent and harmless relations of Scottish and Presbyterial." He had seen that English objections to Presbyterianism were as much because it

^I Survey, Preface, 92.

/ was Scottish as because it was Presbyterian. Henry Burton, trading on his martyrdom had been trouncing the Scots in the foulest of terms and attacking the General Assembly as destructive, both of individual freedom and Parliamentary government. The same Mr Burton, cried Rutherford, who now sees our General Assembly as a Papal throne and we ourselves worse than Egypt or Babylon, had not so long ago welcomed the Scots as the "Kingdom of Judah helping the ten tribes, their brethren, against the taskmasters of Egypt and spoilers of Babylon." Why was all the Independents' gall kept for the Presbyterian only? Apostrophising the saints of the sunrise, Cartwright, Sybbs, Ames, Knox, Welsh and Bruce, his pen leapt in fury. "If these who are asleep in the Lord were now living, they would deny you and your Independency, and Separation, your Schisms, Athiestical and Epicurean tenets of toleration of all Sects, Religions, false ways, your Antinomians, Familists, Socinians, Arminians, Arians, Antitrinitarians, Antiscip-
-turians, Seekers, Anabaptists; all of which I cannot but judge to be yours because you are so far from writing against them or denying them, that in your books to write ^{against} them is to persecute the saints of the most High." Bitterly he analysed the course of affairs and the continuous ousting of Pres-
-byterians from place and power. With sarcasm, he asked: "But if Anti-toleration may go pari passu, equal foot and pace with Antinomianism, Arminianism, and Socinianism, and such like heresies and false ways as consistent with godliness

/ and Saintship, why should Presbyterians be blotted out of the Kalendar of saints?" and with irony he went on "Ought ye not also to restore them with the spirit of meekness? to oppress, imprison, fine and confine them, to decourt them out of places, judicatures, offices, societies, is no persecution" and with truth he continued "You are more debtors to them for your lives, freeholds, estates, victories, free-sitting Parliaments, peace, plenty, freedom from grievous taskmasters of Egypt, ceremonies, will worship, and other toys than to any sects in England. Your Antinomians, Familists, Socinians, Antiscripturists..... when both Kingdoms were in the post way toward Babylon, were as men buried, and in the congregation of the dead and as still as salt." It is denied that Scotland sought to force Presbyterianism on England by the sword and maintained that the Covenant alone was the implement to bring her to a good estate, to which Covenant the Independents swore with deliberate and calculated deceit, for their present policy of permitting the welter and chaos of heresy could not be named reforming the Church "according to the Word of God and the best Reformed Churches."

Rutherford's wrath was the more kindled because Burton stole his thunder against the General Assembly from "Issachar's Burden" and anti-Presbyterian tirade of his old foe John Maxwell, Bishop of Ross, and he felt bound in a few pages to defend the Assembly's powers and define its relation to the state, all matter with which he had dealt time and again. With some cogency he argued that the Independent principle was much more

/ subversive of the civil government than the Presbyterian was presumed to be - as Cromwell discovered in his experimental 'Barebones' Parliament - "For there be no Christian Magistrates at all to them, but such as are members of their Congregational Church, that is such as they conceive to be regenerated; and had they a world at their own will, then not the twentieth man of this present Parliament, nor Judges, nor Justice of the Peace, could be chosen Magistrates, if the congregations of England were all of the Independent stamp." ^I The contemporary history of New England illustrated the difficulties which even a well disposed local government experienced in dealing with the Independent. One passage in the Epistle accused the Independents of working worse havoc on Presbyterians than Papists or Prelatists. What sort of State was it "when vile and naughty men because they side with sectaries such as blaspheme God, deny the deity of the Holy Ghost, not only go free, but Familists, Antinomians, Libertines who join in these blasphemies, Arminians, and Socinians, the old Courtiers and darlings of the late Prelates, and popish affected, Seekers, Anabaptists, Separatists, and Independents of another stamp than these in New England, Covenant breakers and the like, are not only connived at against the Covenant, but sit in Parliament and are advanced to highest places in the State and Army?" ^{2.} They add insult to injury. "When we are worsted, ruined, dispeopled, we are not only forsaken by those whose safety, peace, religion and happiness we minded with loss of our own lives, yet divers of the Sectaries profess they had rather fight against the Scots

¹ Survey, Preface, 6.

² Survey, Preface, 66.

/ as against Turks."

The Survey fell into two parts, "The Descent of Antinomians and Familists" and "A modest Survey of the Secrets of Antinomianism." The "Descent" is an account of the wilder and less orthodox growths of the Reformation Libertines, Antinomians and Anabaptists and a linking up of the oddities and orgies of the present time with these. Its first part was collection rather than history, being a rather indiscriminate conglomeration of the doings and doctrines of Muncer, Becold, Hoffmann, George and their disciples. When he turned to their modern counterparts we have argument rather than narration, for he became speedily engrossed in refuting even the minutiae of their speculations. Much of this will appear in the subsequent account of his theology. The Familists who so aroused his ire were undoubtedly the people who became Quakers. They appear to have held doctrines of the insufficiency of Scripture and the need of the Inner Light, a somewhat Docetist view of the Incarnation, ideas of universal grace and salvation, also a crude belief in salvation by a mystical union between creature and creator, between man and Christ, which was not infrequently tinged with hysteria. Against the vagaries of a subjectivised inspirational and intuitional religion he made a strong defence of the use and place of science and languages in the elucidation of Scripture. There are no salacious accounts or gross hints at obscenities in his work. This man, accused of prurient indelicacy in his letters, consciously or unconsciously avoided the manner and method of Mr Edwards. A few current rumours such as Mrs

