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Reforming Politics: The Covenant Device in Anglo-American Political Theory

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REFORMING POLITICS:
THE COVENANT DEVICE IN ANGLO-AMERICAN POLITICAL THEORY

A Dissertation

Submitted to the Graduate Faculty of the
Louisiana State University and
Agricultural and Mechanical College
in partial fulfillment of the
requirements for the degree of
Doctor of Philosophy

in

The Department of Political Science

by

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I owe a great debt to many people. Professor Eubanks first directed my studies when I was a young graduate student and didn't know how to pursue the intersection of religion and political theory. Professor Stoner has provided invaluable personal and professional mentoring over the years, helping me to see my own potential and encouraging me to return for my PhD when it seemed an impossible transition. Professor Sandoz, with whom I've concluded my studies, has demonstrated the most gracious patience and enabled financial support while my professional habits matured. Professor Harry Veryser, formerly of Walsh College, served to mentor me in the interim years and has been a great friend and teacher. Professors Mary Sirridge, William Clark, Francois Raffoul, Gregory Schufreider, and Ed Henderson supervised other projects and coursework. Each enlarged my understanding of many things. "For money is not the standard by which the worth (of a teacher) can be measured, and no honor could match what he has given." (*Nicomachean Ethics* 1164b)

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The author of the Book of Ecclesiastes writes, "The words of the wise are as goads, and as nails fastened by the masters of assemblies, which are given from one shepherd. And further, by these, my son, be admonished: of making many books there is no end; and much study is a weariness of the flesh. Let us hear the conclusion of the whole matter: Fear God, and keep his commandments: for this is the whole duty of man." (12:11-13) I am thankful to God's faithful providence for the skill and circumstance to write this dissertation, and for the ministry and mentoring of many in my learning, writing and teaching over the years. As I complete this and other projects, I pray that the Holy Spirit will fix in my mind that the covenant is ultimately about faithful action over and above the making of many books.

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ABSTRACT

This dissertation provides an historical and theoretical inquiry into “covenants” as a device within Anglo-American political theory. It includes an overview of Biblical covenants which are the source of the covenant device, together with an analysis of subsequent application by early modern and contemporary political theorists. I demonstrate that this revealed political theology, moderated by the political traditions of *salus populi* and natural law, provides support for contemporary political imperatives of liberty while avoiding both the terrors of gnostic political religion and the inevitable moral and political failure of natural political theology. The argument begins with an examination of contemporary covenantal theory in the scholarship of Daniel Elazar and David Novak. I then turn to the revival of the covenant device during the British Reformation and American colonial experience. As background, the dissertation surveys Calvin, Bullinger, Buchanan, Knox, Goodman, Mornay, and Rutherford (among others) and their prescriptions for the form of government and for resistance theory. I also examine important events during the British Civil Wars and the implications of the covenant device therein. Reformed theologians demonstrate both unity and diversity in their approach to political questions. In formulating political theory around the covenant device, they collectively create a provocative and valuable political theology *par excellence* with important implications for liberalism, republicanism, and constitutionalism. The dissertation pays close attention to the ways in which theological differences had explicit and implicit consequence for political theory. Those differences include the varying approaches of Reformed theologians to the covenants of works and grace respectively, the visible and invisible Church, and the accommodation of natural law, common law, and natural right.

SECTION I
INTRODUCTION

CHAPTER 1

INTRODUCTION

1.1 The Subject of the Dissertation

This dissertation provides an exploration of “covenants” as a device used within the development of Anglo-American political theology and political theory. It researches the covenant device both historically and theoretically. The covenant device is ultimately derived from the Bible and from systematic theologies. It is a theological concept with implications for political theory. The dissertation is therefore primarily a study of political theology

1.2 Political Theology Defined

The term used to categorize this study, “political theology,” requires some explanation. A brief defense of the term may be helpful, including my choice to use it instead of the term “civil religion.” There are two reasons for preferring the term “political theology” (or sometimes “civil theology”) to “civil religion.”¹ “Theology” is a term that emphasizes the scholarly tradition of *logos* within Western religion, particularly Biblical religion. This “logical” tradition emphasizes both justification and argument and encourages engagement with secular philosophy and theory. Civil religion implies a hierarchical approach to religion and politics where in the outcomes of religious opinions are critiqued by criteria of civil objectives.² As I will argue in the second

¹ I do not use the term in any way connected with Carl Schmitt or his book *Politische Theologie* (“Political Theology”), published in 1922.

² For example, one application of the term “civil religion,” understood in the context of Jefferson, Franklin, Rousseau, or Machiavelli, would consider only the civil benefits or consequences of religion. This could be a more idealistic use for religion, as Jefferson or Franklin would have prescribed it – encouraging the habits of ordered liberty or republican virtue. Or it could be a more cynical use, as Machiavelli or Rousseau would have prescribed. But in either case, this is a consequentialist approach to religion. For a more recent approach to civil religion, particularly in the case of America, see Gentile, *Politics as Religion*. In the Introduction, Gentile writes, “There is not, however, a contradiction between the principle of separation of church and state asserted by the Constitution, and the profession of religious faith expressed by the mottos, symbols, and political rituals of the United States. The reason is the faith in God or the Almighty as expressed in symbols and rituals of the American nation is the manifestation of a particular form of religion, one that does not correspond to any particular religion professed by the citizens of the United States. It is a *civil religion*, by which we mean a system of beliefs, values, myths, and

chapter, “civil religion” flirts with judging religious opinions only in terms of what is expedient for the civil. The result is a dichotomous, even adversarial, approach to the intersection of religion and politics.

Politics and religion are better understood as being both complementary and yet also in tension. Neither can take absolute priority over the other. Furthermore, in a liberal political order, religious opinion and expression are among many rights that the magistrate is supposed to protect. As a natural right, it precedes the power of the magistrate. If one takes the long view of the Western experience, particularly following the Reformation, mutual respect and support between politics and Biblical religion has encouraged liberty. Even suggesting dichotomous priorities of “religion” and “politics” invites paranoid analysis and taints sound discussion. Theoretical dichotomies that seek to divorce the civil from the religious, or to subordinate one to the other, function well only in the abstract; they are contrary to political reality. Rather than being thought of in traditionally dichotomous or competitive terms, both civil politics and revealed religion should be understood to reflect complementary and fundamental constituents of human nature. Modern political theory should respect their necessary tensions and construct an understanding of their intersection that allows for liberty. This creates a society fit for human beings.

The great traditions of Biblical religion, the dominant Western tradition, are political by nature. Religion is inevitably and unavoidably political. First, it is political insofar as it is social and requires institutional structures and offices. (This is denoted, for example, by particular denominational categories within Protestantism: Congregational versus Presbyterian, for example, which are centered on different forms of ecclesiastical polity.) Second, it is political

symbols that confer an aura of sanctity on the United States as a political entity, and on the country’s institutions, history, and destiny in the world.” (page xiii, emphasis in original)

insofar as it is legal and ethical, setting boundaries on behavior.³ Third, it shares with political theory grounding in anthropology - its first principles begin with human nature. The great challenge for modern legal and political practice, therefore, is not to separate the “religious” from the “political,” but instead to determine the proper jurisdictions of the civil and religious, particularly as they relate to civil law. This is the great challenge taken up by the most prominent early modern political theorists – Hobbes, Locke or Rousseau, for example. Each tries to determine the proper boundaries for ecclesiastical and civil authorities. Not until the “gnostic” politics of the nineteenth and twentieth centuries does political theory try to *supplant* religion. (I will discuss this below.) It was the Reformation which revived a modern reorientation of religion and politics. This dissertation makes an important contribution by providing a concentrated study of one tradition of political theology within the Reformation. This “Reformed” (sometimes erroneously called “Calvinist”) tradition is particularly important within the Anglo-American tradition because so many persons subscribed to its theology. Reformed theology was more familiar to thousands of Europeans and Americans than the works of Hobbes, Locke or Rousseau and its doctrines had enormous political import. Central to Reformed doctrine is the covenant device, which becomes a centerpiece of Reformed theology.

1.3 The Contemporary and Historical Importance of Political Theology

It is probably not unreasonable to presume that some readers are suspicious of the assertion that there exists a legitimate “political theology” within political theory, but our current and past experience affirms just that very thing. Both contemporary practice and the historical record of politics remain intransigent against efforts over the last century to purge it of

³ This is why even early tolerationists, for example, would not entertain atheists under their plan for toleration. They were not considered trustworthy. This is a position against which criticism may be justly leveled both on grounds of overstatement (How trustworthy are believers anyway?) and understatement (What about natural law as a universal moral code?). Nevertheless, the point remains that morality is traditionally associated with religion.

theological content. One need only look at the annual controversies surrounding court cases or public expenditures in America to see the continual contest between religion and politics. One might also consider recent debates about theological language in the proposed drafts of the EU constitution.⁴ Perhaps most urgently, while the West continues to decide what crumbs of acknowledgement or influence it will toss to its historical political theologies, it is being attacked by a radically other political theology - that of a resurgent Islam.⁵ One cannot simply argue that *they* have a political theology while the West does not, or that the goal should be to eliminate all political theology from political study and practice. The West continues to draw on our own political theology – even if only implicitly.⁶

The old Biblical theologies not only stand in contrast to those of most Islamic tradition, they may also serve to revive the liberal West's deepest values in the face of social amnesia. That is to say, the West now not only confronts its identity crisis in the face of a hostile Islamic political theology; it is also seeing its own succeeding generations unable to articulate any significant apologetic for Western political virtues. The West is forgetting that religious axioms historically mattered – in both theory and practice. This dissertation hopes to remind us of that fact. No one has yet succeeded in re-founding our modern, Western political virtues apart from some degree of theological premise. Until the proponents of a-theistic ideologies can succeed in the re-articulation of Western political values, we are left with our theological roots. I hope to

⁴ For example, see Schlesinger and Foret, “Political Roof and Sacred Canopy?: Religion and the EU Constitution.”

⁵ Proponents of a radical political Islam often oppose the West on contradictory grounds and these reflect our own inconsistencies. Islamic radicals are unable to decide if our worst crime is being ambivalently secular or standing as heir to medieval Christendom and its conflicts with the Islamic world.

⁶ Classical liberal arguments which emphasize the liberty and equality that radical Islam denies may be themselves largely rooted and supported, if not sustained, by a certain kind of Biblical political theology. See, for example, Forster's *John Locke's Politics of Moral Consensus*, Parker's *The Biblical Politics of John Locke*, or Waldron's *God, Locke and Equality* for examples of theological or Biblical content within the development of liberalism.

revive an understanding of those roots here, in a way that is still sensitive to modern sensibilities. But whether or not political theologies can be made sensitive to modern sensibilities or not cannot deter one from studying the historical record and making contemporary applications where one can. The historical record is what it is. Though the successes of political theology can be debated, they cannot be dismissed out of hand or forgotten.

1.4 Defining a Protestant Politics

Though contemporary political theory bears something of a prejudice against political theology, it is important to remember that theology likely had far more impact on the dissemination of political theory than the so-called “Great Books.” Political owes much to its engagement with the Church (as a political institution), Christian theology (which has political implications), and the Bible (as a political text in its own right). So much of modern political thought is written against the background of religious controversies and wars acting as catalysts to change. Until there is a successful effort to construct contemporary political theory free from historical arguments (essentially from “whole cloth”), we must acknowledge that what is contemporary is inextricably bound to what is historical.⁷ In other words, one cannot think of what is “historical” as something that is simply past and done. Original justifications may be lost for the time being in political theory and practice, but original justifications rarely become irrelevant.

While it is true that Christianity has influenced political theory, and one can follow its threads of influence back for many centuries, the “Christianity” that intersects more intimately

⁷ Consider the case of Descartes, for example, who proposed to construct epistemological foundations from whole cloth in his *Meditations* and *Discourse on the Method*. While Descartes is rightly influential, he cannot be said to have constructed his argument from whole cloth. He remains dependent on many historical arguments, traditions and methods.

with modern political theory is self-consciously different. It is decidedly Protestant.⁸ Given the permeating and persevering political influence of Protestant theology on so many generations, and over centuries, one can only conclude that those who leap from “Christian and medieval” to “secular and modern” as the high water marks of political theory will have a stunted understanding of political theory. To reference Western political thought over the past five or so centuries is largely to move away from the scholastic synthesis of the Middle Ages. Puritan humanism, though diverse and catholic at heart, was self-conscious of its intended differences. Because it is no longer scholastic does not mean that it is no longer Christian. Nor does it mean that it is devoid of natural law or humanist traditions. Some have argued a Protestant and modern debt owed to the medieval scholars, and I would largely agree with those.⁹ But the tradition under discussion in the dissertation comes *self-consciously* out of the Protestant Reformation.

Not enough studies, surveys, or scholarship have done justice to this crucial shift. Self-consciously Reformed (“re-formed”) political thought is notably absent from many anthologies, histories and surveys of the field. Few critical studies of modern political theory take the influence of Christianity seriously, let alone carefully discern its role in forming what we now call “modern” political theory. It is certainly true that many factors and philosophies came together to overcome medieval Christianity and its Aristotelian variants. But many scholars in political theory practically ignore Christianity in its new Protestant formulations, particularly during the period of early modernity when it was most influential. This ignorance is especially

⁸ How it is or is not essentially different from pre-Reformation Christianity, or what it may or may not owe to earlier medieval and Catholic formulations, is a worthy debate. But it lies outside the scope of this dissertation.

⁹ I do not intend here, or elsewhere, to imply that all good things began with the Reformation. Many key modern, even Protestant, ideas had their origins in the Catholic Church. But it cannot be denied that many of these ideas did not come to fruition in articulation or practice until the crucible of the Reformation forced them to. Modern political theory owes much to the scholastics, as argued by Tierney’s *The Idea of Natural Rights* or Brett’s *Liberty, Right and Nature*, for example. But deciding those particulars is not my mission here.

negligent given the highly political nature of the Reformation, the massive subscription to Protestant doctrines by all classes of society over three centuries of early modernity, and the consequences of the new Protestant political theology for three centuries (and more) of political activity. Perhaps nowhere is this more evident than in the standard "canon" of political thought, wherein one finds few explicitly Protestant Christian authors beyond perhaps Calvin, Luther and occasionally Richard Hooker.¹⁰ Students reading standard histories of the field are led to think that the starting point of many modern political ideas came from epistemological whole cloth or that there was no significantly influential political theology beyond the work of a couple of key Reformers or churchmen.¹¹

1.5 Philosophical Polities or Church Polities? The Experience of Common Persons

If modern political theory is essentially (and radically) secular in its roots and justifications, one would have to wonder how such ideas would survive among laypersons and clergy in America and Britain over the last five centuries. John Adams recognized this when he cited Reformation era political texts as key to the development of America's liberty:

¹⁰ A brief sampling of anthologies, surveys and textbooks demonstrates the problem. Strauss and Cropsey's *History of Political Philosophy (3e)* gives one chapter to Luther and Calvin together and one chapter to Hooker. McClelland's *A History of Western Political Thought* devotes no space to Luther, and less than a page to Calvin and Knox. Hallowell and Porter's *Political Philosophy* files Hobbes, Locke and Rousseau under "Calvinism" in the index but gives no space to Luther or Calvin in the text. Tannenbaum and Schultz's *Inventors of Ideas: An Introduction to Western Political Philosophy (2e)* does devote eleven pages to Luther and Calvin in a chapter entitled "The Religious Basis of Modern Political Thought." Germino devotes one chapter collectively to Luther, Calvin and Hooker in *Machiavelli to Marx: Modern Western Political Thought*. Ebenstein and Ebenstein devote none of their chapters to the Reformation in *Introduction to Political Thinkers (2e)*.

¹¹ The fact of the matter is that too many of the significant Reformers simply go ignored. If one is consider *only* Calvin and Luther as the two great Protestant political theologians, Calvin had more influence than did Luther on North American and most of Europe. But it is simply laziness that refers to "Calvinist" or "Calvinistic" influence when Calvin may not have been the essential root of many key political ideas. In the area of political thought, Calvin's influence may not have been as great as Bullinger's or the Scots or Huguenots (Knox, Mornay or Rutherford), for example. Why is Calvin so familiar to some political theorists while the latter are practically unknown? But even this problem doesn't completely get to the point of understanding politics under the influence of the Reformation. Referencing Luther or Calvin is important, but it is only the beginning of a sound understanding of Protestant political theory.

There have been three periods in the history of England, in which the principles of government have been anxiously studied, and very valuable productions published, which, at this day, if they are not wholly forgotten in their native country, are perhaps more frequently read abroad than at home. The first of these periods was that of the Reformation, as early as the writings of Machiavel himself, who is called the great restorer of the true politics. The "Shorte Treatise of Politick Power, and of the True Obedience which Subjects owe to Kyngs and other Civile Governors, with an Exhortation to all True Natural Englishemen, compyled by John Poynt, D. D.," was printed in 1556, and contains all the essential principles of liberty, which were afterwards dilated on by Sidney and Locke. This writer is clearly for a mixed government, in three equiponderant branches, as appears by these words: 'In some countreyes they were content to be governed and have the laws executed by one king or judge; in some places by many of the best sorte; in some places by the people of the lowest sorte; and in some places also by the king, nobilitie, and the people, all together. And these diverse kyndes of states, or policies, had their distincte names; as where one ruled, a monarchie; where many of the best, aristocratie; and where the multitude, democratie ; and where all together, that is a king, the nobilitie, and commons, a mixte state; and which men by long continuance have judged to be the best sort of all. For where that mixte state was exercised, there did the commonwealths longest continue.' The second period was the Interregnum, and indeed the whole interval between 1640 and 1660. In the course of those twenty years, not only Ponnet and others were reprinted, but Harrington, Milton, the *Vindiciae contra Tyrannos*, and a multitude of others, came upon the stage. The third period was the Revolution in 1688, which produced Sidney, Locke, Hoadley, Trenchard, Gordon, Plato Redivivus, who is also clear for three equipollent branches in the mixture, and others without number. The discourses of Sidney were indeed written before, but the same causes produced his writings as did the Revolution. Americans should make collections of all these speculations, to be preserved as the most precious relics of antiquity, both for curiosity and use.¹²

There is simply no reason to think that some of the texts now included in the canon of political theory substantially informed the political thinking of many Anglo-American Protestants in the seventeenth and eighteenth centuries when compared with their own (ultimately political) theologies. Many American Protestants in the seventeenth and eighteenth centuries were learning politics largely in the various doctrinal, ecclesiastical and theological beliefs and practices of

¹² Adams, *A Defense of the Constitutions of the United States of America*. Volume III: Chapter I. Cited in Carey, *The Political Writings of John Adams*, 224-225.

"Reformed" Christianity.¹³ This was even true in the case of Anglican strongholds such as Virginia, where Patrick Henry learned from Presbyterian Samuel Davies. American Protestants and their church elders were familiar with theologians who were also political activists: Theodore Beza, the Scots John Knox, George Buchanan and Samuel Rutherford, or the Huguenot Mornay. Americans, like their British colleagues, wrote long political treatises in controversies over antinomianism, religious liberty, church polity, revivalism, covenant theology, and church membership. In the case of America, civil leaders in the Reformed tradition also had the chance to experiment with systems of government derived from their theology. Such was the case in New England.

In addition to the political implications of theological texts is ecclesiastical practice. Could prominent philosophical texts, even theological texts, take precedence over the political theory learned from participation in a Presbyterian synod, experienced in a congregational controversy about baptism and membership, necessitated by the errand into the wilderness, or constituent to controversies about itinerant revivalism? To focus on prominent texts or famous authors is to miss the social dynamic of Protestantism as an *active* force in church and civil polity.¹⁴ This social dynamic was probably even more important than the prescriptions of prominent texts. As Tocqueville observed in the case of Puritanism, for example, American Protestantism is overtly political in both theory and practice.¹⁵

¹³ This general point about the religious ideas of common persons, and their significance for politics, is made quite prominently in Shain's *The Myth of American Individualism*.

¹⁴ For a discussion of the proliferation of theological interest and debates among common Scots, for example, see Steele "The 'Politick Christian': the theological background to the National Covenant" 50-51.

¹⁵ *Democracy in America*, I.i.2: "Puritanism was not only a religious doctrine; it also blended at several points with the most absolute democratic and republican theories." Quoted from Mansfield and Winthrop (eds), *Democracy in America*, 32.

1.6 Plan of the Dissertation

The dissertation is divided into sections and chapters. Section I provides three chapters of introduction. This first chapter provides a general outline of the plan and a defense of the general subject of political theology. The second chapter continues my defense of political theology, arguing that political theology is best rooted in revealed texts and that covenant theology is a revealed political theology *par excellence*. I also explain why revealed religion is inevitably political and explain why secular political philosophies can be more threatening than political theologies to liberty. The third chapter concludes this first section and prepares the academic ground with a short literature review of studies related to the dissertation.

Section II includes three chapters on the subject of political covenanting; these are theoretical and theological in method. They raise larger conceptual questions about the nature of a covenantal orientation and the prospects for such an orientation in the current political climate. Chapter Four introduces the Biblical narrative of the covenants and their contrasting presentation in Jewish and Christian theology. It also offers some general characteristics of political covenants in contrast to other models of political orientation. Chapter Five provides analysis of the work of Daniel Elazar, a pioneer in the study of political covenanting within political science. Chapter Six provides analysis of the work of David Novak, a pioneer in the study of political covenants within philosophy and religious studies.

Sections III and IV are mainly historical. Section III presents political covenanting as it developed in Reformation-era political and religious controversies. Chapter Seven provides an introduction to the theological controversies in which early modern covenant theology and political theory took root. Chapter Eight provides an overview of Reformed political prescriptions. Chapter Nine explores the development of Reformed political theology during the

British civil wars. Chapter Ten addresses the role of natural law in Reformed political theology. Chapter Eleven addresses natural right in Reformed political theology. Section IV and Chapter Twelve take up the use of the covenant device in America.

Section V concludes the dissertation. Chapter Thirteen offers conclusions about the theory and history of the covenant device in politics, takes stock of its contemporary potential, and offers suggestions for future research.

CHAPTER 2

DEFENDING POLITICAL THEOLOGY

2.1 Political Theology Defined

This dissertation is a study of political theology. This chapter provides a theoretical background by broadly defining two different types of political theology: one relies on both divine and natural revelation, and one relies only on natural revelation. I explore the political meaning of these two kinds of political theology, noting the consequences that may follow from each.

It is best to begin by defining terms. *Political theology* is a particular kind of normative *political theory*. Political theory is a subfield within *political science*.¹ *Theology* can be thought of in two ways. All theology concerns God. Thus, any text that concerns God (or, more broadly, religion) could be broadly categorized as a theological text. Some theological texts are self-consciously dependent upon revealed sources – sources that self-consciously purport to provide *divine* guidance in the study of God (e.g., the Bible), or else are recognized by a particular religious or theological tradition to provide divine guidance about God. This is “revealed” theology. Taking the lead of the Torah for example, one might think of this kind of theology as “God’s talk.”² Some theological texts, by contrast, claim to provide direction on the subject of God (or, more broadly, religion) but do not claim to provide divinely inspired guidance. This type of theology is sometimes called “natural” or “philosophical” theology. It depends on reason (often inductive) and experience alone to draw conclusions about its subjects. These categories

¹ I am not confining political science to a purely empirical and quantitative method of scientific examination. Broadly conceived, political theory provides descriptive and normative study of political orientations. It provides summary, explanation and critical analysis of theories and methods of political organization. Also, political theory should not be entirely confused with pure *political philosophy*, which (in the Analytic philosophical tradition) is more concerned with the universality of arguments and with testing for logical validity and soundness.

² Novak, *The Jewish Social Contract*, xiii

of revealed and natural theology are not dichotomous. They have traditionally been seen as complementary in the Western tradition, particularly within non-“fundamentalist” Biblical traditions.

Having defined two types of theological texts, a definition of political theology can now be provided. *Political theology* consists of those works of political theory (and hence political science), which are informed to some significant degree by theological texts – especially revealed theological texts. “Significant” does not mean that the argument relies entirely on theological sources. Nor is continual reference to a theological text necessarily “significant.” Instead, it is best to define “significant” as meaning only that at least one key turn in an argument relies on a theological text. Reclassification of texts from one category to this subcategory is not the essential point here. Rather, the point is to emphasize that theological texts may provide key axioms or premises in larger and more familiar theoretical arguments. Most familiar texts of political orientation are a hybrid of both non-theological and theological arguments. If the current academic and popular climate in the West is an indication of anything, the historically eclectic approach may be threatened as political theology is put on the defensive. As Hatch writes, “The modern distinction between sacred and secular has allowed the studies of religion and politics to go their separate ways in virtual isolation.”³ It is therefore important to defend the rights of political theology against standing prejudices.

2.2 The Failure of Political Secularism

What should the role of theology be in the construction of political theory? In the history of the West, at least, there has always been some role for theology in the articulation of political theory. The role of theology can be said to exist on a continuum between two hypothetical

³ Hatch, *The Sacred Cause of Liberty*, 3

extremes. One extreme would assert that *all* political theory must be rooted in revealed theology. Excepting some of the more radical Islamic regimes, which are not Western regimes anyway, that is a hard standard to find in political practice. There has always existed a strain of humanism in Christian political theory. At the other extreme is the assertion that political theory cannot appeal to traditional theological categories at all. That standard can be charged to some atheistic totalitarian regimes in recent memory, as well as some postmodern criticisms of traditional (or at least metaphysical) theological discourse.⁴

In light of the historical record, any effort to purge all political theory of theological content should be unsuccessful. Such an attempted purge would require one to precisely disentangle the role of “theological” texts from “secular” texts in the historical and theoretical articulation of political theory.⁵ The practical challenge of such an intellectual genealogy speaks for itself. How does one conclusively disentangle longstanding theological axioms and premises from recognizable conclusions? There are too many threads to follow and address. Any attempt to provide a secular history of political theory would be confused at best and dishonest at worst. Furthermore, such a segregation of texts may imply a larger threat against the rights and beliefs of many persons, insofar as they consider theological texts to be an indispensable resource for all matters of life.

Having raised the practical and historical problems of denying the significance of theology, it now becomes important to examine the justification for such a denial. Asserting an *exclusive* prerogative for secular political theory might be premised on the argument that

⁴ For the postmodern critique of theology, see discussions in Ward, *Barth, Derrida and the Language of Theology* or Vanhoozer (ed), *The Cambridge Companion to Postmodern Theology*.

⁵ The complications of this are demonstrated by debates over the role of Christianity in Locke’s philosophy, for example.

whereas philosophical arguments are inclusive (because they depend upon a universal faculty of reason), theological arguments are exclusive (because they rely on special experiences, particularly supernatural experiences, for their authenticity). It is self-defeating, however, to argue that political theology cannot inform political theory because theology is controversial, lacks comprehensive agreement among the population, or is not universally well-known. The same things can certainly be said of all political or moral philosophies and orientations, including contemporary political ideologies. There is no standard interpretation of Marx, no widespread knowledge of Mill, and no explicit popular agreement with Rawls. Their supposed rational accessibility gives them no advantage whatsoever in practice. While it may be the case that revealed theological texts are self-consciously exclusive by nature, merely appealing to the faculty of reason or experience does not give something universal appeal or acceptance.

It also cannot be argued that theological texts impose, *prima facie*, an undue burden on the conscience. That is not true of theological texts any more than it is true of any text of secular moral or political philosophy. For example, why should the Kantian imperative to act always consistent with duty, or to treat people as ends instead of means, be any less of an imposition on conscience than the Biblical imperative to “Love the Lord your God with all your heart and with all your soul and with all your mind”?⁶ One may simply disagree with Kant, or find oneself unmoved by his argument. One cannot repair to claiming that Kant, for example, relies on *reason* whereas the author of the Gospel relies on *faith*. Those categories are not so easily dichotomized.

I heartily acknowledge that there are good reasons why theologically or religiously rooted imperatives are greeted with sensitivity. But the justification for sensitivity to religion was itself often derived from theological and religious arguments. The concept of an “inviolable

⁶ Luke 10:27. There is an intentional irony in citing Kant here, given controversies over the role of Christian morality in the formulation of his own ethical philosophy.

conscience” historically articulated in Western political theory was predicated on *theological* arguments and a desire to protect conscience and religious practice from state imposition.⁷ One of the most famous arguments for toleration is Locke’s, for example, who argued for toleration on the ground that the imposition of a particular way to heaven might put one on the wrong path to heaven.⁸ He further argued that toleration was a Christian virtue.⁹ If one did not believe in such virtues, or rejected the authenticity of heaven’s existence, a new argument for toleration would have to be constructed. Locke’s appeal, predicated on religious grounds and against the *abuse* of religious and civil authority, would have to fall on deaf ears if offered to an atheist.

Finally, insofar as secular political ideologies may share characteristics similar to the theologies that they criticize, they can claim no superiority over political theology. One of the most important reasons why modern (secular) political theories come into conflict with political theology is because a-theistic theory presents a competing eschaton and/or philosophical anthropology. Following Voegelin’s lead, I mean by *eschaton* that they direct their political theory toward some event of ultimate significance - even something that might be called heaven or redemption.¹⁰ Political eschatons are quite often some vision of a future utopia. This would especially include the utopia of the so-called “left wing” Hegelians, for example. One can only guess what Marx himself would have done if he sought political power, but it is certain what terrors greeted those who endured the eschaton of his disciples. For Mao or Stalin, for example,

⁷ Recent scholarship within the last five years is emphasizing the religious roots of religious toleration. See, for example: Murphy, *Conscience and Community*; Marshall, *John Locke, Toleration, and Early Enlightenment Culture*; Beneke, *Beyond Toleration: The Religious Origins of American Pluralism*.

⁸ Locke, *Letter Concerning Toleration*, in Shapiro (ed), 230

⁹ *Ibid.*, 215

¹⁰ See, for example, Part IV of Voegelin’s *The New Science of Politics* and Part 3 of Voegelin’s *Science, Politics and Gnosticism*.

communism's vision required subordinating persons to a totalitarian government.¹¹ Not surprisingly, these regimes saw revealed religion as a mortal enemy.¹² Modern political ideologies understand the challenge posed by political theologies and are quick to offer competing visions. Feuerbach, for example, presents an eschaton of human progress.¹³ Rousseau undermines revealed theology with his philosophical anthropology of amoral, asocial, and free human beings in his *Discourse On the Origin of Inequality* and with the civil religion of his *Social Contract*.¹⁴

Because these modern ideologies appeal to events outside of historical experience, they may rightly be criticized as hypocritical in their criticism of theology. Their eschatons of progress and earthly salvation may rightly be called Christian heresies. Neither Feuerbach nor Rousseau, for example, gives us any compelling "evidence" why we should believe their particular anthropology or eschaton. Preferring secular eschatons and philosophical anthropologies to theological ones still requires, in a manner of speaking, an act of faith. Insofar as both rely on some measure of faith to interpret our experience toward these conclusions, neither is more epistemologically inclusive than theology. What is snuck into the promotion of secular theory is the implication that it alone is a *rational* politics. Political theologies are cast as

¹¹ See, for example: Courtois, Stephane, et. al. *The Black Book of Communism*; Hollander (ed.) *From the Gulag to the Killing Fields: Personal Accounts of Political Violence and Repression in Communist States*; Pipes, *Communism: A History*.

¹² Marx, for example, in Part II of the *Communist Manifesto* (1848) writes, "There are, besides, eternal truths, such as Freedom, Justice, etc., that are common to all states of society. But communism abolishes eternal truths, it abolishes all religion, and all morality, instead of constituting them on a new basis; it therefore acts in contradiction to all past historical experience."

¹³ What is often emphasized in Feuerbach's *Essence of Christianity* (1841) is his critique of religion as a projection. What is not often emphasized is that Feuerbach saw this critique as necessary for ushering in a progressive future enabled by atheistic solidarity.

¹⁴ In Rousseau's powerful metanarratives of human development, *Discourse on the Arts and Sciences* (1750) and *Discourse on Inequality* (1754), there is no role for religion. See also *The Social Contract* (1762), Book IV, Ch. 8 for his creation of a "civil religion." Both are in Cress, *Jean-Jacques Rousseau: Basic Political Writings*.

parochial and mystical, in contrast to “secular” political theories which are cast as inclusive and factual. This is simply not the case.

2.3 Two Methods for Neutralizing Political Theology

In the sections that follow, I present and critique two means of navigating the intersection of religion and politics which avoid the use of a robust and revealed political theology. The first alternative to a robust political theology is to attempt the articulation of religion without eschatological significance. Eschatological content often creates moral imperatives of the most passionate, exclusive, and fundamental type. These eschatological imperatives may conflict with modern ideologies, and perhaps even with tamer political teleologies. Eschatological content can also inspire politically significant acts – resistance, revolution, zealotry, violence and martyrdom. If religion can be stripped of its most fundamental and absolute moral imperatives, it will be less likely to conflict with the moral and political demands of competing political ideologies. Removing the eschatological imperative will allow religion to remain, but disarm it of its more politically minded content.

The second alternative to a robust political theology is a civil religion in the spirit of Machiavelli or Rousseau, for example. This civil religion is designed to serve political ends. It serves to promote loyalty, courage, or civic mindedness, for example. It may even retain eschatological content, but articulate it for the purposes of furthering civil objectives. I am not intending here what some mean by “civil theology” – the intersection of a standing religion with a standing regime, each existing for its own sake, and their successful symbiosis. Instead, I am addressing the more cynical kind of civil religion. This kind of proposal creates a moral hierarchy for human ends and religion becomes subordinate to politics. I argue that this

alternative is guilty of significant epistemological and ontological overreach, and fails as a proposed alternative.

2.4 Christianity: Intelligible Only or Existential?

I now consider the first alternative: religion without an eschaton. Is it possible to have religion without an eschaton? In other words, is it possible to have religion that is *not* directed toward some climactic and ultimate justifying event? Exploring that question comprehensively would require many scholarly monographs, so it will be simplified in two ways. I will confine myself only to the political theology under examination in this paper. Rephrased: can Christianity be robbed of its eschaton? Second, because the theological question of diverse Biblical eschatologies can become quite complicated, I will ask a simpler question. Can Christianity be reduced from its historically existential role, calling for experience and action, to mere intelligibility – a set of propositions without existential significance?

If Christianity can be reduced to an *eidōs*, intelligible only and not existential, then the demands of the Christian eschaton may no longer come into conflict with the demands of the civil polity. After all, politics is a practical science having existential significance.¹⁵ Neutralizing Christianity of its eschatological consequence would have the benefit of disabling it as a potential competitor to politics. But can Christianity be understood as something less demanding than politics, or at least subordinate to it? The question must be asked with a close eye to history; it cannot be asked simply in the abstract. For example, we cannot ask if a non-existential Christian theology can be formulated on paper regardless of whether or not that formulation has anything to do with the historical Christian tradition or the text of its scriptures. We must examine particular historical articulations of Christianity because this is what real people are

¹⁵ This is emphasized both in Aristotle's contrasting the life of politics and the contemplative life. It is also clear in his emphasis on the study of ethics, and therefore of politics, as an activity rather than just a study.

historically adhering to. The relative merit of political theology must be evaluated based on what is, not on the basis of what one might wish for.

There are three main historical periods that I will address in this inquiry. The first period doesn't concern Christianity as such, but considers the context of early Greek thought. The second period pays attention to two high water marks in Christianity's articulation – the metaphysics of Aquinas and the central claims of the Reformation. The third period of consideration is the rise of a parochial natural theology (which seeks to exclude revealed theology) and the challenge of modern atheism in modern philosophy. This last period is important because it seeks to offer *logos* about God without the use of a revealed theological text. I argue that by the deliberate omission of revealed theological texts, natural theology not only misses the key existential ingredient of historical Christianity – the role of the theological text as willed revelation, it also leads to the development of modern atheism. The resulting death of religion itself will not lead to the loss of the eschaton, however.

2.4a The Classical Period

The foundations of the Christian West are found in both the classical (Greco-Roman) and Biblical traditions. Getting to the roots of Christianity first requires addressing the ancient Jewish tradition; that tradition will be examined in detail in the next section of the dissertation and I will demonstrate the deeply existential nature of the Hebrew tradition. Here I will proceed to the classical Western tradition instead. Classical philosophy provided part of the intellectual and philosophical milieu in which Christian doctrines were first articulated.¹⁶ And it is in this milieu that one can see the tension between what one might call an existentially stillborn natural

¹⁶ See, for example, Cochrane's *Christianity and Classical Culture*, Kennedy's *Classical Rhetoric and its Christian and Secular Tradition from Ancient to Modern Times*, and Ferguson's *Backgrounds of Early Christianity*.

theology (which revealed theology opposes) and the vibrant and existentially living revealed theology that characterizes historic Christianity.

It is evidence of the fundamentally existential nature of religion itself that the Western philosophers who first inquired into the cosmos could not think of it in exclusively “intelligible” terms. As Gilson points out, even the founders of the Western nexus of theology and philosophy found it impossible not to think of the *logos* of things in existential terms. In their search for cosmology, the Pre-Socratic philosophers never confused the foundational elements (water or earth, for example) which lacked existential qualities, with the gods. Water or earth may have provided an intelligible “how” but it failed to provide any kind of existential “why.” The material elements of earth or fire do not think or decide, will or command. A person’s lot in the universe was not explained by his being favored or disfavored by prime matter, but instead by his relationship to the gods.¹⁷ Whatever was at the back of what happened in the world, it had to have a will. It had to be the deliberate product of an *acting* (and therefore *willing*) being.¹⁸ Gilson argues that Greek mythology was not a stepping stone to philosophy, but a stepping stone to “true religion.”¹⁹ This preserved the existential nature of the *logos*, even though this meant a dualistic *logos* in the early Greek schema – non-existential matter and existential (divine) persons. Gilson insightfully summarizes the timeless problem: “By far the hardest problem for philosophy and for science is to account for the existence of human wills in the world without

¹⁷ Gilson, *God and Philosophy*, 6-8, 17

¹⁸ *Ibid.*, 21. One cannot avoid the problem by speaking of “nature.” It is the imprecision of this word that led to the ancient distinction between matter and the gods, or between *phusis* and *nomos*. The Greeks were more attuned to these difficulties than we are today.

¹⁹ *Ibid.*, 22

ascribing to the first principle either a will or something which, because it virtually contains will, is actually superior to it.”²⁰

Gilson argues that it was in Aristotle’s philosophy that the Greeks lost their religion.²¹ This is because the existential nature of the gods was lost. Aristotle asserts a class of interesting divinities existing in the spheres, and his famous unmoved mover, but their *existential* status is unclear. They are engaged in an activity, but it is not clearly dictated by any kind of willed activity. It is more *necessary* (by nature) than it is *chosen*.²² All of this means that while Aristotle’s divinities provide a kind of ontological benchmark for excellence, they provide no clear moral imperative.²³ Neutralizing any existential significance for divinity, Aristotle stresses that the most perfect being has no apparent relationship with persons or the rest of existence, save for the way in which it puts the other spheres into motion.²⁴

Aristotle’s divinities are certainly excellent. They are, according to Aristotle’s argument, perfect. That fact, Aristotle argues, ought to be *inspirational* for our pursuit of the contemplative life. But the existential import of this fact for us is otherwise nil or unclear. His divinities are

²⁰ Ibid.

²¹ An attentive reader may ask what happened to Plato in this discussion. On the question of Plato, it is probably wise to demure along with Gilson in making definite judgments about the relationship of Plato’s forms to divinity. I will address him later in the chapter.

²² It is not the same kind of existential activity described in the case of the excellent person, for example, wherein one sees what is right by nature but may choose to act or not to act. *Nicomachean Ethics*, Book III, Chapter V

²³ One could argue that we create that imperative as a result of logical argument within ourselves, as Aristotle argues in X.7-8 of the *Nicomachean Ethics*: we should mimic the gods because the gods are perfect. But there is no relationship with these gods. One mimics them in Greek fashion. That is, one would pattern oneself after them just the same if they were figures in a frieze.

²⁴ These lesser gods are moved by the beauty and excellence of the unmoved mover, but this is still a kind of mechanical and necessitated motion. They are not moved by affection or devotion as willing persons are as existential beings. As Gilson characterizes it, “At the summit of the Aristotelian universe is not an Idea but a self-subsisting and eternal Act of thinking. Let us call it Thought: a divine self-thinking Thought. Below it are the concentric heavenly spheres, each of which is eternally moved by a distinct Intelligence, which itself is a distinct god.” Gilson, *op. cit.*, 33

indeed active, and we are inspired to mimic their excellent activity of contemplation.²⁵ But there is no deliberate relationship for these gods to us or to the world, nor is Aristotle's god a deliberate Creator – one who governs toward a revealed or willed end. The Olympian gods were capricious; but at least they were paying attention. That had much more existential import for the average person, and perhaps for politics. So while Aristotle may have advanced the theoretical and metaphysical framework for theology, he did not advance its imperative (moral and ethical) status in any relational (and therefore existential) way. This, I argue, made it existentially stunted.