/ Hutchinson's deliverance of thirty monsters were inserted, but it is obvious that unlike the two others he had no interest in matter of this sort. The chief victim of his pen was John Saltmarsh, Chaplain to the Army, who in some pamphlets specially "Sparkles of Glory" had sought to popularise these early English practitioners of what Professor W.P. Paterson calls the "School of the Spirit." Saltmarsh was a journalistic populariser in the garb of a cleric. Earlier he had written a pamphlet popularising what one might call the creed of Mr WordlyWiseman - not a bad appellation for himself. A nobler spirit like Peter Sterry was here lashed in his company.

Part Two, "A Modest Survey of the Secrets of Antinomianism" was almost entirely a theological treatise on justification by faith with regard to the work of sanctification and as such will be dealt with elsewhere. Independency, Toleration, the doctrine of the Inner Light, were new and alien conceptions which were to enhance national and religious life and free the spirit; their coming was attended by some immediate dangers; they laid hold on the religious genius and on decent men, they also violently possessed the abnormal and subnormal mentality in curious ways, as new ideas always do. Rutherford saw the dangers and abnormalities in an age that seemed to him to cry aloud for a religious discipline. The man, who in "Lex Rex" pleaded for the liberty of the people and vindicated their rights was now a thwarted Presbyterian idealist, a disappointed ecclesiastical politician, not least a proud and angry Scotsman so in much

/bitterness the author of "Lex Rex" wrote "A Free Disputation against Pretended Liberty of Conscience."

"A Free Disputation against Pretended Liberty of Conscience."

The Psychological Argument.

Edward's "Casting Down of the Last Stronghold" had been mainly a fluent Old Testament justification of religious suppression. Rutherford included this in his argument, but he sought to go much deeper, and his first objections to 'Liberty of Conscience' are based on the nature and work of the conscience itself. Calvin's definition (iii Ch.19. ^{2.} S. 15) had been "For as man when they apprehend the knowledge of things by the mind and intellect are said to know, and hence arises the term knowledge or science, so when they have a sense of the divine justice added as a witness which allows them not to conceal their sins but drags them forward as culprits to the bar of God, that sense is called conscience." But Rutherford obviously disliked any definition suggestive, however slightly, of a separate inner and intuitive power. "Conscience is" a power of the practical understanding according to which the man is obliged to give judgment of himself, that is of his state and condition and all of his actions, inclinations, thoughts and words. It is first an understanding power, not an act, or an actual judgement. It is not a distinct faculty from the understanding, but the understanding as it giveth judgement in court of the man's state and all his ways" ¹ He re-shaped the Calvinist dogma to prevent

¹ Free Disputation, 10.
² Institutes, Vol. II, 444. (1845, Ed.)

/ it bearing even a remote connection with that of the "Inner Light." "Some are extremely devoted to conscience as conscience" but "a conscience void of knowledge is void of goodness;"²

"Conscience is the power to know in order to obey." His doctrine is practical not mystical; he perceived the close connection between conscience and habit and how in the course of time, the natural law, the mosaic law and the principles of the Gospels had been wrought into the fabric of conscience. In short conscience was historically conditioned knowledge, permeating the habits and influencing the judgements of men; a divine gift, though often impaired by novelty, fancy and heresy. He valued it highly and wrote "The most curious piece in the soul is that lamp of Divinity, the conscience. ^{It is likest a chip and a beam of God. Though} it smelleth more ^{it be not part of the infinite majesty,} of God than the heavens, the sun, the stars, and all the glorious things on earth."³ But its power was based solely on apprehension of the revealed will of God." "Conscience is ruled by Scripture but it is not Scripture." It was a regula regulata not a regula regulans. He expanded somewhat the Calvinist conception of its work, for he ascribed to it, over and above its immediate censorship, the power of moral stimulus and also of instigation to therapeutic reflection and introspection, which he called 'reflect acts.' In the theological implication, rather apart from the main argument to eschew any selfsatisfaction he wrote "Moral honesty alone can no more inherit the Kingdom of ~~God~~ ^{heaven.} than flesh and blood."⁴ A possession of a good conscience did not of itself give assurance of

1. Free Disputation, 10.

2. Ibid. 5.

3. Ibid. 15.

4. Ibid. 16.

/ salvation. To make the conscience fundamentally good, Christ's act of atonement had to take place and full assurance of salvation could only be found in the hidden decrees of election and reprobation and in some immediate testimony of the Spirit.

Rutherford therefore made conscience, as regulated by the Word of God, the intellectual censor of the sanctified life. A "tender conscience" was one quick to re-act to the impact with sin in violent self-condemnation. A 'tender conscience' in this sense he utterly denied the sectarians possessed. Theirs was one which said " 'We cannot come up to the rule' when the truth is they will not." Their 'conscience' was to him only an excuse for the boycott, restriction and ultimate destruction of the Presbyterian system which his conscience approved. He believed that the Word was on his side and the conscience of his opponents tainted and evil, in dire need of drastic remedial treatment. Since conscience was not a mystic intuitive sense, not an 'Inner Light' but part of the faculty of knowledge and intellectual perception, it could be acted upon by external forces, purged by forthright correction, cured by continued discipline and informed by proper inculcation of the Word. One might call this his psychological reason for religious coercion.