2.4b Two Watershed Moments in the Development of Existential Christianity

The progress of religion in the West has depended upon not simply the progress of metaphysics, but upon transcending metaphysics. As Gilson points out, “The Lord our God is one Lord” or “He Who Is” are certainly progressive statements in the development of metaphysics.²⁶ They are also significant for asserting divinity as something characterized by *existence* (characterized by reason, will, and morality) rather than intelligible propositions. But I do not think that Gilson gets to the real significance of the transition from Greek to Christian theology by articulating it as a “continuum of progress” in Western metaphysics. There are key points at which this Western “progress” of metaphysics goes beyond just metaphysics. Such is the case of the Biblical God, whose *direct communication* provides an existential dimension transcending Greek essentialism. In the Biblical account, God *speaks to Moses* to reveal that he is the “I Am Who Am.” He is YHWH: “He who is.” This is, as Pascal reminds us, the God of

²⁵ *Nicomachean Ethics* 1177b26-1178a5, 1178b25-30. One cannot say that we “share” it, only that we mimic it.

²⁶ Gilson, *op. cit.*, 38-40

Abraham, Isaac and Jacob. This is a God who deliberately speaks to persons to provide moral imperatives.

These moral imperatives are not simply appeals to absolutes. In other words, God is not presented merely as a co-laborer with mankind to recognize some truth that stands above both Himself and mankind.²⁷ Revealed moral imperatives are intended to directly communicate both man's nature and his destiny. They are at the heart of man's relationship to God. They are essential to *covenants* – the blessing and cursing that summarize much of the whole Biblical message. These covenants comprise the existential (and therefore moral and political) significance of Biblical religion. In asserting that God communicates directly to persons through word and text, (revealed) theology makes its decisive break with philosophy, and with a purely philosophical (natural) theology. This speaking by God to persons to communicate ultimate moral imperatives of temporal and eternal consequence is the source of the eschaton in Western theology. It is part of what makes religion ethical, and therefore political. The Biblical eschaton is not merely discovered by reason or experience, as might be the case if confined to classical metaphysics. Divine revelation is a quantum leap in political thinking. The eschatons of Plato, for example, are argued inductively from the nature of justice. They do not claim divine inspiration in the same way that the Christian texts do. Plato seems to point us to the gods for the sake of what is true and rational, not pointing us to what is true and rational for the sake of the gods.²⁸ The emphasis is on grasping truth, not establishing a deliberate relationship with the divine person who is the source of that truth.

²⁷ I do not intend here to take a position in debates over nominalism and theology. It is interesting that much of the secondary scholarship that I examined on the Reformation made a point to deny the influence of nominalism on key Reformers.

²⁸ Plato is aware of this problem when he has Socrates ask Euthyphro if something is holy because the gods love it or if the gods love it because it is holy. (*Euthyphro*, 10a) The biblical solution to this is to assert that holiness cannot be *sufficiently understood* apart from what God reveals in the text. Thus, one cannot answer Socrates' question fully

Thomistic metaphysics, though deeply appreciative of Aristotle, expands the gulf between Christianity and the ancients.²⁹ Thomistic metaphysics cannot be reduced to a syncretistic synthesis. Existing things are what they are not simply because they possess some apprehendable essence, as argued by Plato or Aristotle, but because they *exist as* the thing that they are in the mind of a willing Creator. They are the product of a deliberate and willed creation that began in the mind of God. This makes all intelligibility inexorably bound to God's own existence. The fundamental act of Creation becomes the foundation for intelligibility. There is therefore no intelligibility apart from God's supreme existence and actions.³⁰

It is not enough to say that things exist because God exists. That, broadly considered, would simply restate what Aristotle said about the unmoved mover. Rather, things exist because a God who defines himself as "I Am Who Am" exists and chose willfully to bring about all existing things, particularly other rational and existential beings made in the *Imago Dei*. Behind existence, understood in this way, is a creative will and purposeful mind that has generated these existences and made them as they are. Thus, we can move beyond the *how* a thing is what it is, to also answer the *why* of what it is. It is this *why* that enables a relationship among rational beings. *Why* gives moral purpose.

Because their deities are not revelational, Aristotle's *why* can only be "nature" (*phusis*) and Plato's can only be the existence of a *cosmos* or a transcendent but imprecise realm of forms.

because one does not know holiness apart from what God reveals to us. If such were not the case, then biblical revelation would be supplemental rather than essential or critical.

²⁹ All this focus on Aquinas may appear to contradict what was stated in Chapter One about distinguishing Protestant Christianity from its predecessors. But the point of this inquiry is to broadly consider whether or not Christianity can be robbed of its existential content. Insofar as Aquinas represents one of Christianity's high water marks, elucidates the question at hand, and intersects with the classical tradition, he merits considerable attention.

³⁰ According to Pieper, Thomistic metaphysics rooted epistemology in an existential metaphysics, determining the course of Western philosophy for centuries and setting up a true synthesis of philosophy and theology. The source and intentional communication of these essences does not have to be at the corporeal level as it was for the moderns, or just some kind of intelligible immortality, as it was for the ancients.

Gilson argues that the Greeks never get beyond nature or essence. In St. Thomas's metaphysics, by contrast, a thing's essence exists and is communicable because it first existed in the mind of God.³¹ It is doubtful that one would understand such a thing through philosophy alone, let alone enter into a relationship with its Creator; that necessitates the existential act of divine revelation. As Gilson says, "Because his own existential metaphysics has succeeded in forcing its way through that crust of essences which is but the outer coating of reality, Thomas Aquinas can see the pure Act of existing as one sees the presence of the cause in any one of the effects."³² To apprehend such Self-Existence behind all existing things would push reason to the breaking point.³³ The overwhelming intellectual burden of discovering or comprehending Self-Existence also made revelation, the source of revealed theology, necessary. To comprehend the source of all things, and to comprehend it as willing and acting Self-Existence, requires direct revelation.

Revelation does more than reveal something that is intelligible, however. It also calls one into a relationship with that Self-Existence through covenants. Of note in Aquinas (for example) and the Biblical text are the distinctly Christian virtues: faith, hope and love. These provide not simply intellectual aid in the face of what would otherwise be supernatural and intellectually and metaphysically overwhelming; they also enable a relationship with the Creator. The Christian virtues are *relational* virtues. They enhance the existential dimension of Christianity and give force to the Biblical eschaton.

Thomistic metaphysics kept Christianity from collapsing into neo-Platonistic dualism and Averroism.³⁴ Both would have frustrated a full relationship between God and those created in

³¹ Pieper, *The Silence of St. Thomas*, 54-56

³² Gilson, *op. cit.*, 72

³³ *Ibid.*, 68

³⁴ Pieper, *op. cit.*, 29-38

His image. Averroism neutralizes the significance of revealed religion by proposing an unnecessary dichotomy between the “secular” and the “sacred.” Neo-Platonism posited two separate realms, an intelligible realm and a physical realm. In Platonic metaphysics, the senses are an obstacle to knowledge. They are the gateway to a false world. Aquinas knows neo-Platonic dualism to be incompatible with the Biblical text in two significant ways. First, it made the act of Creation of no real consequence for man’s rational progress. Second, classical authors have no place for the Incarnation – an idea Plato would surely have found abhorrent.³⁵ According to the Biblical text, the Word takes on flesh, and dwells among us.³⁶ Christ comes to redeem a fallen Creation.³⁷ This is done through the communication of a covenant. Not only this, but Christ ascends with a *physical* body.³⁸

Protestantism further strengthens the existential qualities of Christianity. One need look no further than the mottos of the Reformation – *sola scriptura, sola fides, sola gratia*. This heightened emphasis on Scripture (the revealed theological text) enhances the existential dimension by emphasizing the key act of God communicating directly to those made in the divine image. The emphasis on faith and grace, insofar as these emphasize one’s direct relationship to God through Luther’s concept of the individual priesthood of the believer, also maximize the existential and eschatological responsibility of the acting individual. These are states of being which are sought, won, and felt.

³⁵ As demonstrated in Plato’s discussion of the gods in Books II and III of his *Republic*

³⁶ John 1:14

³⁷ Romans 8:20-22

³⁸ Mark 16:19, Luke 24:51, Acts 1

The existential aspects of the Reformation are prominent in Calvin's theology and what he called "Christian philosophy."³⁹ Calvin's humanism encouraged him to provide logical justification for doctrinal articulation wherever possible, but he also looked to *experience* as a confirmation. For example, Calvin argued against inquiring too much into logical demonstrations of Scripture and the life of faith. He instead referred the reader to the confirmation of experience.⁴⁰ Partee, for example, quotes Calvin to point to convictions that rely on experience rather than logical explanation: "I speak of nothing other than what each believer experiences within himself – though my words fall far beneath a just explanation of the matter."⁴¹ In defending his theology of communion, Calvin asserted, "Now, should any one ask me as to the mode, I will not be ashamed to confess that it is too high a mystery either for my mind to comprehend or my words to express; and to speak more plainly, I rather feel than understand it."⁴²

This is not to say that Calvin believed that anything from Scripture could be argued from experience alone. Scripture and experience would sometimes be at odds.⁴³ For example, Calvin writes, "Faith cannot arise from a naked experience of things but must have its origin in the Word of God."⁴⁴ Partee writes,

There is no chapter in Calvin's writings which deals with experience by itself, but he often uses experience as a descriptive term in connection with Scripture and faith and even, as above, with reason. Thus the appeal to experience identifies an

³⁹ Partee, *Calvin and Classical Philosophy*, 3-22

⁴⁰ Calvin, *Concerning the Eternal Predestination of God*, 185. Quoted in Partee, 36

⁴¹ Calvin, *Institutes*, I.xx.5. Quoted in Partee, 36

⁴² Calvin, *Institutes*, IV.xvii.32. I am indebted to Tim McClain for this citation.

⁴³ Partee, *op. cit.*, 39

⁴⁴ Calvin, *Theological Treatises*. Quoted in Partee, *op. cit.*, 39

epistemological position which surpasses reason and in which Scripture and faith find confirmation. Calvin does not develop this insight in a technical way, but it serves an important function in his thought.⁴⁵

Experience is brought into Calvin's theology because he knows that faithful exposition of the Scripture does not always produce a truly "rational" synthesis. Of the Christian life, for example, Calvin wrote, "It is not apprehended by the understanding (intellectus) and memory alone, as other disciplines are, but is received only when it possesses the whole soul, and finds a seat and resting place in the inmost affection of the heart."⁴⁶

In short, Reformation theology is often a theology of experience. It is something felt as much as understood. And as will be evident in the chapters that follow, it is in the revival of covenant theology that the existential aspect of Christian theology becomes magnified during the Reformation. Metaphysical theology is not discarded during this time, but instead becomes supplanted by a theology of covenant relationships.

2.4c Modern Philosophy: Natural Theology and Modern Atheism

It is now appropriate to turn in the direction of natural theology and modern atheism. Ironically, modern atheism has its origins in modern natural theology, which is sometimes nothing more than an attempt to make God intelligible while ignoring the existential act of divine revelation and its eschatological and ethical implications. This explains why natural theology is preferred by some to Biblical theology; the effect is to make God intelligible while neutralizing any existential consequence.⁴⁷ Any escape is short lived; the existential reasserts itself with a vengeance in the nineteenth century's climax to philosophical theology, Hegel and his aftermath.

⁴⁵ Partee, op. cit., 36

⁴⁶ Calvin, *Institutes*, III.vi.4. Quoted in Partee, op. cit., 38

⁴⁷ God becomes, in essence, like a math problem. One may solve for x, but x may not necessitate loving one's neighbor.

It has become customary to argue that the death of revealed religion begins partly with Descartes. In his *Meditations*, Descartes promises the theology faculty of the University of Paris that he will prove the existence of the soul and God without using what he calls the “circular” argument of faith. Here one sees a clear attempt to join philosophy and theology in a way that St. Thomas’ metaphysical efforts argued could not be done.⁴⁸ The problem here should be self-evident. Unless Descartes was not picky about what kind of god and soul he was going to demonstrate, would he not have to rely on divine revelation (theology) to one degree or another? If Descartes could simply start with reason and experience, and wind up at the same place as Scripture, then what would be the point of Scripture in the first place? Descartes therefore marginalizes the import of God revealing Himself through divine revelation. The result was logically predictable. What Descartes “proved” by working inductively and backward from reason alone rather than forward from statements of Scripture was the existence of something other than the Biblical God and soul.⁴⁹ This loss of Scripture in the argument is not just the loss of YHWH who is existence itself, Self-Existing and Creating. It is the loss of all the accompanying moral imperatives and covenants that accompany such a God.

In asserting that he would demonstrate God and the soul through philosophy alone, demoting “faith” to a second class form of demonstration, Descartes embraces the dichotomy that Aquinas rejected. Rather than enabling theology and philosophy to complement one another, Descartes sets up a hierarchy. If Descartes’s demonstrations fail, he has done more than simply fail his promise to the Paris academics; he has opened a gulf between revelation and reason and reversed Western thought by centuries. Aquinas would have argued that theology (defined as

⁴⁸ Descartes, Dedicatory Epistle for *Meditations on First Philosophy*

⁴⁹ This brings to mind Hume’s insightful critiques about natural theologians who work inductively, backward from experience.

divine revelation) must inform philosophy, and that philosophy cannot speak comprehensively to many Biblical subjects. Descartes replies that this is not necessary. The resulting antagonistic dichotomy between philosophy and theology continues to this day. Furthermore, Descartes's God in the *Discourse* becomes little more than *phusis* under the old pre-Thomistic philosophy. Descartes's is not a return to pure Greek essentialism, but it revives the old problem of how one can search for a *why* in the universe without an existential source.

There is practically nothing relevant to the Christian eschaton in Descartes natural theology. There is no Incarnation – no willing and acting person. There is nothing that can be called supernatural. Gilson rightly calls Descartes's God “stillborn.”⁵⁰ Descartes's legacy continues undiminished so long as the natural theologians who follow concur that one can arrive at God apart from the need of divine revelation. Natural theologians are theologians only in the general sense that they are studying a god. But they are not studying an existential God - one Who is behind the historical Christian eschaton. By the late eighteenth century, exemplified in the work of Hume, it is not surprising that we have returned to the Stoics: to the unknown god.⁵¹ One can say that philosophers found a *religion* that is intelligible but not existential.

Atheism is now close at hand. Natural theology went from dichotomizing divine revelation from philosophy to denigrating it. So long as divine revelation is unnecessary for understanding God, but relational existence remained bound to divine revelation (God speaking to persons), the historical God of the covenants becomes of no real consequence. God, as an existential being, has therefore remained stillborn since Descartes. And because humans are themselves living and existential beings, they have no use for a corpse. Nietzsche is therefore

⁵⁰ Gilson, op. cit., 89

⁵¹ We meet Spinoza along the way, whom Gilson calls the most “pious” of the Cartesian descendants because he had the sincerity to collapse God and nature into pantheism.

right when he asserts not only that God is dead, but that the herald (madman) approached those who already did not believe in him.⁵² The next logical step was to cast off the obvious absurdity of treating an intelligible being, now no different from a geometric figure, as one would an existential being.

Revealed theology was the only thing that could resurrect the existential God. But because of developments in philosophy and elsewhere, revealed theology had been given its walking papers from academic circles. Revealed theology was now the purview of an implicitly second-class kind of thinking called “faith.” Kant’s distinction between *phenomena* and *noumena* helped to emphasize that dichotomy. But Kant also took the next step in the revolution against all theology and declared natural theology also to be philosophically inept. Seeing the resulting vacuum in practical morality, Kant provides a similar but alternative morality. But he was only putting the final nails into the coffin of a god who had been dead for over a century. Schliermacher notwithstanding, God was all but doomed since the determined rise of natural theology. When forced to choose between a god with no existential qualities and no god at all, it was only logical to choose no god at all. A god with no existential qualities *is* no god at all.

In the nineteenth century, the seeds planted by Descartes grow to maturity. Hegel marks the transition from natural philosophy to atheism. This is ironic: Hegel is arguably the most “religious” of the theological philosophers because he makes the most ambitious effort at natural theology. Hegel seeks to provide more information about God than was ever attempted without revelation, even in the face of Kant’s *coup de grace* against natural theology. Hegel transcends anything his predecessors attempted through logical induction. But the result is what Voegelin

⁵² Nietzsche, *The Gay Science* (1882), section 125

rightly calls gnosticism.⁵³ Unlike previous efforts at natural theology, which realized their eschatological limitations because they never resorted to revealed theology, Hegel provides both eschatology and cosmology. One might call it Christianity for atheists. Hegel's progeny, Feuerbach and Marx, follow by promising real liberation for those who will reject the Christian eschaton for that of the historical dialectic. The West trades one eschaton for another. None of the political philosophers before Hegel can be said to have had an eschaton. Now there was an eschaton. By the time it was articulated forcefully by Hegel's "left wing" disciples, it rivaled the mansions of heaven. Thus, atheism built on the foundation of Hegel became as eschatological as Christianity.

The atheism that followed Hegel was not neutral in eschatological significance. It either created its own existentially significant eschaton or else denied persons an existential nature altogether by denying them free will. The first case is exemplified in Marx or Feuerbach, whose eschatons of historical progress monopolize moral imperatives and replace revealed religion with quasi-religion – what Voegelin called gnosticism. The second case is exemplified in Nietzsche or Freud, who deny an existential nature by essentially denying free will. Modern atheism becomes the antithesis of freedom. It either robs persons of spiritual freedom, as in the case of Marx's disciples, or moral freedom, as in the case of Nietzsche or Freud. This refutes the conventional wisdom casting modern atheism as a champion of freedom over and against political theology, which is often cast as a tyrant.⁵⁴

⁵³ It should not be presumed that my argument relies too heavily on Voegelin here. As I will summarize in the next chapter, Voegelin believes that the Reformation and its key divines did much violence to metaphysics in the wake of the collapse of Christendom. Thus, my relying too much on Voegelin's full argument regarding gnosticism would indict a good portion of the dissertation's subjects. A careful reader will also note that my understanding of revelation is more narrowly defined than Voegelin's. But my broader definition of theology is like Voegelin's broader definition of revelation.

⁵⁴ Sartre, to his credit, takes a more interesting route. Because he discerns the intimate relationship between the traditional concept of "essence" as the source of intelligibility and the act of God's Creation, he denies both God and

2.5 The Question of a Civil Religion

Given the existential qualities of Christianity and the existential demands of politics, could one instead collapse their imperatives into something called a civil religion? What I mean here by “civil religion” is the pragmatic (or cynical) articulation or modification of religion for political ends. Such a move may be intended to promote certain virtues, such as loyalty, courage or charity. It may be intended to provide a transcendent or omnipotent imprimatur for the regime. Whatever the case, such a scheme does not intend to promote a particular religion in its own right or on its own merits. Rather, the civil religion is promoted to promote the goals of the regime.

Robert Bellah is correct when he argues that there is a particularly unique set of advantages and problems for Christianity with respect to civil religion. He writes,

The very spirituality and otherworldliness of Christianity has provided a certain avenue for reducing the tension not always open to other historical religions: the differentiation of functions, the division of spheres. Yet no solution has ever dissolved the underlying tensions described by Augustine and Rousseau. The tendency has been for every solution to break down into religion as the servant of the state or the state as the servant of religion.⁵⁵

It is not only a point of institutional (and authoritative or legal) tension to subordinate the Church to the State or vice versa. There is also an ontological challenge here. The demands of the Bible on members of the Church, particularly the political language used in reference to Christ, invite something even more complicated than Aristotle’s concern that the good citizen also be the good

essentialism in order to enable freedom. This is quite clear in his *Existentialism as a Humanism* (1946). If man has an essential quality, he is bound to act consistent with it. But this would deny him the freedom that Sartre is asserting. Persons have no essence. Thus, Sartre makes the unique philosophical maneuver of asserting absolute free will while simultaneously denying any eschatological or essential moral imperative that should guide the use of that will. Sartre and Camus, more than most contemporary atheists, realized the great need of man to understand things in existential terms. But the political significance of a philosophy of absurdity is inconclusive, as evidenced by their own feud over political ideas.

⁵⁵ Bellah, *The Broken Covenant*, 167

man (for example).⁵⁶ This challenge is not simply a matter of trying to be a good Christian while not running afoul of good citizenship or vice versa. Civil religion is an ontological challenge because it gets to fundamental identity. The political-cum-ontological question is not just determined by whom one is ruled by. Pilate was told by the Jews, “We have no king but Caesar.”⁵⁷ That is an assertion of political loyalty. But ontology gets to the heart of both order and identity. It answers the fundamental questions of philosophical anthropology, and therefore politics. It determines the nature of what is overarching in the highest sense – the *arche* in which we “live and move and have our being.”⁵⁸ This statement was first made by the poet Aratus (in his *Phaenomena*), then quoted by St. Paul, demonstrating the broad appeal of this ontological concept to all persons.

I do not want to imply that the demands of the Bible require something exclusive of all political philosophies, including all philosophical (as opposed to theological) anthropologies. That would be an unhealthy fundamentalist approach and few Christians have historically suggested (let alone successfully practiced) such a thing. There is much compatibility between Christianity and political and ethical philosophies. But whereas a political or ethical theory, prudently framed, can coexist or even complement religion (and Christianity in particular), the kind of civil religion that I am indicting here intends to challenge the prerogatives of religion. That solution is, for many reasons, impossible.

There is also an important historical challenge here, at least in the case of the modern West. To borrow a concept from Heidegger, we are “thrown” into the historical situation of Christianity. This is an experiential and historical question. It is not one that we can address any

⁵⁶ Aristotle, *Politics*, 1276b16-1277b30

⁵⁷ John 19:15

⁵⁸ Acts 17:28

other way. A civil religion cannot now be created from whole cloth. We must accommodate the standing Christian tradition. Short of instituting a nationalistic religion, as the Japanese did with Shinto for example, we cannot think of the civil religion in terms of any radical genesis. For the reasons articulated here, and for many more, a civil religion is not a possibility. It therefore remains necessary to return to the historical articulation and practice of civil theology as we find it in the Western experience, informed by appropriate theoretical and theological context.

2.6 Conclusion

Religion, and Christianity, in particular creates moral imperatives. The demands of politics create moral imperatives. These imperatives often appear fundamental. They are sometimes in conflict. I have argued in this chapter that there is no way to easily or readily resolve tensions between these imperatives. Natural theology, which retains the subjects of religion but denies its revealed content, cannot resolve the conflict. In the case of what Voegelin calls gnosticism, natural theology can degenerate into modern ideologies with political demands equal to or greater than revealed religion. Natural theology may degenerate into skepticism and then atheism, creating a new problem by removing historical checks on political power.

Given the inevitable tension between Christianity and politics, it becomes important to return to political theology on its own terms. Covenantal political theology, because of its emphasis on revealed theology, lateral and vertical relationships (person to person and person to God respectively), and conscience, is a political theology *par excellence*. Beginning in Chapter Four, I will pursue a theoretical and historical investigation of this political theology to better understand its role in the development of political theory.

CHAPTER 3

LITERATURE REVIEW

3.1 Introduction

This chapter summarizes important general bibliographic background to the dissertation. Here I will focus on studies of political covenanting in both Hebrew and Protestant articulations. I will also address some general literature on American political theology, the final subject of study. I will also show how the covenant device has been treated by prominent political theorists.

3.2 Covenant as Political Device: General Studies

There is a multitude of studies on the Biblical covenant. However, these are not always applicable for research in political science. For this dissertation, focused political studies take priority over those that are primarily theological or historical. My theoretical study of the covenant device will focus on the work of two contemporary covenantal scholars. The first of these is the late Daniel Elazar, who pioneered the rediscovery of “covenanting” as historical and contemporary political theory. Elazar wrote extensively on the covenantal tradition in politics, Jewish political thought, the politics of modern Israel, and political culture. He also founded centers in the United States and Israel dedicated to the study of federalism. Under his direction, there were an unprecedented number of colloquia, conferences, and publishing on the related subjects of federalism and covenanting. Included in Elazar’s important record is the ongoing work of *Publius*, a premier academic journal on federalism. The second prolific scholar of covenantal political theory under consideration is David Novak. Novak is a professor of both religion and philosophy at the University of Toronto and author of numerous studies on covenantal political theory. Novak’s broad background in religious studies, political theory and

philosophy enables him to provide a clear comparison and contrast with theoretical alternatives to covenantal politics.

Elazar's most important work on covenanting is a four volume series: "The Covenant Tradition in Politics." The first volume, *Covenant and Polity in Biblical Israel: Biblical Foundations and Jewish Expressions*, researches the covenant mainly as a Hebrew idea described in the Torah, Joshua, Judges, and throughout the reign of David. It also explores the "Postbiblical Tradition" in the Talmud. The second volume, *Covenant & Commonwealth: From Christian Separation Through the Protestant Reformation* examines the covenant tradition from medieval expressions of covenant, oath and pact in Europe, through Reformation Federalism and the covenantal political theology of the Puritans and Scottish Covenanters. It also draws some application to federalism and consent. The third volume, *Covenant & Constitutionalism: The Great Frontier and the Matrix of Federal Democracy*, studies the covenant as it has evolved in America since the time of the founding. It also considers the potential for a revival of political covenants in the Western and Southern hemispheres. The fourth volume, *Covenant and Civil Society: The Constitutional Matrix of Modern Democracy* reflects on themes raised in the first four volumes. It considers the evolution and fate of covenantal political theory and its corresponding results: constitutionalism, federalism and consent. The disadvantage of Elazar's work, as I will address in Chapter Five, is that his prescriptive view of the covenant sometimes inclines him to be more generous in his identification of covenant-like language and legal structure. Elazar is an excellent place to start a study of the covenant, so long as one keeps his generous and ecumenical approach in mind.

Novak has written four prominent studies distinctly self-identified as Jewish political theology; three of which provide a solid theoretical framework for comparison and contrast with

other political theories. *Jewish Social Ethics* provides some minimal application for the task at hand, but is mainly rooted in the application of Jewish social ethics to contemporary problems.¹ In *Covenantal Rights*, Novak is providing what he calls a study in Jewish political theory with a close eye on contemporary political philosophies. Novak takes this idea of “rights,” a more modern, European, and even Christian concept, and examines it in light of the Jewish covenantal tradition.² Novak’s most recent contribution, *The Jewish Social Contract*, is both a study of the origin of modern social contract theory and a defense of political theology in the public square. These last two books figure prominently in Chapter Six of the dissertation.

Among other political studies of the covenant, a few are worth noting here. Joel Kaminsky's *Corporate Responsibility in the Hebrew Bible* emphasizes the relationship of the individual to the community as a covenantal idea. Kaminsky also examines key texts dealing with corporate responsibility in the Old Testament. George Wesley Buchanan's *The Consequences of the Covenant* examines various consequences of the covenant on the history, politics, faith and ethical behavior of the “chosen people” throughout the Biblical record.³ The first part of this book, which focuses on the Old Testament record, is particularly relevant. Closely related to Elazar's work is Gordon M. Freeman’s *The Heavenly Kingdom: Aspects of Political Thought in the Talmud and Midrash*. Though Freeman's work on the Talmud and Midrash will have little real significance for my research (because the Talmud and Midrash have

¹ Novak says of this term Jewish social ethics, “It cannot be located by any particular reference to the data of the Jewish past. Rather, it is a term I have borrowed to designate my own reading of the normative Jewish tradition in order to uncover some of its vast riches so they might enter into discussions of the important ethical issues concerning society in today’s increasingly cross-cultural world.” Novak, *Jewish Social Ethics*, 3

² Novak describes his intent in writing the work as "an attempt to enter some of the insights from the Jewish political tradition into current political discourse in general, a discourse that heretofore has been primarily concerned with rights and that shows no signs of losing such concern. . . . This book is my attempt to show that Judaism provides a broader meaning of rights than the one provided by liberalism and a deeper meaning of rights than the one denied by conservatism." Novak, *Covenantal Rights*, x

³ Buchanan, *The Consequences of the Covenant*, xvi

comparatively little impact on British or American covenanting) his comparative study of Greek political thought and work on Biblical precedents to Rabbinical writings are helpful.

It is in the “Reformed” tradition that the covenant device is most frequently applied to politics.⁴ Reformed political theology is mainly historical scholarship by this point with only a smattering of Reformed persons trying to revive the idea of political covenanting in the tradition of the Covenanters or the Puritans, for example.⁵ But as I argue in this dissertation, the Reformed legacy is important and influential.

Calvin is often overstated relative to any unique application of theology to political theory. Nevertheless, insofar as “Calvinism” has become equated with covenant theology, it is important to survey various political studies of Calvinism and often to begin with Calvin himself.

⁴ Most scholars refer to this particular tradition by the general title “Calvinistic”. I prefer “Reformed” because this is more inclusive and emphasizes the theological influences of Reformers besides Calvin both in the early and later development of this tradition within Protestantism. I do not presume, however, that Reformed theology, let alone Reformed political theology, is self-contained however. See Skinner’s discussion on the influence of Lutheran political theory on the Reformers, for example, in *The Foundations of Modern Political Thought, Volume 2*, and also “The Origins of the Calvinist Theory of Revolution.”

⁵ Advocacy of covenanting continued well into the nineteenth century. Some of this was a reaction to “backsliding” in the eighteenth century. Although they fall outside the chronology of the dissertation, a few of these works provide insight into the later development of covenantal political theory. The list includes: Samuel Wylie’s *A Sermon on Covenanting and The Two Sons of Oil* (1850); William L. Roberts’s *The Duty of Covenanting, and the Permanent Obligation of the Religious Covenants* (1853); James M. Willson’s *Civil Government* (1853); John Cunningham’s *The Ordinance of Covenanting* (1843?); John Brown’s *The Absurdity and Perfidy of All Authoritative Toleration* (1803); Archibald Mason’s *Observations of the Public Covenants Betwixt God and the Church*. (1799); and Barrow’s *The Covenanted Reformation Defended Against Contemporary Schismatics* (1998). The later development is sometimes classified by reference to proponents modern or early modern – “Steelites” or “Cameronians.” There is a social covenanting movement still alive today among certain Presbyterian churches. The centers of this movement are in Pennsylvania and Alberta. The Alberta-centered movement (including a publishing/reprint and photocopying operation known as Still Waters Revival Books) has encouraged covenanting of all forms and reprints written works on the covenant in social contexts. They have, for example, reprinted *A Hind Let Loose*, published by Alexander Shields in 1687. This famous sermon rooted in the covenanting principle was originally included in Sandoz’s *Political Sermons of the American Founding Era* and attributed to Stephen Case (1797). The Alberta church’s presbytery has compiled a collection of documents on covenanting entitled *The Duty and Perpetual Obligation of Social Covenanting* (1996). Other reprinted collections applicable to the period are: *The Covenants and the Covenanters* (Kerr, 1895); *The Acts of the General Assemblies of the Church of Scotland From the Year 1638 to the Year 1649, Inclusive* (1682); and *A Solemn Testimony Against Toleration* (1649).

I have tried to limit this to some select and recent studies on Calvin's political ideas.⁶ That includes Ralph Hancock's *Calvin and the Foundations of Modern Politics*, Harro Hopfl's *The Christian Polity of John Calvin*. Older and broader studies of the "Calvinist" political tradition include John T. McNeill's *The History and Character of Calvinism* and *Calvinism and the Political Order*. There are a few key secondary books that provide an overview of the political theory of the Reformers. Included in this list is Quentin Skinner's *The Foundations of Modern Political Thought*.

Aside from Calvin, the most seminal covenant theologian is Heinrich Bullinger. Bullinger's theology and its political significance is examined by Charles McCoy and J. Wayne Baker in *Fountainhead of Federalism: Heinrich Bullinger and the Covenantal Tradition*. Baker's earlier work on Bullinger, *Heinrich Bullinger and the Covenant*, also explores the political implications of Bullinger's covenant theology. The most recent work on Bullinger is an edited collection by Gordon and Campi: *Architect of Reformation: An Introduction to Heinrich Bullinger*. Covenant theology and the understanding of federalism were later modified in the work of Johannes Cocceius. Cocceius' federal theology is examined in Van Asselt's *The Federal Theology of Johannes Cocceius (1603-1669)*.

There are different articulations of covenant theology, and this has consequences for political theory. Just as there are many studies of the covenant within Jewish theology, there are many theological and historical studies of the covenant in Reformed theology. I have tried to be fairly selective, focusing only on the more generally acclaimed studies and more particularly on those examining the contrasting varieties of covenant theology. These monographs include Von

⁶ Surprisingly, the Hopfl and Hancock books are the most recent dedicated studies of Calvin and politics. None have been done since 1989.

Rohr's *The Covenant of Grace in Puritan Thought* and Weir's *The Origins of the Federal Theology in Sixteenth-Century Reformation Thought*.

Puritanism in Great Britain (including Scotland) provides important background to the covenant's implication for politics. Scholarship on Puritanism enjoyed a revival in the middle of the twentieth century, but some of it was concerned more with sociological or economic analysis rather than political theology for its own sake. For example, there is the Marxian interpretation which sees the Puritan revolution and reformations in terms of class and economics. Notable for this approach to the Puritans is Christopher Hill. Because Hill's work does not provide any assistance in isolating political theology as an influence for its own sake, I have not paid much attention to it.⁷ Another revisionist thesis is suggested by Michael Walzer's *The Revolution of the Saints*. Walzer contrasts various strains of Calvinist political thought, particularly the *Vindiciae, Contra Tyrannos* and the Marian exiles, and introduces the element of class to explain why Calvin's doctrine of resistance by lesser magistrates evolved into calls for revolution by the elect. E. Clinton Gardner's *Justice and Christian Ethics*, by contrast, is critical of Walzer and others for seeing the covenant as an instrument of social control. Gardner suggests a nobler relationship between justice and the covenant, trying to more clearly understand the covenant's political prescriptions in the context of Christian theology and early modern political philosophy.

Controversies in the development of British Puritanism play an important role in Section III of the dissertation. The execution of Charles I emphasized differences in British Reformed theology. My starting point for these differences is Noel Henning Mayfield's *Puritans and*

⁷ Marxists see secularism as a progressive force in modern revolutionary movements. Mayfield, for example, describes Hill's description of John Cooke as a forerunner of modern secularism as "quite misguided." See Mayfield, *Puritans and Regicide*, 168. Other problems in Hill include the yoking together of radical movements (under the direction of the Presbyterian view of things) and the failure to discern the traditional (Calvinistic) theology as the root of egalitarianism among the Independents rather than what Hill mysteriously calls "universalistic spirituality." See Mayfield, 200-202. For another critique, see MacKenzie, *God's Order and Natural Law*, Chapter 10.

Regicide and continued in John F. Wilson's *Pulpit in Parliament*. In addition to warring against their neighbors in England, the Scottish provide an explicit historical case study of political covenanting in their national covenants of 1638 and 1643. Studies of covenanting and Covenanters in Scotland are thus important for the dissertation. Two of the most prominent and influential Reformed Scots are Samuel Rutherford and John Knox. Both are addressed as part of recent historical and theoretical studies, including Richard Greaves's *Theology and Revolution in the Scottish Reformation: Studies in the Thought of John Knox*, Roger Mason's *Kingship and the Commonweal: Political Thought in Renaissance and Reformation Scotland*, J.H. Burns's *The True Law of Kingship: Concepts of Monarchy in Early-Modern Scotland*, and John Morrill's *The Scottish National Covenant in Its British Context*. I have also closely pursued Rutherford as presented in three modern treatments: the only modern biography of Rutherford, Coffey's *Politics, Religion and the British Revolutions*; Richards's more recent essay, "The Law Written in Their Hearts? Rutherford and Locke on Nature, Government and Resistance"; and John L. Marshall's unpublished PhD dissertation at Westminster Theological Seminary, "Natural Law and the Covenant: The Place of Natural Law in the Covenantal Framework of Samuel Rutherford's *Lex, Rex*."

3.3 Studies of Political Covenants by Prominent Political and Social Theorists

With these background studies in mind, it now becomes important to ask how covenantal political theory has been addressed by major twentieth century political theorists. This includes Michael Walzer, Eric Voegelin, Leo Strauss, and Robert Bellah. Each is unique in his treatment of covenantal political theology.

Of the four, Strauss makes the sharpest distinction between theology and philosophy in his approach to political theory, rooting his studies in both natural law and natural right.⁸ Insofar as Strauss sees the biblical covenant as incompatible with natural law and natural right in the philosophical tradition, he ignores its use in political theory. Aside from some considerations of Grotius, who arguably presents a largely secular political theory, Strauss's studies pay little attention to Protestants beyond Hooker. Novak argues that Strauss incorrectly characterizes the Hebrew Bible as rejecting philosophy and therefore natural law. The resulting dichotomy handicaps "Straussian" studies on the subject.⁹ Novak disputes Strauss's exclusive definition of philosophy and nature and argues Strauss's articulation to miss the essential character of the moral function of revelation. More than this, however, there is the question of whether reason (also cast as "natural law") is incompatible with revelation. Strauss sees these two things in exclusive rather than complementary terms.¹⁰ Novak traces this problem to Cicero, who argued that reason governed both men and the gods. Novak offers a different understanding of natural law that accommodates revelation while respecting it on its own terms and denying the sharp

⁸ As Gunnell puts it, "He would eventually conclude that 'no one can be both a philosopher and theologian' and that revealed divine law and rationally discerned natural order present fundamental alternatives which can be neither transcended nor synthesized." See Gunnell, "Strauss before Straussianism: Reason, Revelation and Nature," 65 and also Strauss *The Rebirth of Classical Political Rationalism*, 270. For a more recent, though controversial treatment of the subject, see Smith's *Reading Leo Strauss*. Strauss is sometimes read as if this distinction demonstrates his reverence and respect for theology and his desire to preserve it from the rationalist controversies of philosophy. Others are critical of this dichotomy between philosophy and theology, however, and see it as unnecessarily confining. There is also the question of whether Strauss sees revelation as superior or inferior to philosophy. Whatever the case, Strauss is critical of any "theologico-political" project.

⁹ That includes, for example, Pangle's *The Spirit of Modern Republicanism* and Zuckert's *The Natural Rights Republic and Launching Liberalism*.

¹⁰ Marvin Fox, another prominent Jewish scholar, argues this very point and therefore denies natural law any place in Judaism. Characterized by Fox or Strauss, the question comes down to: Is God subject to a natural law?

Straussian dichotomy.¹¹ This summarizes Novak's answer to Strauss's dichotomous approach to revelation and reason:

If one adopts a more modest and limited definition of natural law, understanding it as the body of elementary norms without which a society of interpersonal communion would not be possible, then one can see these norms being presupposed by the Torah in its attempt to create the supreme example of such a communion in a covenanted community. Although this natural order is the minimal *form* of such a communion, personal-historical-relationship with God and Israel is its maximal *substance*. The formal structure is the background, not the ground, of this reality; its *conditio sine qua non*, not its *conditio per quam*. In Platonic-Stoic metaphysics, conversely, form and substance are ultimately one.¹²

If Novak is right, one wishes that Strauss would have engaged the subject in a more generous and inclusive way.

Voegelin also disagrees with Strauss's dichotomy of reason and revelation. Rather than create separate categories of philosophy and religion, Voegelin argues that both philosophy and religious texts can provide insight into the tension that man feels as a spiritual being. Philosophy and revelation are not dichotomous for Voegelin. They are equally legitimate sources for political theory. In his first volume of *Order and History: Israel and Revelation*, Voegelin thus presents the experience of the Hebrews and the drama of the covenant (*berith*) as a valuable political cornerstone. But Voegelin does not believe that the symbols of one group's political experience can always be appropriately translated to another. This is especially the case with the Biblical covenant and he is a severe critic of contemporary attempts to apply it outside the particular experience of Israel. In *The New Science of Politics* Voegelin directs sharp criticism at covenantal politics, citing the Puritan Revolution as a case study of "gnostic" politics. Prior to his indictment of the Puritans, Voegelin warns against any immanentizing of Christian

¹¹ Novak, *Jewish Social Ethics*, 29-33

¹² *Ibid.*, 32

transcendental fulfillment. Voegelin offers a summary of Christianity that lends itself to the priority of mystery. He writes,

Uncertainty is the very essence of Christianity. The feeling of security in a ‘world full of gods’ is lost with the gods themselves; when the world is de-divinized, communication with the world-transcendent God is reduced to the tenuous bond of faith, in the sense of Heb. 11:1, as the substance of things hoped for and the proof of things unseen.¹³

Voegelin castigates those who claim certainty in such matters, a corrupted and heretical claim to knowledge in the face of this uncertainty. This criterion applies particularly to those who claim their knowledge to have political import. Writing eloquently of the existential Christian experience and the temptation toward what he calls gnosticism, Voegelin says,

The life of the soul in openness toward God, the waiting, the periods of aridity and dullness, guilt and despondency, contrition and repentance, forsakenness and hope against hope, the silent stirrings of love and grace, trembling on the verge of a certainty which if gained is lost – the very lightness of this fabric may prove too heavy a burden for men who lust for massively possessive experience.¹⁴

Voegelin finds this temptation much indulged during the Reformation – in both its soteriology and its political theology. The Reformation, Voegelin argues, is a “successful invasion of Western institutions by Gnostic movements.”¹⁵ Calvin’s *Institutes* is called “the first deliberately created Gnostic koran.”¹⁶ While Voegelin’s critique repeats many of Richard Hooker’s criticisms of Puritanism, he sees the movement in much more critical terms than Hooker.¹⁷ In short, because Puritanism’s heretical assertions destroyed the careful metaphysical balance of

¹³ Voegelin, *The New Science of Politics*, 122

¹⁴ *Ibid.*, 123

¹⁵ *Ibid.*, 134

¹⁶ *Ibid.*, 139

¹⁷ In addition to the summary and expansion of Hooker’s critique in *The New Science of Politics*, there is also a summary in Voegelin, *History of Political Ideas: Religion and the Rise of Modernity*, 88-98.

Christianity, it brought about the destruction of the public order.¹⁸ Voegelin goes so far as to associate Puritanism with Communism, National Socialism and Hobbes's authoritarian state.¹⁹

For Voegelin, the Reformation is not only catastrophic in its destruction of the social order; it contributed nothing to the development of political theory. Voegelin says of the monarchomachic trend,

What these various authors have in common is not a new theory of politics; one can hardly speak of a theory at all, as we said, before the end of the century and the revival of scholasticism. What they have in common is a new problem that they try to solve more or less skillfully by means of theoretical fragments picked from ancient and medieval literature. Their problem arises through the release of the polity (the term state is not yet permissible) from the enveloping charismatic order of imperial Christianity.²⁰

Of the leading political theologians of the Reformation, Voegelin writes, "If anything is characteristic of the Reformation, it is the fact that we cannot connect it with the name of a single great political thinker. . . . None of the thinkers stands for himself as a great ordering mind; they represent partial aspects of a revolution that as a whole escapes them all."²¹ Voegelin is highly critical of both Calvin and Luther; he attributes the Reformation to Luther's personality, and reserves for him his harshest criticism.²² Voegelin characterizes the whole sixteenth century (in which many important works of Reformed political theology were written) as "singularly barren with regard to the work of intellectual distinction in politics" (excepting Bodin).²³ Whatever political ideas the Reformers did offer, Voegelin argues, had already been argued. He writes,

¹⁸ Voegelin, *The New Science of Politics*, 133-161

¹⁹ Voegelin, *History of Political Ideas: Religion and the Rise of Modernity*, 98

²⁰ *Ibid.*, 41

²¹ Voegelin, *History of Political Ideas: Renaissance and Reformation*, 217

²² *Ibid.*, 218

²³ *Ibid.*, 17

Nevertheless, the arguments for the people of God against the heretical king are the very same that are used for the people without God against the secular king. When the *lex regia* is used as an argument for the people's right to deprive the king of a power that has been delegated to him during good behavior only, it does not matter whether the argument is advanced by a pre-Reformation secularist or by a Calvinist; the cumulative result of such arguing will be the idea of the sovereignty of the people. This point needs special emphasis. While the Reformation interrupts the secularistic trend in political speculation, it does not interrupt, but on the contrary strengthens, the populist component that is present in it.²⁴

Althusius's *Politica* (1603) is noted for being written in the covenant tradition, but Althusius's discussion of religion is inconsequential for Voegelin. He argues that it is a "slight step" that would lead to a secularized system of natural law.²⁵ Voegelin's verdict on the *Vindiciae, Contra Tyrannos* (1579), and its use of the Hebrew Covenants is that while its arguments serve their purpose to provide a scriptural rather than a natural law, its details are conventional rather than original.²⁶

Given the sweeping nature of Voegelin's *History of Political Ideas* and Voegelin's sharp eye for both forest and trees, his provocative charges certainly merit consideration. He is correct to scorn the tendency of Protestant political theology to sometimes become messianic, something I will address in Chapter Nine. As to the originality of what is taking place in the Protestant authors, particularly the Reformed authors, I will argue in Chapter Eight that the Reformation makes a significant contribution. But given the difficulty of untangling this contribution precisely, something I already claimed in Chapter One to be impossible, Voegelin's claim cannot be fully addressed here. I do believe that the key to the Reformers' contribution, a contribution ultimately owed to the Biblical covenants, is found in the relational demands of their political

²⁴ Ibid., 44-45

²⁵ Ibid., 55, 59. This is a recurring debate in studies of Althusius.

²⁶ Ibid., 52-54

theory. That requires a less ecumenical view of revelation than Voegelin's own, an approach more akin to what I have already described in Chapter Two. I think that Voegelin also fails to acknowledge the merit of the Reformation in transmitting existing ideas using the anthropology and symbolism of its era – particularly to America.

In contrast to Voegelin and Strauss, who share a deep sensitivity to the supernatural or transcendent nature of theology and revelation, stands the work of Michael Walzer. Though *The Revolution of the Saints* should not be underappreciated as an important discussion of Puritan politics, it also reflects the “scientific” cosmology of its era.²⁷ The study of Puritanism was very much in vogue. So, too, was the study of revolutionary movements as social phenomena. Like many of his contemporaries, Walzer does not take the theology of the movement to be its *raison d'être*.²⁸ Hancock is correct when he characterizes Walzer as follows,

Walzer's unquestioned sympathy for modern radicals, however, frees him from fully scrutinizing the theoretical matrix of this radicalism and thus invites him to detach the question of the practical impact of Calvinism from that of its theoretical or theological content. Walzer interprets Calvin's writings not as theology or – as Calvin himself sometimes described them – as “Christian philosophy,” but as ideology (22-30). He is concerned not with any claim to ‘offer believers a knowledge of God’ or to ‘explain the world and human society as they are and must be’ but rather with Calvinism's ‘capacity to activate adherents and change the world’ (27). . . . To understand the ideological capacity for Calvinism we may have to abandon the assumption that Calvinism is just an ideology.²⁹

²⁷ There are other criticisms of Walzer. Lamont, for example, writes, “The central implausibility in Walzer's work is that he consistently overrates the revolutionary nature of English Calvinism. The revolutionary *potential* was there: Walzer is right that ‘a firm basis in radical aspiration and organization in the seventeenth century revolution went back to Calvin himself and to the work of the Marian exiles.’ But he may be criticized for failing to recognize the extent to which in England (as compared to France and Scotland) this revolutionary potential was held in check by deference to civil authority. Here the influence of Foxe and Jewel was decisive.” Lamont, *Godly Rule: Politics and Religion, 1603-1660*, 25

²⁸ But to his credit, neither does he see the movement purely in categories of class or economic struggle.

²⁹ Hancock, *Calvin and the Foundations of Modern Politics*, 13

Like Voegelin, Walzer accuses the Puritans of using politicizing theology for the sake of social objectives. But whereas Voegelin sees this in metaphysical terms, Walzer sees it in sociological terms of an elite-led revolution. (Voegelin is also quick to scorn the Puritans while Walzer's "value free" social science approach discourages such a thing.) Walzer compares English Puritans with Jacobins or Bolsheviks.³⁰ Ironically, Voegelin and Walzer would agree on seeing the Puritans as modern revolutionaries.

Finally one should note the work of Robert Bellah, who joins Walzer in a sociological approach. But whereas Walzer is studying the uses of the covenant as historical phenomena, Bellah's work is part of his larger studies of "civil religion" in America. In *The Broken Covenant*, Bellah writes, "In the 18th century, as I will attempt to show, there was a common set of religious and moral understandings rooted in a conception of divine order under a Christian, or at least deist, God."³¹ Bellah believes that America has, to its own peril, left those common moral understandings. He writes, "A tendency to rank personal gratification above obligation to others correlates with a deepening cynicism about the established social, economic, and political institutions of society."³² In some ways, Bellah is sounding warnings similar to the covenantal jeremiads of the old American clergy; his text addresses themes such as the tension between commercial success and virtue.³³ But there are also tensions cast in more modern terms: individualism versus community, or the need for using small and voluntary networks versus centralization. Bellah believes that these problems are best resolved by the old covenant,

³⁰ Walzer, *The Revolution of the Saints*, 317-320

³¹ Bellah, *The Broken Covenant*, xvi-xvii

³² *Ibid.*, xvii

³³ Bellah admits on p. x that the book was intended as a jeremiad.

combined with certain variants of a less overtly religious republicanism.³⁴ At the end of his book, Bellah extols Winthrop and admonishes his American readers to “choose life.”³⁵ It is not clear whether Bellah himself believes this theological narrative of America’s chosen status. But perhaps that isn’t important. What is important is that Bellah believes that America’s self-understanding has thus far enabled protection from its own excesses.

3.4 Secondary Studies on American Political Theology

The final subject of the dissertation, addressed in Chapter Twelve, is American political theology. It would be unwieldy to try to navigate the whole corpus of studies to provide bibliographic background on every discussion of political theology in America. That could include just about every major treatment of the colonies, Revolution and Founding.³⁶ Instead, I will focus on a few key studies.

It was Alice Baldwin who revived study of American political theology in 1928 by studying the New England clergy during the Revolution. *The New England Clergy and the American Revolution* should be retained by students of this period, serving as a helpful introduction to many substantial and ancillary subjects. Baldwin wrestles with a subject still very much on the minds of contemporary scholars: the intersection of philosophy and theology in the rhetoric and justification of the American cause. I do not think that Hatch characterizes Baldwin’s text fairly when he argues that she falls prey to a temptation characteristic of her era:

³⁴ Ibid., 17-18, 27

³⁵ Ibid., 163

³⁶ This would have to include, for example, seminal overviews such as Bailyn’s *The Ideological Origins of the American Revolution* or Wood’s *The Creation of the American Republic, 1776–1787* as both treat the subject of political religion. It would have to include more focused studies such as Shain’s *The Myth of American Individualism* and Diggins’s *The Lost Soul of American Politics*, which advocate a firm role for Protestantism in the origins of American political thought. I have even excluded Sandoz from the chapter, though the sermons play a role in *A Government of Laws*.

*Locke et praeterea nihil.*³⁷ It is true that most pre-World War II studies of the Revolution and Founding, influenced mainly by Becker and Hartz, emphasized its liberal aspects. But Hatch's charge reflects the sensitivities of his own era - against liberalism and in favor of republicanism in the Revolution and Founding. His critique of Baldwin demonstrates the influence of Bailyn, Wood and Pocock.

Concurrent with Baldwin's revival of interest in political clergy was a broader revival of interest in the American Puritans and Puritanism. Most prominent are the many works of both Perry Miller and his student Edmund S. Morgan.³⁸ As I will note in future chapters, Miller's work has been broadly challenged. But his work is enormously influential and broad intellectual histories of American colonial religion followed Miller's lead. Heimert's *Religion and the American Mind* was the first since Baldwin's to substantially emphasize the political sermons. Heimert's book emphasizes the differences between what he calls "Liberals" (characterized by variations of Arminianism, rationalism or what Jonathan Edwards called the "legal scheme") and more orthodox divines such as Edwards.³⁹ Heimert strives to refute an assertion that traditional religion was the opponent of progress: democracy, revolution and natural rights. Heimert turns that thesis on its head.

Liberalism was profoundly conservative, politically as well as socially, and that its leaders, insofar as they did in fact embrace the Revolution, were the most reluctant of rebels. Conversely, "evangelical" religion, which had as its most

³⁷ Hatch, *The Sacred Cause of Liberty*, 99n

³⁸ The most prominent works by Miller on Puritanism include *Errand Into the Wilderness*, *The New England Mind: From Colony to Province*, *The New England Mind: The Seventeenth Century*. Prominent works by Morgan include *Inventing The People: The Rise of Popular Sovereignty in England and America*, *The Puritan Dilemma: The Story of John Winthrop*, *Roger Williams: The Church and the State*, *Visible Saints: The History of a Puritan Idea*, *Puritan Political Ideas: 1558-1794*.

³⁹ This last point drives home the way in which scholars of this period often work in dichotomous terms. Whereas Baldwin distinguished philosophy from religious rhetoric, and Heimert will distinguish republicanism from the liberalism asserted by earlier scholars, Heimert distinguishes between the classes of clergy and their effect on the Revolution.

notable formal expression the “Calvinism” of Jonathan Edwards, was not the retrograde philosophy that many historians rejoice to see confounded in America’s Age of Reason. Rather Calvinism, and Edwards, provided pre-Revolutionary America with a radical, even democratic, social and political ideology, and evangelical religion embodied, and inspired, a thrust toward American nationalism.⁴⁰

Heimert argues a now-familiar thesis: an intellectual division that formed in the aftermath of the Great Awakening ultimately accounts for the Revolutionary fervor.

Nathan Hatch’s study of the New England clergy in *The Sacred Cause of Liberty: Republican Thought and the Millennium in Revolutionary New England* dissents from Heimert’s explanation for the Revolution. Hatch emphasizes the millennial aspects and republican ideology, discerning a “republican eschatology” that grew up in the historical circumstances and theological modifications following the Awakening.⁴¹ Hatch argues that hopes for the arrival of a millennium, stirred by revivalism, could not have adequately fueled the theological republicanism of the Revolution. Instead, Hatch places great emphasis on the Anglo-French wars coupled with the rise of a republican rhetoric as an alternative source of political eschatology. Contra Heimert’s thesis, Hatch revisits the rhetoric of the Old Lights (as well as New) and carefully examines the evolving eschatology between the Awakening and the Revolution.⁴² Unlike Heimert, Hatch also looks back to pre-Awakening Puritanism and forward to the clergy’s support of Federalism, attempting to explain how it is that the clergy who once supported revolution came to become (in Hatch’s words) “fearful traditionalists.”⁴³

⁴⁰ Heimert, *Religion and the American Mind*, viii

⁴¹ Hatch, op. cit., 3, 12, 16-17

⁴² Ibid., 25-36

⁴³ Ibid., 99-100. In this dissertation, I avoid the “liberal” versus “republican” debate. And while millennial thinking can be attributed to covenant theology, the messianic dimensions of American civil theology are not emphasized in this dissertation. Eschatological aspects are often a product of Biblical theology. But they are not essential, as I will argue in Chapter Nine. I also differ with Hatch insofar as he uses a Pocokian approach that not only emphasizes the

Harry Stout and Dale Kuehne revived the study of New England clergy ten and twenty years respectively after Hatch. Stout's *The New England Soul* provides a broader study of religion more similar to Heimert's. Kuehne's *Massachusetts Congregationalist Political Thought, 1760-1790* provides a purely political study. Both take issue with Hatch's characterization that there was an intellectual shift in the New England clergy which (as Hatch claims) "saw the expansion of New England's functional theology to include republican ideas as a primary article of faith."⁴⁴ Both believe that as Hatch presents this shift, too little is made of theological content for its own sake. Stout replies,

The more one reads these sermons, the more one finds unsatisfactory the suggestion that ideas of secular "republicanism," "civil millenarianism," or class conscious "popular ideology" were the primary ideological triggers of radical resistance and violence in the Revolution. . . . In Revolutionary New England, ministers continued to monopolize public communications, and the terms they most often employed to justify resistance and to instill hope emanated from the Scriptures and from New England's enduring identity as an embattled people of the Word who were commissioned to uphold a sacred and exclusive covenant between themselves and God.⁴⁵

This is not to say that the streams of thought influencing the clergy were homogeneous. Kuehne concludes, for example,

Massachusetts Congregational political thought of this period is clearly indebted to a number of intellectual traditions. It is difficult to discern, however, which are most important. The thorniest problem concerns interpreting the ministers' commitment to republicanism and virtue. The sermons use ideas and language that can be interpreted in various ways. Those who see the founding as a Lockean event, those who see it as a liberal event, those who see it as a republican event, and those who see it as a Calvinist event each can claim influence. While all traditions are involved, it is the Reformed tradition that remains dominant. . . .

aforementioned republicanism, but overemphasizes language and historical circumstances. This last point is characterized by Hatch with the question, "What was it possible for a given historical person or persons to think." Ibid., ix. I acknowledge the importance of historical circumstances, but disagree with the historicist implications. This "Cambridge School" approach to language and context remains controversial.

⁴⁴ Ibid., 11-12

⁴⁵ Stout, *The New England Soul*, 7, quoted in Kuehne, *Massachusetts Congregationalist Political Thought*, 148

Although they were no doubt close to a point of transition, it appears that the ministers were Christians first; their political thought can only be understood if their religion is held to be primary. The other traditions certainly exist in their thinking, but to hold any of them as primary is to misunderstand their thought.⁴⁶

That conclusion coincides with the intent of this dissertation, which is to discern both the flexibility and significance of political theology in the face of a changing landscape. Flexibility demonstrates the genius of the clergy and the value of the covenant. As Kuehne puts it, “What vexed them was trying to create a coherent vision of religious freedom and the Puritan desire that religion pervade all of life, including politics.”⁴⁷ But did the Congregationalist ministers tempt what Walzer and Kuehne call the “corruption” of Calvinism? Or did the covenant remain central despite its modifications? Kuehne writes,

The covenant remained as important to the Congregationalists as it was to the Puritans, and it continued to form the basis of their political vision. Although the mature Congregationalist constitution may have several similarities with secular republican thought, in the ministers’ eyes it was not secular at all.... The future would show a failure of the cement to bond, but if these ministers had been forced to choose between their present Constitutional theory and the covenant, they would have reexamined their political theory immediately.⁴⁸

Thus, it remains to be seen not only how the clergy reflected a variety of influences, but how these modified the central device of the covenant.⁴⁹

The central device of the covenant is also emphasized by Griffin, who has produced a small but efficient and comprehensive study of Reformed clergy in the middle colonies. In *Revolution and Religion*, Griffin joins Kuehne in seeing the arguments for revolution as an extension of the theological heritage of Reformed Protestantism, rather than an abrupt shift to

⁴⁶ Kuehne, op. cit., 144-145

⁴⁷ Ibid., 145

⁴⁸ Ibid., 145-146

⁴⁹ Emphasis on the covenant as a central device in American political thought (in the context of Tocqueville) is emphasized by Barbara Allen in *Tocqueville, Covenant, and the Democratic Revolution*.

reliance on contemporary ideology.⁵⁰ Particularly provocative is Griffin's position that arguments from natural law, and for self-defense, were also extensions of Reformed theology rather than anything attributable to political philosophy.

3.5 Conclusion

The covenant device is an important tool of political theory. This is demonstrated by the attention paid to it, and to political theology in general, by Strauss, Voegelin, Walzer, and Bellah. While Daniel Elazar and David Novak have provided broad and contrasting studies of the covenant device over the last two decades, they are not sufficient. Elazar's studies are too generous. Novak's studies are too parochial. Many studies within intellectual history and religion have examined covenants and covenant theology, but they have not been focused on political implications. In the chapters that follow, I provide a concise study of political covenanting in the Anglo-American experience unlike any that has been done before.

⁵⁰ Griffin, *Revolution and Religion*, 18-21, 26-28

SECTION II

THE POLITICAL THEORY OF THE COVENANT DEVICE

CHAPTER 4

THE BIBLICAL COVENANTS

4.1 Interpretive Guidelines

This chapter provides an introduction to the Biblical covenants as a theological and political idea. The subject at hand tempts a much longer study than necessary for the purposes of this dissertation, so a few guidelines should be kept in mind. First, the chapter must confess to a bit of interpretive simplicity. I am going to present the texts on their face as traditionally understood, and not presume the need for any kind of sophisticated “higher,” historicist, or literary criticism. This will keep things efficient and thus sidestep the virtual universe of Biblical hermeneutics. Where secondary authors call on rabbinic interpretations, I will include them. To articulate the Christian interpretation of the covenant, I rely on apostolic interpretations. I will not impose any “modern” reading on the Biblical authors. The “modern” reading of the Bible only begins in the seventeenth century.¹

A second guideline requires that I distinguish between Biblical covenants and theological covenants. By Biblical covenants, I mean those explicitly recorded in the narrative of the Bible. Theological covenants are theoretical artifices articulated in the work of systematic theologians. I emphasize the Biblical covenants in this chapter because they are the foundation of the West’s familiarity with covenants. Theological covenants are included in later chapters.

4.2 Origin

In English Bibles, “covenant” is translated from the Hebrew word *berith*. It is used over 300 times in the Hebrew Bible. The etymology of the word is uncertain, with potential translations

¹ For more on this, see discussions of biblical interpretation and biblical criticism in *Cambridge History of the Bible*, vol III, 238-338; Frei, *The Eclipse of Biblical Narrative*; Pahl, “John Locke as a Literary Critic and Biblical Interpreter” together with discussions of the rise of Biblical criticism during the “Radical Enlightenment” by Israel: *The Radical Enlightenment* and *The Enlightenment Contested*. I am indebted to Kim Ian Parker for referring me to these sources.

including: cut, bind, hand, fetter, or eat. The cutting may refer to its use in a ceremony not unlike the one found in the Biblical text. “Eat” may refer to a special meal that accompanies a covenanting ceremony. Hittite civilization, which preceded the established Israelite society, also had treaties similar to covenants. While there is some controversy regarding how closely the Biblical covenants parallel those of surrounding civilizations, the latter might safely be considered proto-covenants when compared to most of the Biblical covenants.² Unlike the covenants of the surrounding cultures, the Biblical covenants emphasized a certain level of equality – or at least reciprocity.

Berith becomes *diatheke* in the Greek, a word which most frequently referred to a last will and testament.³ This results in the now familiar Christian titles for two parts of the Bible– the Old and New “Testament.”⁴ *Diatheke* appears over thirty times in the Apostolic Scriptures, with its first usage in Paul’s epistles.⁵ Some of these usages are quotations of the Old Testament, however. In later Latin usage, the word most used for “covenant” is *foedus* – the root of the English “federal.”

There is some controversy in Biblical studies about the meaning of the covenant (*berith*) in the Hebrew Bible. Some argue that it refers to the covenant itself while others focus on the act of covenanting.⁶ Rendtorff focuses on what he calls the “covenant formula,” which occurs over 30 times. The covenant formula includes at least one of two important statements, or both together: “I will be a God for you” and “You shall be a people for me” This, Rendtorff argues, is used more

² Freeman, *The Heavenly Kingdom*, 43; Thundyil, *Covenant in Anglo-Saxon Thought*, 77; McCarthy, *Old Testament Covenant* 3; Elazar, *Covenant and Polity in Biblical Israel*, 65, 68-69

³ Thundyil, op. cit., 77; McCarthy, op. cit., 3

⁴ It is not known why the Septuagint chose the rather unusual *diatheke*, “testament” to translate the Hebrew *berith*, “covenant.” McCarthy, op. cit., 1

⁵ There is, not surprisingly, prominent use of the term in the letter to the Hebrews. Thundyil, op. cit., 83

⁶ McCarthy, op. cit., 4

systematically than the word *berith*.⁷ It is the act of election, Rendtorff's "covenant formula," which defines the covenant and its relational characteristic. God's taking a people for himself is commonly referred to in theology as "election": God selecting a people for Himself.⁸

4.3 The Hebrew Chronology

Elazar argues that there are four stages of covenanting. In the first stage, God initiates covenants. This is the case with Adam, Noah and Abraham. In the second stage, God seeks popular consent, initiated through his designated servant. In the third state, the principal leader turns to God and the people to covenant or re-covenant. In the fourth stage, the people themselves initiate a covenant renewal.

Excluding for now what some Reformers claimed about a prelapsarian (pre-Fall) covenant with Adam as federal head of his descendants, the first politically significant Biblical covenant is between God and Noah. God makes a covenant in the plan for escape and afterward makes a covenant with mankind (and other living things).⁹ God not only denies Himself the right to repeat the destruction of the Flood, He establishes universal justice. This latter point has the greatest political significance because it verifies the existence of what some commentators call natural law.¹⁰ This natural law cannot be confused with Greek or Roman natural law, for example. The

⁷Rendtorff, *The Covenant Formula*, 3, 57

⁸ Controversies regarding the concept of election, and its political significance, will be taken up in the context of the Reformation (Section III).

⁹ Genesis 6 and 9. This is a covenant with the whole earth. Noah is obviously included in that, but it is not a particular covenant with Noah. See Novak, *Natural Law in Judaism*, 39-40.

¹⁰ As Elazar notes, many commentators point to Genesis 4:10 as evidence of a "natural law" existing even in the first human family. One might also point to Genesis 3:10 as prior evidence. Adam is ashamed after the first sin, and he hides from God. Perhaps this is somehow related to the Tree of the Knowledge of Good and Evil. (Genesis 3:2-7). But the cause or limits of the pre or post-lapsarian moral extend beyond the scope of the dissertation.

universal and natural law implied here resides first in the will of God rather than in some sort of superintending nature.¹¹

Covenants are later made with Abraham. They promise both people and land, and they require both ceremony and sign.¹² For example, in Genesis 15:17-20, this is recorded: “On that day the LORD made a covenant with Abram, saying, ‘To your offspring I give this land, from the river of Egypt to the great river, the river Euphrates, the land of the Kenites, the Kenizzites, the Kadmonites, the Hittites, the Perizzites, the Rephaim, the Amorites, the Canaanites, the Girgashites and the Jebusites.’” Genesis 17:5-8 records this promise by God to Abraham:

No longer shall your name be called Abram, but your name shall be Abraham, for I have made you the father of a multitude of nations. I will make you exceedingly fruitful, and I will make you into nations, and kings shall come from you. And I will establish my covenant between me and you and your offspring after you throughout their generations for an everlasting covenant, to be God to you and to your offspring after you. And I will give to you and to your offspring after you the land of your sojournings, all the land of Canaan, for an everlasting possession, and I will be their God.

These are foundational covenants, and eventually become the ones of greatest controversy – both theological and political. Christians and Jews fundamentally disagree about the trajectory of the covenant promise to Abraham thereafter.

Particularly controversial is this promise to Abraham in Genesis 22:15-18: “And the angel of the LORD called to Abraham a second time from heaven and said, ‘By myself I have sworn, declares the LORD, because you have done this and have not withheld your son, your only son, I will surely bless you, and I will surely multiply your offspring as the stars of heaven and as the sand that is on the seashore. And your offspring shall possess the gate of his enemies, and in your

¹¹ Job 38; Ecclesiastes 12. This is discussed in Elazar, *op. cit.*, 83. Novak, citing Proverbs 21:30, emphasizes that justice does not stand above God himself, as implied by Grotius, Kant or perhaps Plato. Novak, *op. cit.*, 42-43.

¹² Genesis 15, 17

offspring shall all the nations of the earth be blessed, because you have obeyed my voice.”¹³ This not only echoes the dominion mandate found earlier in Genesis 1:26, 28, in which God tells mankind to be fruitful and multiply and subdue the earth; it has further political implication.¹⁴ There is not simply a covenant with Abraham, but also with his descendants. It is used to establish a “people” and a homeland - two essential ingredients for any human polity.

Jews and Christians have important disagreements about who is the rightful heir of this promise to Abraham. It is at the heart of their disagreement. As evidenced by Genesis 18:16-25, the claim of being Abraham’s rightful descendants is a powerful claim. These passages blend the judicial and legal, social, familial, political, and eschatological together.

When the men got up to leave, they looked down toward Sodom, and Abraham walked along with them to see them on their way. Then the LORD said, "Shall I hide from Abraham what I am about to do? Abraham will surely become a great and powerful nation, and all nations on earth will be blessed through him. For I have chosen him, so that he will direct his children and his household after him to keep the way of the LORD by doing what is right and just, so that the LORD will bring about for Abraham what he has promised him." Then the LORD said, "The outcry against Sodom and Gomorrah is so great and their sin so grievous that I will go down and see if what they have done is as bad as the outcry that has reached me. If not, I will know." The men turned away and went toward Sodom, but Abraham remained standing before the LORD. Then Abraham approached him and said: "Will you sweep away the righteous with the wicked? What if there are fifty righteous people in the city? Will you really sweep it away and not spare the place for the sake of the fifty righteous people in it? Far be it from you to do such a thing—to kill the righteous with the wicked, treating the righteous and the wicked alike. Far be it from you! Will not the Judge of all the earth do right?"¹⁵

¹³ The three previous quotations are taken from the English Standard Version (ESV).

¹⁴ Then God said, "Let us make man in our image, after our likeness. And let them have dominion over the fish of the sea and over the birds of the heavens and over the livestock and over all the earth and over every creeping thing that creeps on the earth. So God created man in his own image, in the image of God he created him; male and female he created them. And God blessed them. And God said to them, 'Be fruitful and multiply and fill the earth and subdue it and have dominion over the fish of the sea and over the birds of the heavens and over every living thing that moves on the earth.'" Genesis 1:26-28 (ESV)

¹⁵ Also taken from the ESV

The judicial and legal point concerns God's justice and Abraham's role in it. The social, familial and political are blended together in the covenantal promise to make Abraham's descendents a powerful nation. The eschatological point concerns the future state of affairs brought by God's justice in its own right ("Judge of all the earth") as well as the covenant with Abraham ("all the nations on earth will be blessed through him"). The judgment against Sodom and Gomorrah also emphasizes the eschatological point, particularly when later referenced by Christ in Matthew 11.

We learn more about covenants in other parts of the Biblical narrative about Abraham. Abraham is said to make a covenant of his own with Abimelech, a Philistine king, to establish an alliance.¹⁶ This covenant demonstrates that covenants do not necessarily require complete doctrinal orthodoxy between covenanting parties. Nor do they have to be dictated or approved by God, though they are said to be made in his presence.

As noted above, the covenant made by God with Abraham is also made with his descendents. Not much is learned from the account of Isaac (as an adult).¹⁷ The case of Jacob (who eventually becomes renamed Israel) provides a provocative insight. He schemes his way into his father's blessing.¹⁸ Jacob also tries to treat the covenant as a contract for his own self interest. The relevant passages are worth quoting, perhaps suggesting a contractual rather than a covenantal approach on Jacob's part. That is, Jacob approaches the covenant as a bargain to be struck on open terms rather than as something agreed to in a standing moral and legal framework for noble (and even political) goals.

And he dreamed, and behold, there was a ladder set up on the earth, and the top of it reached to heaven. And behold, the angels of God were ascending and descending

¹⁶ Genesis 21

¹⁷ In Isaac's case, see Genesis 17:19, 21.

¹⁸ Jacob schemes with his mother to obtain Isaac's deathbed blessing in Genesis 27 though Esau is said to "despise his birthright," trading it to his brother for food in Genesis 25:29-34.

on it! And behold, the LORD stood above it and said, "I am the LORD, the God of Abraham your father and the God of Isaac. The land on which you lie I will give to you and to your offspring. Your offspring shall be like the dust of the earth, and you shall spread abroad to the west and to the east and to the north and to the south, and in you and your offspring shall all the families of the earth be blessed. Behold, I am with you and will keep you wherever you go, and will bring you back to this land. For I will not leave you until I have done what I have promised you." Then Jacob awoke from his sleep and said, "Surely the LORD is in this place, and I did not know it." And he was afraid and said, "How awesome is this place! This is none other than the house of God, and this is the gate of heaven." So early in the morning Jacob took the stone that he had put under his head and set it up for a pillar and poured oil on the top of it. He called the name of that place Bethel, but the name of the city was Luz at the first. Then Jacob made a vow, saying, "If God will be with me and will keep me in this way that I go, and will give me bread to eat and clothing to wear, so that I come again to my father's house in peace, then the LORD shall be my God, and this stone, which I have set up for a pillar, shall be God's house. And of all that you give me I will give a full tenth to you."¹⁹

We also learn from the case of Jacob, as presented in Genesis 31:51-54 and discussed by Elazar, that a covenant can be used to separate as well as to join.²⁰

The Exodus from Egypt is perhaps the most politically symbolic event in the Scripture, and the aforementioned covenants made with Abraham, Isaac, and Jacob are the foundation for the covenant at Mt. Sinai.²¹ God emphasizes this to Moses, telling him that deliverance from Egypt is part of the covenant made with the patriarchs.²² A clear example of the covenant formula is also evident after the Exodus when Moses is told to tell the Israelites: "Ye have seen what I did unto the Egyptians, and how I bare you on eagles' wings, and brought you unto myself. Now therefore, if ye will obey my voice indeed, and keep my covenant, then ye shall be a peculiar treasure unto me

¹⁹ Genesis 28:12-22 (ESV)

²⁰ Elazar, *op. cit.*, 147

²¹ Exodus 2:23-25 (KJV): "And it came to pass in process of time, that the king of Egypt died: and the children of Israel sighed by reason of the bondage, and they cried, and their cry came up unto God by reason of the bondage. And God heard their groaning, and God *remembered his covenant with Abraham, with Isaac, and with Jacob*. And God looked upon the children of Israel, and God had respect unto them."

²² Exodus 6:2-5

above all people: for all the earth is mine: And ye shall be unto me a kingdom of priests, and an holy nation. These are the words which thou shalt speak unto the children of Israel.”²³ This passage not only repeats the usual political details (being a people, kingdom or nation), it also emphasizes God’s role in establishing and maintaining his part of the covenant. That is done even if His people should fail him.

This covenant formula is repeated in many other places of the Old Testament.²⁴ God declares Himself to be Israel’s God and Israel to be His particular people. But there are two kinds of covenants. With the “mutual covenant” comes the promise of blessing or cursing.²⁵ By contrast, the unconditional election of Israel is what Freeman calls the “gracious covenant”²⁶ These covenants may seem exclusive of one another, but they are not. Together, they mean that while Israel is sometimes chastened, she is not destroyed.²⁷

The covenant at Sinai is a corporate covenant made with Israel. Moses serves as mediator. Moses is not a mediator in the sense that he negotiates. Rather, he is a mediator in that he acts as a representative for both God and the people. The Sinai covenant confirms the movement from a familial covenant to a national covenant. It includes not only the Ten Commandments, but the text of case and civil law that follows. (This becomes the condition of blessing or cursing.²⁸) It is the

²³ Exodus 19:4-6

²⁴ Deuteronomy 7:6-8, 14:2, 26:17-19; I Samuel 12:22; II Sam 7:18; Jeremiah 7:23; Jeremiah 11:4; Ezekiel 14:1-11 for example.

²⁵ This corporate promise of blessing and cursing is emphasized in many places, notably in Leviticus 26 or Deuteronomy 28 (for example).

²⁶ Freeman, *op. cit.*, 4

²⁷ Reciprocity remains an important part of the covenant in either case. But the outstanding question will be whether failure to reciprocate can result in complete separation or merely a loss of fellowship. Also, in Christian theology it will be argued that God can provide both terms and satisfaction of covenant terms.

²⁸ This is discussed in Deuteronomy 27, 28 and Leviticus 26.

basis for the new Israelite polity. It also assigns the division of power, separating prophetic, priestly and civil functions.²⁹ Elazar describes the Sinai covenant thus, “For the Israelites of the time, the general thrust of the Sinai covenant and its accompanying texts and actions was to bring the existing tribes and their primordial political structures based on kinship into the framework of a national constitution based on consent, comprehensive in character and designed to sanctify all dimensions of human life, in order to build the holy commonwealth.”³⁰ What was once familial, social and political becomes more explicitly and institutionally political.

In Joshua 24, we see the first explicit tripartite covenant of human design.³¹ Joshua harkens back to the patriarchal covenant and reminds the people of God’s covenantal faithfulness. They, in turn, pledge their faithfulness. But Joshua himself also makes a covenant with the people. This will have important implications for later generations of covenant theory. First, it establishes what Kaminsky defends as “corporate responsibility.”³² This means that persons are also judged within nations as nations for their collective faithfulness or unfaithfulness. Second, it implies the right for

²⁹ Elazar, op. cit., 188

³⁰ Ibid., 187

³¹ Elazar, op. cit., 213. Joshua 24:19-28: “But Joshua said to the people, ‘You are not able to serve the LORD, for he is a holy God. He is a jealous God; he will not forgive your transgressions or your sins. If you forsake the LORD and serve foreign gods, then he will turn and do you harm and consume you, after having done you good.’ And the people said to Joshua, ‘No, but we will serve the LORD.’ Then Joshua said to the people, ‘You are witnesses against yourselves that you have chosen the LORD, to serve him.’ And they said, ‘We are witnesses.’ He said, ‘Then put away the foreign gods that are among you, and incline your heart to the LORD, the God of Israel.’ And the people said to Joshua, ‘The LORD our God we will serve, and his voice we will obey.’ So Joshua made a covenant with the people that day, and put in place statutes and rules for them at Shechem. And Joshua wrote these words in the Book of the Law of God. And he took a large stone and set it up there under the terebinth that was by the sanctuary of the LORD. And Joshua said to all the people, ‘Behold, this stone shall be a witness against us, for it has heard all the words of the LORD that he spoke to us. Therefore it shall be a witness against you, lest you deal falsely with your God.’ So Joshua sent the people away, every man to his inheritance.” (ESV)

³² There is some controversy in the literature on this question of how much corporate responsibility was sustained over the life of Israel. See Kaminsky, *Corporate Responsibility in the Hebrew Bible*, chapter 1, for a summary of the debate. The rest of the text serves as a defense for sustained corporate responsibility.

clergy to take the role of prophet, admonishing civil authorities, or the people, or both.³³ Third, God gives a special responsibility to the civil magistrate, as evidenced by the record of both Saul and David.³⁴ The leader of Israel was seen to function on God's behalf.³⁵ Finally, God makes a covenant with every individual Israelite, though these complement the corporate covenant.³⁶ The main application of this last covenant, between God and individual persons, is to emphasize that the people owe their primary allegiance to God rather than to the ruler. God is King.³⁷ To this might be attributed the rise of political conscience and (in later Protestant manifestations) the right of resistance and revolution.

The next significant set of covenants surrounds David, who is said to enjoy political power by God's favor.³⁸ David, as a ruler, covenants with his people.³⁹ The Davidic covenant is clearly presented as a continuation of the original patriarchal covenant – the covenant of election.⁴⁰ David also makes a covenant of friendship with Jonathan.⁴¹ The Davidic covenant is perhaps the last great major covenant insofar as it both parallels the Abrahamic covenant and also asserts the

³³ All levels of society are admonished by Jeremiah, for example. See Jeremiah 2.

³⁴ I Samuel 16:14; II Samuel 7:16, 22. See Freeman, 50.

³⁵ Joshua 11:12, 15; Judges 6:25-26

³⁶ It is notable that the Decalogue is addressed to individuals.

³⁷ Freeman, *op. cit.*, 43, 48; I Samuel 12:12

³⁸ I Samuel 16, II Samuel 3

³⁹ II Samuel 5:1-3. "Then all the tribes of Israel came to David at Hebron and said, 'Behold, we are your bone and flesh. In times past, when Saul was king over us, it was you who led out and brought in Israel. And the LORD said to you, 'You shall be shepherd of my people Israel, and you shall be prince over Israel.' So all the elders of Israel came to the king at Hebron, and King David made a covenant with them at Hebron before the LORD, and they anointed David king over Israel." (ESV)

⁴⁰ I Chronicles 16, 17

⁴¹ I Samuel 18:1-3

covenant to be perpetual.⁴² The nation's covenant no longer stands in need of formal renewal. Political rulers (kings) become the successors to the old tribal patriarchs. There is revival of the longstanding promise of a homeland. This promise of land makes covenant theology what Buchanan calls "a theology of conquest."⁴³ Not only are the covenant people to take possession of a homeland, they cannot ultimately be defeated.⁴⁴

The remainder of the Hebrew narrative tells of other covenants. These additional covenants, such as one made by Josiah, are important insofar as they emphasize important social and moral themes. There are stories of covenant renewal, religious revivals, moral revivals, and political reassertions of the original covenant with Abraham. All of these will become important in the iterations of covenant used by future theologians as the covenant is applied to persons other than the Hebrews; but the aforementioned Hebrew covenants are the most significant for tracing the main threads of covenant theology and the covenant narrative.

4.4 The Christian Interpretation

Christians not only acknowledge the aforementioned "Old Testament" covenants, they declare themselves the rightful inheritors of them in Christ. This move into a new covenant becomes, for Christian theologians, a new Exodus. The author of the letter to the Hebrews, for example, asserts to his readers, "We received the good news just as they did," and draws a direct parallel with the Hebrew covenant.⁴⁵

⁴² Ezekiel 37:21-28

⁴³ Buchanan, *op. cit.*, 1, 60

⁴⁴ One can see how this reference to God providing a homeland would be especially appealing to both Protestant reformers and pilgrims – suffering persecution and wandering in the wilderness. As Reformation theology takes on an increasingly Jewish flavor, Protestants increasingly self-identify as God's chosen remnant.

⁴⁵ Hebrews 4:2, 10, 12

The narrative of Israel is considered to be the narrative of the Church, particularly in light of judgment and redemption promised by the prophet Isaiah. Christians assert that Christ is the heir of the Davidic kingship.⁴⁶ This is important insofar as the Sinai covenant gave way to the Davidic covenant, which in turn paralleled the Abrahamic covenant.⁴⁷ Buchanan cites the many “enthronement psalms,” for example, as an example of the Christian adoption of the Hebrew covenant narrative.⁴⁸ These “enthronement psalms” refer to a king whose reign will not end. This is a king who would subdue nations, deliver the saints, usher in the messianic kingdom, and put all enemies under his feet. On this point, two messianic psalms are worth quoting in full.

Psalm 2

Why do the heathen rage, and the people imagine a vain thing? The kings of the earth set themselves, and the rulers take counsel together, against the LORD, and against his anointed, saying, Let us break their bands asunder, and cast away their cords from us. He that sitteth in the heavens shall laugh: the LORD shall have them in derision. Then shall he speak unto them in his wrath, and vex them in his sore displeasure. Yet have I set my king upon my holy hill of Zion. I will declare the decree: the LORD hath said unto me, Thou art my Son; this day have I begotten thee. Ask of me, and I shall give thee the heathen for thine inheritance, and the uttermost parts of the earth for thy possession. Thou shalt break them with a rod of iron; thou shalt dash them in pieces like a potter's vessel. Be wise now therefore, O ye kings: be instructed, ye judges of the earth. Serve the LORD with fear, and rejoice with trembling. Kiss the Son, lest he be angry, and ye perish from the way, when his wrath is kindled but a little. Blessed are all they that put their trust in him.