The Chief Agents of Coercion. (1) Synods.

There were various agents in the cathartic and instructional process, teachers, preachers, synods and states, but here he was less concerned with the influence of the pastor than with the power of the Synod to declare the truth to the conscience and the

/ power of the State to make it, professedly, conform. The doctrine of the 'Inner Light' was religious individualism in revolt against this conjoined power and the more the latter was asserted the more the former developed and intensified its opposition to external authority. Conscience and the Holy Spirit together forming it, the 'Inner Light' emerged as a counterpoise to the ^{dual} authority of Synod and Holy Writ.

Dort and Westminster had created in Arminian and Independent a rebellious antipathy to synods and they both held somewhat similar anti-synodal views. The Independents' cup of iniquity was not only full but brimming over, for Rutherford made but little distinction in the sinfulness of being an Arminian, and of incidentally agreeing with one. Inflexibly he held that by teaching and by censure men must learn the Way and Word of God, and he saw nothing discreditable in a synod's compulsion of men to morality, uniformity and outward profession of an established faith. To the charge that this course of action bred hypocrisy he retorted, that as his conscience was now truly informed the sin lay with the culprit, not with the synod. The trouble was that so many 'ways' were being drawn out of the 'Word of Life' each claiming to be alone true, or at the very least, the truest. The Calvinist quietly passed over the doctrine of the priesthood of all believers because the Arminian applied it to that of the sufficiency of Scripture to form the doctrine of the right of individual interpretation of Scripture. Again Arminian and Sectarian met in common ground. Against them their opponents stormed at the false interpretation of Scripture by deceitful and

/ ignorant men, and maintained the necessity of pastors and synods publicly and authoritatively declaring the truth. But what was the Truth? Could even synods of godly Presbyterians define and declare it? To their enemies the Presbyterian doctrine was an assertion of synodal infallibility and a demand for implicit faith and obedience; Rome in a Geneva gown. Rutherford, like all his contemporaries, met but did not completely answer the indictment. He admitted that synods might err, but denied the implication that they often did. Fallible men could yet declare infallible truth. Moreover, the synod was composed of men called by the Spirit, and its composition thus reduced the possible chance of error to the absolute minimum that original sin would permit. It was, therefore, the supremely authoritative human organ for declaring the meaning of the Word. But the question of an evenly divided Synod he left largely untouched, the dogma being that the Spirit would guide the synod to the right decision; if so, then either the Spirit or Rutherford erred in the Protestation assembly. His doctrine was thus stated in his own words "What Synods determine being the word of God is intrinsically infallible and can never become fallible though fallible and sinful men that are obnoxious to error and mistakes do hold it forth ministerially to others But the truth is we are to believe truths determined by Synods to be infallible and never again liable to transaction or discussion, because they are and were in themselves, and without any Synodical determination, infallible, but not for this formal medium because so saith the Synod, but because so

/ saith the Lord." In short it was an apology that the Word of God and the dicta of the synod were different, and a demand that they be treated as identical. He was indeed thinking more of the imposition of Confessions and Covenants rather than the settling of ecclesiastical detail. As the devil could quote Scripture and the Arminian torture it, there seemed little point in a synod imposing only a vague subscription to scripture truth. The need for Confessions rose out of the ignorance of the people. He was here facing an existing condition which made this a catechetical age. The salient doctrines of Christian truth must be made clear in everyday language. He too was as 'modern' as those who clamour for a new statement of the Church's faith. Every man must be able to give a reason for the hope that was in him; the synod's duty was to see that every man did - and that they all gave the same reasons. Synods could demand implicit obedience from those within their fold, and a national synod, from those within the nation; the latter had power to demonstrate the error of its ways to a faulty neighbour Church although it exercised no authority over it. There is always the safeguard-"The imposing of Synods is conditional, not absolute, for after Synods impose, if believers after trying and due examining shall find that truly and really the decrees are beside, or contrary to the word of truth, the imposing neither is just imposing, nor any imposing at all. For neither Prophet, nor Apostle, nor Angel from heaven, nor Church can lay commands upon men imposing or binding under pain of censures to that which is unsound and false or unjust or wicked; and if people

I. Free Disputation, 36.

/ shall find their decrees truly to be so after trial they have power to reject them." ^I There is no reason to doubt the sincerity of this belief, but it was becoming more a safeguard against the accusation of infallibility than against the practice of it. Rutherford's very statement quoted above made the individual in some measure an interpreter of the Word. To make sure that the layman made no mistake and that no error crept in, the Calvinists proceeded from the creation of Confessions to the microscopic categorising of doctrine in the classification of various degrees of fundamentals. Divergence or departure from these formed the basis of action for synod and State, as will be seen, but we may turn for the present to the other agent in coercion.

The Chief Agents in Coercion (2) The Magistrate.

Although in former works Rutherford had referred to the magistrate as the "nurse-father" of the Church, he had not laid much emphasis on his protective power, for in the Erastian controversy he was too busy limiting magisterial control. Now he is found insisting that the plain duty of the Church was to inform the magistrate of cases of heresy and error, and cause him to take action against them. The Arminians - minus Laud and Charles - were calling this Erastianism pure and simple, and in measure it was, though they, of all people, should have remembered that the sauce for the goose was sauce for the gander. Erastian! the rhetorical weapon inverted by the Scots was being taken up to beat themselves; it was becoming the

I. Free Disputation, 41.

/ favourite ecclesiastical bludgeon with which a religious minority would belabour the party in power, yet few religious bodies, minority or majority, in the seventeenth century, before or after, refused alliance with the State when it served their interests.

Rutherford's defence of magisterial coercion of conscientious objectors seems Jesuitical,^{but} it is not dissimilar to the modern State's attitude to conscientious objectors of another sort although penalties are now less severe. The magistrate was not coercing a man's faith or punishing the secret opinions of his mind any more than a Church could do these things, for the inward state of the soul was known only to God. But he must create and preserve an atmosphere in which true religion could flourish. He must, therefore, by manifold Scriptural injunction, root out all blasphemy, heresy and false worship, these open manifestations of an evil mind and a perverted will, and establish external orthodoxy. He was as it were the sterilising agent ensuring that the seed will fall on cleansed soil. "The magistrate does not command religious acts as service to God, but rather forbids their contraries as disservice to Christian societies." ^I This was his extreme way of putting the case. He believed the structure of Christian society was endangered by the outrageous beliefs and behavior of some of the sects, and it is unfair to see him only as the intolerant die-hard of established Presbyterianism. Sin was not merely a private sickness of the mind outwith magisterial control, it could be an infectious public cancer needing the

I. Free Disputation, 52. margin.

/ knife, and of all sins heresy was the most deadly. When the Arminian in John Goodwin argued that error was caused by lack of grace and that no magistrate could punish for that lack, he re-torted that the magistrate was not doing so, but was punishing open heresy. Pagans and Jews were to be converted by the word, not by the sword, but all sects, major or minor, all those who had known the Light, however dimly, must be compelled to profess the Truth. And thus again was raised the question of the standard by which the Truth or orthodoxy was to be judged and upon which disciplinary action was to be taken.

The Basis of Action.

The test of orthodoxy was not the profession of some vague Ecumenical formula. He wrote disparagingly of conferences with the Lutherans and had no sympathy with the efforts of Dury and Comenius to unite Protestant Christendom in this way. "One General Confession of faith without a particular sense containing the true and orthodox meaning of the Word is not sufficient. I humbly conceive all such General Confessions as must be a coat to cover two contrary faiths, is but a daubing of the matter with untempered mortar I cannot but abominate truth and falsehood patched up in one Confession of Faith." In the attempt to rectify, one could hardly ^{say} clarify the subject, by giving his Church a microscopic eye for truth and error he took up and elucidated the doctrine of the fundamentals. This he had already done in the 'Due Right of Presbyteries' when deciding what amount of error in a Church justified separation

I. Free Disputation, 66-67.

/ from her. The categories were: fundamentals, the cardinal points of the Christian faith, such as those contained in the Apostles Creed, the doctrine of the Trinity and of the Atonement, without knowledge of and belief in which no man could be saved; supra fundamentalia, doctrines based upon these first and also necessary to salvation; circa-fundamentalia, all things revealed in Scripture which we are commanded to know; præter fundamentalia he dismissed as outside the body of divinity. Now the nomenclature has somewhat changed; the fundamentals and supra-fundamentals are recorded, but the third category was termed non-fundamentals. What were they? Obviously from the context they are such things as particulars of church government which he ^{desired} held to be scripturally imposed to effect uniformity. Non-fundamental did not mean non-scriptural. Into 'non-fundamentals' a good few lesser supra-fundamentals and all his circa fundamentals could be pressed. He has descended from the theological to the descriptive and political, or at least ecclesiastical division. Non-fundamentals are those tenets great and small outside soteriologic^d Calvinist doctrine which Rutherford held to be necessary to the bene esse, if not indeed to the esse of the Church. His orthodoxy, like many another's was becoming less and less theological, more and more ecclesiastical. In the Due Right, in the cause of unity, he had sanctioned the remaining in a Church which erred only in some of the circa-fundamentals, now in the interests of Uniformity he would stamp out every open divergence of a minority from orthodox Presbyterianism. "Errors in Non-Fundamentals obstinately held are punishable." I

I. Free Disputation, 61.

/ It went without saying that error in fundamentals called down the direst penalties of Church and State. To his credit he made it quite clear here, as in the "Due Right", that a complete knowledge of these was not absolutely necessary to salvation. For one thing this would have been too like an approach to salvation by merit, for another he perceived truly that Divine grace was greater than his categories. Therefore, with the dying thief before him, he wrote, "A saving disposition to believe all truths revealed, though the man be ignorant of many, may consist with the state of saving grace." ^I But perfection in the knowledge of fundamental and non-fundamental alike was the ideal goal, and error in either ~~were~~ ^{was} alike though not similarly, punishable; errors in the latter, however, if obstinately persisted in because as grievous as major heresy, might indeed lead to it, and were accordingly to be dealt with severely. Whilst it was possible that a man in a state of grace might err in non-fundamentals he could not accept this as a plea for a toleration which would only seduce others to the same error. Non-fundamentals were part of the revealed will of God and to err in them was to asperse the amplitude and clarity of Scripture. In short, to be a Presbyterian was not essentially necessary to salvation, but not to be a Presbyterian was to oppose the revealed will of God. "For if we give God the lie in non-fundamentals and turn non-fundamentals into controversies and conjectures and think we must believe fundamentals, one or two fixedly and peremptorily, and lead a good life and so we are saved but not otherwise, but as touching non-fundamentals we may believe ^{these} with a reserve and a