Psalm 110

The LORD said unto my Lord, Sit thou at my right hand, until I make thine enemies thy footstool. The LORD shall send the rod of thy strength out of Zion: rule thou in the midst of thine enemies. Thy people shall be willing in the day of thy power, in the beauties of holiness from the womb of the morning: thou hast the dew of thy youth. The LORD hath sworn, and will not repent, Thou art a priest for ever after the order of Melchizedek. The Lord at thy right hand shall strike through kings in the day of his wrath. He shall judge among the heathen, he

⁴⁶ Freeman, *op. cit.*, 50, 53-56

⁴⁷ Compare II Samuel 7:9-12 with Gen.12:2, 15:18; 17:8, 14:20, 22:17, 22:17

⁴⁸ Psalm 47, 93, 96, 97, 99, 146; Buchanan, *op. cit.*, 59-60

shall fill the places with the dead bodies; he shall wound the heads over many countries. He shall drink of the brook in the way: therefore shall he lift up the head.⁴⁹

The New Testament authors frequently appeal to other messianic psalms (Psalm 22 and 69, for example). One might even go so far as to argue that the repeated quotation of Psalm 110 in the New Testament canon (cited more than any other verse from the Hebrew Scriptures) summarizes the essence of Christian covenantalism.⁵⁰ Regardless of the diversity of Christian eschatologies, all argue that the age of Christ is essentially the messianic age promised in the Old Testament. Jesus is given the throne “of his father David” in order to “rule the house of Jacob forever.”⁵¹ Thus, Jesus inherits the role of covenantal ruler. The last book of the New Testament canon, John’s vision at Patmos, is written in typological format to echo themes of Jewish deliverance.⁵² The covenant blessing of Abraham can now be fulfilled by Christ’s Great Commission.

For the Old Testament Hebrews, life in covenant is life in the fullest sense of the word.⁵³ Death in the Old Testament meant not only perishing but being scattered, having community dissolved, and being outcasts among foreign nations. In the New Testament, “eternal life” becomes synonymous with covenantal life.⁵⁴ For example, Christ suggests going through earthly life maimed in order not to be cast into fire whole.⁵⁵ He also refers to himself as the “bread of life.”⁵⁶

⁴⁹ Both are taken from the “Authorized Version” or “King James Version” (KJV) of 1611.

⁵⁰ Matthew 22:44, Mark 12:36, Luke 20:43, Acts 2:35, Hebrews 1:13, Hebrews 10:13

⁵¹ Luke; Matt 3:2, 4:17, 10:7; Mark 1:15; Luke 1:32-33, 4:43, 8:1, 9:2, 11, 60, Luke 10: 9, 11

⁵² Buchanan, *op. cit.*, 72

⁵³ Deut 30:15-20; Amos 5:4-6; I John 3:13-14; Philippians 1:21; See Buchanan, *op. cit.*, 111

⁵⁴ Buchanan, *op. cit.*, 143-144

⁵⁵ Mark 9:46-48

⁵⁶ John 6:48

Matthew and Luke speak of inheriting eternal life as the Israelites had spoken of inheriting the land God had promised to their forefathers.⁵⁷ Communion becomes the new Passover – instituted at a Passover meal.⁵⁸

An important question is whether these changes enhance or instead neutralize the earthly and political implications of the covenants. Where is the new Promised Land, the Kingdom of God? Hebrews 11, for example, makes explicit connection between Christ and the patriarchs; but it says that they sojourned for a heavenly city, not an earthly promised land. Jesus also tells Pilate that his Kingdom is not of this world.⁵⁹ Should this diminish the *political* effect of Christian covenantalism? Or should it make it all the more emphatic, albeit complicated? The answer is disputed. And to complicate matters, the Church, unlike the Jewish society that they rejected, acquire a social and political authority long since lost by their covenantal ancestors (the Jews). The proper use of that authority remains at the heart of contemporary debates about religion and politics.

4.5 Conclusion

The Bible is the most significant text in Anglo-American political theory. It may even present, in the whole of the Torah, the oldest political constitution in historical record.⁶⁰ The Bible is significant not because it prescribes a particular type of regime.⁶¹ Rather, it is largely significant

⁵⁷ Buchanan, op. cit., 113, 116, 135; Mark 9:43-45; John 6:35, 48

⁵⁸ Luke 22, Mark 14

⁵⁹ John 18:36

⁶⁰ Elazar, op. cit., 57-58

⁶¹ Ibid., 180. No single political regime appears to be imposed by the Biblical covenants. Israel goes from a confederation of nomadic tribes under Moses to a government of settled tribes under Joshua, who carries out the provisions of the Torah in the new Hebrew nation. They then go from a government of settled tribes to a confederal government under the Judges to a federal basis under Samuel and Saul. The final regime is a federal monarchy under David and his successors. It is notable that there is no hereditary political leadership. Only the priesthood had hereditary leadership.

because of its covenants. These covenants offer a political theology *par excellence*. This is true not simply because the covenants are found in accounts purporting divine inspiration, echoing the importance of divine imperatives defined in Chapter Two. Rather, the covenants are foundational because of their legal, political, moral, and social implications: ruling, dominion, land, nation, people, inheritance, corporate responsibility, justice, mercy, conscience, and deliverance. Add to this the eschatological or messianic content, for example, and one finds a very fertile ground for politics that is at once prudent and ideological, conservative and radical. In the chapters that follow, I will demonstrate how the Biblical covenants have come to outline the parameters of a broad but identifiable political theory.

CHAPTER 5

DANIEL ELAZAR'S STUDIES OF POLITICAL COVENANTING

5.1 Introduction

In the last chapter, I addressed the Biblical presentation of covenanting, which is the basis for all other studies of covenanting. In these next two chapters, I skip ahead to contemporary research in both political science and political philosophy on political covenants. In this chapter, I focus on contemporary studies of political covenanting and federalism under the leadership of Daniel Elazar.

Elazar and his colleagues Donald Lutz and John Kincaid have provided numerous studies of federalism, constitutionalism, republicanism, and political culture. They contrast political covenanting, classified as strong or weak, with organic and hierarchical political arrangements or those founded on conquest, natural law or natural right.¹ They conclude that political covenanting is uniquely able to fulfill political goals of liberty, equality and justice. Their studies consider the entire history of covenanting, beginning with the Hebrew peoples and extending into contemporary pseudo-covenants, treaties and trade agreements.² They pay considerable attention to the most recent period of explicit and orthodox covenanting, the Protestant Reformation.³

To give their studies both historical and contemporary significance, Elazar and his colleagues seek to demonstrate an evolution of political covenanting, discerning what they consider to be both strong and weak contemporary influence. They argue that while orthodox

¹ Elazar contrasts the covenantal model with models of conquest or organic development in Elazar, *Covenant and Polity in Biblical Israel*, 35-51.

² See Elazar, *Covenant and Civil Society*, 101-159 for Elazar's discussion of modern manifestations of covenanting.

³ That period is the subject of Section III.

(strong) political covenanting is no longer practiced, weaker forms of political covenanting remain. Weaker forms, they argue, are evident in modern constitutionalism or theories of social contracting. Orthodox political covenanting is distinguished by its explicit theological emphasis and clear participation by God. Weaker political covenanting may emphasize morality or community, but it lacks the explicit theological and divine component.

This distinction raises important questions. Given the intensely religious basis evident in historical political covenanting, can one even speak of an *evolving* “covenant” at all? At what point in the “evolution” of political covenanting does covenanting cease to be recognizable as covenanting? Does a sharp dichotomy exist between social contract theory and political covenanting? And more to the point, where would such a dichotomy be most evident in historical experience and how should one address such an intersection? This chapter will begin to address these questions as they are considered in the pioneering work of Elazar and his colleagues.⁴

5.2 Distinguishing Covenant, Contract and Compact

Lutz and Elazar offer a taxonomy of sources for modern constitutionalism. For their schema they use common terms from the early history of Anglo-American constitutionalism: covenant, compact and contract. Each, strictly considered, represents a different kind of political agreement. *Covenants* and *compacts* are historically more prevalent than *contracts* and are more constitutional or public in character. As reciprocal instruments, covenants and compacts bind their parties “beyond the letter of the law.” Contracts tend to be private devices and not the public documents that political theorists allude to when they generalize the foundations of constitutionalism as “social contract theory.” Covenants, even more so than compacts, introduce

⁴ Unlike Chapter Six, which examines the purer political theology of David Novak, this chapter will concern itself more with historical development than theoretical articulation.

a morally binding dimension above the legal dimension.⁵ Covenants are also distinguished from compacts and contracts by the belief that God is a guarantor of, or a direct party to, the relationship between parties in the covenant. Compacts do not explicitly include a divinely transcendent dimension and instead rely on mutual pledges and a secular legal grounding. Modern constitutions are no longer made with God but instead “under God.”⁶ In this respect they are more like compacts than covenants. Contracts are distinguished primarily by their private and strictly legal nature.⁷ Contracts also do not emphasize morality for their members beyond legal and minimally moral reciprocity.

Covenants, compacts and contracts all seek liberty for their members, but each articulates a different relationship between liberty and morality. At the one extreme, covenantal liberty has a strong and binding communal nature, particularly under divine law. At the other extreme, contracts tend to emphasize positive law and individualistic notions of liberty. Elazar contrasts covenantal and contractual liberty thus:

Covenantal liberty is not simply the right to do as one pleases, within broad boundaries. Contractual liberty could be just that but covenantal liberty emphasizes the liberty to pursue the moral purposes for which the covenant was made. This latter kind of liberty requires that moral distinctions be drawn and that human actions be judged according to the terms of the covenant.⁸

A wider spectrum of moral license, pluralism and tolerance is consistent with the more secular nature of contracts. Elazar argues that these two features of contracts, secularism and individualistic freedom make it difficult for contracts to command moral unity or coherence. He states, for example, of the early Swiss republics, “[T]hey were primarily civil and contractual,

⁵ Elazar, *Covenant and Constitutionalism*, 249

⁶ *Ibid.*, 5

⁷ Lutz, *The Origins of American Constitutionalism*, 89-92; Elazar, *Covenant and Polity in Biblical Israel*, 30-32

⁸ Elazar, *Covenant and Constitutionalism*, 43

not animated by any vision of society but only by the need of people to protect themselves and to cooperate...they were unable to galvanize their people in moralistic ways.”⁹ Elazar and Lutz assert that covenantal documents often precede constitutions because covenants have an explicitly moralistic nature and because consensual political organization requires some degree of moral unity. Covenants, more so than compacts or contracts, articulate the moral adherence necessary for representative government. This was particularly the case in colonial America.¹⁰

The way in which these three devices (covenant, compact and contract) parallel, intersect, intertwine, or dominate one another has important political consequences. Each approaches the moral and legal bases of society differently and thus results in a different political theory. Covenants, compacts and contracts resolve the tensions of political life uniquely. These tensions might include, but are not limited to: a society’s conception of rights; distribution of power; the proper demands of community; and the appropriate extent of individualism. The most individualistic and secular concept is “contract” and the most communal and religious is “covenant.” Each serves as a different political reality upon which a society may order itself. And this political reality will manifest itself in historical experience. The contrasts between contract and covenant cannot be studied merely on a conceptual or idealistic basis. Instead, they must be studied through the experience of a particular historical reality. That historical reality is best found in seventeenth and eighteenth century Britain and America, both subjects of this dissertation.¹¹

⁹ Elazar, *Covenant and Commonwealth*, 61

¹⁰ Elazar, *Covenant and Constitutionalism*, 8

¹¹ As Elazar notes, there are some European nations that have not had essentially covenantal politics – most of Italy, France, and Spain, for example. In discussing the differences between northern and southern Europe, he cites the work of Putnam to illustrate the consequences of covenant versus hierarchy. See Elazar, *Covenant and Commonwealth*, 60-69. For his discussion of northern societies with a political tradition rooted in secular and later religious oaths, see chapters 4-6.

Most scholars do not consider the ways in which tensions of political life are resolved differently by the various arrangements of covenant, compact and contract, though this is important when examining the development of modern Anglo-American constitutionalism. Scholars too often yoke all variations of consent together and ignore the respective implications for political culture and institutional design. Also, many scholars view all forms of consensual political arrangements with a modern contractual basis. This modern bias has made it difficult for scholars to understand the historical reality in which consent theories, covenanting and compacting, were developed in the seventeenth and eighteenth century. The differences in these consensual forms are important, and one cannot consider all covenants, compacts and contracts as mere variations on what is essentially the same thing. It is the religious and philosophical ideas of the period which determined how political texts and ideas were understood and implemented. These, in turn, planted the seed which informs, to one degree or another, today's theories of social contracting. One cannot understand modern political theory if one does not understand its historical development. The political culture and institutions that exist in many parts of the world today were formed by answers that seventeenth and eighteenth century political theory gave to longstanding political questions.

Elazar is probably on to something valuable in theoretical terms, but the precise interpretive application of this taxonomy is somewhat limited. It is more valuable as a theoretical tool than a means of interpreting historical documents. The test of Elazar's taxonomy, especially if one is going to use it as a tool for developing a theory of constitutional evolution, is whether or not his historical subjects can be said to agree with him in seeing things in such strict terms. If that cannot be established, and in many cases it probably cannot, the theoretical distinctions may still hold. But as a means of interpreting historical documents, the application would be quite

limited. One could not come to a particular document or time and impose Elazar's definition on an author's choice of "compact" over "covenant" and determine that the intent was to avoid theological significance, for example. In the case of Hobbes, for example, one could not necessarily presume that the use of the term "covenant" was intended to signify a political agreement of traditionally moral and theological significance.¹² Despite these obstacles, however, Elazar's work is helpful for conceptually understanding what it means to have a political covenant and how it may differ from other political arrangements.

5.3 Characteristics of the Political Covenant

Elazar begins his first volume defining a covenant as:

[A] morally informed agreement or pact based upon voluntary consent, established by mutual oaths or promises, involving or witnessed by some transcendent higher authority, between peoples or parties having independent status, equal in connection with the purposes of the pact, that provides for joint action or obligation to achieve defined ends (limited or comprehensive) under conditions of mutual respect, which protect the individual integrities of all the parties to it. Every covenant involves consenting (in both senses of thinking together and agreeing) and promising. Most are meant to be of limited duration, if not perpetual. Covenants can bind any number of parties for a variety of purposes but in their essence they are political in that their bonds are used principally to establish bodies political and social.¹³

He argues that these covenants are important politically insofar as they "establish lines of authority, distributions of power, bodies politic and systems of law.... legitimize political life and direct it into the right paths."¹⁴

The divine party to the covenant is the key to establishing the aforementioned guidelines, though Elazar seems to think that the moral consequence that results from the divine party's

¹² Hobbes has a lengthy discussion of covenants in his *Leviathan*, Chapter XVIII, "Of the Rights of Sovereigns by Institution."

¹³ Elazar, *Covenant and Polity in Biblical Israel*, 23

¹⁴ Elazar, *Ibid.*, 1, and Elazar, *Covenant and Constitutionalism*, 101-102

participation may even be more significant than the divine party itself. The transcendent power subscribing to this covenant obligates human freedom to be understood as federal liberty and not natural liberty.¹⁵ Federal liberty emphasizes freedom within the boundaries of community and moral responsibility. Elazar writes, “The omnipotent Deity, by freely covenanting with man, limits His own powers to allow humans space in which to be free, only requiring of them that they live in accordance with the law established as normative by the covenant.”¹⁶ Federal liberty calls all partners to public and private adherence to both social norms and divine moral prescriptions.¹⁷ This binds the community together and transcends what may otherwise be only minimal moral obligations prescribed by legal, contractual or private agreements. Without moral reformation, no true covenant is possible. This explicit moral dimension, Elazar argues, qualifies covenantal political theory as political theology.¹⁸

Covenants limit the authority of civil magistrates, defining the boundaries for the use of power. The task of the civil magistrate is to lead by example in fulfilling the terms of the covenant. They are to implement God’s justice and mercy, protecting virtue against vice and appropriately guarding against heresy. They ignore this calling at their own peril because, unlike other theories of political origin, there is a clear resistance theory inherent in covenantal political theory.¹⁹ The people, or their appointed “lesser magistrates”, may remove a ruler by force of

¹⁵ Elazar sees John Winthrop’s articulation this distinction as very important. See Elazar, *Covenant and Constitutionalism*, 26-27

¹⁶ Elazar, *Covenant and Polity in Biblical Israel*, 43

¹⁷ Elazar, *Covenant and Commonwealth*, 233-234. This call for moral reformation sometimes placed great strain on the ability of covenanting to survive.

¹⁸ Elazar, *Covenant and Constitutionalism*, 250

¹⁹ Elazar, *Covenant and Commonwealth*, 79

arms.²⁰ According to Elazar, “The idea of constitutional or limited government is derived from the idea of covenant.”²¹

Elazar views constitutionalism as the modern outgrowth of both medieval commonwealth and covenantalism. From these pre-modern and modern foundations of commonwealth and covenant came the idea of “civil society.”²² Elazar calls constitutionalism “a modern reinterpretation of the covenantal tradition that gave it flesh and blood and enabled it to become the instrument of liberty, equality, justice and democracy that it did.”²³ Elazar sees a centuries-long intertwining of “covenant, natural law, and constitutionalism.” This is particularly true in the case of America and other truly constitutional modern nations. Judging the constitutional propriety of legislation, Elazar argues, is an idea rooted in both natural law and the covenant device.

Testing constitutionality, Elazar argues, is the modern secular version of testing what the covenantal tradition called federal liberty.²⁴ In defining federal liberty, Elazar looks to John Winthrop’s dichotomy between natural liberty and federal liberty. Federal liberty is defined by Elazar as “the freedom to freely hearken to the law.”²⁵ This is in contrast to natural liberty, which Winthrop defined as a liberty to do whatever one wants. It is “a liberty to evil as well as to good” and “incompatible and inconsistent with authority.”²⁶ Thus, natural liberty is a liberty that is

²⁰ Ibid., 247

²¹ Elazar, *Covenant and Polity in Biblical Israel*, 2

²² Elazar, *Covenant and Constitutionalism*, xi

²³ Ibid., 5

²⁴ Elazar, *Covenant and Polity in Biblical Israel* 28, 44

²⁵ Ibid., 43

²⁶ Winthrop “A Little Speech on Liberty” (1645) in Levy, *Political Thought in America*, 13

antinomian and incompatible with political life. Federal liberty is ever mindful of political society and its need for morality and law. This distinction, Elazar argues, is at the root of our modern idea of what is “constitutional.” To make a judgment of what is constitutional requires more than merely perusing a text; one must determine what is compatible with the preconditions of the political order of a civil society and what is not. Political constitutions themselves may often be a kind of second-stage covenanting. In the case of America, for example, Elazar argues that the Declaration of Independence served as a first covenant, with the Constitution to follow as an additional covenant. Determining the propriety of subsequent legislation, its constitutionality, was done according to the political vision set out by the first covenant.²⁷ Constitutionality is thus judged by the terms of previous covenants together with the general moral guidance of the natural law.²⁸

Covenants exhibit important and distinctive components. There are five broad elements necessary for covenanting: “Historical prologue indicating the parties involved, a preamble stating the general purposes of the covenant and the principles behind it, a body of conditions and operative clauses, a stipulation of the agreed-upon sanctions to be applied if the covenant were violated, and an oath to make the covenant morally binding.”²⁹ A sixth element may also be included, “provisions for depositing the covenant document and of periodic public reaffirmation or recovenanting.”³⁰ All of these elements emphasize politics as relational. Elazar argues:

²⁷ Elazar, *Covenant and Polity in Biblical Israel*, 28. This is one familiar interpretation of the Constitution: it served to fulfill the political vision of the Declaration. Whether or not this is a justified view of the relationship between the Declaration and Constitution is a worthy debate not to be settled in this dissertation.

²⁸ The role of the natural law in Elazar’s scheme is unclear here. It is a subject addressed better by Novak, who argues that a Jewish conception of natural law is rooted in the Noahide covenant. It is a common moral understanding available to all persons.

²⁹ Elazar, *Covenant and Polity in Biblical Israel*, 194-195

³⁰ *Ibid.*, 24. 194-195

[A]ll covenantal political understanding revolves around similar questions of obligation and consent, free will, self-government, and political order – in other words, how are the relationships of humans one to another and to this universe and its transcendent power established and maintained so as to preserve both order and freedom, equality and opportunity, neighborliness and distinctiveness, liberty and law.³¹

For Elazar, the degree of political covenanting apparently depends upon the degree of divine participation. The strictest type of political covenanting insists that God is not merely witnessing the act but actually brought in as a partner. It is possible to have a religious covenant of this type without it being a political act, but it is not possible to have a *strict* political covenant without it being a religious act.³² The Biblical covenants, according to Elazar, have three dimensions. The first is a theological dimension wherein God is a party or witness to the covenant. The second is national-political dimension, particularly in the case of Israel. The third is a normative dimension that establishes the foundation and maintenance of justice.³³ Modern covenantal expressions recognize this divine dimension in three different ways. The first way is through explicit pronouncement that the political genesis requires the partnership and rule of God. The second way is to recognize God as a transcendent source of power over the covenant. The third way is to express a divine origin for the nature of humanity. The last type of expression is a very weak variant of covenanting and therefore closest to modern secular compacts or contracts. Nevertheless, Elazar insists that there is a kind of political theology echoed even in modern constitutions. That includes many American state constitutions and other constitutions.³⁴

Covenants are voluntary and created by people who have equal moral standing. The covenant, by pact and oath, creates a community (and institutions) that respect the integrity of

³¹ Elazar, *Covenant and Civil Society*, 343

³² Elazar, *Covenant and Polity in Biblical Israel*, 25

³³ *Ibid.*, 86

³⁴ Elazar, *Covenant and Constitutionalism*, 251

each partner.³⁵ This partnership defines and limits the powers of the parties. Through the covenant, the nation becomes a people.³⁶ Human power is limited through a separation of powers and a sharing of responsibilities defined by the covenant.³⁷ Covenanting even limits acts of God in the affairs of men. Human partners are granted freedom. They may “hearken” to God or not, though disobedience will bring judgment.³⁸ There is a balance of sovereignties in the covenant. Unrestricted human sovereignty is too much to manage. Unlimited divine sovereignty tends to be both severe and ineffective.³⁹

Punishment or reward under a covenant is communal, because it is the community rather than merely the individual that agrees to moral reward or sanction. Covenant breaking by some of the community may bring judgment on all of the community.⁴⁰ This divine reward or punishment can only be according to the terms of the covenant, however, and consistent with the idea of a partnership.⁴¹ This idea of communal judgment, Elazar argues, opposes moral or legal minimalism. Mutual dependence among human parties for Divine favor or punishment obligates covenant love to be demonstrated beyond the letter of the law. (This is another expression of federal liberty.) The resulting partnership, which views rights and liberties as a trust from God, means that law comes through the covenant and even transcends the natural law. This is particularly true after the covenant with Noah, according to Elazar. Implicit natural justice did

³⁵ Elazar, *Covenant and Polity in Biblical Israel*, 68, 179

³⁶ *Ibid.*, 178

³⁷ *Ibid.*, 189

³⁸ *Ibid.*, 70-71. Harkening is not the same as obeying. The former respects the free choice of man more than the latter.

³⁹ Elazar, *Covenant and Constitutionalism*, 252

⁴⁰ Elazar, *Covenant and Polity in Biblical Israel*, 266

⁴¹ *Ibid.*, 68-71

not suffice prior to the flood. If it had, the wickedness which preceded it would not have been so offensive as to warrant extensive judgment. The post-flood alternative was for God to explicitly establish himself as the root of all justice, and charge mankind with enforcement of that justice. Without faithful enforcement of this justice, persons risked divine sanction. After the Noahide covenant, Elazar argues, natural justice becomes a moot question.⁴²

Elazar sees political covenanting serving three important functions which contrast it with hierarchical or organic political orientations: a form of political conceptualization and mode of political expression; as a source of political ideology; and as a factor shaping political culture, institutions and behavior.⁴³ Political covenanting is unique in its reconciliation of two goals of political order: power and justice. Its conclusions and consequences are different from other types of political organization.⁴⁴ This reconciliation is enabled by unique political and social traditions.⁴⁵ A covenant is therefore more than an institutional or legal formulation. It becomes, in short, a political and social worldview.⁴⁶ Without this worldview, Elazar argues, certain institutional dimensions of constitutionalism cannot succeed. This includes the separation of powers, limited government, a jury system, and true federalism.⁴⁷

Though not all covenanting societies have been Jewish or Christian, all had cultural or perhaps even geographical characteristics that supported the voluntary act of covenanting. Many

⁴² Ibid., 81-84. This is a different formulation than that of Novak, who argues a kinship between the natural law and a common human morality existing after the Noahide covenant.

⁴³ Elazar's presentation of hierarchical and organic forms of political origin is found in Chapter 2 of Elazar, *Covenant and Polity in Biblical Israel*.

⁴⁴ Ibid., 2-3

⁴⁵ Elazar, *Covenant and Commonwealth*, 6-7

⁴⁶ Elazar, *Covenant and Polity in Biblical Israel*, 20

⁴⁷ Ibid., 21. Elazar applies this to the Latin American experience and it is interesting to compare his argument with Juan Linz's for example. See also Elazar, *Covenant and Civil Society*, 235.

were involved in migration and/or had borderlands of cultural contact and interaction.⁴⁸ Most covenanting peoples first possessed and sustained a culture of political oaths before covenanting was understood as a religious doctrine.⁴⁹ Elazar argues that covenanting societies must also possess texts to reflect their political ideals and vocabulary together with the figures, events and concepts which embody that tradition.⁵⁰ The cultural influences of such a covenanting culture may often persist long after explicit covenanting practices fade.⁵¹

Elazar argues that cultural traditions and worldview are the key determinants in whether or not the institution of covenanting can take root.⁵² Old Testament covenanting borrowed from regional cultural custom. Areas of modern covenanting embraced some critical amount of covenantal (Reformed) theology.⁵³ Insofar as this theological movement looked back to Hebrew political ideas, there was hope for covenanting. Where Greek and Roman political ideas prevailed, however, hierarchical and organic political organizations were prominent.⁵⁴

⁴⁸ Elazar, *Covenant and Commonwealth*, 137, 337-339

⁴⁹ Elazar seems at times to drift into a purely sociological genesis for covenanting that is later justified and confirmed by religious doctrine. He does this with both the Hebrews and the Puritans. See Elazar, *Covenant and Polity in Biblical Israel*, 24 and elsewhere in this volume for his discussion of Hittite covenants and oaths characteristic of the Fertile Crescent. Also, Elazar suggests that the Viking and Dane penetrations into Scotland may have made them secular ancestors of the Puritans because they were an oath-taking culture. See Elazar, *Covenant and Commonwealth*, 113 and 129.

⁵⁰ Elazar, *Covenant and Polity in Biblical Israel*, 5 and *Covenant and Civil Society*, 353

⁵¹ Elazar, *Covenant and Civil Society*, 9

⁵² Elazar, *Covenant and Polity in Biblical Israel*, 22

⁵³ *Ibid.*, 26

⁵⁴ Elazar, *Covenant and Commonwealth*, 140

Within Protestantism, covenant theology is found mainly in Reformed churches.⁵⁵ It is not historically characteristic of Lutheranism or non-Puritan Anglicanism, particularly as a form of political theory. In Lutheran theology, for example, the covenant is entirely a covenant of grace wherein partners have no power to accept or adhere to the terms of God's favor. It is a free gift of God obtained through the Word and Sacraments. Thus, the covenant has little political significance. Traditional Anglicanism, whose theology was only partially caught up in the theological swell of Calvin, Zwingli or their allies, was also more conformist and hierarchical than its Puritan dissenters desired. Puritans also dissented from Anglican practices of ceremony and liturgy.⁵⁶ Thus, there is something of an autonomous Reformed tradition wherein "modern" (or early modern) covenanting thrives

The strongest covenantal expressions were found in Presbyterian and Congregational churches. Elazar argues that this was due to their particular theology, which emphasized the role of participation of persons in the work of God through the covenant. Elazar writes, "For the mainstream of Reformed Protestantism, however, covenant was covenant in the true sense whereby humans had to accept it and enter into a commitment to undertake God's tasks and will as His partners."⁵⁷ Simultaneous with this was a belief in Divine sovereignty (through Predestination) and human depravity. On the surface, this might seem to be a contradiction of the idea of human responsibility in the covenant. Depravity may make persons unwilling, or God may be unwilling to overcome this depravity by Divine sovereignty. Elazar insists that while

⁵⁵ As Elazar notes, it is not correct to apply the label "Calvinistic" where one more properly means "Reformed" in the tradition of Calvin and Bullinger, Zwingli, Cocceius, and Wistus. In the case of Bullinger, his theo-political doctrine of the federal covenant was more influential than Calvin's. Also, these Reformed founders went on to be modified by followers in England, New England and America, Scotland, and elsewhere. See Elazar, *Covenant and Commonwealth*, 148-151, 156-168, 177-183.

⁵⁶ Elazar, *Covenant and Commonwealth*, 242-243

⁵⁷ *Ibid.*, 148

Divine sovereignty may have provided important problems for theologians, it was not terribly problematic for Reformed political theorists as practitioners.⁵⁸ (I will pursue this question at length in Section III.) According to Elazar, covenant theology contributed to the movement for limited government and political equality. He writes, “It is a historical fact that those groups that accepted the covenant theology and made it the cornerstone of their faith were also the groups that became committed earliest to human liberty and contributed most to its advancement.”⁵⁹

The revolutionary nature of the Reformation was invaluable for the spread of political covenanting. In the vacuum created by the rejection of anything associated with Rome, particularly by the Reformed movement, this new theology was articulated at length and with great import. Reformers found covenant theology in the Bible beginning with Adam, and it was understood to extend to every area of life.⁶⁰ Politically, covenantalism enabled a way to reorder civil society against centralization, monarchy, and other forms of hierarchy prominent in Europe.⁶¹ The nature of covenanted partners, distinct yet joined, enabled a reformulation of church-state relations.⁶² Political order was also viewed as a matter of calling rather than simply one dictated by nature. Rulers and citizens were understood to possess a vocational calling with clear obligations to God and to one another.⁶³ Rulers possessed sovereignty entrusted to them by God and by the people. Each citizen became an obliged member of an association of

⁵⁸ Ibid., 148-151

⁵⁹ Ibid., 151

⁶⁰ Ibid., 156-158, 171-177, 232, 247-248

⁶¹ Ibid., 238-239

⁶² Ibid., 148-149, 235-237, 255

⁶³ Ibid., 189-190

associations.⁶⁴ Johannes Althusius in his *Politica Methodice Digesta* (1603) best articulated the idea of joining groups of associations into a body politic.⁶⁵ Variations existed among the covenant theologians, but the dominant articulations of the covenant were those of Bullinger and Calvin.⁶⁶

5.4 Consequences of Transition from Covenant to Compact and Contract

Today, the “strong” covenanting of the Hebrews or the Protestant Reformers takes place only in church polities. Only the weaker political themes and culture of covenanting survive outside church polities. In areas where strong and explicit covenantalism once ruled the political landscape, there now exist only the weakest forms of covenantalism. These, Elazar and his colleagues argue, are reflected in modern formulations of constitutionalism. Can one then say that political covenanting has been lost, or simply modified? The answer to this question must determine what distinguishes strong covenantalism from its weaker forms. It must also examine the historical reality of how this change took place. Are the historical benefits of the covenant maintained by contemporary consensual politics even if the argument for consent has changed? Elazar addresses these questions with both hope and skepticism.

Every covenant involves, consistent with the Biblical idea, both separation and unification.⁶⁷ Though these are concepts designed to communicate the way in which parties to the covenant are both free and joined in community, Elazar applies this separation and unification idea to the history of political covenanting. Elazar sees the covenant tradition as undergoing three

⁶⁴ Ibid., 154-155

⁶⁵ Elazar discusses Althusius in detail at Elazar, *Covenant and Commonwealth*, 313-333 Elazar, *Covenant and Civil Society*, 20-21. See also Hueglin, *Early Modern Concepts for a Late Modern World*.

⁶⁶ Elazar, *Covenant and Commonwealth*, 177-183

⁶⁷ Elazar, *Covenant and Polity in Biblical Israel*, 44

separations. The first is the separation between Judaism and Christianity. The second is between Christianity and Reformed Christianity. The third is the separation between “Jewish and Christian covenantalists and believers in a *secular* compact.”⁶⁸ This last separation is a monumental shift from which reunification may not be possible. Elazar writes of these separations, “Each established a stream of covenant tradition of its own, even as its predecessors persist as living streams, with the several streams reconnecting from time to time at crucial moments in human history.”⁶⁹ While the metaphor is indeed illustrative, it seems to deflect the severity of the change.

Elazar offers a persuasive argument for the survival of covenantalism when it is contrasted with competing models. Consent and law on the covenantal model, and not the Athenian model, is perhaps the healthiest surviving element of pre-modern politics. The covenant, argues Elazar, builds a bridge between the pre-modern and post-modern epochs. It may even provide the origin and basis for much of modern political theory, including constitutionalism. This is discernable not only in institutions but also in political culture. As evidence for this claim, Elazar cites the success that modern constitutionalism has enjoyed in countries with a Reformation covenantal tradition versus those dominated by contrasting political or religious traditions.⁷⁰

What of the modifications to the covenantal tradition? It has been replaced by constitutionalism and does not exist in its original form. As Elazar argues, “As constitutionalism has spread, covenantalism seems to have retreated.”⁷¹ The change is most evident in the loss of

⁶⁸ Elazar, *Covenant and Commonwealth*, 10. Emphasis is mine.

⁶⁹ *Ibid.*

⁷⁰ Elazar, *Covenant and Civil Society*, 7

⁷¹ *Ibid.*, 265

explicitly religious language in modern constitutionalism. This can be called the “secularization” of the covenant. At first, God was seen as a party to the political covenant. Then, God was seen as the overseer of the covenant though not a direct party. Finally, in the weakest expression of a divine covenant, the human parties to the covenant were seen to possess a power or end consistent with the Divine Will. Elazar respects the practical difficulty of articulating God’s direct participation in a pluralistic culture. But he still insists that some remnant of this expression must remain in order for the traditional functions of covenanting to remain. What Elazar means by that is unclear. The only relevant point that Elazar makes quite clearly is that he does not see all expressions of divinity in covenantal variants being equal. He asserts, “There seems to be little question that the full power of the covenant grows out of a political theology emphasizing the first perspective, that of covenant as having its ultimate source in the will of God.”⁷² But even where secularization persists, a “residue of religious commitment remains a powerful force and magnet shaping political culture and behavior.”⁷³ Only in France, for example, has a truly secular model of consent emerged. Even so, one must still press the question and ask how long covenantal culture and behavior can survive in a “contractual” political regime.

Elazar recognizes that the loss of the Divine partner may represent both progress and failure. A secularized covenanting process may enable a broader acceptance and use of consensual politics, but it does not satisfy the same needs that a religious approach does. He makes this very clear at the close of his study:

The rather denatured pact-making that represents the covenantal tradition in most of the world today is undoubtedly a step forward. It may well be a way to

⁷² Elazar, *Covenant and Constitutionalism*, 251

⁷³ *Ibid.*, 253

preserve peace in a world as diverse in its ideas, expectations, and cultures as ours. Nevertheless, it cannot go beyond that. In order to build a world whose character is of the higher order, however, people must return to covenant in its original meaning. . . . Humans must strive to live up to the terms of the covenant, but the repair can only be made when God does His part as well, something which only the right human striving can bring Him to do.⁷⁴

This would seem to indicate that while Elazar is not suggesting a return to Hebrew or Reformed covenanting, the Divine party to the covenant must be made more explicit again. But how is this done? Elazar is unclear. He does assert that he is not arguing for a return to the “old-time religion” (as he puts it) but rather to what brought about the religious devotion in the first place and what gave it its compelling character.⁷⁵ What Elazar means by this is also unclear, but perhaps one can conclude that he is alluding to a sense of shared moral purpose among the partners. This is not the full purpose and expression of the covenant, because it avoids the Divine lawgiver. But it is more orthodox than simply emphasizing consent without a moral dimension. Better to focus on the *purpose* of the covenant, its moral expression, than simply its *method*, which is consent. Full covenanting must be true to both *purpose* and *method*.⁷⁶ Elazar argues that one can be covenantal in *method* but without the corresponding belief in God. That misses the proper *purpose*, however. Elazar defines the full expression of the covenant as

[A] theo-political idea . . . resting on a belief in God and in a firm moral order derived from that belief. . . . The human covenants with God not only establish that moral order, but provide for human liberty in the form of federal liberty. . . . In this framework, all of the better part of life is organized through covenants subsidiary to the great covenant with God and life. . . . Where covenant lacks the full theo-political dimension but serves as the foundation of society, society is organized through a covenant or covenants which, while lacking an intense belief in God, are often derivative from covenant as a theo-political idea once removed. .

⁷⁴ Elazar, *Covenant and Civil Society*, 359

⁷⁵ *Ibid.*, 348

⁷⁶ *Ibid.*, 353-360

. . Covenant may not be the formal organization of society, but it may be used as a method of political and social organization.⁷⁷

The loss of explicitly religious language and understanding undermines a cornerstone of covenanting: shared purpose and vision.

This invites an important question, and it is implicit in Elazar's analysis. Can similar vision and purpose be recovered in a secular age? Again, Elazar is unclear. He suggests that civil societies can be reinvented on a similar basis.⁷⁸ But he does not clearly spell out what that means. To complicate the question, Elazar notes that while the call for moral reformation was a source of the covenant's original vision, it was also the cause of its downfall. Elazar writes that Reformed Protestantism valued liberty and equality, but achieved them through institutions that were "insufficiently broad or free" or else demanded an impossibly high standard of behavior that the vast majority of people could not succeed. Thus,

It remained for the new science of politics and its developers and exponents, who began with a very secular, if equally pessimistic, approach to human nature (the development of which Reformed Protestantism actually facilitated) to provide not only a bridge but a more satisfying framework for political theory and practice, both of which drew on covenant ideas in new ways.⁷⁹

But was the new science broadening the covenant for the sake of its survival, or was it terminating its essential qualities to replace it with a fundamentally new formulation of consent? It would seem that the loss of the calls to both moral reformation and divine partnering should signify the end of the covenant.

With the loss of moral reformation comes a reformulation of the functions of government. Elazar writes, "The modern polity became a state designed to provide security and

⁷⁷ Ibid., 265-266

⁷⁸ Ibid., 348

⁷⁹ Elazar, *Covenant and Constitutionalism*, 10

services to its inhabitants rather than to motivate them by a compelling vision that obligated them in some way. In place of solidarity came an emphasis on individualism and individual self-expression.”⁸⁰ The theme of a cultural and ethical shift is found throughout Elazar’s discussion of the transition away from explicit covenanting, and he is clearly critical of the shift. It caused covenantal commonwealths to become civil societies and later, social contracts.⁸¹ The purpose and function of the state changed when the two essential elements of strong covenanting were lost. One must ask here: if the practical consequences of covenanting are lost, how can one say that the covenant remains in any form?

Of the new “compact” theory, Elazar is at once both ecumenical and critical. He sees compacting as within the covenantal *tradition*, but yet distinct from covenanting primarily by its secular nature. Elazar suggests that the covenant does not become lost altogether in compacting, but that elements of it become integrated into new theories of civil society. Elazar writes, “In many respects the modern epoch brought with it a secularization of the covenant tradition as the aspirations to achieve a covenantal commonwealth gave way to the aspiration to achieve a civil society.”⁸² This civil society was not without covenantal elements, however. Referring back to his conceptualization of covenantalism suffering three major separation periods, Elazar writes,

Potentially, the conflict between secular compact theorists and religious covenantalists should have been hardly less than that between Christianity and Judaism. In fact, despite the potential for conflict on the theoretical plane, the two came together so well in the practical application as to paper over real conflicts until the die was cast one way or the other, usually in the secular way.⁸³

⁸⁰ Elazar, *Covenant and Civil Society*, 17

⁸¹ *Ibid.*, 16-17

⁸² Elazar, *Covenant and Constitutionalism*, 6

⁸³ Elazar, *Covenant and Commonwealth*, 12

In the case of early America, Elazar sees the two woven together such that a choice between covenant and compact was not forced.⁸⁴ Secular theory was “closely intertwined” with Christian covenantalism in America. Elazar writes, “If it was in the United States that the secular theory took wing, it was never without being closely intertwined with Reformed Christian tradition. Thus, the history of American politics reflects the dominance of neither covenant nor compact, but the interaction between the two.”⁸⁵

Elazar looks to the modern trend of democratic republics as demonstration of the triumph of covenantal principles now secularized.⁸⁶ He yokes the two justifications together in a statement that can only be described as inclusive but imprecise in helping to sort out the various streams of covenanting, its modification and influence. Elazar writes,

The justification for the republican revolution was drawn directly and explicitly from the covenant idea in *either its religious or secular form*; that is to say, *either* because God, in establishing His covenant with humanity, rejected tyranny as a violation of the terms of that covenant, *or* because autonomous humans came together in political covenants or compacts to form civil society in order to protect themselves from the terrors of living in a state of nature and to gain the benefits of association on the basis of mutuality. In essence, covenants *or* compacts created the publics out of which republics could be constructed.⁸⁷

Republicanism is thus, Elazar argues, the triumph of consent, common to all its variations: covenant, compact and contract. Historically, Elazar is correct. Democratic societies have been formed on both compacting and covenanting (and even contracting) theories. But consent is simply the lowest common denominator of these traditions against organic or hierarchical forms of organization. In order to argue the triumph of covenantal political theory, one would have to

⁸⁴ Ibid.