I. Free Disputation, 159.

/ demur and may believe them for a day or an hour and deny them tomorrow, and again be carried about with a new wind of doctrine and believe them the third day and deny them the fourth day, and believe them the fifth day and deny them the sixth day, and so make a whirligig of our faith, as the Independents in their Apology, ^{makes this a principle to believe these things} so we leave room for a new light to cast aboard again at the blowing of the wind of a new fancy," but faith it neither is nor can be called." ^I

What then was to be tolerated? Very little, although the magistrate was not to punish every individual hasty word for so society would be disrupted. It would sometimes appear that the fundamentals were being made the test of Scripture and not Scripture that of the fundamentals. "For diverse expositions of one and the same text as that 'we look for a New Heavens and a New Earth' when neither of the expositions so far as is revealed to the godly and learned, who in this life do but know and prophesy in part do neither hurt the foundation nor cross any clear truth that is non-fundamental, we think the opinions of both may be tolerated even though the one of them be in itself an error, and that upon the ground that Church and Magistrate both are to tolerate not to punish these infirmities against both tables ^{2.} that are the necessary results of sin original common to all men." The exegetical scholar was given a little latitude, the speculative theologian next to none. Ancient errors such as Origen's doctrine of purgatory and Augustine's condemning of all infants dying without Baptism he dismissed, rather gladly, as far away things, for he had a great love for ancient scholars. ^{3.} There was

1. Free Disputation .77.
 2. Ibid, 98.
 3. Ibid, 99 ff.

/ to be no toleration for anything or anyone who split the Church. "Schism and the actual gathering of churches out of churches cannot be tolerated." ¹ Even though the schismatics may be of the true invisible Church "Such opinions and practices as make an evident schism in a Church, and set up two distinct Churches of different forms of Government, and pretending to different institutions of Christ, of which one must by the nature of their principles labour the destruction of the other, cannot be tolerated, for each pretending their fellow Churches to be of man and so of the devil, though they should both make ~~one~~ one true invisible Church agreeing in all fundamentals and many other truths yet sure the whole should be a kingdom divided against itself, and this destroyeth peace and unity." ²

The Justification of Action.

The mainspring of the action against schismatics lay of course in the closing words of the last paragraph; all such action was intended to preserve the peace and unity of the Church. But there was more behind Rutherford's justification than mere uniformity for uniformity's sake. Uniformity certainly appeared to him to be divinely enjoined, but peace and unity were conditions necessary for the spiritual education of a people finding their feet in the new religious world of the Reformation. Instruction of the people, as well as the apologetic motive, lay behind the formation of the doctrine of the fundamentals, though the hair-splitting analysis to which he especially, and his fellows, were prone, must have often confused rather than confirmed.

1. Free Disputation, 98.

2. Ibid, 98.

/ 'Pretended Liberty of Conscience' was a lodestone upon which everything he sought to achieve would have been wrecked. A great, but infected gift of God, conscience could only work effectively when regulated by Scripture, which in its plenitude had supplied the fundamentals and non-fundamentals of the religious life. Divergence from these latter could not be justified under any plea of conscience. "The dictment of conscience doth neither bind potentially nor actually, but as a mere reporter, a messenger and an official relater of the will and mind of God to us, and all the obliging power is from the Word." ^I Over a hundred pages drove the Scriptural nails, great and small, pointed and pointless, into the battered coffin of Toleration. Page followed page of Old Testament proofs for the punishment of the errant by the magistrate. Little distinction was made between criminal and moral delinquencies and theological error. ~~His~~ Classification of heretics and sectaries as spiritual murderers was not a mere metonymy, and he regarded those who flirted with dangerous opinions as at least spiritual adulterers. The stern judges, the godly kings, the crusading prophets supplied bountiful proofs, and in the New Testament, in St. Paul, St. Peter and St. John, he found ample hatred for heresy, and some ground for its punishment. It was of course the method of selective argument, A text apt to the case was applied. Those contrary brought forward by an opponent ~~are~~ ^{were} rejected or explained away. He could take an Old Testament text and hold it as perpetual, and in the next paragraph discard another as being for Jews only. But this was the common method of the time. "One Lord, one

I. Free Disputation, 134.

/ faith, one baptism" was sadly narrowed as the motto of his banner.

The Action (1) At Home.