⁸⁵ Ibid., 47

⁸⁶ Ibid., 49

⁸⁷ Ibid., 50. Italics are not in the original.

reduce it to its lowest common denominator. One would also have to accept Elazar's claim that political theories should be distinguished based on these common denominators of being organic, hierarchical or consensual (covenantal). Elazar himself cannot seem to draw a conclusion here.

He writes,

Once an idea becomes all things to all men, it ceases to be effective as an idea. The history of modern times is as much a history of the perversion of covenant as a political idea as of its triumph, of its exploitation for covenantally illegitimate ends, its distortion to justify those ends, and usually covenantally illegitimate means to achieve them.⁸⁸

The success of the main virtues of the covenant, its divine and moralistic elements, also becomes the story of its failure. This is a perplexing conclusion and does not determine to what degree covenanting (in method, practice and consequence) is merely modified or lost altogether.

Elazar seems both optimistic and pessimistic for the future of the covenantal tradition. Even though the covenantal commonwealth is forgotten in the new liberal democracies, Elazar argues hopefully, "The covenantal foundations remain and manifest themselves in those very polities even in unexpected ways in every generation."⁸⁹ Part of this manifestation is evidenced in the new language of political theory: *foedus*, *pactum* or *pactio*, *confederatio*, *contractus* and *consocentio*. Part of it is found in the theme of "deliverance" in both covenantal theology and social contract theory.⁹⁰ Part of it is to be found in the understanding of rights as liberties integral with justice and moral duties.⁹¹ Part of it is found in the moderate egalitarianism characteristic of modernity's rejection of organic and hierarchal arrangements.⁹²

⁸⁸ Ibid., 50-51

⁸⁹ Elazar, *Covenant and Constitutionalism*, 6-7

⁹⁰ Elazar, *Covenant and Civil Society*, 19

⁹¹ Ibid., 242-248

⁹² Ibid., 242

However much these themes may reflect a covenantal past, their new articulators no longer explicitly recognize that ancestry.⁹³ And what's more, there are seemingly new formulations of civil society that contest or reject altogether the covenantal traditions. Elazar laments what he sees as an obsession with "property rights" and the elevation of the right of contract.⁹⁴ He writes, "Going hand in hand with the special status of property rights was the elevation of the right of contract to the same status, a further step away from the spirit of covenant in favor of a narrow self-interest-based contractual spirit in civil society."⁹⁵ Elazar favors neither the new postbellum American capitalism nor the rise of welfare entitlements, arguing that the emphasis on self-interest or positive rights is inconsistent with understanding society as mutually binding relationships.⁹⁶ In the end, it seems as though covenant without transcendent divine or moral elements ceases to be a covenant at all. Elazar argues, "When covenantal arrangements have been reduced to mechanism they offer much less to the people who use them. Often they degenerate to window dressing."⁹⁷

Nevertheless, Elazar argues, the descendants of these covenantal societies will probably continue to succeed. In spite of having fewer moral and religious strictures, they recognize the limitations of human society. It may sound as if Elazar is essentially making a pragmatic argument here. But Elazar's understanding of human nature is informed explicitly by political theology. Sacrifices of natural liberty enable greater federal liberty under God.⁹⁸ As long as that

⁹³ Ibid., 247-249

⁹⁴ Ibid., 250-252

⁹⁵ Ibid., 251

⁹⁶ Ibid., 255-259

⁹⁷ Ibid., 266, 348

⁹⁸ This is what also makes covenanting anti-utopian. Ibid., 360

foundation remains, Elazar believes, liberty remains. When this theo-political foundation is completely gone, Elazar argues, that political liberty will go with it. He writes, “I would posit that if and when none of it would remain, the people, the civil society and its polity would cease to be covenantal, cease to enjoy federal liberty, and in the end, cease to enjoy liberty at all.”⁹⁹

Elazar argues that the acknowledgment of divine authority and a vision of a moral political community are the catalysts rather than the enemies of liberty. He writes,

Paradoxically, for humans to be able to take matters into their own hands and give them due reflection to make proper choices, they need to recognize the true Sovereign Power of the universe who under normal circumstances is hidden from them in its majesty. Politically this has the advantage of removing ultimate sovereignty from any human agency and locating it outside of the sphere of human authority except insofar as God delegates sovereign powers to the people through covenant. According to the Bible, He delegates those powers as a necessary aspect of the governance of the universe. At the same time, the discovery of those universal laws and divine commandments necessary for life and for the right life also become possible through covenant and, more important, exist in human reflection and choice, providing what humans cannot (have not been able to) provide on their own.¹⁰⁰

The quest for politics is, for Elazar, fundamentally a quest for meaning. This meaning is possible only under God’s direction.

5.5 Conclusion

In the work of Daniel Elazar we see the most ambitious contemporary study of political covenanting. Elazar provides extensive theoretical and historical treatment of the covenant device in politics, particularly as it differs from what he calls hierarchical or organic forms of organization. Elazar characterizes covenanted polities as distinguished by their emphasis on morality, what Elazar (following Winthrop’s lead) calls “federal liberty.” This morality gives the polity a shared teleology and binds its members into a community with equality. The covenant

⁹⁹ Ibid., 344

¹⁰⁰ Ibid., 351

determines the form of the polity and gives it legal boundaries. It also gives rights and duties to its members and limits the power of their rulers.

But Elazar's work is inadequate on at least two important counts. While Elazar's treatment of Biblical covenants is extensive, his treatment of early modern and modern covenanting sometimes lacks coherence. His history is so sweeping and ambitious that it sometimes fails to provide a more careful theoretical structure. Most of Elazar's treatment of the Reformation is "second-hand," failing to take into detailed account its particular members and controversies. If one is going to determine the eventual trajectory of the covenant device and its contribution to political theory, a more careful treatment must be provided. I take steps to rectify that problem in this dissertation. Second, Elazar is vague in determining where covenanting ends and where other forms of political organization begin. The survival of the covenant in the modern (or post-modern era) is not the subject of this dissertation, but to answer the question, the first three centuries of modernity must be more carefully analyzed. This dissertation will also make a significant contribution to that study.

CHAPTER 6

THE JEWISH POLITICAL THEOLOGY OF DAVID NOVAK

6.1 Introduction

In the current theoretical exploration of what the covenant means for politics, I turn now to the work of David Novak. His work is particularly valuable for the questions at hand because Novak has a keen interest in the political and social significance of covenants. He is also mindful to contrast the covenant with other political orientations. In considering Novak's work, however, I will have to take certain liberties with its application. Novak's study is centered on the divine election of Israel. This election, Novak argues, refers only to Jews - though he is aware of various Christian interpretations of that covenant.¹

6.2 Communal Priority: Novak's Narrow Application of the Covenant

Novak draws a clearer distinction than Elazar does between a covenant and a social contract. In contrasting them, Novak is mindful of their respective political uses. Covenants are associated with those in the Biblical narrative. Social contracts are the phenomena of democratic polities. He argues that neither can be considered merely the evolutionary development of the other.² He writes,

It is quite easy to surmise that covenant (*berit*), which plays a central role in scriptural revelation, is a form of the social contract so frequently discussed by modern thinkers. When glancing at Biblical covenants from a modern perspective, one could very well take the institution of covenant to be a precursor of modern ideas of social contract formulated in the political theories of philosophers from Hobbes to Rawls (and, perhaps, even earlier). Even now there are those who still use the two terms "contract" and "covenant" interchangeably. But this is a serious mistake if one takes the English term "covenant," in its usual modern sense, to be

¹ Novak is a Jew speaking most often to Jews, and sometimes Christians, about their own tradition. Novak, *The Jewish Social Contract*, xii; Novak, *Covenantal Rights*, x-xi. More will be said about this focus, and the possibility of enlarging the covenant, here and elsewhere in the dissertation.

² Novak, *The Jewish Social Contract*, 80-81

a translation of the Hebrew term *berit* as it is used in Scripture. A covenant in its original Hebrew sense is much more than a merely primitive contract, and a contract is much less than a more highly developed covenant. Neither term can be reduced to the other without great conceptual confusion. Contract and covenant designate two different types of social, political, and legal relationships. The confusion of covenant and contract arose in early modernity, and it has found its way into some Jewish political theory as well. Those who mistake a covenant for a contract inevitably overestimated the role of a social contract while simultaneously underestimating the role of a covenant, at least as far as Judaism is concerned. . . . Nevertheless, covenant and contract are not totally disparate since contracts can be seen as emerging from covenants. The very priority of covenant to contract within classical Jewish sources, beginning with Scripture, indicates that there is a relationship between the two, not one of equality or identity but, rather, a hierarchal relation.³

A proper approach to each, Novak argues, articulates the priority of covenants and social contracts in establishing both communities and civil societies respectively.⁴ Contracts are to work in the service of covenants.⁵ This is because, Novak argues, the regime under which one lives is not one's ultimate destination.⁶ Novak is not making the argument that politics is unimportant or that one has a heavenly citizenship that eclipses one's earthly citizenship. Rather, he is arguing that religious association and community take ontological and historical priority over citizenship. This gets to the heart of the tension that religious persons may feel under the ascendancy of the modern nation state. Not only is there the question of where a person comes from – the historical claim. There is also the ontological claim – who am I?

Novak argues that politics cannot take historical or ontological priority over community identities – especially over religious identity. In modern political life, excessive claims may

³ Ibid., 30

⁴ It should be noted that Novak sees no such thing as a “social contract” in scripture or rabbinic exegesis; it lacks a direct precedent. But that does not preclude it having an indirect precedent in private contracts that presuppose the primary social structure to already be in place. Ibid., 63

⁵ Ibid., 80-81

⁶ Ibid., xi

come from both either totalitarian or democratic directions. The totalitarian regime makes a harsh ontological claim – demanding full ideological commitment and absolute subscription to the exclusion of religious life. But a democratic regime can also make unacceptable demands, particularly its demand for full subscription to the idea of pluralism. Such pluralism, discussed in Chapter Thirteen, may marginalize rather than respect one’s religious community. But Novak argues that so long as pluralism’s demands are not too strong, they can be successfully negotiated.⁷ Novak asks the question bluntly, “How can I *as a traditional Jew* actively and intelligently participate in *my* democratic polity?”⁸ This reinforces what his distinction that one is *a participant* in, rather than *a part of*, a political community.⁹ One cannot sacrifice one’s religious/Biblical identity for one’s identity in political society.

This is an important difference between Elazar and Novak. Whereas Elazar addresses the covenant as a potentially universally accessible political device – a method for legal institution and political conceptualization, Novak confines the covenant strictly to the Biblical covenants. Unlike Elazar’s political theory which articulated the theory of a political covenant in a way that made its function essentially similar to that of a social contract (setting the terms of political obligation within the community). Novak is asking about the place of the Biblical covenant in a larger political society that will not or cannot covenant. Consistent with Novak’s emphasis on ontological priority, he does not have Elazar’s ecumenical view of the covenant. The covenant

⁷ It is considered axiomatic in the dissertation that the democratic polity is best. But the intersection of that assertion with traditional Biblical political theology is one of the background studies. In Novak’s case, for example, he feels obliged to demonstrate that the democratic polity is not an invention of self-created human beings. Not only must the democratic polity be made theologically safe for Jews, one must keep democracy from slipping into idolatry. *Ibid.*, xv.

⁸ *Ibid.*, xiii. Thus, Novak’s work has value on two levels for the dissertation. First, it provides (as we shall see later in the chapter) a theoretical presentation of what a covenantal political theory looks like. Second, it introduces important questions to be raised about expectations for religious persons in a democratic polity.

⁹ *Ibid.*, 195-197

that Novak addresses is the one described in the Biblical narrative as being made by God with the Israelites at Sinai.¹⁰ Novak's desire is to demonstrate that an authentic social contract can be activated *out of* the Jewish tradition.¹¹ To summarize Novak's position on the possibility of political covenanting, it is suitable for a Biblically-guided people, particularly the Jews. But it cannot be applied to anyone else in any full sense. Those outside the Biblical tradition would only be able to subscribe to social contracts.¹²

Novak's insistence on covenants taking priority over social contracts not only emphasizes ontological priority and Novak's own convictions as a Jew. It also makes claims about what should be true of *any* functioning social contract in respecting its members. Novak argues that in any social contract, not just one in which Jews are participating, it is important to see that only "full" persons are capable of agreeing to a social contract. These are persons who first "reside" (in the fullest sense) in communities, primarily religious communities. There must be respect for preexisting historical and ontological identities in any political arrangement.¹³ Properly understood from the necessary perspective of communities, we are "persons," not

¹⁰ Novak is quick to remind the reader in many places that though the Sinai covenant was made with one particular people in "local experience and practice," no parochialism is intended over the long run. The covenant is meant for all mankind, as indicated by the promise to Abraham. (Genesis 12:3) But this inclusion of all peoples will come only by God's doing in the messianic age. Though it is intended for all, it is at the present time only something that is operative for some (and certainly in its political function). Novak, *Covenantal Rights*, 85

¹¹ Novak, *The Jewish Social Contract*, 1-6

¹² If one wanted to grasp at straws and assert that Novak did believe the covenant to be a more universal device, one could look to a comment of his on the Noahide covenant. Referring to the Sinai covenant, he says, "The Noahide covenant and its law are the minimal conditions for the emergence and development of this more specific covenant. They [Noahide covenant and law] are not, however, rich enough in detail or direct enough in intensity to suffice for the fuller life with God on earth required by the concrete historicity of the human condition. The Noahide covenant is the precondition of the new covenant with Abraham and his people." One could therefore say that the Noahide covenant could be the basis of a covenant after all, but it would not be a covenant in the fuller sense. That is, it would hardly attain the distinctive attributes that one would attribute to a covenantal politics. As Novak argues, this covenant would resemble those elsewhere founded on "natural law." Novak, *Covenantal Rights*, 85

¹³ Novak, *The Jewish Social Contract*, 11

“individuals.”¹⁴ This has universal anthropological import for any social contract theory; it is not just confined to those adhering to a particular political theology. By emphasizing communal priority, and the idea of “persons” rather than “individuals” entering the social contract, Novak is emphasizing persons in terms greater than their rights. Though rights are exercised legally by “individuals,” the moral context for those rights is learned in original communities. Morality comes from communities, which cultivate and nurture the individual and put individual rights in perspective.

This parallels what Elazar emphasizes about morality being an essential part of any covenant, though not exactly. When Elazar argues that a covenant precedes a contract in the case of some constitutions, he is referring to the moral vision that the covenant sets in view for the subsequent contract. The larger community may then have a covenant and a contract. In Novak’s case, the covenant is something that a particular community has within the social contract.¹⁵ It certainly precedes the contract (as in Elazar), but also takes clear priority. A community has its own covenant, and is then viewed (as a community) participating in the political society. The covenant is not a broader device for the society at large. Though Novak never uses the term “federal,” that is essentially what his political vision is. Communities preserve their integrity even while subscribing to larger political units.

Though Novak’s discussion of covenanting applies uniquely to the Jewish sources and traditions, one may still gain much from his study. Not everyone would confine the covenant to the Biblical covenants, as demonstrated by the theoretical work of Elazar and his colleagues, and by the historical arguments of the British and Americans. Thus, one can extrapolate from

¹⁴ Novak, *Covenantal Rights*, 4-8

¹⁵ Novak, *The Jewish Social Contract*, 30-31

Novak's presentation so long as one admits that Novak himself has not necessarily approved of all the applications. In the sections that follow, I will not only present some of Novak's insights into the covenant, I will expand on them in the effort to advance the larger inquiry into political theology and covenanting in particular.

6.3 Covenants and Contracts Defined

Like Elazar, Novak offers a fivefold definition of a covenant.¹⁶

(1) A covenant is a perpetual relationship of mutual trust between two persons, who are either individual, collective or both. (2) The terms of the covenant are stipulated by the initiating party for the party who accepts them; they are not negotiated between the parties. (3) Violation of covenantal stipulations does not terminate the covenant either automatically or by decree from a third person; it only entitles the offending person to demand rectification from the offending person, or from a third party. (4) The covenant cannot be terminated even by subsequent mutual agreement of the covenanting persons. (5) The covenant cannot be terminated by any subsequent event that might happen to the covenanting persons, short of the permanent disappearance of one or both persons.¹⁷

Note the important differences with Elazar's definition. Elazar simply articulated the terms which are negotiated between two parties. Not only is the covenant not negotiated, according to Novak, it cannot be dissolved. It is perpetual.¹⁸ There are no "exit clauses."¹⁹ That is true for both God, who elects the covenanted people, and the people themselves - even if they are unfaithful.²⁰ Novak notes the important differences with a contract as follows:

¹⁶ Novak complicates the inquiry into defining the covenant by raising an important question of translation, noting how *berit* is used in the scripture to designate different kinds of interpersonal relationships. Whether or not all uses of *berit* (in translation) serve to comply with the definition of a covenant, however, is a question for further exploration. Novak, *The Jewish Social Contract*, 33

¹⁷ *Ibid.*, 31

¹⁸ Elazar would agree that the Biblical covenant with Israel is perpetual.

¹⁹ *Ibid.*, 78

²⁰ Novak, *Covenantal Rights*, 103-105

(1) A contract is not perpetual; it can be negotiated for a finite period of time. It has both a *terminus a quo* and a *terminus ad quem*. (2) A contract has conditions negotiated by the parties themselves that, if violated, automatically terminate the contract. (3) A contract can be terminated by subsequent agreement between the parties, even without violation of prior conditions by either party. (4) A contract can be terminated by subsequent accidents beyond the control of either party. (5) The parties to a contract function as equals, at least as far as the contract is concerned.²¹

(This is closer to Elazar's definition of a covenant, though not the same in many respects.)²²

Novak's definition of contract is distinguished from a covenant by its conditionality and negotiability.

Novak argues that only two Biblical cases are pure covenants (*ha-berit*). These are the Noahide covenant and the Sinaitic covenant. The first is made with mankind. It is the assurance of justice to all persons.²³ The second is made with Biblical Israel. Both are everlasting.²⁴ Any further covenants, whether made with or between Jews or not, require one of these two covenants as past or background, foundation or ground, future or foreground.²⁵ The Noahide covenant, while a very valuable legal and moral tool, is much different from the covenant at Sinai. Whereas the Sinai covenant established a covenanted community by direct revelation, the Noahide covenant is an indirect revelation that merely serves as a common guarantee of human justice. It is akin to what philosophers have called the natural law. But however valuable the Noahide law is (and Novak values it much more than Elazar), it is not sufficient for culture or

²¹ Novak, *The Jewish Social Contract*, 33. Italics included for all non-English terms.

²² The influential Jewish philosopher Maimonides (1138-1204) derives four essential points in a contract: "(1) that both the positive and negative conditions be explicitly stated; (2) that the positive condition be stated before the negative condition; (3) that the conditions be stated before it is acted upon... (4) that it is humanly possible (*efshar*) to uphold the conditions of the agreement." *Ibid.*, 60

²³ *Ibid.*, 40

²⁴ *Ibid.*, 34

²⁵ *Ibid.*, 33-34

community. This is because the Noahide law (or natural law) establishes no relationship with God. By this, Novak means not simply that it fails to establish moral boundaries for a relationship.²⁶ Instead, it is through direct revelation from God that one establishes communal history and festivals.

General human experiences cannot serve as the basis of celebration or history.²⁷

Celebration and history require particular experiences of a particular people. This particular history often takes the form of miracles.²⁸ Experiencing and interpreting those miracles marks a key difference between the universalizing, scientific homogeneity of the Enlightenment cosmology and the particular, historical Biblical cosmology. Hume, for example, serves as a representative of the Enlightenment cosmology. He defines a miracle by its “supernatural” quality, which (as he claims) violates the “laws” of nature.²⁹ He prejudicially dismisses any function for miracles as a relational device, making any relational significance subservient to its validity as phenomena. By contrast, Novak sees the Biblical miracles for the revealed and relational qualities. It is the voice of God.³⁰

²⁶ On the subject of human covenants, Novak argues that while God must minimally be seen as a witness who discerns sincerity and enforces violations, this is only a necessary and not a sufficient condition of a covenant. If not clearly defined in its application, such a role makes God merely an agent of the human parties. Novak objects to such a role by arguing, “Obviously, this turns God into the servant of the community, servant rather than the Lord (*adon*) Abraham declared him to be in the world. In this role, God is not even ‘the judge [*ha-shofet*] of all the earth’ (Genesis 18:25) in the deepest sense. In this role God is, in effect, a civil servant. . . What needs to be emphasized here is that God does not enforce essentially human agreements promised in his name. Rather, human promises are to be modeled on God’s covenantal promise to humankind.”²⁶ Ibid., 37

²⁷ Novak notes the same thing about the common phenomena of science which is, of course, the epistemological focus of modern “society.”

²⁸ Ibid., 48-49

²⁹ Hume, *An Enquiry Concerning Human Understanding*, Chapter 10

³⁰ Novak, *The Jewish Social Contract*, 49-50

For a Biblical demonstration of the Noahide covenant as a legal and moral (and political) device, Novak cites the inter-human covenant between Abimelech and Abraham in Genesis. The applicative value of this case is limited, however, because it was in the time of the patriarchs and prior to the Sinai covenant. Nevertheless, it serves to show the foundational value of the Noahide covenant. Abimelech and Abraham joined as political equals forming a bilateral pact or trust. The covenant negotiated between them determined the conditions that enabled them to live in peace with one another.³¹ They also share a universal moral law though they do not share the same theology. Abimelech invokes the universal name of God, not the name of the God who shared a unique covenant with Israel (YHWH). Novak writes, “Abraham’s willingness to pray for Abimelech (Genesis 20:17), and his willingness to covenant with him (Genesis 21:32), indicate that both of them occupy a common moral universe, and as such, they can live together in an ongoing political relationship.”³² By contrast, Abraham could not covenant with the king of Sodom because of the kingdom’s excessive sin.³³ Novak argues that in such cases (Sodom or the Hittites), Abraham can only arrange commercial transactions.³⁴ It is also fundamentally impossible for Jews to covenant with gentile polytheists. Only gentile monotheists can share theological commonality with Jews.³⁵

Novak argues that the closest thing to a bilateral covenant after Sinai is found between King Solomon and Hiram, king of Tyre (in I Kings 5:26). There is no real equality in this

³¹ Ibid., 45

³² Ibid., 42

³³ Genesis 14:21-24, 18:20, 19:4-5

³⁴ Novak, *The Jewish Social Contract*, 44

³⁵ Ibid., 47

covenant, however.³⁶ It was an arrangement of expediency and similar to other covenants made between stronger and weaker parties wherein one was Jew and the other gentile. In some cases, the elect nation was the weaker party. (This was the case in the covenant with the Babylonian king and the royal Judean stock.)³⁷ These inter-human covenants did not establish a unified community, which would have required a common historical revelation that did not exist. No universal cultural border could be created by these covenants. After the Sinai covenant, which distinguished the revelation of the Jews from all general human revelation, only the messianic Zion can establish a universal cultural border.³⁸

In order to have a universal culture and community, there needs to be a universal language rooted in direct revelation and liturgy. Thus, while the universal Noahide covenant makes lawful relations possible, it is not enough to establish full community.³⁹ Any attempt at a universal language or community apart from direct revelation becomes idolatry – a “self-divinization of the people” like the one at Babel.⁴⁰ Novak sounds an indirect note against later political triumphalism, both Protestant and secular, when he writes,

A monoculture for all humankind inevitably requires a process of elimination: the enslavement or extermination of all those who do not quickly fit the mold of the dominant, universalizing, or totalizing culture. After Babel, Abraham and Isaac and Jacob well understood the possibilities and limitations of transnational covenants initiated by the children of Adam and Eve. They were attempting to survive in the world, not redeem it by themselves.⁴¹

³⁶ Novak, *The Jewish Social Contract*, 57

³⁷ In fact, it has no relationship to human projects whatever. *Ibid.*, 56-59; Ezekiel 17:13

³⁸ Novak argues that the full expression of Jewish political theology can only occur during the messianic kingdom. For now, so long as there are Jews who look to the Jewish tradition for authority, the covenant is still partially operative. Novak, *Covenantal Rights*, ix-x. Christians, of course, would assert that part or all of this messianic Zion has come in the person and work of Christ. And that therefore expands the potential applicability of covenants.

³⁹ Novak, *The Jewish Social Contract*, 47

⁴⁰ *Ibid.*, 47; Novak, *Covenantal Rights*, 84-85. Genesis 11:9

⁴¹ Novak, *The Jewish Social Contract*, 47

The all-inclusive national covenant is initiated only by divine election, not by inter-human agreement.⁴² Because this revelation or election cannot be controlled by human persons, the Jewish people can only assert a trust to keep the Torah safe until the messianic time. Judaism is, as Novak notes, not an evangelical religion.⁴³

6.4 The (In)sufficiency of Nature: Natural Law and Natural Right

As we will see in later chapters, the status of natural law and natural right is important for any integration or implementation of political theology into broader political theory. Natural law and natural right can provide a bridge between a covenanted community and the broader social contract. It provides a broad language for Western political theory. It must then be asked what a covenantal politics thinks of natural law and natural right. If one means by “natural,” only what is known by unaided reason, then these concepts would seem to be minimalist or reductionist by the standard of a revealed political theology. By definition, a revealed theological tradition should articulate a legal tradition that goes above and beyond what is merely apparent by natural, unaided reason. Natural law or right would serve only as a minimum standard. A revealed theology would argue that the Biblical law supplements and enhances the natural law. It improves upon general revelation.⁴⁴

The basis of natural law is the revelation of God, but what is meant by revelation must be clearly understood. Novak agrees that natural law is promulgated by God; the question is exactly

⁴² Ibid., 52

⁴³ Ibid., 52-53. That perspective on the covenant will change, of course, when the resurgence of covenantal theology in Reformed Protestantism meets with the rise of the Protestant state.

⁴⁴ I do not mean to argue that the natural law would be *in conflict* with the divine law. That would contradict historical articulations of Christian natural law, including the proto-natural law statements of St. Paul. Rather, the divine law supplements and enhances the natural law. See the first chapter of Paul’s letter to the Romans, for example, for articulation on this point.

how God's voice is heard. Novak argues that natural law cannot be confused with direct revelation, which is akin to positive law in that it is known to a singular community at a definite point in history. In the case of natural law, God's voice is mediated by the universal nature of persons and the universal claims made by them. That establishes the universal morality. The justice of these claims comes from what God commands by his creation. Novak writes, "Human dignity, both personal and communal, reflects the voice of God through the real voices of the humans who make their natural claims upon us here and now."⁴⁵ Human claims are just insofar as they reflect the *imago or imitatio Dei*.⁴⁶ Thus, while there is a natural law, it is an indirect form of revelation that distinguishes it from revealed law.

Whether or not it is possible to establish a political society on natural law alone is quite another question. It certainly would provide a common moral ground for parties to any social contract.⁴⁷ The Noahide law, established in the Noahide covenant after the Flood, provides essential social prohibitions. It is necessary for any human community. But it is not sufficient for what Novak calls "deep cultural existence."⁴⁸ This can only come from the Mosaic Torah. That is, the failure of the Noahide law is not that its morality is insufficient to restrain or encourage an orderly or just human society. Rather, it does not fulfill the deepest human communal needs. The Noahide law serves an important function in regulating unethical excesses and guiding legislation in any absence of revealed commandments. It guides Jewish-gentile interaction and

⁴⁵ Novak, *Covenantal Rights*, 24

⁴⁶ But whereas the response to these human claims can only be partial, the response to the unmediated divine claim must be total.

⁴⁷ Novak, *The Jewish Social Contract*, 8

⁴⁸ *Ibid.*, 182

any other social contracts. But while it serves as a necessary moral foundation, it cannot serve as anything other than a formal and abstract guide.⁴⁹

Understood merely as “natural morality,” it does not constitute any real community in the world, nor can it limit the power of the state. Novak writes,

Natural morality does not itself, however, constitute any real community in the world. It cannot provide real communal priority for those living under the rule of any human regime. This is why it cannot really limit the extension of state power, which is the greatest power humans have ever devised for themselves. Natural morality can only suggest certain internal restraints within the powerful existence of the state itself. But only a real historical covenant, concretely affirming its past, present, and future, provides its members enough wherewithal to participate in a social contract without being totally enveloped by the state that any social contract has created.⁵⁰

This is a significant justification for covenantal political theory; communities require not simply law, but also morality. That is particularly true if the community seeks liberty. But preserving liberty against the overextension of the civil law and magistrate requires more than the assertion of transcendent moral abstractions. It requires the moral claims of community to be considered prior to the demands of political society. When human enforcement is too much, impersonal institutions displace personal interaction. When enforcement is too little, protective institutions are eclipsed by personal interaction. Institutions or interactions can subvert God’s authority.

Novak argues, “Only when God’s authority is presented in the covenant do the lesser authority of society and the lesser authority of the individual person find their rightful places respectively and

⁴⁹Novak argues that Jews originally could live under the political rule of gentiles but could not live under their law when it came to civil or criminal matters. This would be a reversion from the Sinaitic revelation to the Noahide commandments. Gentiles could, however, seek justice from the law of the Torah. This would constitute moral subscription but not full (religious and communal) subscription. But as complications arose in the operation of Jewish courts, a new principle was articulated in the twelfth and thirteenth centuries. Jewish courts are the court of first resort. If they lack sufficient enforcement power, the gentile court is better than no justice at all. Novak, *The Jewish Social Contract*, 100-102; 119-120; Novak, *Covenantal Rights*, 90

⁵⁰ Novak, *The Jewish Social Contract*, 183

their rightful correlation one with another.”⁵¹ This will be a key point in the development of Protestant resistance theory under covenant theology, though it will take the form of a more explicit political theory.

When civil society is understood to come directly from a state of nature, the priority of civil society is misunderstood. Such a misunderstanding would emphasize general justice, but fail to establish a community. The Jewish alternative places the life mediated by the Torah in between these two conditions; it recognizes civil society not as the teleological conclusion of rights already known in the state of nature but instead as something that comes only after the establishment of real moral community. The Noahide law, which provides foundational and common human morality, is necessary but not sufficient for human community. It is the covenanted community that serves as the next place for persons who leave the “state of nature” as represented by the Noahide law. This serves to protect the rights of both God and His people.⁵² Novak writes,

Any Jew who has not been fully socialized in the covenant enters a social contract – even with his or her fellow Jews – naked and vulnerable to whatever use or misuse those in political power hold in store. . . . Therefore, contrary to Mendelssohn’s convoluted notion of the covenant, only a covenantal life that sufficiently intends its present and future as well as its past is both adequate to the evidence of Scripture and Jewish tradition and sufficient to enable Jews to honestly participate in and benefit from any social contract.⁵³

(It is important to emphasize here that God also has rights under the covenant, and these rights are more perfect than those exercised by the state. They are unconditional, unlike contract rights which are negotiated and conditional.)

⁵¹ Novak, *Covenantal Rights*, 11

⁵² Novak, *The Jewish Social Contract*, 182-184; Novak, *Natural Law in Judaism*, 25-29

⁵³ Novak, *The Jewish Social Contract*, 183

Novak emphasizes morality as “positive commands” rather than simply “negative commands.” The problem with the Noahide covenant is that it simply serves as a set of negative commands. It sets limits and provides boundaries, but is not inherently relational.⁵⁴ It provides fear but not love. Only through positive commandments, which are expressions of love, is a community created. Thus, while the Noahide law, which is the Biblical foundation of the divine law, can guard against disorder and thus provide the minimal boundaries for a society, it cannot be the basis for a community. Communities must be relational. Their interaction must transcend merely guards against disorder – negative commandments. It must provide more than “thou shall not.” Covenantal political theory is concerned with much more than simple justice or order. It believes in the possibility of community. It must provide positive commands (what one ought to do). These positive commands should be addressed not simply to individuals, but to persons linked to one another by communal identity and revelation. In Novak’s political theology, such a possibility is confined only to the Jewish community because they alone are the object of direct revelation.

But what if revelation is considered to be potentially extended to all - an evangelical vision? What then is the consequence for political theory? This Christian view of revelation will present its own set of challenges, as I will argue in future chapters. If God’s particular revelation can now be seen as extended to all persons, this will mean that it is possible to establish a much larger political *community* – not merely the *society* of communities that Novak is bound by exclusive Judaism to prescribe. But what happens when everyone within that political

⁵⁴ Novak argues of negative commandments alone, “No one could possibly live at this level alone. Without positive content within these limits, they would ultimately negate any human capacity for concrete action. They would block human existence at every turn. It could even lead one to hate God.” Novak, *Covenantal Rights*, 50

community does not subscribe to the particular revelation? This is the challenge taken up in later chapters.

6.5 Rights and Duties

We come next to Novak's critique of natural rights – both ancient and modern. Novak never denies the necessity of “natural rights” in the covenant. To the contrary, he argues that because rights are not the achievement of modern politics, the Biblical tradition has much to contribute to modern “rights talk.”⁵⁵ This Biblical contribution can help to resolve differences between “liberals” and “communitarians,” offering solutions where opposing ideologies can only see part of the challenge.⁵⁶ Liberalism emphasizes rights to a fault while communitarians emphasize duties to a fault.⁵⁷

Novak goes so far as to argue that a Biblical theory of rights is actually a means of resuscitating and rescuing the better aspects of modern natural right from the critique of classical natural law. Novak wants to argue that this notion of “rights” (which is historically a modern phenomenon) has a place in the Jewish political tradition, though not as moderns have articulated or justified them.⁵⁸ Rights in the modern sense are inextricable from the personal subject and object of a claim. This personal locus, Novak argues, makes the modern concept attractive to a Biblically based theology. This is because the Biblical (and rabbinic) teaching sees persons as irreducible entities. The Biblical natural law also keeps the person from becoming an idol, falling into the trap of subjective autonomy (as in some variants of social contract theory) or self-

⁵⁵ Novak, *Covenantal Rights*, 86

⁵⁶ *Ibid.*, 3

⁵⁷ *Ibid.*, 7-8. Novak argues that the liberal emphasis risks anarchy while the communitarian emphasis risks instituting either majoritarianism or institutionalization of fear.

⁵⁸ *Ibid.*, 27-32

transcendent creation (as in the case of Kantian ethics). This is what Novak criticizes as the “ethics of aspiration.” Philosophically, one might ask the question this way: How does one regulate oneself if the good, which must be justice in politics, is not external to the self and its projects? Theologically, this justice must be transcendent (God). It cannot be the mere hypostatization of abstract states of being. This includes, for example: self-fulfillment, moral creativity, theoretical goods, or other things from which norms are deduced.

Novak argues that it is more philosophically cogent to see the source of rights as norms in the “transactional claims of real persons to one another in the world.”⁵⁹ Novak argues that the Biblical view of justice restores balance to the ancient and modern views of natural right.⁶⁰ He writes, “This view of justice (*mishpat*) combines the strengths of the ancient notion of “Right” (*dike*) with the modern notion of rights (*droits*). Like the ancient notion, its range is cosmic; like the modern notion, its locus is personal.”⁶¹ The normative label “good” thus functions as a qualification to describe transactions. It is not a proper name (the Good) nor is it the basis of a heuristic desire for God. We do what is good, as God calls, because of a responsive desire for God.⁶² It is not a function of our own striving for some individual condition.⁶³

Novak’s alternative is to look to two basic norms within Judaism: (1) What is hateful to yourself, do not do to someone else; (2) You shall love your neighbor as yourself. He writes, “Each norm prescribes the right I want others to dutifully fulfill for me, which in turn is the duty

⁵⁹ Ibid., 16

⁶⁰ Ibid., 15-17

⁶¹ Ibid., 16-17

⁶² Ibid., 18-19

⁶³ Ibid., 20-21

others want me to rightfully fulfill for them.”⁶⁴ He also cites Maimonides, who argues for the avoidance of mutual harm coupled with the pursuit of mutual benefit.⁶⁵ Denying the right to do harm is certainly not unique to Judaism, but there also exists the unique attachment to duties. Novak argues that rights must be rooted in duties to others, including God. Rights are a means to a dutiful end. What’s more, the command to do no harm and to love one’s neighbor should not be conflated. Novak argues, “One, the desire to be loved is certainly deeper than the desire not to be harmed. Two, the range of no harm is wider than the range of love.”⁶⁶ That love is both horizontal (toward others in the covenant) and vertical (toward God).⁶⁷ Unlike minimalist social contract thinking, which extends to what is at most goodwill and tolerance for the sake of safety, the covenant is the way of *shalom*.

The key to a covenantal view of rights is to emphasize that God is the basis of authority over all rights and duties. It is from neither the individual (autonomy) nor the community (heteronomy) that one’s rights are derived. It is from God that one learns to love.⁶⁸ It is also in response to God that one expresses one’s love for others.⁶⁹ It is our inequality before God that emphasizes our equality with one another.⁷⁰ It is God’s rights which root any “rights talk” in Judaism at all. Whereas basic rights are rooted in prior duties, those duties (in the covenant) are based on God’s primordial right as the Creator. That right has no duty underlying it. God’s right

⁶⁴ Ibid., 117

⁶⁵ Ibid., 118

⁶⁶ Ibid., 142

⁶⁷ Ibid., 145

⁶⁸ Ibid., 146

⁶⁹ Ibid., 145

⁷⁰ Ibid., 118, 131

creates our duties. Those duties create our rights. The duties that God asks, His covenantal claims, are the basis of His response to us. By doing our duties and respecting God's claims on us, we respect God's right. This gives legitimacy and dignity to our rights, Novak argues. A right must be justified in a total scheme of things: initially, the created order of nature and, finally, the covenantal order of the Torah. Covenantal rights are not coequal with one's will; Novak writes, "This ignores the truth that there is much more to human life than human will can ever effect, let alone accomplish."⁷¹ Rights are gifts of God in the context of the covenanted community.⁷²

Novak sees non-covenantal theories of natural right as being insufficient because they lack the context of a voice, of a relationship. He writes,

In that view, there is no primary voice, but only a vision of a polity that might conform to a higher paradigm in the heavens. It is duty without an originating right/claim, for such a right/claim cannot be imagined, only heard. The Jewish covenantal tradition, with its attendant legal system of Halakhah, is the best example of a historical community where the correlation of rights and duties and duties and rights seems to be without exception. As we shall see in greater detail, rights generate duties inasmuch as claims generate responses in a way that duties do not generate rights. For responses cannot generate the claims made prior to them for them. However, we must see in far greater detail that the notion of rights defended in this book is beholden neither to notions of social contract nor to notions of moral creativity nor to notions of personal autonomy. Furthermore, if one sees all three of these modern views as deconstructions of the Biblical covenant, then one can very well retain the term and concept of rights by returning to its original source and then develop the concept from that source and not against it. The legacy of Athens is not the only alternative to the individualistic and collectivist excesses of modernity. The voice from Jerusalem makes its own alternative claims, claims that I am convinced are in truth superior.⁷³

⁷¹ Ibid., 197

⁷² Ibid., 216-218. Seeing God as the source of all rights does not deny all autonomy-based rights, however. There is still the possibility for the exercise of human will. The first opportunity reflects covenantal theory in general, which emphasizes that persons are to "hearken" to the call of God in the covenant. Also, there are "choices" that we may exercise or not. That may include taking or leaving property to which we are entitled, or deciding to get married. Ibid., 133-134

⁷³ Ibid., 25

The Jewish theory is superior because it includes the rights not only of individuals, but also of the community and God.⁷⁴ All of these can be thought of as *someone* rather than *something*.

Only a someone can possess a right or a duty. Only persons have freedom to act and power to make claims.⁷⁵ In defining rights, Novak writes,

A right is not only a power; it is a politically structured claim that calls for duty on the part of someone else. It is a power that cannot be directed to a totally inert object. In order for there to be a right, there must be the possibility of an act of duty in free response. A right can be exercised only in the context of a legal system (*Rechtsordnung*), where both the rights holder and the duty holder are active members, however much the rights holder is superior to the duty holder.⁷⁶

The source of all rights and duties is thus the source of all power, God's absolute power. Unless given a special status within Creation, persons would have no rights or duties. This is the significance of persons being made in the image of God. Novak writes, "What does saying 'humans receive their reason or their will from God' add to the meaning of the proposition 'humans are rational or willful'? These interpretations lose the intimacy of a relationship between God and humans that is suggested by the opening words of God's creation of the human being: 'Let us make (*na'aseh*) humans in our image' (Genesis 1:26)."⁷⁷ Thus, the political prerogatives and obligations of persons are not merely extracted or derived from God. They are a part of the divine-human relationship.

Covenantal political theory specifically asserts that communities have rights (and duties) as well. This is not merely derived from a fallacy whereby something that inheres in a part

⁷⁴ This, Novak argues, is a political theory in the fullest sense because it includes God – the chief member of the polity. *Ibid.*, 82

⁷⁵ Though our power to make claims is derived from God giving space to us within his own ultimate power and authority. *Ibid.*, 40

⁷⁶ *Ibid.*, 39-40

⁷⁷ *Ibid.*, 41

inheres in the whole. There is no perpetual covenant with individuals from which such a supposed community right could be assembled.⁷⁸ Nor is the right of communities the result of a democratic faith in “the people.” Rather, it is an expression of the anthropological principle inherent in both experience and the Biblical narrative. It is a first principle of covenantal political theory that though one can speak of individual persons in many legitimate and important senses, there is no such thing as the individual having ontological priority before the community. That implies a false dichotomy. Persons are always *in* community. More than this, the covenantal relationship that persons have with God is a communal relationship. Novak writes,

The core of the covenant is not the relationship between God and the individual human person; it is the relationship between God and the community he has elected for this covenantal relationship. That is certainly clear from the teaching of Scripture itself. Thus the covenant is what lies between God and us. But to cogently retrieve the covenant at this point in history, we must be able to intelligently explain how the covenant is not a diminution of the personal relationship with God but, on the contrary, how it is the locus of a personal relationship that far exceeds anything that could possibly transpire between God and any lone individual.⁷⁹

Part of Novak’s justification for this claim concerns the role of both language and law. One either sees language as the outer expression of thought or language internalized as thought. The first is self-referential, and uses language only as a concession to the presence of other persons. The second sees our life axiomatically as being in relationship with others and with God. In this second understanding, thought is not simply a retreat away from the mundane character of social existence. It is a necessary activity toward improving understanding and articulation. Self-retreat is in the service of the social, not the reverse. To place things in a Biblical perspective and to reduce the modern emphasis on individualized existence, Novak writes, “Human thought, unlike

⁷⁸ Ibid., 101-102

⁷⁹ Ibid., 78-79

God's thought, is thus only deliberative, not creative. . . . The power of human thought – unlike God's thought – is catalytic, not substantive.”⁸⁰ Law then becomes related to the central functions of language. It is both normative and communal. It is the language of a discursive and moral community. It is also central to the covenant.⁸¹

The Biblical text speaks to the election of a *people*, not the election of individuals who then join in a community.⁸² This means that the community has rights and correlative duties. This avoids both the classical or modern suggestion of universal brotherhood (in which the individual is lost) and the modern emphasis on individualism (in which the communal existence of persons is lost). Novak is emphatic that this claim of a community right upon the individual is not to be confused with collectivism, especially given the experience of Jews in collectivist societies. He emphasizes that the community is the fulfillment of the definite need of her members for her, not to see the community as the fulfillment of all human needs.⁸³

The community does not assert its right in the same way that an individual might. The community is not a “superperson.”⁸⁴ Nor is the community merely an instrument for enforcing the rights of individuals – an idea that would utilize the worst tendencies of both heteronomy and autonomy. Returning to the idea of *participation* is the key. Insofar as human beings are natural (and elected) participants in the community, the community has certain requirements that it must impose upon its members. The rights of the community on the individual would include those

⁸⁰ Ibid., 80. This echoes what I emphasize in Chapter Two of the dissertation, which is that the existential nature of God and the relational nature of human existence are emphasized by the act of language – by divine revelation.

⁸¹ Ibid., 81

⁸² Ibid., 100-101

⁸³ Ibid., 155

⁸⁴ Ibid., 217

things that concern the survival of the community, such as death (suicide, murder, war) or family (including sexual relations and marriage).⁸⁵ These are deeply communal concerns. In turn, the individual may make claims on the community. These include protection from harm and public assistance.⁸⁶ Having rights and duties as a community also means being judged as a community, particularly for the mistreatment of members. To be sure, the greatest indictment of the covenanted community by the Biblical prophets was the perversion of rights and justice. This was not a call only to uphold the rights of Jews, let alone Jews of status. It included the orphan, widow, poor, and stranger.⁸⁷ Compassion would extend to things such as the prohibition of usury.⁸⁸ What's more, the direction of community rights and duties is not only to God and the fellow members. It is also to the other nations. The covenanted community is not just to conform to key divine attributes of justice and compassion, but also to model these attributes for the other nations. This extends beyond the general negative justice of the Noahide covenant. The community must see justice as the source of greatness in the eyes of the world. Novak writes, "Minimally, that would mean that God's relationship with this community results in a system of law in which concern for human rights would impress anyone truly concerned with social justice.

⁸⁵ Ibid., 166-186

⁸⁶ Ibid., 187-196

⁸⁷ Ibid., 89

⁸⁸ The point in the case of usury is not that interest is unjust or prohibited to persons in general. Rather, exemption from it is a privilege extended to members of the covenant community. They are partners in a joint enterprise. Though interest may be an entitlement for the lender, it cannot come at the cost of a fellow laborer in Israel's covenanted task. Ibid., 90-93; What Novak fails to mention is that there was a guarantee for those whose debtors could not pay their debt in cash. They could be forced to work for half wages until the debt was paid. However, a relative could pay the debt and become a "redeemer." Also, debtors were released of obligations in every sabbatical year. See Buchanan, *The Covenant and Its Consequences*, 9 for discussion and Biblical texts.

. . . Indeed, an important part of the messianic vision is that the nations of the world will eventually come to Jerusalem for their claims to be adjudicated.”⁸⁹

The final right to be considered, and it acknowledges rights of the individual, the community, and God, is the right to civil disobedience. Cases of disobedience, resistance and revolution vary in the traditions of Jewish and Christian Biblical theology. There is a wide range of interpretations and applications of various Biblical episodes. (There is a diversity of historical practice as well.) Novak addresses some of the Biblical episodes. In the prominent case of Moses and the enslaved Israelites, Novak argues that this is a “power struggle,” wherein Pharaoh fails to restore liberty previously taken from the Israelites. Novak argues, “Pharaoh’s sin was not his breach of the covenant with Israel but his interference in Israel’s covenant with the Lord, its God. But the Lord was fulfilling his own covenantal commitment – taken upon himself autonomously, to be sure (Genesis 15:13-14) – to rescue his own people from Egyptian slavery. That slavery was preventing them from responding to God’s full covenantal claims on them.”⁹⁰ A similar case existed for Daniel. An important distinction, and one which will become very important during the Reformation, is the question of political versus religious subordination. Novak argues that Daniel was able to accept political subordination but not religious subordination. Whatever the case, the covenanted people must avoid both idolatry and idolatrous sins even at the cost of death. This means that they would rather die as martyrs than substitute the covenantal worship of God with anything else. That also includes the practice of “idolatrous sins.”⁹¹

⁸⁹ Ibid., 89. Novak quotes Deuteronomy 4:6-8 in support of the first claim, and Isaiah 56.7 in support of the second – thereby pointing to the messianic age.

⁹⁰ Novak, *The Jewish Social Contract*, 92

⁹¹ Novak, *Covenantal Rights*, 96-98

The precise role of the covenant is important here. The obligations of the covenant are what enable political insubordination. The Jews have both a right and a duty to serve God above all others.⁹² But unlike the Christian interpreters, who may have worked from a position of political majority or potential majority, the Jews almost always interpreted these passages from a position of political subordination. Historically, their solutions were to pay lip service while simultaneously subverting authority or to flee to more accommodating settlements. In only two prominent cases was revolution attempted.⁹³

6.6 Conclusion

Novak's study is a provocative presentation of how covenanted communities are contrasted with both modern and ancient alternatives. In Novak's view, the covenant device is limited to communities in the Biblical tradition, perhaps even just Jewish communities. God creates the terms of the covenant and holds His covenanted communities accountable. This direct revelation of God is morally superior to both natural law and natural right, though Novak argues that natural law is a legitimate moral expression of the Noahide covenant and can serve as a minimum for politics in social contract arrangements.

In Novak's view, covenants cannot be applied to civil polities at large. Civil polities can utilize social contracts, which are very different than covenants. Social contracts are then made up of communities and cannot supercede them. Individuals are first members of communities, ideally covenanted communities, before they can be members of social contracts. It is in communities that individuals become moral and mindful of their social obligations. Only through the lens of community can individuals and political authorities be held accountable for the

⁹² That becomes especially problematic in nations with a divinized monarch. Novak, *The Jewish Social Contract*, 93-94

⁹³ *Ibid.*, 94-95

exercise of rights or the care of other members. Only through the lens of community can rights and duties be properly understood.

SECTION III
REFORMED POLITICAL THEOLOGY

CHAPTER 7

REVIVAL OF THE COVENANT IN REFORMED THEOLOGY

7.1 Beginning with Theology

In *Exodus and Revolution*, Michael Walzer offers an insightful application of the Exodus saga to various modern political movements, including the Puritans. Walzer is certainly right when he argues that the themes of the Exodus – pharonic oppression, deliverance, Sinai and Canaan - are at the foundation of many modern political movements.¹ But his application to the Puritans is inadequate. While it is largely true that one can call Puritan political theory “judaized,” I don’t think that the point of their judaizing is equivalent to other millenarian movements nor can it be reduced to seeking a worldly kingdom.² As I will argue in this and succeeding chapters, the covenant was more than a vehicle for earthly dominion. Adhering to its terms was a precondition for eternal life. Therefore, one must begin with their soteriology before moving on to their eschatology. I offer an alternative in these chapters which considers their theological commitments in the correct priority. In this chapter, my goal is to not only summarize how one branch of the Protestant Reformation revived the Biblical idea of the covenant, but how the various debates about theological covenants had both direct and indirect implications for political theory.

7.2 Hebraic Christianity and Judaizers

For modern scholars like Walzer, the label “judaizer” may be simply a term of scholarly classification. But during the Reformation, the charge of “judaizer” was a damning indictment. When Samuel Rutherford’s opponent, Bishop John Maxwell, wanted to heap scorn on the

¹ Walzer, *Exodus and Revolution*, 149

² *Ibid.*, 125

Puritans, he referred to them as “our Rabbis.”³ This was not just directed at the Puritans. “Judaizer” was an insult commonly used by stripes of polemicist in the sixteenth century. Puckett quotes Friedman as follows,

The Lutheran author Hunnius described John Calvin as a judaizer much as Calvin believed Lutheran liturgy was highly judaistic. On the other hand, Roman Catholic spokesmen thought Lutheran preoccupation with scriptural literalism was judaistic while both Reformed and Lutheran thinkers assumed Roman Catholic interest in ceremony and ritual reflected judaizing tendencies. Expressing a rare ecumenism, all agreed that Michael Servetus was a severe judaizer by any and all standards. For his part, Servetus lamented his being persecuted by judaizing Christians, Calvin in particular.⁴

To appreciate the seriousness of the charge, one must recall the controversies in the Early Church, whose leadership had to decide what to retain and what to reject from the longstanding Jewish tradition. The resulting controversies are chronicled throughout the New Testament canon.⁵

In the minds of the Reformers, they were inspiring a break similar to the one between Judaism to Christianity. That break obliged the Early Church to find new ways of interpreting the Hebrew Scriptures. Those early Christians appearing to revive the Jewish traditions were considered enemies to the new faith. Just as the first generations of Christians felt it necessary to break with what they saw as an apostate and corrupt tradition, so the Reformers drew a parallel to their own struggle with Roman Catholicism. Like the Early Church, the Reformers had canonical texts but no clear hermeneutic. They no longer could implicitly trust the dogma that had governed Biblical interpretation. No longer able to *fully* look to tradition to interpret the Biblical text, the Protestants were now obliged to articulate a new hermeneutic and new theology.⁶ In the minds of

³ Coffey, *Politics, Religion and the British Revolutions*, 158

⁴ Friedman, *The Most Ancient Testimony*, 182, cited in Puckett, *John Calvin's Exegesis of the Old Testament*, 1

⁵ See disputes recorded in the letter to the Galatians or in Acts, for example, or the discussion of the continuity (and discontinuity) with the Hebrew covenants discussed in the letter to the Hebrews, for example.

⁶ Puckett, *op. cit.*, 1-24

its leaders, the Reformation was represented by its mottos *Sola Gratia* and *Sola Fides*. It meant being freed, by grace, from works or from unnecessary rituals or intermediaries. Thus, anyone who appeared to turn back the clock on this liberation could be charged with “judaizing.”

In the wake of the metaphysical and political revolution described by Voegelin, it was the covenant, this Biblical model of “re-formation,” that filled the void for some of the Reformers. The covenant succeeded by emphasizing both moral restoration (reform) and reconstituting (reforming) political concepts. It helped that the covenant had fallen into disuse by the Medieval Church.⁷ The Roman Catholic tradition’s neglect of the covenant reinforced the Reformers’ sense that they were reviving the message of the Early Church and restoring the purity of Biblical Christianity.

7.3 The Sixteenth Century Covenant of Grace

It is often thought that the seminal figure in the development of Reformed covenant theology was John Calvin. If one examines texts from mid-twentieth century scholarship, one sees that it was quite common to label the movement of this non-Lutheran wing of the Reformation as “Calvinism.” We forget that it is only in hindsight that we can speak of the “development” of covenant or Reformed theology, let alone the “Reformation.” At the time, Calvin was but one figure (however influential) in the simultaneous development of a movement that had no official leader. Over the last thirty years, a multitude of studies have reconsidered the rightful place of John Calvin and others. Controversies surround not only the origins of Reformed theology, but also its trajectory. Some scholars assert that there were significant deviations from Calvin’s theology among his so-called successors in England, Scotland and America⁸ There is also

⁷ Von Rohr, *The Covenant of Grace in Puritan Thought*, 1

⁸ Two prominent monographs in the debate over Calvin and his successors are Kendall, *Calvin and English Calvinism to 1649* and Helm, *Calvin and the Calvinists*. Kendall argued that “Calvinism,” as traditionally understood, was not what Calvin believed but rather what successors read into his theology. Helm argues that Calvin was, in fact, a Calvinist after all! Or, rather, that nothing in Calvin contradicted the federal theological system that anteceded him. The controversy here mainly dwells on the extent of the atonement in Calvin’s theology. There are

controversy about the true root of Reformed political theology. Even Bishop Maxwell asserted that Presbyterian political teaching went back to those who were “prior to Luther or Calvin.”⁹ In the case of Scotland, for example, Burns writes, “It is far from easy to determine precisely when and how Calvin’s teaching was first known to Scottish Protestants.”¹⁰ Quentin Skinner, in an important essay on predecessors to Reformed political theology, notes continuity with both Lutheran and Medieval sources.¹¹

I will follow custom and begin with a discussion of Calvin’s view of the Hebrew Scriptures and covenant theology; as the discussion unfolds in this and future chapters, however, it will be demonstrated that Calvin is but one founder of Reformed theology and political theology.

Calvin had a hermeneutic of Biblical unity, believing there to be no substantial difference (from a soteriological perspective) between the Old and New Testaments. This Reformed emphasis upon the unity of the Old and New Testaments met with opposition.¹² Puckett argues that Calvin’s emphasis upon unity of the Biblical canon was not really so radical. The more novel approach, characteristic of the Anabaptists, was to argue for *discontinuity* between Old and New Testament.¹³ Under the Anabaptist’s more radical view, Old Testament persons knew little of Christ, received

other controversies related to the atonement, such as double predestination, lapsarian theology, and the assurance for believers. For a modern overview of some of these controversies surrounding Calvin, see Muller, *The Unaccommodated Calvin and After Calvin: Studies in the Development of a Theological Tradition*. For an example of the disagreement about federal theologies place within Reformed theology, see Bell and Coffey. Bell, in *Calvin and Scottish Theology*, argues that Calvin’s legacy was abandoned by Scottish Reformers. But Coffey disagrees with Bell, approaching the debate with a defense of Rutherford in particular, in *Politics, Religion, and the British Revolutions*, 130-134. The multitude of covenant studies, particularly by historians and literary scholars, can be overwhelming. I am confident that this chapter includes representative studies but it does not presume to be comprehensive.

⁹ Maclear, “Samuel Rutherford: The Law and the King,” 70

¹⁰ Burns, *The True Law of Kingship*, 123

¹¹ Skinner, “The Origins of the Calvinist Theory of Revolution.” Skinner also takes issue with Walzer in this essay.

¹² Puckett, op. cit., 1, 37

¹³ *Ibid.*, 37

an essentially inferior revelation, established their relationship with God based on works, and were directed toward earthly prosperity.¹⁴ Calvin objected to this view both in his *Institutes* and in his Old Testament commentaries. Calvin argued that Old Testament persons were indeed offered immortality and salvation by faith, discontinuities in worship, ritual and other matters notwithstanding.¹⁵

Calvin stood with Bullinger in promoting a covenant-centric theology.¹⁶ According to Calvin, Christ is clearly promised in the covenant with Abraham. This was understood by the prophets, whose messages included essential promises of Christ's kingdom.¹⁷ This is not to say that Calvin did not recognize differences between the Old and New Testaments. Calvin recognized that there existed an Old Covenant (from the Fall to Christ) and a New Covenant (from Christ to the Day of Judgment). But these were two manifestations of the same covenant – a covenant of grace. The old was inferior to the new in terms of the quality of revelation. (Calvin, unlike later Reformed theologians, did not assert a prelapsarian covenant or covenant of works.) Calvin acknowledged that God used figures, images, and shadows of divine truth in the Old Testament but argued Christ to be the reality of these things.¹⁸ Where the ceremonial law vanished, the gospel now stands. It is in the inferiority of the Old Testament ceremonies and rituals that the superiority

¹⁴ This view of Old Testament “salvation” (or at least teleology), rather than Calvin’s emphasis on spiritual redemption in both the Old and New Testaments, would support the allegation that to “judaizer” meant to emphasize worldly salvation.

¹⁵ *Ibid.*, 37-39

¹⁶ This emphasis on the covenant stands in contrast with the work of Zwingli, Oecolampadius or Bucer. All of them made use of the covenant idea, but not in the same way or to the same degree. See McCoy and Baker, *Fountainhead of Federalism*, 21-22.

¹⁷ Puckett, *op. cit.*, 39-40, 44-45

¹⁸ This is addressed in Calvin, *Institutes*, II.x-xi.

of the New Testament gospel becomes evident. Furthermore, the Holy Spirit is given to the New Testament Church and salvation is extended to persons of all nations.¹⁹

But even while he taught the unity of the Scriptures and the covenant, Calvin did not attempt to co-opt the integrity of the Old Testament text, particularly its historical context and literary reasoning. Whereas many Christians felt free to read the Old Testament non-historically, Calvin believed that this approach needlessly invited legitimate criticism from Jews.²⁰ Puckett sees the root of Calvin's more historical and literary approach in his earliest significant scholarship, a commentary on Seneca's *De clementia*. Puckett writes, "His approach to Seneca was very much what one might expect of a humanist interpreting an ancient writer. He corrected the text; analyzed the structure, vocabulary, idioms; and sought to understand the text in its original and historical and cultural context. In short, he studied the text historically."²¹ This, Puckett says, was part of a larger sixteenth-century reorientation in Biblical studies that emphasized historical orientation. It stands in contrast to a longstanding "proof text" approach wherein passages are separated from literary intent or historical context.²² It was Calvin's insistence upon historical interpretation that earned the aforementioned scorn from Aegidius Hunnius of "judaizing" the Bible. The Lutheran school of interpretation, developed in Wittenberg, emphasized not only the sharp law-gospel distinction, but also read theology of the New Testament into the Old. Historical context was not important. Consistent with what Friedman calls the "Strassburg-Basel-Zurich school of Hebraica," Calvin favored an active but moderate use of rabbinic commentators, calling on them particularly in

¹⁹ Puckett, 40-44

²⁰ Ibid., 53

²¹ Ibid., 52

²² MacPherson, *The Covenanters Under Persecution*, 11; Puckett, op. cit., 54

questions of lexicology or grammar.²³ Bullinger, whose *Decades* may have been read by more English clergy than Calvin's *Institutes*, shared Calvin's theology in respect to the unity of the Bible and one covenant of grace.²⁴ It is generally agreed that Bullinger, like Calvin, also made no reference to a prelapsarian covenant of works.²⁵ In this, Bullinger and Calvin are agreed, and this is the strongest point of agreement among the early Reformers: the covenant of grace was considered the golden thread with which to trace continuity and unity throughout the Bible. After this point of agreement, however, the controversies multiply.

7.4 Covenantal Controversies

Controversies in covenantal theology center on articulating the proper interaction of human responsibility and Divine sovereignty.²⁶ Constituent controversies include predestination and reprobation, the problem of evil, and the extent of the Atonement. I will take up two particular means by which theologians attempted to address these problems. The first is to contrast a unilateral approach to the covenant with a bilateral approach to the covenant. The second, which is a more traditional and historical approach, suggests that there exist two covenants – a covenant of law and a covenant of grace. Both approaches have consequences for political theology and present tricky challenges. Distinguishing human cooperation in the covenant from what Reformed theologians condemned as Arminianism or Pelagianism is difficult to explain in a short space. A

²³ Puckett, 53, 57. But this should not be confused with the approach of those such as Servetus, for example, who used the Jewish sources for far more than philological guidance and thereby undermined core Christian doctrine.

²⁴ Baker, *Heinrich Bullinger and the Covenant*, 1-5, Chapter 8. For the claim regarding Bullinger's significance vis-à-vis Calvin, see Von Rohr, 31.

²⁵ Weir, *The Origins of the Federal Theology in Sixteenth-Century Reformation Thought*, 10-12

²⁶ I am using "covenantal theology" to refer to any theological study of the covenant, "covenant theology" to refer to studies asserting a unitary covenant (albeit old and new) and "federal theology" to refer to studies of multiple covenants – works versus grace, for example. "Reformed theology" simply refers to the broader non-Lutheran Protestant tradition.

similar quagmire is tempted by sorting out Divine sovereignty from Antinomianism.²⁷ I shall try to state the problems simply, together with their competing resolutions.

“Predestination,” the idea that God unilaterally selects persons for salvation, is arguably a tradition as old as the Scriptures themselves. The Hebrew tradition does not necessarily teach that the covenant is essentially and ultimately *imposed*. It is a hearkening. One is summoned to terms of agreement. But there are also clear assertions of God’s sovereignty in the Old Testament as well.²⁸ For example, covenantal *terms* are dictated by God. They are not “negotiated” with the covenant people. Furthermore, insofar as an everlasting covenant is discerned from the Hebrew Scriptures, God Himself provides fulfillment of the covenantal terms. The result is an Old Testament “predestination.” The Christian tradition repeats these Old Testament Scriptures in the New Testament, and applies the same concepts to the new economy of salvation in Christ. While mysteries of divine sovereignty always existed in the Church, the Reformation addresses them in a way different from the medieval Church. Before the Reformers, questions of participation in the covenant of salvation (though largely not expressed by that term) were answered through sacramental participation and priestly intercession. But with the Reformation’s significant modifications to both institutions and its reactionary response to Roman traditions, (the Protestant emphasis upon individual priesthood, *Sola Fides*, *Sola Gratia*, *Sola Scriptura*), these problems have to be resolved again. No shortage of ink was spilt in the resulting controversy. As Reformed theology developed, problems became quite thorny. Reformed theologians engaging divine

²⁷ Von Rohr, op. cit., 7-8

²⁸ The stories of Abraham or Joseph serve as a good example of both sovereignty and responsibility. There are similar cases of both responsibility and sovereignty in the wisdom literature. See Clines, “Predestination in the Old Testament.”

sovereignty and human salvation had to navigate the parallel traps of fatalism and legalism. Von Rohr, in his broad study of the covenant of grace, summarizes the challenge as follows:

Theologically, Puritanism faced essentially in two different directions. On the one hand, as heir of the implicit, if not always explicit, voluntarism inherent in Protestantism's call for faith and obedience as the believer's response to God's proclaimed Word, it affirmed boldly the role of human responsibility and the element of contingency in the divine-human relationship. On the other hand, as heir of early Protestantism's somewhat more fully explicit emphasis on God's sovereignty in relation to human affairs, it saw ultimate human destiny as divinely and unconditionally determined by God's eternal decree.²⁹

We turn now to the first way of addressing this challenge, which is the suggestion of a bilateral covenant.

7.5 Covenant of Salvation: Unilateral versus Bilateral

The question in a bilateral covenantalism is not whether terms are set bilaterally or unilaterally. All Reformed theologians would agree that the terms are set by God in His eternal decree as communicated in the Scriptures. What is in question is whether the terms of the covenant are fulfilled by God alone or whether there must be some cooperation on the part of persons who desire to be part of the covenant of salvation. I should add that no Reformed theologian, regardless of their other disagreements, would confuse a covenant with a contract (as understood in the feely negotiated sense), even in the bilateral covenant. Von Rohr writes, "Both the predestinarianism and the pietism of Puritan awareness can be seen as refusing a contractual *quid pro quo*."³⁰

Baker argues that there are two traditions within Reformed theology. Calvin's covenant theology is classified as a more "unilateral" covenant; a "bilateral" covenant is associated with Bullinger and some later continental theologians.³¹ On the risks of overstating the differences

²⁹ Von Rohr, 1. See also 53. McGiffert, "The Covenant of Grace in Puritan Thought by John von Rohr."

³⁰ Von Rohr, 31

³¹ Baker, *Heinrich Bullinger and the Covenant*, 193-198

between the two theologies, Von Rohr writes, “The theology of Zurich was known, and although it can hardly be represented as violently in contrast with that of Geneva, a difference of emphasis concerning human participation in the covenant was conveyed.”³² In Calvin, for example, predestination is asserted alongside human responsibility. Calvin emphasizes God’s role in graciously fulfilling the terms of the covenant through the work of the Holy Spirit. This is why he deals only with a covenant of grace. Bullinger would not fundamentally disagree with Calvin, and also emphasizes only one covenant of grace; but he emphasizes the need for faithfulness to the terms of the covenant. The difference between the two types of covenant is sometimes expressed as the difference between “testament” and “covenant” respectively.³³ A testament, which is something bequeathed or disposed, is more unilateral. A covenant, implying something close but not quite equal to a contract, is more bilateral.

Space and emphasis do not enable me to address what these differences may mean for various facets of Protestant religious practice, but it is important to explore a few important political applications. Calvin’s unilateral covenant theology seems to be more sterile when it comes to its powers of conceptual innovation for politics. Calvin did share the providential view of history central to covenantalism. That much is clear from his sermons on Deuteronomy 27 and 28, for example.³⁴ But it is not clear from his political theology how this was to be applied to active political life. As we shall see in the chapter summarizing Reformed political theology, Calvin did not seem to share the radical application of covenantal faithfulness that seemed to inspire some of his colleagues and successors. Indeed, Calvin seems to have taken a much more moderate view of

³² Von Rohr, *op. cit.*, 31

³³ *Ibid.*, 25; Baker, *Heinrich Bullinger and the Covenant*, Chapter 1

³⁴ These are reprinted in Calvin, *The Covenant Enforced*.

applying the Old Testament covenant of national blessing and cursing. One of Calvin's less critical modern interpreters admits as much when he writes,

Calvin is sensitive to the fact that in the New Covenant believers are under a more 'mature' system of rewards and punishments. Sometimes God rewards believers with suffering, in order to make them more righteous and to help them lay up treasures in heaven. Because of the greater 'maturity' of the Church, God's blessings and judgments may be postponed longer, or be slower in coming into play. Because of the completion of the canon of Scripture, we are to live in terms of the Bible and rely less upon providential blessings and curses for indications of God's favor and displeasure. As a devotee of Augustine, Calvin reflects the classic discussion of rewards and chastisements found in *Augustine's City of God*, Book 1.³⁵

Calvin instead takes a more traditional humanist "commonwealth" approach where others took a more radical approach. Perhaps because Calvin did not essentially see the covenant of salvation to be a set of active choices for the Christian, he did not see fit to apply the covenant model to political theory. Weir seems to get at the problem of the unilateral covenant when he writes,

The crucial question is this: Is the covenant used as the basis for establishing one's relationship with God and for the founding of society? Or is it used as an instrument of redemption to save man from sin and restore him to that original state? It seems that for Calvin the latter conception of covenant was the meaning of covenant in the Scripture: the biblical covenant's function was redemptive and salvific, not original and fundamental.³⁶

But whereas the "unilateral" covenant has ambiguous implications for politics, Baker's and McCoy's studies of Bullinger suggest explicit political implications for a bilateral covenant theology.³⁷

³⁵ Jordan, "Editor's Introduction," xxxiv

³⁶ Weir, *op. cit.*, 33

³⁷ The scholarship on Bullinger here focuses on three works by Baker and McCoy – two monographs and one book chapter. The largest and most important, Baker's *Heinrich Bullinger and the Covenant* is assessed in literature reviews on the covenant. Von Rohr relates it to previous scholarship by Kenneth Hagen and associates it with the double/single predestination controversy, arguing that it may incorrectly minimize the role of predestination in the bilateral theology. Von Rohr also refuses the "either/or" approach, suggesting a "both/and" approach to studying the subsequent Puritan covenant of grace. See Von Rohr, 31-32. Weir says of Baker's study that it adopts the Trinterud thesis that there is a basic difference between Geneva and Rhineland teaching. Weir calls the study "helpful" and

Baker argues that Bullinger's theology was motivated by sensitivity toward what he understood (correctly or incorrectly) as double predestination in Calvin. Bullinger's disagreement with Calvin should not be understood as a desire to assert universalism or salvation by anything other than grace alone.³⁸ Neither did Bullinger believe that one could merit salvation. Bullinger was quite sensitive to the charge that his bilateral covenant theology threatened *sola gratia* and *sola fide*.³⁹ Rather, one was presumed to be part of God's covenant by baptism unless the individual later rejected the covenant by not keeping its conditions.⁴⁰ Baker characterizes this as "Election was a matter of inclusion within the covenant, not of exclusion."⁴¹ The moral law was important to this obligation, though it did not replace grace as the means to redemption.⁴²

Bullinger's soteriology led to something more akin to a corporate view of Church and State more often associated with medievalism, now blended with covenantalism.⁴³ Church and state were indeed separate entities, but they were two elements of the same organism.⁴⁴ The civil magistrate held a kind of supreme power over religion, and most of Bullinger's political theology

"important" though he dissents from Baker's critique of double predestination as the cause of "paralysis" of the covenant idea. See Weir, 31-32. The late Edward Dowey, perhaps the dean of American Bullinger studies, is critical of Baker's suggestion of a "principal formative and organizing" factor in Baker's 1980 study and argues that Baker is not researching the whole of Bullinger's thought. Referring to Baker's 1991 study with McCoy, Dowey says asserts that Baker's "consuming interest in both theological and political federalism...leads him to be less concerned with the problems of Bullinger's thought as a whole, and overly concentrated on a single theme of subsequent great influence." See Dowey, "Heinrich Bullinger as Theologian: Thematic, Comprehensive, and Schematic," 40-41. Baker provides a defense against some of his critics in "Heinrich Bullinger, the Covenant, and the Reformed Tradition in Retrospect."

³⁸ Baker, *Heinrich Bullinger and the Covenant*, 47

³⁹ *Ibid.*, 25-28

⁴⁰ *Ibid.*, 113

⁴¹ *Ibid.*, 6, 49

⁴² *Ibid.*, 51

⁴³ *Ibid.*, 168-170

⁴⁴ Campi, "Bullinger's Early Political and Theological Thought: Brutus Tigurinus," 198

is predicated on the magistrate being a Christian. Baker writes, “He believed that the Christian magistrate, like the Old Testament rulers, is sovereign over all aspects of life, over the church as well as the civil community. In fact, Bullinger hardly differentiated between the two spheres of church and state.”⁴⁵ This was not a clerical theocracy, however. Bullinger’s clergy were actually less empowered than clergy in other variations of Protestantism. The giving of the keys to the New Testament Church, according to Bullinger, did not include excommunication or exclusion from either church assembly or Lord’s Supper.⁴⁶ The pastor’s role was to interpret the covenant and preach, rebuke and exhort accordingly.⁴⁷ Bullinger’s requirement for the clergy to deliver Biblical exhortation was especially important insofar as he held a dimmer view of natural law. Bullinger conceded that natural law did coincide with some elements of God’s law, and served to show persons their sin. But his main criticism of natural law was that it was not accompanied by divine grace. Grace was essential for any covenant relationship. The Christian magistrate should depend only on divine law, particularly the two tables of the Decalogue. It was the Decalogue, Bullinger argued, which was the only part of the Mosaic Law still essential for the covenant.⁴⁸

It was the magistrate’s duty to restrain, punish, or establish religion. He was to aid in the condition of piety, not to force belief.⁴⁹ Faith was a gift of God alone. But that did not confine preaching to just Christians. All could benefit from hearing the Word with the goal of both moral

⁴⁵ Baker, “Faces of Federalism: From Bullinger to Jefferson,” 27

⁴⁶ Regarding the giving of the “keys,” see Matthew 16:17-20.

⁴⁷ Baker, *Heinrich Bullinger and the Covenant*, 108-110, 114

⁴⁸ *Ibid.*, 115-116. This should not detract one from understanding Bullinger’s love of the humanist tradition, however. Most biographies emphasize his rigorous humanist education. See Gordon, “Introduction: Architect of Reformation,” 25-27, for its application to theology. For a discussion of Bullinger’s retelling of Livy, and a discussion that echoes the basic assertions of Baker, see Campi, “Bullinger’s Early Political and Theological Thought: *Brutus Tigurinus*” 181-200.

⁴⁹ Baker, *Heinrich Bullinger and the Covenant*, 115, 119

restraint and belief.⁵⁰ Pastors should encourage the magistrate in his duties, but they held no power or sanction against a magistrate any more than against any Christian. The Christian magistrate held the power of Christian discipline, which was limited to Christian conduct and community virtue. It was the magistrate's duty to assist the people in carrying out the basic functions of political life: public peace, property, business transactions, justice and equity.⁵¹ Baker summarizes Bullinger to say, "All men needed the magistrate, and all government was ordained by God."⁵² As Christians, magistrates were bound by their baptismal oath. As Christian magistrates, they were further bound to choose pious pastors to preach to the people and resist papal interference, abolish false worship, renew democracy, and concern themselves with the general welfare. If not, they could expect covenantal sanction. Zurich was no different than the ancient Hebrews.⁵³ In this, one can clearly see differences between Calvin and Bullinger. Whereas Calvin toned down the civil implications of the covenant, Bullinger tied many political prescriptions to it. (The "City on a Hill" concept begins with Bullinger rather than Calvin.)

Bullinger viewed Zurich as a Christian commonwealth, with the visible church being coterminous with civil society.⁵⁴ The church began with Adam, and experienced its high point during the time of the patriarchs.⁵⁵ Papal tyranny over the magistrate, and papal theological errors, were a violation of the public covenant with God.⁵⁶ Bullinger viewed the Reformation as a return

⁵⁰ Ibid., 159, 161

⁵¹ Ibid., 90-92

⁵² Ibid., 114

⁵³ Ibid., 104-105

⁵⁴ Ibid., 107-108

⁵⁵ Baker, "Covenant and Community in the Thought of Heinrich Bullinger," 16

⁵⁶ Baker, *Heinrich Bullinger and the Covenant*, 100

to the ancient religion of the patriarchs and Christ – patterned in the Old Testament. If successful, the Reformation would revive a properly covenanted civil order. Religious, moral and civil reformation was central to the covenant, and Bullinger was quick to cite Josiah, Jehoshaphat, and Hezekiah as models for rulers and prophets as models for pastors. As a republic, the magistrates had an obligation to rule for the people according to the laws. This was a fulfillment of their covenant. Bullinger writes to the magistrates, “Dear Confederates, remember now that in baptism you have bound yourselves to me with an oath stronger than the one with which you have bound one state to another among yourselves.”⁵⁷

But though Bullinger aggressively tied many political prescriptions to the covenant, the implications for revolution are unclear. Bullinger was perhaps even more reticent than Calvin to prescribe resistance or revolution. On the one hand, Bullinger’s theology was not a rubber stamp for civil authority. In his *Ermanung* (1526) and *Lucretia and Brutus* (1533), for example, Bullinger emphasized that those in authority were under the eternal justice of God.⁵⁸ Bullinger’s belief in God’s ultimate authority would not permit tyranny and neither would his clear goals for the ends of a covenanted civic community. On the other hand, Bullinger believed in the virtues of the civil magistrate and wrote as if the magistrate was a Christian participant in the covenanted community.

As a historian of Switzerland, Bullinger praises the actions of the Swiss people that led to independence and sees God’s Providential hand in it. He believed that it would sometimes require a clear urging of the people to make civil magistrates act in accordance with God’s justice. This may even extend to tyrannicide. In his *Anklage und Ermahnung Gottes* (1525), Bullinger cites

⁵⁷ Bullinger, *Anklage und ernstliches ermanen Gottes Allmaechtigen* (1528). Quoted in Baker, *Heinrich Bullinger and the Covenant*, 104

⁵⁸ Campi, op. cit., 197

Solomon's beheading of Joab as an example of what to do with unrepentant tyrants.⁵⁹ But praising acts in the past does not mean prescribing similar acts in the future. In a consultation with John Knox on the question, Bullinger provided what are described by Burns as "cautious responses" that cannot be considered encouragement. Concerning Mary's succession to the throne, Bullinger would only say that these questions were particular to the realm and not abrogated by the Gospel. Concerning Mary's proposed Spanish marriage and the potential transfer of power, Bullinger deferred to the laws and customs of the realm. Bullinger would only say on the question of resisting that "mandated idolatry" should be disobeyed whatever the price. And like Calvin, Bullinger warned that the appearance of even pious revolutionary activity could conceal worldly ends. When pressed by Knox as to which side the faithful should take if "religious nobles" took action, Bullinger only repeated his warning and deferred the decision only to those fully apprised of all relevant facts. This advice stands in contrast to that of Pierre Viret and other Reformers, for example, who would have taken a more approving view of active resistance, particularly by the nobles.⁶⁰

7.6 Covenants of Works and Grace

The second most significant Reformed theological controversy concerns the substantial difference between early Reformed covenant theology and its belief in one unified covenant (a covenant of grace), and what is later called "federal theology" – a belief in two covenants. As stated before, both Calvin and Bullinger appear to only assert one covenant. But their respective

⁵⁹ Ibid., 198

⁶⁰ Burns, *The True Law of Kingship*, 132-133

ways of addressing that covenant of grace eventually resulted in the later development of federal theology.⁶¹

On the surface, from a philological standpoint, it would appear that there should be no difference between a “federal theology” and a “covenant theology.” The very root of the word “federal” comes from the Latin *foedus*, which was often translated from the Hebrew *berith* or Greek *diatheke* (testament). Scholars often use the terms “covenant theology” and “federal theology” interchangeably, but there is considerable difference between the two.⁶² And there is much to federal theology that impacts political theology.

Federal theology argues that there are two covenants in Scripture.⁶³ The first covenant was a prelapsarian (pre-Fall) covenant. It is a covenant made with Adam. This is what federal theologians called a “Covenant of Works.” Because Adam is seen as a “federal” head of the whole human race, it is a covenant still binding on all men even after Adam’s fall. The second covenant is a “Covenant of Grace.” It is made with Jesus Christ, who is presented as a “second Adam,” and also therefore a federal head. Christ, as a second Adam, keeps the original prelapsarian covenant of works and takes upon himself the penalty associated with it.

Redemption is applied from this Atonement.⁶⁴ Recall that Calvin and Bullinger argued for the

⁶¹ Both McCoy and Baker argue this in their *Fountainhead of Federalism*, attributing the federal scheme to Bullinger’s “bilateral” approach. Van Asselt also seems to attribute Cocceius’s federal theology to Bullinger’s influence in *The Federal Theology of Johannes Cocceius*, 1, 331. Van Asselt also seems to yoke Baker and Weir together on this assertion of Bullinger’s influence on federal theology, but that isn’t so clear in Weir. See Van Asselt, *The Federal Theology of Johannes Cocceius*, 328.

⁶² Von Rohr, for example, uses them almost interchangeably, preferring to emphasize similarities rather than differences. Elazar also refers to covenant theology as “federal theology” without distinguishing the theological differences between federal theology and the unitary covenant theology (of grace).

⁶³ Some federal theologians argued for the existence of a third and everlasting covenant, one made between God the Father and God the Son to provide the Atonement.

⁶⁴ Weir, perhaps rightly, calls this “The prelapsarian covenant of works in disguise” Weir, *op. cit.*, 5. But this also gave rise to yet another controversy – not unique to Reformed theology – the extent of the Atonement. In terms of federal headship, most interpreters make Christ the head only of all believers. But just as the passage comparing

existence of only one covenant, a covenant of grace. Noting this distinction, a distinction made by other historians of the covenantal theology, Weir writes, “While John Calvin and the earlier Reformers discussed the importance of the prelapsarian covenant of grace, they never taught the federal theology with its prelapsarian covenant motif. Yet over eighty years after Calvin’s death (1564) the Westminster Confession of Faith stated that the federal theological system was part of Reformed theology.”⁶⁵ Early confessional statements emphasize grace, perhaps an indication of the early Protestant reaction against what they understood to be works-righteousness in Catholicism. Later confessional statements emphasize duty, emphasizing the development of Reformed theology to a more corporate-minded and dual-covenant minded theology.