The methods to be employed by the magistrate in cleansing the land were those which he himself had experienced and endured. Schismatic and heretic were to be silenced in the pulpit. None were to have liberty to preach according to the dictates of an "Inner Light" or of "Conscience", or - with an unkind scoff at a fine soul like Peter Sterry - "according to the ravings of his fancy." The publication of fundamental and non-fundamental error must be forbidden. Much has been made of Scottish ministerial bloodthirstiness by historians like Lord Tweedsmuir and Andrew Lang. According to Scripture and to statute, death was the penalty for heresy and blasphemy. There are sayings in Rutherford and his contemporaries sufficiently sanguinary to delight the heart and fill the pen of any gloating anti-clerical historian, but the basis of such history will be rhetoric not fact. Rutherford wrote "As a despairing dog Servetus died" and with no nicety did he conceal the fact that he believed he deserved death, but turn a few pages and we read that though seducers in the Old Testament were punished by death ^{Magistrates} ~~we~~ ^{warranted} ~~are not obliged~~ by Scripture to kill every ignorant blinded Papist with the sword." Burning he abhorred. Even though Scripture enjoined the death penalty it is quite clear that he recoiled from it and he used such passages as proofs and justification for the magistrate taking punitive action not as incitation to a pogrom. But the fact

1 Free Disputation, 183.

/ that such passages were used by him and others like him gave a specious pretext of truth to the statement that the Scottish clergy of the Covenant age were a bloodthirsty gang. What is the truth? Scotland has suffered much at the hands of her Jacobite historians, and those they have misled. To illustrate Scottish intolerance, Dr. Trevelyan - no Jacobite - in his English Social History cites the case of the lad of eighteen hanged in 1697 for denying the authority of Scripture. It was an isolated case - and nowhere in his Social History does the same author make mention of Barrow, Greenwood, Penry and other Independents imprisoned, mentally tortured, and hanged in Shakespeare's England. In reality far fewer crimes were by statute punished by death in Scotland than in England. There may have been less refinement, but there was less social inhumanity and cruelty in seventeenth and eighteenth century Scotland than in England. What is her record of religious persecution? Not a handful died for being Roman Catholics. Exile, as will be seen from Spalding's 'Memorials' was the general fate of a convicted Romanist. Later the fate of Montrose and his abettors will be considered. They died for treason. The Philiphaugh executions were due to racial hate and following on the Ulster rising and to prevalent ideas of the punishment of war criminals. Torture, heading and hanging for religious convictions - the apologists of course call them political convictions - re-entered Scotland under the Episcopal regime through gentlemen who were agents and lackeys of the English Court. The Scottish Presbyterian Church was severe in discipline, but her hands have

/ less blood upon them than any national church in this island, or perhaps anywhere else, and in the subsequent centuries she did more to combat inhumanity and improve the social lot of the people than any sister church. Her attitude to witchcraft is held against her; in the balance she is to be found no worse, no better than her neighbour.

It is easy to magnify the hyperboles of the pulpit into howls for blood. Fines, incarceration, banishment were the usual rigours of Scottish ecclesiastical persecution. King James used them on Melville and Bruce, the Covenanters used them on the Bishops, none suffered death. But in seeking to extend these penalties to even minute deviation from Presbyterian conceived orthodoxy, the pundits of anti-Toleration gave their church a legacy that helped to invoke the Killing Times, and in the end begat division within the national Church. Who had most blood guilt in seventeenth century Scotland? It may be put thus. The Act of Classes was a Kirk inspired attempt to punish desertion from Covenanting orthodoxy and to preserve by purge national unity. It embodied the policy of Anti-Toleration. Little blood was shed by it, but much hardship inflicted. Middleton was not made a martyr, but in sackcloth and ashes, on the stool of repentance, he was made a butt. The "Killing Times" was the gentleman's revenge.

The Action (2) Abroad.

The prime question of the moment was the relationship of a nation possessing the "true Church" towards a neighbouring State which did not. Rutherford laid it down emphatically that the

deliberate intention to convert another nation 'vi et armis' could never be a just 'causis belli'. Heathen and idolatrous nations were an offence to God, but they must be converted by the preaching of the Word, not by the power of the sword. "The nations that worship God in an idolatrous way though they do the greatest injury to God yet in regard they ~~being~~ other nations as independent on us as we are on them, and do it not in order to the destruction of our peace, liberty and lives we have not 'jus' over them nor authority to make war on them." (~~see~~) He practically denied that God under the present dispensation gave the command to any nation to subdue and convert another. "They cannot make the ~~nation~~ not receiving of the true religion the ground of war; for we read not of any such cause of war in Scripture." ²

But if an idolatrous nation has forced a war on a nation possessing the true religion, and itself been conquered, the problem wore a different aspect. The worthy nation has engaged in a just war because on her part it was defensive - an argument of "Lex Rex" - and she was entitled with certain reservations to impose the true faith on the conquered; the main duty of the conqueror lay in the education of the children, and he suggested the taking of them from their parents to do so although aware that it was a breach of a natural law. One may note here his attitude to Jews. They were to be denied civil rights and freedom of public worship; having been God's chosen people they were not to be persecuted but instructed. ³

And now having cleared the roadway of his argument, and his

I. Free Disputation, 300.

2. Ibid. 301.

3. Ibid. 316.

/ conscience, from any possible detraction, he arrived in full strength at his goal, namely, What must be done with a neighbour nation that has known the Truth and forsaken it, that has entered into a Covenant to establish the faith and broken it, that would now 'shed our blood and invade our peace and liberties'?