It can be safely said that the covenant of works concept originated outside Geneva.⁶⁶ It was first proposed in 1562 by Zacharias Ursinus.⁶⁷ It can be traced to four other theologians who can connections with Ursinus and the Palatinate church: Caspar Olevianus, Thomas Cartwright, Dudley Fenner, and Franciscus Junius.⁶⁸ After 1590, it spread throughout Europe and became commonplace in Reformed theology. It was not, as Perry Miller’s work seems to imply, a controversy only within Anglo-American Puritanism.⁶⁹

Weir argues that the federal covenantal scheme was a way to address an antinomy that threatened to become a paradox. Calvin’s theology stated both that God was utterly sovereign

Christ to Adam may appear ambiguous (I Corinthians 15:22: “For as in Adam all die, even so in Christ shall all be made alive.”), so some debated why Christ’s sacrifice could not be applied in the same federal way that Adam’s could.

⁶⁵ Ibid., vii

⁶⁶ Ibid., 1

⁶⁷ Ibid., 22 and Chapter Three

⁶⁸ Ibid., Chapters Four and Five

⁶⁹ Ibid., viii, 2, 25

over human action and that man had retained full responsibility for his own conduct.⁷⁰ As an early Protestant, this was Calvin's way of protecting salvation against human attempts to explain and codify it. Unlike the characterization of him offered by critics, Calvin was not trying to unravel the mystery of grace.⁷¹ Unlike some of his successors, Calvin stated divine sovereignty and responsibility in a fashion that was more creedal than syllogistic.⁷² In other words, Calvin did not attempt to explain how these two statements (which he asserted from the Scriptures) could be reconciled from logic or metaphysics.⁷³ Neither does Calvin explicitly address, for example, questions of infralapsarianism, sublapsarianism, or supralapsarianism. Although there is much debate on this point, Calvin appears quite reticent to travel the road of the later so-called "High Calvinists" (including some of his biographers and students) who force a logical and explicit conclusion of double predestination from his work.⁷⁴ If Calvin teaches double

⁷⁰ Concerning God's sovereignty, see *Institutes* I.xvii.1, 7; I.xvi.8. For Calvin's absolution of God from "any taint" of human sin or wickedness, see *Institutes* I.xviii. See also Calvin's *Concerning the Eternal Predestination of God*. Weir discusses the disputes of Calvin at length in Chapter Two.

⁷¹ MacKenzie, *God's Order and Natural Law*, 3-4

⁷² Girolamo Zanchius of Heidelberg, for example, used Aristotelian scholasticism to argue that everything about God could be open and available for logical investigation. See Weir, op. cit., 156; Von Rohr, op. cit., 3-4.

⁷³ Von Rohr, 3

⁷⁴ It has been asserted by scholars that Calvin was essentially asserting double predestination, but that is not clear from the explicit text of his work. In fact, Calvin would seem to discourage such "High Calvinism" in his commentary on Romans 9 – a chapter frequently cited by advocates for double predestination. Calvin writes in his commentary on Romans 9:14: "The predestination of God is truly a labyrinth from which the mind of man is wholly incapable of extricating itself. But the curiosity of man is so insistent that the more dangerous it is to inquire into a subject, the more boldly he rushes to do so. Thus when predestination is being discussed, because he cannot keep himself within proper limits, he immediately plunges into the depths of the sea by his impetuosity. What remedy then will there be for the godly? Must they avoid every thought of predestination? Not at all. Since the Holy Spirit has taught us nothing but what it is to our interest to know, this knowledge will undoubtedly be useful to us, provided we shall confirm it to the Word of God. Let this, therefore, be our sacred rule, not to seek to know anything about it except what Scripture teaches us. Where the Lord closes His holy mouth, let us also stop our minds from going on further. Since, however, these foolish questions will come naturally to us, being what we are, let us hear from Paul how they are to be met." Calvin, *Calvin's New Testament Commentaries (Romans and Thessalonians)*, vol 8, 202-203.

predestination, it is tame relative to where some later Reformed theology goes.⁷⁵ This later “High Calvinism” will make double predestination prominent, explicit and even paramount.⁷⁶

But as one might expect when dealing with topics both iconoclastic and enormously consequential, Calvin’s colleagues and successors were not content to leave Calvin’s assertions alone. There was a great temptation to push the arguments further, using traditional logic and syllogistic and metaphysical argument to go beyond where the Scriptures were arguably silent. When Beza, Calvin’s successor in Geneva, began to move this theology into a more probing investigation into divine decrees, there was concern that the result would be to ascribe sin to God.⁷⁷ Prelapsarian Adamic human responsibility solution, argues Weir, was a means of avoiding that problem. It gave moral responsibility to Adam while not softening the decree of God.⁷⁸

Perry Miller sees the problem in psychological terms, casting predestinarian theology as a kind of fatalistic or legalistic straightjacket from which any good humanist had to find a metaphysical or rhetorical escape. Miller argues that the idea of federal theology was a means for Calvin’s heirs to accommodate what Calvin had argued in a less explicit (and ironically, more difficult) way. Von Rohr and Weir agree that there is a tension in the Reformed theology, but do not agree with Miller.⁷⁹ Taking Von Rohr’s (and Hall’s) advice, I do not want to emulate Miller

⁷⁵ See Eusden, “Introduction” 25. See Calvin, *Institutes*, III.xxi, 211

⁷⁶ This may be why McCoy and Baker attribute federal theology to Bullinger, insofar as they see him dissenting from a double predestination scheme. But dissenting from double predestination is not the same as asserting two altogether different covenants.

⁷⁷ Weir, *op. cit.*, 69-74, Von Rohr, *op. cit.*, 3

⁷⁸ Weir, 15-16. This is the thesis of his whole book.

⁷⁹ Miller, *The New England Mind: The Seventeenth Century*. Ch. 13; Weir, *op. cit.*, 25; Von Rohr, *op. cit.*, 1. Weir emphasizes the double covenant scheme and Von Rohr merely catalogs the various ways of applying the covenant of grace.

and see Calvin as a false stereotype against which to play off later permutations of Reformed theology.⁸⁰ I defer to Weir and see this as a development of Reformed theology necessitated not so much by Calvin as foil, but by the whole Reformed effort to redefine the economy of life and salvation in terms of covenants.

The idea of a binding moral covenant on all persons gives the covenant of works tremendous impetus for political theology. Because while the Fall guaranteed that no one would perfectly keep the covenant of works, persons did not become released from its obligations nevertheless. A prelapsarian covenant of works motivated the imprinting of the natural law upon the human heart at Eden and supported both the Sinai and Noahide covenants. It was a means by which, according to the Reformed reading of the Genesis account, God enabled moral (and therefore political) order. One might go so far as to say that insofar as the covenant of works proved to be a redemptive failure, enforcing it might have the additional benefit of showing persons the superiority of the covenant of grace. The covenant of works could further justify a theology of “preparation” (which became another controversy in Reformed theology).⁸¹ Like the bilateral covenant of Bullinger, federal theology could justify a closer allegiance between church and state. The covenant of works became a justification for civil action and the covenant of grace became justification for ecclesiastical action. And just as these two covenants worked together in the economy of salvation, so the civil and ecclesiastical could work together in the polity. On this question of the State and the covenant of works, Weir cites the example of Sabbath laws applied to all persons in civil law:

⁸⁰ Von Rohr, 19-22; Hall, “Understanding the Puritans.” 31-50. For one more example of iconoclastic treatment of Miller, done by someone in Miller’s field, see Emerson, “Perry Miller and the Puritans: A Literary Scholar’s Assessment.

⁸¹ *Ibid.*, 8-9. For a prominent but not uncontroversial discussion of preparation theology, see Pettit, *The Heart Prepared*.

Most federal theologians came to the conclusion that all people, both members and non-members of the Church, must keep the sabbath and that this commandment should be enforced by the State. Historians of Puritanism and Presbyterianism have traced the growth of ‘hyper-Sabbatarianism’ in the late sixteenth and early seventeenth centuries among these groups. The sabbath issue rises to the forefront concurrently with the rise of the federal theology between 1590 and 1640, and it seems that extreme Sabbatarianism had its roots in the federal theology.⁸²

The reason for having the magistrate preserve religious orthodoxy, even enforcing church attendance, was to enable even unregenerate persons to live good lives under the provisions of the covenant of works.

Both regenerate and unregenerate were in covenant with God - even if the latter were in a failed covenant. The fact that it had failed was not a reason for the magistrate to discard it. The civil magistrate did not mandate church attendance or moral conduct because Reformers believed that they could force true belief. Nor did enforcing religious rules and religious orthodoxy presume that all were under the covenant of grace. That would be equated to legalism. Rather, such civil action demonstrated that all were under the covenant of works until graciously transitioned to the covenant of grace.

Not only does federal theology invite a “joining” of church and state in many respects, but the introduction of the covenant of works opens the door for a gracious accommodation of natural law and natural theology in Reformed theology. Van Asselt even suggests that insofar as Melancthon’s theology may have been a co-founder of the root of federal theology, natural law was an essential part of it from the beginning.⁸³ Weir agrees with Rolston, who argues that the prelapsarian theology relies on the possibility of rational persons.⁸⁴ Van Asselt goes so far as to

⁸² Weir, *op. cit.*, 6

⁸³ Van Asselt, *op. cit.*, 326-327, 331-332

⁸⁴ Weir, *op. cit.*, 27

argue that federal theology enabled a transition from orthodoxy to pietism to the Enlightenment. The covenant of works emphasized the legitimacy of natural human reason as a faculty originally given as part of a covenant (albeit failed covenant) of salvation. Though this covenant cannot succeed because it is a prelapsarian covenant, the federal theology emphasized the historical relationship of the two covenants in both the history of salvation and in the personal salvation of the individual.

7.7 Conscience, Casuistry and Natural Law

Federal theologians became more interested in practical questions of salvation and society. This meant moving away from what Reformers like Johannes Cocceius condemned as “inane questions” of the medieval scholastics and toward practical theology, particularly the manner in which one acquires the love of God (*ratio percipiendi amoris Dei*).⁸⁵ That also meant (selectively) recovering the medieval studies of action and will together with the study of conscience. These developments are evident in the work of William Perkins and his student, William Ames. Perkins, a moderate English Puritan, is thought to have outsold Calvin, Beza, and Bullinger. His books, carried by William Ames’s widow, were some of the first taken to New England.⁸⁶ The influence of Ames was practically without equal until the 1680s and reappears in the mid-eighteenth century. Eusden writes, “Whenever a new interest occurred in the early Puritan concern for religious experience and for covenant as an expression of grace, Ames once again became a point of departure. Jonathan Edwards often began with the thought of the

⁸⁵ Van Asselt, *op. cit.*, 1

⁸⁶ Mosse, *The Holy Pretence*, 48. Ames was an associate of John Robinson, pastor of the separatist congregation whose members established Plymouth Plantation. They did not agree on the issue of separation, however. Eusden, “Introduction,” 5

Franeker professor. In early American theological and intellectual history, William Ames was without peer.⁸⁷ Ames also left a legacy in the work of Cocceius, his student.

Together, Ames and Perkins are responsible for a strain of Reformed thinking that is particularly accommodating of natural law. Their influence continued in Reformed denominations, particularly among Presbyterians.⁸⁸

Perkins's theology included an emphasis on conscience, meant to console doubting Christians. Perkins defined conscience as a control mechanism, a force of nature, placed midway between God and man. It helped a troubled man know whether their actions were based on faith or worldly considerations.⁸⁹ For Perkins, ethics required more than merely the literal interpretation of Scripture. Perkins did not believe that any one person's interpretation of Scripture would be absolutely authentic. Thus, one had to judge the opinion that was most probable.⁹⁰ This required the application of reason and conscience.⁹¹ Perkins, like other Puritans, developed casuistry (emphasizing prudence) with which to accommodate both Scripture and political and social ethics. That was applied not just to the interpretation of controversial Biblical cases such as the dissembling of Abraham or the Hebrew midwives.⁹² It appears to be used by Perkins himself when addressing charges of attending a secret presbytery meeting at Cambridge.⁹³

⁸⁷ Eusden, *op. cit.*, 11

⁸⁸ Mayfield, *op. cit.*, 153

⁸⁹ Mosse, *op. cit.*, 49

⁹⁰ *Ibid.*, 53

⁹¹ *Ibid.*, 79

⁹² *Ibid.*, 53-57

⁹³ *Ibid.*, 60

Ames updated the system of his teacher Perkins, extending the Reformed study of conscience, will, law and casuistry. In his letter to the reader of his main work on the conscience, Ames acknowledges his debt to medieval Roman Catholic authors.⁹⁴ But Ames went beyond his predecessors when carrying this tradition into Protestantism. Mosse characterizes Ames as follows,

We can sum up Ames's doctrine of probabiliorism as follows: man's conscience, guided by the law of God, is the court of appeal. This supreme authority takes circumstance and necessities into consideration, though the 'intention' with which the word of God is interpreted, aided by the method of the [Ramist] syllogism. In this way Ames's probabiliorism rests on the individual, and not on the authority of the Church or of recognized interpreters of Scripture like the Church Fathers. It can be argued that this Protestant probabiliorism permits an even greater latitude of action than its Catholic counterpart. It can surely no longer be argued that probabiliorism was either a Catholic monopoly or a Jesuit invention of the seventeenth century.⁹⁵

Ames's discussion is much more Ramist than Aristotelian. Conscience is neither a faculty (as Perkins suggested) nor a habit. It is also divided into two parts, natural and enlightened. The natural conscience is possessed by all men. The enlightened conscience is only possessed by those in union with Christ. Like Perkins, Ames believed that the conscience is a man's mean of judging himself in light of God's judgment.⁹⁶ Using the Ramist syllogistic scheme, Ames taught that one goal of the conscience and reason was to help the individual believer discern whether he was a Christian by applying what the Scriptures said to his own particular experience.⁹⁷ Parallel with Ames's emphasis on will and conscience is a relatively subdued emphasis on predestination. Though Ames rejected any notion of universal salvation, he was much more

⁹⁴ Ames, "To the Reader" in *Conscience with the Power and Cases thereof: Divided into Five Books*. Cited in Eusden, 17

⁹⁵ Mosse, op. cit., 81

⁹⁶ Eusden, op. cit., 42-43

⁹⁷ Ibid., 44-47, 50-51

sensitive to criticisms of limited atonement and double predestination.⁹⁸ Eusden notes that Ames's treatment of predestination comes only two-thirds of the way through Book One, following chapters on faith, the nature of God, sin, and the person and work of Christ. Predestination is treated as a transitional theme between the work of Christ and the description of the Christian life. In this, Ames even dissented from the work of his teacher, Perkins, who had followed Beza in considering double predestination in the work of God.⁹⁹ Of reprobation, Ames had little use because he found it to be of little help in living a Christian life. Eusden summarizes Ames to say, "All men should act as if they were members of the elect; they should not be despondent over what they might feel to be a state of damnation. Despair over one's ultimate condition is a sin for which one needs to ask God's forgiveness."¹⁰⁰

Ames also moved Reformed theology to a position more accommodating of Remonstrant critics. Like his fellow Reformers, Ames was highly critical of the Remonstrants. He said of them that their view on the will was a dangerous error in the faith and tended toward Pelagian heresy.¹⁰¹ But he also argued that the Remonstrant insistence on man's response to the Gospel was a needed corrective for Reformed theology. Though neither Ames's treatment of preparation nor willed response in his theology would have been considered adequate from the Remonstrant point of view, he turned Reformed theology back to the classical question of the will. Ames wrote, "True Christian faith which has a place in the understanding always leans upon divine testimony, as far as it is divine. But it cannot be received without a genuine turning of the will

⁹⁸ Ibid., 8, 27-28

⁹⁹ Ibid., 26

¹⁰⁰ Ibid., 28. See Ames, *The Marrow of Divinity*, II.vi.30, 249

¹⁰¹ Ames, *Conscience with the Power and Cases thereof: Divided into Five Books*. Cited in Eusden, 8

towards God.”¹⁰² Ames also wrote, “We refuse to subject our wills to the will of God and attempt to make his will subject to our lust.”¹⁰³ But Ames emphasized that this turning of the will must be seen as the work of God.¹⁰⁴ Eusden describes Ames to understand predestination not as an inquiry into the divine mind and reason, but as a comforting doctrine that invites one to begin a spiritual pilgrimage.¹⁰⁵ This accounts for Ames’s emphasis on “practical” theology.

Ames was particularly accommodating of natural law, identifying it with the Ten Commandments and believing it to be the expression of the Divine teleology. Ames says in his work on conscience, “Through the goodness of God the knowledge of many things which we ought to do or shun are still conserved in man’s mind even after his Fall.”¹⁰⁶ He argued that the natural law was the basis of both the law of nations and the civil law.¹⁰⁷ All men, Ames argued, are obliged to obey the natural moral law by the covenant made with Adam.¹⁰⁸ The fact that the prelapsarian covenant of works was inferior to the covenant of grace mattered only in the economy of eternal salvation, not in politics. It was not abrogated by the Fall or by a person’s inability to keep it perfectly. The conclusion of this is that all persons possessed a conscience, moral accountability, and an obligation to abide by them – regardless of spiritual condition. Mayfield says of Ames,

¹⁰² Ames, *The Marrow of Divinity*, I.iii.5-6, 81. Cited in Eusden, op. cit., 7. There are dozens of references to the will in Ames’s text.

¹⁰³ Ames, *The Marrow of Divinity*, II.xii.14, 276. Cited in Eusden, op. cit., 13

¹⁰⁴ Ames, *The Marrow of Divinity*, II.xxvi.23, 159. Cited in Eusden, op. cit., 15

¹⁰⁵ Eusden, op. cit., 27

¹⁰⁶ Ames, *Conscience with the Power and Cases thereof*, 1.1.6. Quoted in Boughton, “Choice and Action: William Ames’s Concept of the Mind’s Operation in Moral Decisions,” 195

¹⁰⁷ Gibbs, “The Puritan Natural Law Theory of William Ames,” 47-49

¹⁰⁸ *Ibid.*, 49-51

Ames, like his mentor Perkins and Rutherford after him, emphasized the common ground occupied by both regenerate and unregenerate; though of course each, as Protestants, recognized the distinction. The effect of this emphasis, again, was to discourage the contrary emphasis of Calvin and Luther and play up the possibilities (and on medieval assumptions, therefore the responsibilities) of unregenerate men.¹⁰⁹

Ames's influence on the development of Reformed *political* theology is often implicit rather than explicit. Most of what he expresses in his works on politics is unoriginal, though the continuity with his co-religionists is not insignificant. Like the other Reformers, he asserts God's sovereignty and the will of the people as essential to sound government. Like his fellow Reformers, he cites I Samuel 8 as a warning against the excesses of monarchy. He also charges the Christian citizen to obey only when it is lawful and consistent with conscience.¹¹⁰ But he did not offer explicit application of the covenant device to the political realm, as Bullinger or the Scots did. Ames took what can be considered as a "commonwealth" approach. Eusden characterizes him to say, "Governments are based rather on the commandments and precepts of the Bible, rightly understood and applied, the principles of natural law, and the time-tested legal customs of men, particularly the common law tradition of England."¹¹¹ That friendly approach to natural law and common law may not seem important, but it will have important implications during both the British Civil Wars (as we will see in Chapter Nine) and also for preserving both common law and natural law in the Reformed political tradition.

7.8 Conclusion

The covenant device became a central tool of those Reformers who saw themselves as re-focusing the Church on its Biblical first principles. But we saw in the previous three chapters, the

¹⁰⁹ Mayfield, *Puritans and Regicide*, 157

¹¹⁰ Ames, *Marrow of Theology*, II.xvii.51-58, 312-313. *Conscience with the Power and Cases thereof: Divided into Five Books*, V.xxv.3, 4. Cited in Eusden, 25.

¹¹¹ Eusden, 52

interpretation of the covenant device is not easily or uniformly done. This became apparent within the first 100 years of the Reformed tradition as theologians argued about how to apply the covenant device to soteriology. Those disagreements over soteriology had inevitable and important implications for political theology, too. Not everyone would be in a covenant of grace, but every person was in the covenant of works unless graciously delivered to the covenant of grace. Insofar as some persons had to respond to the covenant of grace (by seeking the means of grace), or insofar as all persons were in a covenant of works, Church, theology and Scripture became more important for political theory. But also, because of the federal theology, natural law, common law, and general revelation also came to greater prominence than might otherwise be expected in a theology otherwise so focused on postlapsarian condition and divine sovereignty.

CHAPTER 8

REFORMED POLITICAL THEOLOGY: THE COVENANT AS POLITICS

8.1 The Protestant Re-formation of Politics

This chapter provides a summary of Reformed political theology in the early modern era, notably the sixteenth and seventeenth centuries. My intent is to summarize the political theory of prominent Reformers and discern variations of their political theory.¹ That includes the ways in which they explicitly integrate the covenant device into their political theology. *Precisely* isolating the role of covenant theology in the political theory of the Reformers is not always possible; the centuries in question are rich and diverse in influence - reflecting a multiplicity of arguments and traditions. Because of the extensive humanist and legal training of the Reformers, one must also remember the influence of medieval and classical political theory.² Greaves, for example, asserts that John Knox's theory of tyrannicide in his *The First Blast of the Trumpet against the monstrous regiment of Women* (1558) is virtually the one espoused by John of Salisbury.³ The idea of a state of nature wherein men have a right to self-defense, which Samuel Rutherford asserts quite clearly and substantially in *Lex, Rex* (1644), was originally formulated by medieval scholars.⁴ McNeill asserts that concepts of representation and consent are found in

¹ I am leaving the Levellers out of this presentation. Not only were they on the fringes of the English Reformation, to assert "influence" of Leveller ideas becomes extremely problematic. Any influence would be collateral or indirect. There was no systematic record of the debates discovered until the late nineteenth century. Lamont jokingly asserts that there could not have been any influence from the Levellers at least until 1891 unless "there had been in the interim period a systematic looting of the cupboards in Worcester College, Oxford." See Lamont, "Puritanism, liberty and the Putney debates," 242.

² In his twenties, Calvin studied law under two distinguished professors, Pierre Taisan de L'toile and Andrea Alciati. If not for his prayer to St. Anne in the thunderstorm, Luther intended to study law. As to training in the classical humanities, this was almost universal in the case of the Reformers, as I will argue in Chapter Ten.

³ Greaves, *Theology and Revolution in the Scottish Reformation*, 145-146

⁴ Tierney *The Idea of Natural Rights*. Richard Baxter also justifies war on grounds of self-defense, perhaps following Grotius's influence. See Lamont, "Introduction", xvii, xviii, xix.

the medieval provincial and diocesan organization of the Church and in monastic and friar orders a few centuries prior.⁵

Even when the Reformers are not entirely original, however, they make an important contribution. By articulating standing political theory in their own particular way, under these historical circumstances, the Reformers enabled the passing of political theory to a Protestant posterity. Hostility toward medieval scholarship (or at least some recognizably Catholic authors and persons) sometimes made it necessary for political theories to be reformulated and made palpable to new audiences. This required the voice, rhetoric, and argumentation of Protestants. It also required accommodation to the new theology. The rhetorical revolution was necessitated by something of a metaphysical revolution.⁶ That metaphysical revolution required more than a new formulation of ideas to reflect a new political reality. Both revolutions required new justification for political theory with new symbols, metanarratives, and forums for transmission. These “new” Reformed premises were often rooted in old texts – Scriptural texts that predated Solon, Gaius, or Justinian I. In the stream of the Western (and Anglo-American) legal conversation, the “old” ideas became “new” when associated with Protestants and Reformation.⁷

Consider again from Chapter One the statement by John Adams about the sources of American liberty. Technically, one could assert that Adams was wrong. The authors that he cites were deeply influenced by a Western and Biblical tradition running back to time out of memory.

⁵ McNeill, *The History and Character of Calvinism*, 411

⁶ It is interesting to note that there were also Catholic arguments for tyrannicide, notably those of Suarez or Mariana. It would be worthwhile to research the differences between Catholic and Protestant justifications. It would also be interesting to look more into how these differences fit into the upheaval that Voegelin describes.

⁷ Returning to Rutherford, for example, Coffey argues that much of what he wrote had not only been argued by previous Calvinist writers, but also by the conciliarists and Spanish Thomists. But his integration of their arguments results in radical conclusions not normally drawn within the constitutionalist tradition. Coffey, *Religion and the British Revolutions*, 158

But that isn't Adams's assertion. Rather, he is addressing how these ideas came to be known to Americans. His attribution to Protestant scholars is what makes all the difference. As Adams's countrymen knew these ideas, they were learned from the Protestant (and Whig) sources and not their distant classical or medieval ancestors. And that is why they must be studied for their own sake – almost as if they began with the Reformation.

8.2 Passive and Aggressive Covenantalism

In considering the use of the covenant device in Reformed political theology, there is a spectrum of application. In its most passive and subtle form, covenantal political theory largely echoes the traditional “commonwealth” approach that goes back to the Roman law. This means that the covenant becomes a “new” symbol to justify standing ideas and institutions. Given the humanistic training of the Reformers, this is not surprising. In this more passive form of covenantalism, the nation is viewed as a common pursuit of *salus populi*. This common good is pursued, however, with two important caveats generally argued from Biblical premises. First, all government is derived from God's supreme authority. That does not equate to a divine right argument. Rather, it holds magistrates accountable to the limits of authority interpreted from Scripture. Second, the will of the people, even though not necessarily represented by direct elections, is a means by which the authority of God is legitimately transferred to civil magistrates.

With the additional force and warrant of the covenant device, tyranny is cast not simply as the abuse of reason or freedom, it becomes the violation of both divine delegation and popular trust. This opens the door for an aggressive doctrine of resistance or revolution. As inheritors of this tradition, Thomas Jefferson and Benjamin Franklin could say, “Resistance to tyrants is

obedience to God.”⁸ That is a much more aggressively theistic formula than “Resistance to tyrants is the assertion of our natural rights” (as a French revolutionary might argue) or “Resistance to tyrants is the restoration of *nomos*” (as the ancients might prescribe). One does not want to dismiss *any* similarity between these last two arguments and the prescriptions of the Reformers. Indeed, as I will argue in later chapters, there is both an ancient and modern thread tied to the ends of the Reformers’ political theory. But it is important to emphasize the theistic and providential elements in the Reformers. As I argued in Chapter Two, the notion of an argument that is argued *only* from nature does not create the same kind of moral imperative as one which is tied to personal revelation and eternal judgment. This makes the *covenanted* commonwealth approach much more wary of power and much quicker to allow or prescribe resistance.

When joined to the more aggressive and unique application of the covenant device, political theory takes on radical implications. At the other end of the spectrum from commonwealth thinking (what I’m calling passive covenantalism) is what I call active or aggressive covenantalism. It often displays a more explicit Scriptural argumentation. If tied to fundamentalism more than humanism, it eyes natural law or common law jurisprudence with suspicion. If tied to humanism and federal theology, it readily accommodates natural law and common law. As demonstrated in the chapters that follow, these two strains of active covenantalism (one being more fundamentalist and the other more humanist) can be found in opposing Reformed camps. Aggressive covenantalism does not reject the essential goals of passive covenantalism: *salus populi*. It agrees with the need for appropriate resistance and limits on civil authority. But it makes these a religious duty rather than a right. Active covenantalism

⁸ Sandoz provides background to this phrase in *The Politics of Truth and Other Untimely Essays*, 204n6.

may place burdens on the people for asserting the right of God over tyrants. For example, Skinner characterizes Goodman, Ponet and Knox to argue that those who fail to resist tyrants would be damned.⁹ And while all covenantal political theologians argued, for example, that the magistrate has some responsibility for the maintenance of true religion, the more aggressive form of covenantalism emphasizes this as a means of obtaining divine corporate blessing or avoiding covenantal sanction.

This spectrum of covenantalism can be applied in the subjects of the dissertation. Calvin was reluctant to explicitly apply the covenant device to politics beyond simply asserting a covenanted commonwealth approach. His disciple Beza had a more aggressive but vaguer covenantalism. As I explained in Chapter Seven, Bullinger clearly saw the whole civil polity in covenantal terms, but it led to a much more muted and almost medieval political theology. It resembled a commonwealth approach and there was no clear prescription for resistance or revolution.

It was Knox who first explicitly and radically applied the covenant device to politics, though even he did so reluctantly.¹⁰ Knox's was selective in his application of the civil covenant, predicated largely on religious circumstances. His first assertion that a covenant had been violated was during the accession of Mary Tudor. In 1554, Knox argued that to participate in the Mass was to violate "the league and covenant of God" that forbade idolatry.¹¹ This was technically not a civil covenant. Knox was referring to the covenant between God and his elect, but an important precedent was set by casting civil disobedience as necessary to avoid

⁹ Skinner, *The Foundations of Modern Political Thought*, 234-237. Cited in Koetsier, *Natural Law and Calvinist Political Theory*, 4

¹⁰ Reid, "John Knox's Theology of Political Government"

¹¹ Mason, "Introduction," xi

damnation. By 1558, in *The Appellation to the Nobility and Estates*, Knox is prepared to articulate a doctrine of resistance that hinges on a more robust theory of covenanting. Knox seems most clearly to have used the *Appellation* as a call to the inferior magistrates of England to rebel against the monarchy. At no point did Knox call on the Scottish nobility to rebel. Whereas England was a covenanted nation, having officially subscribed to Protestantism, Scotland was not.¹² After Scotland subscribed to Protestantism, however, Knox issued the same covenantal warning and admonition. In a sermon to the General Assembly in 1564, Knox applied the same arguments to the Scottish nobility.¹³

The most famous and robust development of a civil covenant was developed by Mornay in the *Vindiciae, Contra Tyrannos* (1579), which was published in the wake of three other covenantal political theologies: Theodore Beza's *Of the Rights of Magistrates Upon Their Subjects* (1575), an anonymously published *The Alarm-clock of Frenchmen and Their Neighbors* (1573-74) and Francis Hotman's *Franco Gallia* (1575).¹⁴ According to Mornay, there are two covenants of political significance. These covenants established the root of the monarch's power from both God and the people. The first covenant is between God, the king and the people. The other is between the king and the people. The first enables the people to act should the king turn away from God. The second obliges the king to act in the interests of the common good.¹⁵

¹² Knox, *Appellation*, in Mason (ed.), *On Rebellion*, 103-105. Mason, "Introduction," xix-xxi

¹³ Knox, *Debate at the General Assembly*, in Mason (ed.), *On Rebellion*, 192-197. Mason, "Introduction," xxiii-xxiv

¹⁴ Fuhrmann, *op. cit.*, 46-47

¹⁵ Mornay's covenant scheme is presented in such a generous and cosmopolitan manner that scholars continue to debate the precise consequence of theology in it. Skinner discounts any significant connection between Mornay's political and religious covenants. Garnett argues that Roman and canon law were fundamental, and that the Scripture is read through the lens of the categories and principles of Roman and canon law. Baker, in response to Skinner, notes that Mornay (like Bullinger) used *pactum* and *foedus* (as legal and Biblical terms) interchangeably and also related piety to both religious obligation and civil justice. McLaren responds to Garnett and Skinner by reasserting the significance of the individual covenant with God, which she argues emphasizes the critical role of theology in the development of early modern republicanism. See: Skinner, *The Foundations of Modern Political Thought*.

Rutherford argued that there exists a covenant between the king and the people, using Old Testament examples to serve his case.¹⁶ God works through the people in this covenant, with the people seen as a community rather than just consenting individuals.¹⁷ One could say that there are three parties to this covenant, though the interests of God and the people are the same. There also exists a covenant between the king and God.¹⁸ This obligates him to maintain religion and civil piety. These covenants reflect both passive and active covenantalism. Passive covenantalism is evident in Rutherford insofar as basic functions and obligations of the ruler exist in a constitutional “commonwealth” sense. Active covenantalism is reflected in Rutherford insofar as the work of God may be found in resistance against tyrants. Rutherford writes, “The covenant is so mutual, that if the people break the covenant, God is loosed from his part of the covenant, Zech. xi.10. The covenant giveth to the believer a sort of action of law, and *jus quoddam*, to plead with God in respect of his fidelity to stand to that covenant that bindeth him by reason of his fidelity, Isa. xliii.26; lxiii.16; Dan. ix. 4, 5.”¹⁹ In establishing these points, Rutherford appeals widely to both natural law and the Old Testament together with acts of parliament.²⁰

Volume Two, 331; Baker, “Covenant and Community in the Thought of Heinrich Bullinger” 24-25; McLaren, “Rethinking Republicanism: *Vindiciae, Contra Tyrannos* In Context,” and Garnett, “Law in the *Vindiciae, Contra Tyrannos*: A Vindication.”

¹⁶ Rutherford, *Lex, Rex*, Q XIV(title): Whether or no the people make a person their king conditionally, or absolutely; and whether there be such a thing as a covenant tying the king no less than his subjects

¹⁷ Rutherford, *op. cit.*, 1, 3, 6, 25

¹⁸ *Ibid.*, 54

¹⁹ *Ibid.*, 54

²⁰ *Ibid.*, 59

8.3 General Prescriptions for Civil Government

Consistent with their medieval and classical predecessors, the Reformers believed firmly in the necessity of government as essential to political (and therefore human) happiness. They asserted its importance for both church polity and civil polity, with discussion of one often prompting and influencing discussion of the other. The Reformers varied in their approach to the integration (or separation) of civil and ecclesiastical. They rarely confused ecclesiastical authority with civil authority, but the state often played a role in giving aid and comfort to the Church. The Reformers asserted their political philosophy against the backdrop of both contrary political theologies (Anabaptist and Antinomian, for example) and chaos caused by the Reformation (such as the Peasants' War).²¹ Contrary to those who demeaned the office of the civil magistrate or deemed civil government appropriate only for the unregenerate, the Reformers argued that government was a blessing of God – meet, right and salutary for all. Without it, there would be no commonwealth – no *res publica*. Rutherford, for example, explicitly centered civil government on the great principle of Cicero (and later cited by Locke): *salus populi, suprema rex*.²²

Civil government was not just something for unregenerate persons or necessary as a result of sin; it was a blessing for regenerate persons as well. At minimum, the civil magistrate enabled the enjoyment of earthly goods such as property and good order. Ideally, magistrates played a role in the preservation of the Church. Both roles were an important part of covenantal political theology. Elizabethan Puritan Thomas Cartwright, for example, argued that God created the civil magistrate for the temporal well-being of the citizens, just as the church was created for

²¹ For a discussion of Bullinger's objections against the Anabaptists, for example, see Baker, *Heinrich Bullinger and the Covenant*, Chapter 6.

²² Rutherford, op. cit., 119, Locke, *Second Treatise*, Section 158

their spiritual well-being. He argued that neither institution could exist without the other. Spiritual famine in the church produced material famine.²³ Both realms were to see to the souls of the people. The civil magistrate did this by securing wealth and quietness on earth; the church concerned itself with eternal life.²⁴ Calvin, who preceded and influenced Cartwright, had the Anabaptists in mind when he argued that government was a blessing from God and intended for all persons.²⁵ He went so far as to assert the calling of civil authority as the highest station in mortal life.²⁶ Later Reformers took Calvin's lead. American Puritan John Cotton, for example, wrote that godly rulers would contribute to a just and blessed political order. God ordered the commonwealth for purity in the church, liberty in the people, and authority in the magistrates. Church and state worked together in providing liberty. Cotton wrote, "Purity preserved in the church, will preserve well ordered liberty in the people, and both of them establish well-balanced authority in the magistrates. God is the author of all these three."²⁷ Writing under the threat of violent persecution, Mornay celebrated how a safe civil order would protect the Church and her members. He writes, "To what purpose should the magistrates bear the sword, if it be not to serve God, who has committed it to them, to defend the good and punish the bad? Can they do better service than to preserve the church from the violence of the wicked and to deliver the flock of Christ from the swords of murderers?"²⁸

²³ Pearson, *Church & State: Political Aspects of Sixteenth Century Puritanism*, 20-21

²⁴ *Ibid.*, 15

²⁵ Calvin, *Institutes*, IV.xx.1-8, 651-656

²⁶ *Ibid.*, IV.xx.4, 653-654

²⁷ Cotton, *Copy of a Letter from Mr. Cotton to Lord Say and Seal in the Year 1636*, in Morgan, *Puritan Political Ideas*, 172

²⁸ Mornay, *Vindiciae, Contra Tyrannos*, 49

Reformed theologians in the sixteenth and seventeenth centuries routinely charged the magistrate with enforcing both tables of the Moral Law (Ten Commandments). In a statement that both summarizes this principle and demonstrates Calvin's reliance on secular sources to confirm Scripture, he writes,

The duty of magistrates, its nature, as described by the word of God, and the things in which it consists, I will here indicate in passing. That it extends to both tables of the law, did Scripture not teach, we might learn from profane writers; for no man has discoursed of the duty of magistrates, the enacting of law, and the common weal, without beginning with religion and divine worship. Thus all have confessed that no polity can be successfully established unless piety be its first care, and that those laws are absurd which disregard the rights of God, and consult only for men.²⁹

The first table concerned religious matters – idols, false gods, blasphemy, and the Sabbath. The second table required laws protecting life and property, consistent with commandments five through ten in the Reformed (non-Lutheran and later non-Anglican) articulation of the Ten Commandments. Concerning the second table, Calvin writes (in another passage demonstrating his mixture of Biblical and secular sources),

Rulers . . . protect the good against the injuries of the bad, and give aid and protection to the oppressed, they are armed with power to curb manifest evil-doers and criminals, by whose misconduct the public tranquility is disturbed or harassed. For we have the full experience of Solon's saying, that all public matters depend on reward and punishment.³⁰

Marian exile Christopher Goodman, a colleague of both Calvin and Knox, commended the rule of Edward VI by noting the comfortable enjoyment of both religion and property.³¹ Knox likewise urged a “two table” duty on the civil magistrate.³² In regard to the first table, the nobility

²⁹ Calvin, *Institutes*, IV.xx.9, 657-658

³⁰ *Ibid.*, IV.xx.9, 659

³¹ Goodman, *How Superior Powers Ought to Be Obeyed*, 66-67

³² Knox, *The First Blast of the Trumpet*, in Mason (ed.), *On Rebellion*, 29-30

had a duty to safeguard the people from corrupt bishops. He wrote to the nobility, "For if your bishops be proved to be no bishops but deceivable thieves and ravening wolves . . . then shall your permission and defense of them be reputed before God a participation with their theft and murder."³³ Cartwright echoes his co-religionists when he writes, "The prince and the civil magistrate hath to see that the laws of God, touching his worship, and touching all matters and orders of the church, be executed and duly observed, and to see that every ecclesiastical person do that office whereunto he is appointed, and to punish those which fail in their office accordingly."³⁴ While still aboard the *Arabella*, Winthrop says this to characterize the purpose of the colony, "The end is to improve our lives to do more service to the Lord and the comfort and increase of the body of Christ whereof we are members."³⁵ Cotton echoes the same thing in his reply to Roger Williams, *The Bloody Tenent, Washed, and Made White in the Blood of the Lamb*. Cotton argues repeatedly that civil magistrates have an obligation to the souls under their care by remembering that the spiritual condition of the people will affect their civil condition.³⁶ None of these authors presumed that civil law could be used to convert persons. These prescriptions were all rooted in various manifestations of covenantal theorizing: to preserve persons from heresy, to preserve civil order, to respect the covenant of works, etc.

As to the form of government, some general observations can be made. Reformed political theorists argued that no one regime type is appropriate for every case. Consistent with their own pessimism about human sinfulness, they were particularly distrustful of any regime that appeared

³³ Knox, *Appellation to the Nobility*, 86. See also Knox, *Letter to the Regent of Scotland*, 57-58. Both are in Mason (ed.), *On Rebellion*.

³⁴ Quoted in Pearson, 30. See 29-35 for a fuller discussion of Cartwright's prescription for the civil magistrate.

³⁵ Winthrop, *Christian Charitie*, in Morgan, *Puritan Political Ideas*, 90

³⁶ Cotton, *Bloody Tenent Washed*, 64, 66, 68, 71, 88, 89

to put too much faith in human nature.³⁷ That distrust of human nature was extended to both church polity and civil polity, as evidenced by Reformed fondness for Presbyterian or Congregational forms of government.³⁸ In civil polity, the problem of sinful human nature cast a shadow over both monarchy and democracy. Monarchy placed too much power in one person and threatened political federalism. When institutionalized as hereditary monarchy, it had the effect of discounting election mechanisms.³⁹ Knox, not surprisingly, prescribed the “election” of the monarch and relentlessly attacked any claim to “divine right.” He writes in *The Second Blast*, “It is not birth only nor propinquity of blood that maketh a king lawfully to reign above a people, professing Christ Jesus and his eternal verity, but in his election must the ordinance which God hath established in the election of inferior judges be observed.”⁴⁰ Rutherford echoes Knox: “If his first-born shall be born an idiot and a fool, they are not obliged to make him king.”⁴¹ Reformers critiqued democracy in the classical way: as majority or mob rule. This placed mainstream Reformers at a distance from Anabaptists or Levellers. Furthermore, the Reformed theologians argued that to rule (which meant to serve) required a calling. Democracy was especially bad at confusing this notion of calling because it made men both ruler and ruled at the same time.⁴²

³⁷ Cotton, for example, offered this admonishment: “Give mortall men no greater power then they are content they shall use, for use it they will: and unlesse they be better taught of God, they will use it ever and anon, . . . they that have liberty to speak great things, you will finde it to be true, they will speak great blasphemies.” Cotton, *An Exposition upon the Thirteenth Chapter of the Revelation*, in Morgan, *Puritan Political Ideas*, 174.