Rutherford had no hesitation in invoking a declaration of war, the supreme repressive act of the civil power, upon such a people. "If they join with us in one Religious Covenant, and we swear with our lives and goods to defend one another, we may cause them to stand to the Oath of God they were under." Since he wrote the preface to the Spiritual AntiChrist the Army's Proposals had enlarged the demand for and scope of Toleration, and his philippic was now correspondingly more bitter. "We did not take the first steps in the matter of the Covenant, nor did we plead for absolute uniformity though we sought to aim at it," so he argued and went on, - "The Congregational men were not drawn, but they came to another Kingdom with fair words to draw Presbyterians in a Covenant and said and swore to endeavour uniformity, and yet practise this day multiformity of Religion and have put to the soil the blood of many gallant men in Scotland, ¹ so that they may buy with their lives cursed Liberty of Conscience." ² Liars! deceivers! hypocrites! No word was strong enough to denounce, and he hurled the supreme insult - "I would have believed Erastus if he had sworn to endeavour the preservation of it better than your oath." ³ Cowards! "You durst not give the first battle to ~~the~~ Bishops. Scotland gave it to them when your Grandees were low as shrubs and as feared as

I. Free Disputation, 250

2. Ibid, 258.

3. Ibid, 261.

/ harts." ^I The Scotch idiom breaks out in his anger. All his argument cumulated in the assertion of the right to impose or re-impose the Covenant on England. True religion and the rooting out of the whole foul brood of Independency demanded it. The decent Independents must often have felt like a hen who has hatched a brood of crows being pecked to death both by her brood and her neighbours. The sacredness of Treaty obligations demanded that the oath breaker should be held to his bargain. More than a Parliamentary Treaty, the Covenant was an instrument forged by two Kingdoms for their souls' salvation, many in England still wished its conditions fully implemented, still held the true faith as he saw it, so upon Scotland lay the sacred duty of relieving the oppressed. Legally, passion and religion apart, the war envisaged was a just defensive war, for Rutherford had no illusions about Cromwell's intentions. If the Scottish nobles had not themselves in their Engagement with Charles blundered into the morass of the Toleration controversy they would have had a united Scotland behind them.

At page 279 the book comes to an end with the word FINIS; at 281 it begins anew with Chapter 23. Fresh material has been sent down to the printer, but nothing new is added to the argument. What followed was a series of afterthoughts and animadversions on John Goodwin's "Hagiomatrix", Williams's "Bloody Tenent" and Jeremy Taylor's "Liberty of Prophesying" with frequent reference to Augustine's attitude to heretics. Though he loathed Goodwin's arguments, he must have had some liking for the man, for he called him "undeniably the learnedest
I. Free Disputation, 264.

/ and most godly man or that way." Controversy seldom blinded Rutherrurd to moral uprightness.

It must be admitted that noise and blood fill many of the pages of the Free Disputation, and that much of its argument was self-destructive, and by no means praiseworthy. But many of the charges based on the Kirk's sponsorship of the arguments here set forth are quite ridiculous. This work was written after the bloodiness of Montrose's 'annus mirabilis' for which it has pleased many writers to make the Kirk largely responsible. At least two things are forgotten; with regard to the execution of leaders, it was an old feudal custom; "Stone dead hath no fellow" had for centuries been the maxim of the Scottish baron dealing with an opponent, and the men taken were engaged in armed treason; also mass murder in the north was the common indulgence of the clansmen. In regard to both Lowland baron and Highland chief the cause they espoused was often incidental to the grabbing of land by one and the looting and cruelties practised by the other. It is a blot on the scutcheon that the Church approved some bloody doings, but the approval followed the Ulster rising and the experience of Montrose, and we are now in a position to understand how the story of atrocity and the visual evidence of human cruelty can work on the feelings of a people. Montrose and his Irish were hated in the Lowlands and the Church was echoing the popular as well as the Old Testament voice in her demand for retributive justice. This harsh spirit thus begotten persisted and coloured all the subsequent anti-Toleration works of the Scots, for the Kirk's counselling of

/ repressive action was prompted by the ever present fear of the further ravage and rapine which religious division might cause in the land. To us it seems they sought the wrong cure but it was the only cure known to ninety-nine per cent of the religious doctors of the age. Despite all this, there was only one execution for doctrinal heresy, and that a stupid blunder in a later age. Rather was blood the dye of feudal politics, the Kirk in Scotland could not escape being involved in them, and larges^h splashes stained her robe; she expiated her faults when the last mad feudal orgy struck her bleeding, but not lifeless, to the ground.ⁱ

Dr. Walker claims that in their prosecution of a rigorous anti-schismatic, anti-toleration policy, the Scots were most possessed by the ideal of a united visible Catholic Church. Such an ideal they possessed, but a passion for unity has not been the distinguishing characteristic of Scottish history and far more than unity for unity's sake lay behind their policy. These men had a great passion for truth, infinite patience in the microscopic search for it, and all the obstinacy of opinionated Scotsmen in believing that they alone possessed it. It was their avowed life purpose firmly to establish the truth in doctrine and discipline as they knew it to be revealed categorically in Holy Scripture. The doctrine of a united and uniform Church was part of revealed truth, and so imperative; this inspired their resolute defence of the Covenant and their ruthless dealing with theological vagaries. Amidst bad grammar, surly invective and wearisome argument Rutherford attained to a certain dignity

I Scottish Theology and Theologians, 95ff.

/ whenever he came to write of the Word. "Let the Printer be fallible, the translation fallible, the grammar fallible, the man that readeth the word or publisheth it fallible, yet this hindreth not that the truth itself contained in the written Word of God is infallible Though there be errors of numbers, genealogies, etc., of writing in the Scripture as written or printed, yet we hold Providence watcheth so over it that in the body of articles of faith and necessary truths we are certain with the certainty of faith it is the same very Word of God, having the same special operations of enlightening the eyes, converting the soul, making wise the simple, full of Divinity, life, majesty, power, simplicity, wisdom, certainty which the Prophets of old and the Writings of the Evangelists and Apostles had." ^I None could call this argument ill founded, few in that age could doubt its force.

Although Rutherford will always be classed as an Anti-Erastian, in the "Due Right" he had stated that the magistrate had a directly spiritual end, which statement he qualified somewhat in the "Divine Right" when face to face with the Erastian Parliament. The Free Disputation was in some respects a return to his first position, for the suppression of heresy and the preservation of the truth were directly religious ends. With the best will in the world to defend him, it must be admitted that an Independent suffering at the hands of a Presbyterian magistrate what seemed an intolerable interference with his religious practice could not help but call the Presbyterian an Erastian. These two works were the 'De Haeresibus' of the "The Spiritual Antichrist" and the "Pretended Liberty"

I. Free Disputation, 363 + 366.

/ Scottish Church. They had a great influence on the policy
 Rutherford's
 of his contemporaries and his successors. Schism became one of
 the deadly sins. The prevalence of the phrase "Church of
 Scotland" in the separated bodies of the National Church reveals
 how those who went out sought to make it clear that they were the
 true Church of Scotland, or at the very least the truest and
 purest part of it. It is easy to write harshly when reading the
 bitter utterances of these intolerant men, and easy to see that
 the finer word was Jeremy Taylor's when he wrote "He who perse-
 -cutes as heretic arms the world against himself" though the
 Anglican in power paid little heed to the Liberty of Prophesying.
 On the other hand, Froude has written "You cannot tolerate that
 what will not tolerate you." ^I The Scottish Anti-Toleration
 Policy was a measure of selfdefence, albeit a mistaken and
 violent one, and in that the principles of "Lex Rex" and the "Free
 Disputation" joined hands.

Apart from ultimate ecclesiastical disaster did the Anti-
 Toleration agitation bring its protagonists any immediate tangible
 reward for their labours. The immediate outcome makes a foot-
 note with which to conclude this unfortunate chapter of ecclesias-
 -tical politics. The labours of the propagandists had throughout
 1647-48 the full support of the General Assembly and its commis-
 -sion. In 1647 a letter was sent by the Assembly to the Divines
 at Westminster to refresh them by "a testimony to the truth of
 Jesus Christ against the many heresies and errors of the time."
 It was largely posted throughout the London Churches, and a few
 weeks later Rutherford wrote that the truly godly in that city

I J.A. Froude, Short Studies on Great Subjects (1901), 180.

/ "conceive Christ calleth them to give some public testimony for the truth against these detestable ways." ¹ On November 26th the commission sent up a further letter to the Divines, which was twice read; Parliament demanded the letter but remained silent on hearing it. A similar letter had been sent to the London ministers and the outcome of the concentrated Anti-Toleration attack came the day after the Westminster Assembly received the letter, December 14th; Chiesly, its bearer, was cordially thanked, and the London ministers drew up "A testimony to the truth of Jesus Christ and to Our Solemn League and Covenant, as also against the heresies and blasphemies of these times, and the toleration of them." The phraseology is reminiscent of Rutherford's letter to Scotland of the 19th October, and suggests that in the intervening six weeks he had been acting as 'agent provocateur' amongst the English Presbyterians. Fifty-two London Ministers signed the 'Testimony' including thirteen members of the Assembly, who for obvious political reasons made it clear that they signed not as members of Assembly but ministers of the city of London. Many English provinces took similar action. There are extant at least ~~fourteen~~ ^{thirteen} similar testimonies. ^{Eleven} ~~Thirteen~~ of them are in the library of Mr J.D. Ogilvie, Barloch, Milngavie. The following is the list with number of signatures in brackets: March 3rd, 1648, Lancashire (84); March 11th, Northampton (69); March 16th, Warwick (43); March 28th, Gloucester (55); May 3rd, Essex (132); May 14th Shropshire (57); June 6th, ^{Cheshire} ~~Another London Attestation~~ (59);

¹ Ass. Com. Rec. 1. 326.

/ June 26th, Wilts (82); June 27th, Devon (73); July 14th, Stafford (38); Aug 9th, Somerset (69); Norfolk, testimony also exists. Interesting to note is the large number of signatures from Essex, one of the Eastern Counties, the stronghold of Independency. Gloucester's said "They have all set up their resolutions with that it is better to die martyrs than mongrels." There, therefore, extant eight hundred and twenty-three signatures to the policy of Anti-Toleration, there must have been at least a thousand. Among them are those of men like Dr. Wall after wards Saville Professor of Geometry at Oxford. The Scots were not alone in wishing the Independents rooted up and out; their testimony was the bitter document of later years, the work of Rutherford, and I think Warriston, the Assembly Commission ^{Solemn} ~~Seasonable~~ testimony against Toleration. I It was the bitter sound of the trumpet preceding the Free Disputation, the Act Classes, and the temporary ruin of the Scottish Church. ²

[+ 2. Vide additional notes p. 933. and 936.