³⁸ Cotton says this quite explicitly: “It is necessary therefore, that all power that is on earth be limited, Church-power or other:” Cotton, *An Exposition upon the Thirteenth Chapter of the Revelation*, in Morgan, *Puritan Political Ideas*, 175.

³⁹ As we will see in Chapter Nine, monarchy carried eschatological implications for English Independents. But this was not the general Reformed complaint.

⁴⁰ Knox, *Summary of the Second Blast of the Trumpet*, in Mason (ed.), *On Rebellion*, 128.

⁴¹ Rutherford, *op. cit.*, 39

⁴² See Morgan’s Introduction to *Puritan Political Ideas*, xv-xx, and also William Perkins, *A Treatise of the Vocations or Callings of men, with sorts and kinds of them, and the right use thereof*, in Morgan, *Puritan Political Ideas*, 35-58. Rutherford rejects democracy as “mere multitude” but does praise the idea of having more than one ruler: “Mere

Despite their criticism of democracy, the idea of consent nevertheless figured prominently in Reformed political theology. McNeill writes, "It was in Calvinism that a uniformly representative polity appeared."⁴³ Both French Protestants (such as Mornay and Hotman) and Scottish Reformers viewed their political histories in light of popular sovereignty and representation.⁴⁴ They also looked to Biblical and historical examples for instruction.⁴⁵ Rutherford wrote that, "The power of creating a man a king is from the people."⁴⁶ Rutherford urged the "election" of the king by the people.⁴⁷ Goodman, tying election to the obligations of covenant, wrote, "If we will be the people of God, let us then search and diligently follow the Laws of God, especially in so weighty matters, as the election of kings and Princes."⁴⁸ Winthrop wrote early in 1630 that the colony was established by both consent and Providence.⁴⁹ Winthrop wrote in 1637, "No man can have just interest in that which belongeth to another, without his consent."⁵⁰ In Winthrop's colony, those within the franchise were required to take a Freeman's oath consenting to

multitude cannot govern in either democracy or aristocracy, for then all should be rulers, and none ruled, but many eyes see more than one – by accident one may see more than hundreds, but accidents are not rules." Rutherford, *op. cit.*, 192. For Cotton's concern about calling in democracy, see Cotton, *Copy of a Letter From Mr. Cotton to Lord Say and Seal in the Year 1636*, in Morgan, *Puritan Political Ideas*, 169.

⁴³ McNeill *op. cit.*, 411

⁴⁴ *Ibid.*, 413

⁴⁵ Calvin, for example, was influenced by the election practices of the Northern Kingdom. Kelly, *The Emergence of Liberty in the Modern World*, 18

⁴⁶ Rutherford, *op. cit.*, 6

⁴⁷ *Ibid.*, vii, 45-48

⁴⁸ Goodman, 19-20

⁴⁹ Winthrop, *Christian Charity*, in Morgan, *Puritan Political Ideas*, 90. Winthrop argues that men do not have rule over one another but by "birth or consent." By birth, Winthrop meant God's providence in that some were born to be considered for positions of authority. This was not an endorsement of hereditary rule. *Ibid.*, 76-77

⁵⁰ Winthrop, *A Declaration In Defense of an Order of Court Made in May, 1637*, in Morgan, *Puritan Political Ideas*, 145.

the colony's government.⁵¹ In Plymouth, the Governor was only allowed to welcome newcomers with the consent of other members of the Company.⁵²

What most of the Reformers meant by “consent” was done through narrow suffrage and largely by local magistrates and nobility.⁵³ Extremely limited suffrage and indirect representation was a reflection of the time. But for the Reformers, working through the Estates or other lower civil offices was not merely a device to limit suffrage or “mob rule.” The creation of these offices mirrored the federalism of covenant theology. Smaller units could enjoy both community and independence and play a prominent role in checking tyranny.⁵⁴ Smaller and dispersed units of sovereignty were also a reflection of a common Protestant imperative – the need for dialogue and self-examination.⁵⁵ Such institutional and rhetorical bulwarks were an important contribution of covenant theology.

Most of the Reformers argued that circumstances dictated the best regime. Calvin argued,

The nature of the discussion depends on circumstances. And if you compare the different states with each other, without regard to circumstances, it is not easy to determine which of these has the advantage in point of utility, so equal are the terms on which they meet. Monarchy is prone to tyranny. In aristocracy, again, the tendency is not less to the faction of a few, while in popular ascendancy there is the strongest tendency to sedition.⁵⁶

⁵¹ Quoted in Haskins, *Law and Authority in Early Massachusetts*, 44

⁵² Bradford, *Of Plymouth Plantation*, 133

⁵³ McNeill, op. cit., 414-415. In France, for example, Hotman and Mornay focus on the Estates, believing these to be the representatives of the people.

⁵⁴ Tyranny was a concept understood by the Reformers in terms more modern than classical.

⁵⁵ Hudson, "Theological Convictions and Democratic Government," 232-234

⁵⁶ Calvin, *Institutes*, IV.xx.8, 656

Calvin writes that of the three forms discussed by philosophers, “Aristocracy has demonstrated itself better than monarchy, particularly given the indulgences of kings.”⁵⁷ Calvin, Knox and Rutherford all three agreed on the merits of a “mixed” regime if it could avoid the abuses of unchecked rule.⁵⁸ Fondness for the mixed regime also reflected (in the case of the Scots), a fondness for Presbyterianism. Rutherford, reflecting on Presbyterian polity, called it the “sweetest of all governments.”⁵⁹

Resistance theory was the area of greatest controversy, so it is not surprising to find a diversity of arguments and assertions on the matter. In the case of Bullinger, Baker writes, “The limits that Bullinger placed on magisterial sovereignty were less clear and perhaps more difficult to apply.”⁶⁰ He adds that Bullinger’s prescription for passive resistance makes any supposed support of republicanism sound “hollow” to modern ears.⁶¹ Calvin, for example, more closely resembled the majority of his medieval predecessors by shying away from a clear advocacy of violent resistance – at least in the early part of his career. In his *Institutes*, he cautions against taking up arms in the face of persecution until care has been taken to discern God’s hand in that persecution. He writes, “Verily Christians were to be a class of men born to endure affronts and injuries, and be exposed to the iniquity, imposture, and derision of abandoned men, and not only so, but were

⁵⁷ “It very rarely happens that kings so rule themselves as never to dissent from what is just and right, or are possessed of so much acuteness and prudence as always to see correctly.” *Ibid.*, 657. Calvin, *Institutes*, IV.xx.8

⁵⁸ Calvin seems to prefer a mixture of aristocracy and democracy in *Institutes*, Bk IV, Ch XX, Section 8, , 657 Rutherford writes, “A limited and mixed monarchy...seems to me the best government.” *Lex, Rex*, QXXVIII, 192; Cotton, *Copy of a Letter*, in Morgan, *Puritan Political Ideas*, 172

⁵⁹ Rutherford, *op. cit.*, xii

⁶⁰ Baker, *Heinrich Bullinger and the Covenant Tradition*, 173

⁶¹ Baker, “Covenant and Community in the Thought of Heinrich Bullinger,” 23

tolerant of all these evils."⁶² He believed that tyrannical rulers were generally raised up by God to punish the people for their iniquity.⁶³ Calvin writes, "If, in short, we are persecuted for righteousness' sake by an impious and sacrilegious prince, let us first call up the remembrance of our faults, which doubtless the Lord is chastising by such scourges."⁶⁴ According to Calvin, evil rulers were God's call to self-examination and an admonishment against wickedness, particularly among God's saints. Tyranny may therefore be no different from other earthly trials. Calvin also warns those who would engage in "foolish" "superfluous" or "pernicious" resistance to check their motives and remind themselves of the duty of Christians is to "obey and submit."⁶⁵ Calvin seems to be much more comfortable prescribing passive disobedience (exemplified in the case of Daniel) than active resistance.⁶⁶

In examining Calvin's prescription for resistance, it is important to note the dates of publication and their circumstance. In Calvin's early work, he is more reticent on the subject. Kelly, for example, notes that if Calvin does extend an ambiguous call to private action, it is only after his co-religionists faced active persecution.⁶⁷ By the early 1560s, Calvin preached in a sermon on I Samuel 8, "Since kings and princes are bound by covenant to the people, to administer the law in truest equality, sincerity, and integrity; if they break faith and usurp tyrannical power . . . is it not possible for the people to consider together taking measures in order to remedy the evil?"⁶⁸ He

⁶² Calvin, *Institutes*, IV.xx.20, 667. Calvin's most famous work went through five editions (1536, 1539, 1543, 1550, and 1559), including a French and English translation.

⁶³ *Ibid.*, IV.xx.25, 670-671

⁶⁴ *Ibid.*, IV.xx.29, 673-674

⁶⁵ *Ibid.*, IV.xx.8, 657

⁶⁶ *Ibid.*, IV.xx.32, 675

⁶⁷ Kelly, *op.cit.*, 28

⁶⁸ *Ibid.*, 29

eventually can only bring himself to offer a half-hearted condemnation of assassination in his *Institutes*, striking a balance between godly resistance and anarchy.⁶⁹

But whatever may be thought of the acts of men themselves, the Lord by their means equally executed his own work, when he broke the bloody scepters of insolent kings, and overthrew their intolerable dominations. Let princes hear and be afraid; but let us at the same time guard most carefully against spurning or violating the venerable and majestic authority of rulers, an authority which God has sanctioned by the surest edicts . . . Although the Lord takes vengeance on unbridled domination, let us not therefore suppose that that vengeance is committed to us, to whom no command has been given but to obey and suffer. I speak only of private men.⁷⁰

But Reformed conservatism never forbid the lesser magistrates from “interposition.” That is, it was still the right (and perhaps duty) of lesser magistrates to *protect* their citizens from tyrannical kings.⁷¹ Protection is different than revolution. Calvin writes,

For when popular magistrates have been appointed to curb the tyranny of kings (as the Ephori, who were opposed to kings among the Spartans, or Tribunes of the people to consuls among the Romans, or Demarchs to the senate among the Athenians; and, perhaps, there is something similar to this in the power exercised in each kingdom by the three orders, when they hold their primary diets). So far am I from forbidding these officially to check the undue license of kings, that if they connive at kings when they tyrannize and insult over the humbler of the people, I affirm that their dissimulation is not free from nefarious perfidy, because they fraudulently betray the liberty of the people, while knowing that, by the ordinance of God, they are its appointed guardians, from being impaired, far less violated.⁷²

⁶⁹ Calvin asserts two class of assassins, drawing upon historical and Biblical cases: “Herein is the goodness, power, and providence of God wondrously displayed. At one time he raises up manifest avengers from his own servants, and gives them his command to punish accursed tyranny, and deliver his people from calamity when they are unjustly oppressed; at another time he employs, for this purpose, the fury of men who have other thoughts and other aims. Thus he rescued his people Israel from the tyranny of Pharaoh by Moses; from the violence of Chusa, king of Syria, by Othniel.” *Institutes*, IV.xx.30, 674

⁷⁰ *Ibid.*, IV.xx.31, 675

⁷¹ Skinner attributes this to the Lutherans, whom he claims were the beginning of the Calvinist doctrine of resistance. See “The Origins of the Calvinist Theory of Revolution.”

⁷² Calvin, *Institutes*, IV.xx.8, 657

He goes on to call the lower orders of rulers the God-ordained and appointed guardians of the liberty of the people.⁷³ Hancock questions whether Calvin's endorsement of resistance by the lesser magistrates cannot also be understood indirectly as an endorsement of private action. He characterizes the relationship as follows, "God has given certain men power over other men, but even private men must withdraw obedience from God's supposed representatives when this would require disobedience to God himself. Thus God's ordination does not finally remove the political responsibility of each individual."⁷⁴

Other Reformers also advocated resistance and revolution. Marian exile John Ponet advocated resistance against Mary Tudor. The Scot George Buchanan justified the deposition of Mary Queen of Scots. Hotman, like his Huguenot co-religionist Mornay, believed that the crown was rooted in the consent of the Estates and could be deprived by the same. Knox believed an ungodly ruler to be a judgment from God, but he also urged resistance.

But just and righteous, terrible and fearful, are thy judgments, O Lord! For as sometimes thou didst so punish men for unthankfulness that man ashamed not to commit villainy with man (and that because that knowing thee to be God, they glorified thee not as God), even so has thou most justly now punished the proud rebellion and horrible ingratitude of the realms of England and Scotland. For when thou didst offer thyself most mercifully to them both, offering the means by the which they might have been joined together forever in godly concord, then was the one proud and cruel and the other unconstant and fickle of promise.⁷⁵

Mary was God's punishment. The church needed to repent. But repentance was not the last remedy. Knox scolds the realms and estates for their election of Mary Tudor and urges them to refuse submission to her commands. He adds, "She is a traitress and rebel against God. . . . They

⁷³ Ibid., IV.xx.31, 675

⁷⁴ Hancock, *Calvin and the Foundations of Modern Politics*, 73

⁷⁵ Knox, *First Blast*, in Mason (ed.), *On Rebellion*, 25-26

must study to repress her inordinate pride and tyranny to the uttermost of their power.”⁷⁶ Should the nobility or lesser magistrates fail in their duty, they would suffer under the wrath of God. Knox wrote, "Now, if your king be a man ignorant of God, enemy to his true religion, blinded by superstition, and a persecutor of Christ's members, shall ye be excused if with silence ye pass over his iniquity?"⁷⁷

Goodman, from whose more radical prescriptions both Calvin and Knox sought to distance themselves, clearly advocated tyrannicide. Like his co-religionists, Goodman did believe that citizens under tyranny should look first to their own sin. But if tyranny was a corporate sanction, the only way out of it may be to depose an idolatrous ruler. In a textbook case of active covenantalism (and popular revolution), Goodman writes to the people,

And therefore your study in this case, ought to be, to seek how you may dispose and punish according to the Laws, such rebels against God, and oppressors of yourself and your country: and not how to please them, obey them, and flatter them as you do in their impiety. Which is not the way to obtain peace, and quietness, but to fall into the hand of the Almighty God, and to be subject to His fearful plagues and punishments.⁷⁸

Using an argument that was to become more common in the development of Protestant resistance theory, Goodman asserts that any magistrate who abandons his God-given duties forsakes legitimacy altogether. They cease to be “public persons” with authority.⁷⁹ He writes,

For this cause have you promised obedience to your Superiors, that they might herein help you: and for the same intent have they taken it upon them. If they will so do, and keep promise with you according to their office, then do you owe unto them all humble obedience: If not, you are discharged, and no obedience belongeth to them: because they are not obedient to God, nor be his ministers to punish the evil, and to defend the good. And therefore your study in this case, ought to be, to

⁷⁶ Ibid., 43

⁷⁷ Knox, *Appellation to the Nobility*, in Mason (ed.), *On Rebellion*, 95

⁷⁸ Goodman, *op. cit.*, 72

⁷⁹ Ibid., 71

seek how you may dispose and punish according to the Laws, such rebels against God, and oppressors of your selves and your country: and not how to please them, obey them.⁸⁰

Goodman asked his reader why God would give civil government unlimited powers when he only allowed other authorities (such as parents) specific liberties with those under their charge? God alone was the primary chief and master, and he set the limits of masters under his charge.⁸¹

Goodman's essay ties calls for revolution with admonitions to resist false religion.⁸² It is the cornerstone of his resistance theory, indicting Mary as an idolatrous ruler. To profess a false religion was equal to being a tyrant. Both were forms of rebellion against God. Disobedience to such rulers was not only permissible, it was commanded. Goodman repeated throughout his work that Christians were in rebellion to God if they obeyed a wicked ruler. Referring to the stoning of false prophets by the people of Israel, for example, Goodman notes that the people were not led by a civil magistrate.⁸³ Hence, they did not need lesser magistrates to sanction their revolt. Against a theology of obedience, or against persons who thought themselves above responsibility for a tyrant, Goodman writes,

But as touching the common and simple people, they think them selves utterly discharged, whither their Prince be godly or ungodly, wise or foolish, a preserver of the common wealth or else a destroyer, all is one to them, they must be obedient, because they are ignorant, and must be led themselves, not meet to lead others. . . . Thus do all sorts of men from the highest to the lowest slip their heads out of the collar: . . . giveth the bridle wholly to their Rulers till destruction remedies overflow all.⁸⁴

⁸⁰ Ibid., 72

⁸¹ Ibid., 44

⁸² Ibid., 4-5, 8-10, 12, 16-17, 26

⁸³ Ibid., 69

⁸⁴ Ibid., 55

Goodman promotes the example of Mattathias, a character from the Apocrypha.⁸⁵ Mattathias not only refused to sacrifice to the Greek gods but took up his sword against those who did - including a government official. This initiated the War of the Maccabees and Jewish Independence.

For the French Calvinists, the question of legitimacy was explicitly tied to the covenant. The king, by breaking his obligations contained in the second covenant between himself and the people, became a tyrant.⁸⁶ Mornay also added a whole litany of acts which defined a tyrant.⁸⁷ This list included ignoring counsel, abusing taxation to fund extravagance, and the lawless persecution of subjects. Mornay not only gave permission for resistance, but considered it a duty. Resisting a tyrant was to be done by those who were officers or lower magistrates, however. The three party covenant in the *Vindiciae* not only described the legal structure of accountability, it also created obligations punishable by covenantal sanction. If a tyrant was allowed to rule, the wrath of God would be poured out not only upon the evil ruler, but also upon his surety, the people. If the lower magistrates failed in their duty, the common people had no choice but to leave.⁸⁸

Rutherford's resistance theory is perhaps the most cosmopolitan of all. He not only provides an exegesis of Romans 13 and the Reformed argument against the rights of a faithless magistrate, he evinces a stream of continuity from the medieval natural rights theorists to the political theory of the seventeenth century. He not only argues resistance based on Reformed political theology, he complements this with an argument from popular consent and self-defense.⁸⁹

⁸⁵ Ibid., 28-32

⁸⁶ Mornay, op. cit., 116

⁸⁷ Ibid., 116-133

⁸⁸ Ibid., 45-46

⁸⁹ Fellow Presbyterian Richard Baxter also argued from grounds of self-defense, though Baxter (unlike Rutherford) did not approve of wars on religious grounds. See Lamont, "Introduction" xii.

He writes, “We teach that any private man may kill a tyrant, void of all title . . . And if he have not the consent of the people, he is an usurper, for we know no external lawful calling that kings have now, or their family, to the crown, but only the call of the people.”⁹⁰ Rutherford further develops the political theology that resistance to tyrants is obedience to God. This was because tyranny was the work of Satan.⁹¹ God therefore worked through the people to remove the ruler.⁹² Rutherford believed that resisting was the duty of the common people as well as the lower magistrates.⁹³ They were not to engage in passive resistance only, but actively to resist the king by removing him from power.⁹⁴

8.4 Conclusion

The Reformers applied the covenant device to politics in various ways through the sixteenth and seventeenth centuries. The result was a political theology that was sometimes radical and innovative, but never strayed too far from familiar and traditional political theory rooted in the familiar and traditional. Their use of the covenant device resulted generally in a strengthening of rights and duties for both magistrates (lesser and greater) and citizens, advocacy of a mixed regime with some degree of popular consent, and a strengthening of arguments for resistance and revolution.

⁹⁰ Rutherford, *op. cit.*, 33

⁹¹ *Ibid.*, 72-77

⁹² *Ibid.*, 26

⁹³ *Ibid.*, Q XXVII, QXXVIII

⁹⁴ *Ibid.*, Q XXX, 158

CHAPTER 9

THE CASE OF THE BRITISH WARS: COVENANT AND ESCHATOLOGY

9.1 Introduction

The last chapter began with the argument that it is not always possible *precisely* to identify the contribution of covenant theology to the development of political theory. That is especially true when dealing with theoretical articulations. If one is willing to delve more deeply into the historical test of these theoretical applications, however, one can conclude more about the vital role of theology. One begins to see how theological differences, the kinds of differences discussed in Chapter Seven, become significant in the articulation of political theory.

In this chapter, I take up the case of the “Wars of the Three Kingdoms,” emphasizing both the English Civil War and the conflict between the English and Scots.¹ Though there were certainly many non-religious aspects to these conflicts, the role of political theology in the conflict is quite pronounced. I have already presented more famous Reformed theological arguments for revolution in the previous chapter. Here, I will see how those arguments were put to the test, and what the consequences were for the practice of politics in the seventeenth century. I will look to see how Reformed political theology was applied in both Parliamentary sermons, in the National Covenant and Solemn League and Covenant, and in debates over the Regicide. What was considered as political theory in the previous chapter becomes political experience. Second, I return to consider the eschatological dimension of theology and ask if millenarianism is *essential* to covenantal political theology. If so, this then adds a new and previously ignored dimension to the discussion.

¹ For a discussion of whether or not these wars should be called “revolutions,” see Morrill “Introduction.”

9.2 Historical Overview of the British Reformation

To discuss “Reformed” political theology in the seventeenth century requires one to study the Puritans. “Puritan” was originally a term of derision given to those who wanted to reform or separate from the Church of England. Puritan disputes with the English Church revolved around a host of theological and political disagreements, notably matters of liturgy and church-state relations. Disputes over religious first principles reached even to Bible translation, as evidenced by James I’s providing an alternative to the Reformers’ “Geneva Bible” and its seditious political notes.²

Although the label “Puritan” is now broadly applied in hindsight to a host of discontented Protestants throughout Great Britain, an important distinction must be made between English and Scottish Reformers. The most obvious differences concern ecclesiastical or political positions.³ Though not all English were Congregationalists (or Independents) and not all Scots were Presbyterian, general differences play an important role in understanding the geography and political details of the English Civil War. English Puritanism, and to some degree all British Puritanism, grew out of internal disputes within the Church of England. The Scottish Reformation, however, enjoyed a certain degree of autonomy in its development. English Puritanism took its cues from the Marian exiles. The English, like the Scots, were thus influenced by developments in the Continental Reformation. But the Scottish Reformation was even more directly influenced by Continental developments.⁴ The Scottish Reformation was also

² For a discussion of the Bible as revolutionary tool, see Hill, *The English Bible*.

³ For a discussion of the historiography of whether there is a Puritanism common to England and Scotland, see Coffey, *Religion and the British Revolutions*, 17-25.

⁴ Steele, “The ‘Politick Christian’: the theological background to the National Covenant” 46-48. This included many personal ties between Scottish theologians and Reformers on the Continent.

influenced by its own Renaissance and humanist traditions, including the work of John Mair.⁵

The result was something of a “miniature Reformation” of its own – particularly in matters of political theory. One product of that miniature Reformation was the Scottish Kirk established by Knox in 1560 on the Presbyterian model.

Presbyterian polity posed a considerable threat to Anglicanism, prompting Queen Elizabeth to sponsor Richard Hooker’s *The Laws of Ecclesiastical Polity* (1594, 1597) to refute Presbyterianism and Puritanism in general. She wrote to James VI of Scotland:

There is risen both in your realm and mine a sect of perilous consequence, such as would have no kings but a presbytery, and take our place while they enjoy our privilege, with a shade of God’s word, which none is judged to follow right without by their censure they be so deemed. Yea, look we well unto them.⁶

Though Presbyterianism was technically an argument about church polity, the consequences for civil polity were inescapable. As with much of the Reformation, the results were revolutionary. Both Presbyterian and Congregational government encouraged more egalitarian approaches to government. As British Protestants chafed under English monarchs their doctrines of resistance and revolution became more pronounced and articulate, and arguments from church polity were applied to civil disputes.

The ascendance of King James VI of Scotland to become James I of England in 1603 was a crucible for both political theory and church-state relations. As James I, he hoped to consolidate Scotland, England and Ireland under one civil and church polity, but he was continually met with resistance – particularly in matters of religion. Upon taking the throne, he was confronted almost immediately by Puritans with the Millenary Petition, demanding further

⁵ This is addressed, for example in Mason, *Kingship and the Commonwealth* and Burns, *The True Law of Kingship*, Chapters One and Two. It is also suggested by Skinner in “The Origins of the Calvinist Theory of Revolution.”

⁶ Quoted in Pearson, *Church & State*, 61

reform of the Church of England. James made some concessions, but was unwilling to tamper with the episcopal (bishop-led) system. He believed his kingship to be tied to the bishops and the episcopal system, as summarized by his phrase, “No Bishop, no King.” Coupled with the Presbyterian role in the persecution of his mother (Mary Queen of Scots) and what he rightly suspected was antiroyalism inherent in their beliefs about church polity, James had ample reason to neutralize Presbyterianism in Scotland. In 1617, he insisted on a series of reforms within the Kirk in the Five Articles of Perth, reluctantly agreed to by the Scottish General Assembly in 1618 and ratified by the Scottish Parliament in 1621. But despite small successes such as this, James was unable to accomplish much of his consolidation agenda both at home in dealings with the Puritans and with the Scottish Presbyterians.

While James I appeared prudent and patient in his dealings with Puritans and Presbyterians, the same cannot be said about his son and heir. Charles I ascended the throne in 1625 and provoked a catastrophe with attacks by both himself and Archbishop Laud on Presbyterianism and Puritan worship.⁷ Morrill writes, “What is striking about Charles’s policies towards Scotland is not anglicisation but a naked authoritarianism.”⁸ The Scots categorical rejection of bishops and liturgical worship led first to the making of the National Covenant (1638) and then to the first of the wars, the Bishops’ Wars of 1639-1640.⁹ Charles marched to war against the Scots, who were led by Covenanters. War was averted through the Treaty of

⁷ For a summary and analysis of the initial conflict between Charles I and the Scots, see Morrill, “The National Covenant in its British Context”

⁸ Ibid., 6. For broader treatments of this conflict and the role of the Scots in the wars, see Stevenson’s *Revolution and Counter-Revolution in Scotland* and *The Scottish Revolution 1637-1644*, MacInnes’s *Charles I and the Making of the Covenanting Movement* and Kaplan’s *Politics and Religion during the English Revolution*.

⁹ For an explanation of how popular sentiment opposed the initiatives of Laud and Charles, see Steele, op. cit.

Berwick (or Pacification of Berwick). Charles conceded to allow a free parliament and church assembly to Scotland and eventually struck a temporary peace with the Scots in 1641.

The greatest catalyst to civil war in England was the fear of many, particularly in Parliament, that Charles's reforms institutionalized an unaccountable monarchy. Tensions with Parliament also grew in the face of repeated (and unfulfilled) requests for taxes. This led to debates about constitutional authority, legal right and sovereignty. Charles attempted on three occasions to raise taxes for his wars against Spain and France. The issue of authority was forced by the Petition of Right in 1628, which Parliament used to assert its ultimate right over taxation. In response to the Three Resolutions in 1629, a call to merchants to refuse the King's collection of tonnage and poundage and also a protest against both perceived doctrinal Arminianism, Charles dissolved the Parliament and began an eleven year period of personal rule. He reconvened Parliament to raise money for war against both the Scots and the Irish, but was denied new taxes by the Short Parliament in 1640. The Long Parliament convened shortly thereafter and engaged in a series of disputes with Charles that brought issues of constitutional sovereignty to a head.

Religious controversies are always evident during this same period and they play an important role in the milieu of conflict. For example, when Roger Manwaring's sermon supporting absolute monarchy was printed in 1628, Parliamentarians protested and had Manwaring arrested, imprisoned and fined.¹⁰ Perceived movement toward Arminianism in the Church of England was read as the eventual establishment of Roman Catholicism. Any move against the Kirk was perceived as tantamount to promotion of the Mass. That included even changes in the Scottish liturgy, a point made quite bluntly by Jenny Geddes with her stool at the

¹⁰ Hobbes is noted to have said that Manwaring "preached his doctrine" See *Leviathan* 21.19. Cited in Martinich, *A Hobbes Dictionary*, 9

first reading of the *Book of Common Prayer* in 1637. Kenyon, contra Gardiner and almost 100 years of British history, argues that the “rolling stone” of the wars was not the state of the monarchy or the ineptitude of Charles I and his advisers. Instead, he argues that the stone started rolling with Jenny Geddes’s stool and the accompanying protests against ecclesiastical imposition.¹¹

The English Civil War began in 1642 shortly after Charles attempted the arrest of five members of the House of Commons on a charge of treason. The Scots, who had originally made peace with Charles again in 1641, responded quickly to the appeals of his opponents when Irish Catholics threaten to join the Royalists. The Scottish Covenanters (Presbyterians) joined the fight against Charles after English allies agreed to the Solemn League and Covenant in 1643. The Presbyterians hoped that this common allegiance to the Solemn League and Covenant would lead to Presbyterian reform of church polity in the Church of England. Pressed by numerous setbacks and the professional efficiency of the New Model Army, Charles I surrendered in 1646.

Tensions between British Protestants, considered later in this chapter, came to a head in Charles I’s trial and execution by the Rump Parliament in 1649. As evidenced by the absence of Presbyterians in the Rump Parliament, a fatal division separated co-religionists on the question. Charles II took advantage of the ensuing Scottish-English rivalry and established a foothold in Scotland in 1650. He allied himself with both Scot Royalists and Covenanters by signing the Solemn League and Covenant. Eventually, with the help of the Scots, Charles II regained the throne and began persecuting both Puritans and Covenanters.

¹¹ Kenyon, *Stuart England*, 54-55. Cited in Morrill, “Introduction.”

9.3 The National Covenant, Solemn League and Covenant, and the Westminster Assembly

In the face of Charles I's early assaults on Presbyterianism, Scots Alexander Henderson and Archibald Johnston drew up the National Covenant in 1638. It was based on the Confession of Faith of 1581 (signed by James VI) and reflected both the Reformed theology of covenant and the tradition of religious "banding" popular in Scotland since the late sixteenth century.¹² This document, and the succeeding one, the Solemn League and Covenant (1643), became literal and legal expressions of political theology coupled with historical and cultural circumstance. The National Covenant cited numerous Acts of Parliament to show that the Reformed faith had been duly established in Scotland and bound its signatories to maintain freedom of Church and defend Presbyterianism. This gave real birth to the Covenanter movement. It also provided legal warrant for deposing and excommunicating bishops, in addition to condemning the Book of Canons, the Liturgy and Perth Articles. The National Covenant was first signed by noblemen, gentry, clergy and burgesses but was later distributed for what Steele calls a "direct, formal canvass of the Scottish people for a loyalty oath."¹³

The National Covenant not only asserted Presbyterianism as true church polity, it also asserted Scottish nationalism, civic loyalty to the crown, and the supremacy of parliamentary statute.¹⁴ Perhaps most significantly, it was also characteristic of earlier covenantal thought because it emphasized the conditional nature of authority and allegiance.¹⁵ This is evidenced by

¹² Steele, *op. cit.*, 45. Steele writes that "Renewal of such covenants was a well-established ritual with no less than thirty-one extant documents of this type dating from the Reformation, the earliest known being the Duns Covenant of 1556 which was drafted on John Knox's return from exile on the Continent."

¹³ *Ibid.*, 37

¹⁴ On this last point, Steele writes, "This would have struck contemporaries as a radical constitutional assertion." *Ibid.*, 41

¹⁵ *Ibid.*, 54

the way in which the National Covenant's subscribers argued that the King, rather than any mere discontent on their part, had driven them to articulate revolutionary principles.¹⁶ Johnston looked to writings of prominent federal theologians for inspiration, researching the terms of resistance.¹⁷ This included the covenant theology of Ames, discussed in Chapter Seven. Johnston also examined Althusius's *Politica*.¹⁸

The National Covenant did something quite radical in utilizing popular sentiment and action. While the Scots remained committed to the preservation of monarchical government and largely to revolution only by duly appointed representatives, there is a populist leap taken in the National Covenant.¹⁹ First, "Tables," (elected by nobility, gentry, burgesses and clergy) rather than nobles themselves were to exercise the right of resistance.²⁰ Second, popular persons were now called upon to testify personally to their loyalty and to affirm popular support.²¹ Although intimidation was no doubt used in some cases, popular support was evident. As scholars of the period have noted, rank and file Scots would not have signed on if they themselves had not subscribed earlier to the federal theology.²² Though not a fully populist step, the National Covenant contributed to the significance of the individual conscience in resisting unjust authority. Steele summarizes this when she writes,

With Covenant ideology, there was an explicit rejection of the collectivist, sociopolitical obligation to obey out of natural deference to authority in favor of

¹⁶ *Ibid.*, 44

¹⁷ *Diary of Sir Archibald Johnston*, I, 308. Quoted in Steele, *op. cit.* 49

¹⁸ *Diary of Sir Archibald Johnston*, I, 408, Cited in Steele, *op. cit.*, 49

¹⁹ For a confirmation of Scottish monarchical allegiance, see Steele, *op. cit.*, 55-56

²⁰ MacInnes, *op. cit.*, 166-177

²¹ Steele, *op. cit.*, 45

²² *Ibid.*, 49-50, 58

an individualistic responsibility to conscience based on religious conviction. As the criterion for loyalty, the designation of conscience was recognized as a radical choice with potentially serious political repercussions. Those opposed to Caroline religious reforms were well aware that their activities bordered on sedition; nonetheless, they believed that their faith provided the moral imperative. If personal conviction replaced obligation, then the standard concept of natural, collective loyalty and obedience owed to the established order no longer held. With all of society bound by a covenant in subordination to God, conventional social and political allegiance thus took a back seat to faith and the ‘Politick Christian’ was created.”²³

This echoes what was discussed in the previous chapter, and in future chapters, about the role of conscience in resistance and revolution.

In 1643, the help of the Scots against Charles I became conditional on Parliament’s approval of the Solemn League and Covenant. This covenant prominently included calls for both political and religious reformation, and emphasized religious reformation. It also demonstrated the royalist leanings of the Scots. For many reasons, the alliance enabled by the Solemn League and Covenant was not a perfect one. The Scots were more concerned with religious matters while the English were more concerned with constitutional matters such as taxation.²⁴ A selection from the Solemn League and Covenant follows:

(I) That we shall sincerely, really and constantly, through the grace of God, endeavour in our several places and callings, the preservation of the reformed religion in the Church of Scotland, in doctrine, worship, discipline and government, against our common enemies; the reformation of religion in the kingdoms of England and Ireland, in doctrine, worship, discipline and government, according to the Word of God, and the example of the best reformed Churches; and we shall endeavor to bring the Churches of God in the three kingdoms to the nearest conjunction and uniformity in religion, confession of faith, form of Church government, directory for worship and catechizing, that we, and our posterity after us, may, as brethren, live in faith and love, and the Lord may delight to dwell in the midst of us. (II) That we shall in like manner, without respect of persons, endeavor the extirpation of Popery, prelacy (that is, Church government by Archbishops, Bishops, their Chancellors and Commissaries,

²³ Ibid., 58

²⁴ McKay, *An Ecclesiastical Republic*, 5

Deans, Deans and Chapters, Archdeacons, and all other ecclesiastical officers depending on that hierarchy), superstition, heresy, schism, profaneness, and whatsoever shall be found to be contrary to sound doctrine and the power of godliness, lest we partake in other men's sins, and thereby be in danger to receive of their plagues; and that the Lord may be one, and His name one in the three kingdoms. (III) We shall with the same sincerity, reality and constancy, in our several vocations, endeavor with our estates and lives mutually to preserve the rights and privileges of the Parliaments, and the liberties of the kingdoms, and to preserve and defend the King's Majesty's person and authority, in the preservation and defense of the true religion and liberties of the kingdoms, that the world may bear witness with our consciences of our loyalty, and that we have no thoughts or intentions to diminish His Majesty's just power and greatness.

The Parliaments of England and Scotland eventually required that all persons above the age of eighteen in both countries swear allegiance the Solemn League and Covenant.

If there was agreement here among Reformed Britons, it is only on the surface. Dissent over theology, and thus political theology, soon became apparent in the Westminster Confession. The calling of the Westminster Assembly was approved by Parliamentary Ordinance on June 12, 1643 after five failed attempts to have it approved by Charles I. Most prominent in the Assembly debates were Scot Presbyterians Alexander Henderson, Samuel Rutherford, and George Gillespie.²⁵ Other groups were also represented, including Independents and Erastians. Originally charged with reforming the Thirty-Nine Articles of the Church of England, the Westminster Assembly abandoned this work for a new charge from Parliament on October 12, 1643. The outcome was a public directory for worship (The Directory for the Public Worship of God), catechisms for adults and children (Shorter and Larger Catechisms), and The Westminster Confession of Faith.²⁶

Different interpretations of the Solemn League and the Westminster Assembly came to divide the British reformers. Presbyterians emphatically believed that the Assembly committed

²⁵ Ibid.

²⁶ Adair, *Founding Fathers: The Puritans in England and America*, 211-212

the nation to a Presbyterian reform, particularly after its work was completed.²⁷ Hard-line Presbyterian George Gillespie insisted on a kind of divine right Presbyterianism while other Westminster divines were only willing to endorse the Presbyterian system on prudential grounds.²⁸ Some Independents such as William Burges agreed with the Covenant in 1641 but dissented against its imposition in 1643.²⁹ Presbyterians cited the Covenant against Independents, who insisted that the spirit and function of it had been broken by the King and thus was of no effect.³⁰ Independents also appealed to the Noahide Covenant in response, which obliged capital punishment for those who committed murder.³¹ Against Erastians, Gillespie argued that there were distinct civil and ecclesiastical jurisdictions.³² As the distance between Presbyterians and others grew, the Covenant was discarded by Independents as “judicial hardness.”³³ Cromwell accused the Presbyterians with “pretenses of king and [the Solemn League and] Covenant.”³⁴

9.4 A Covenanted Nation: The Parliamentary Sermons

The application of covenant theology also becomes apparent in sermons preached to Parliament during the Long Parliament. Beginning in November, 1640, the Long Parliament

²⁷ Mayfield, *Puritans and Regicide*, 125-126

²⁸ McKay, *op. cit.*, 270

²⁹ Lamont, *Godly Rule*, 110

³⁰ Mayfield, *Puritans and Regicide*, 179-180, 232, 237

³¹ *Ibid.*, 179

³² McKay, *op. cit.*, 8-40. See also Gillespie’s *Aaron’s Rod Blossoming*.

³³ Owen, *Works*, 8:319, 321, 328-329. Cited in Mayfield, 195-196

³⁴ Abbot, ed., *Writings and Speeches of Oliver Cromwell*, 2:325, 303. Quoted in Mayfield, *op. cit.*, 230. Cromwell’s army would eventually confront the Covenanters on the battlefield in 1650, but in the context of Charles II’s attempted return to power.

instituted the practice of regular sermons from Reformed clergy. These sermons were preached until 1652. Many were printed. For most of this time, an ecumenical approach (within Reformed theology) prevails. Clergy were not excluded because of their particular views on ecclesiastical polity. Thus, these sermons become a window into the covenantalism common to both Independents and Presbyterians. Clergy did not see themselves as having any authority over Parliament. It is an important distinction that Wilson emphasizes as follows, “Their teaching was basically derived from theological assumptions. They offered saving knowledge, rather than political advice and counsel, at the humiliations and thanksgivings. In this manner the divines of the brotherhood sought to shape a pious nation.”³⁵ But even though legal authority was not presumed by the clergy, these were sermons intended to have political consequence in one form or another. Clergy mimicked the Old Testament prophets. The terms in which the clergy spoke emphasized corporate entities, often the nation or the church. Their language was nationalist, often taking ancient Israel as a model.³⁶ Britain’s history was reconstructed in light of a narrative in which the people could enjoy security and purity through a close relationship between church and state. This was ideally going to be fulfilled in the Westminster Assembly, whose members’ sermons are frequently quoted and cited in studies of the Civil War.³⁷

Before the war, the clergy sought a national church as the expression of a faithful people. The Solemn League and Covenant was seen by both Scot Presbyterians (such as Alexander Henderson) and English Independents (such as Philip Nye) as being the realization of these

³⁵ Wilson, *Pulpit in Parliament*, 167

³⁶ *Ibid.*, 168-170, 173

³⁷ Examples given by Wilson include Thomas Hill’s *The Trade of Truth Advanced* (London, 1642) and Herbert Palmer’s *The Necessity and Encouragement, of Utmost Venturing for the Churches Help*. (London, 1643)

hopes.³⁸ The League and Covenant also advanced federal conceptions of corporate and national piety.³⁹ Joseph Caryl (a Nonconformist and Independent) provided the fullest analysis of the Solemn League and Covenant in his work *The Nature, Solemnity, Grounds, Property, and Benefits, of a Sacred Covenant*, defining the end of a political covenant as “the glory of God and their common good.”⁴⁰ It would also enable a “holy and happy people.”⁴¹

As a covenanted nation, rulers were “appointed” by God – but not in any Divine Right sense. Appointment justified accountability, and the vehicle for accountability was found in human politics and clerical preaching. The people and the commonwealth were committed to serving their governors, but they were also charged with reform of the church. This was emphasized in the political sermons. Cornelius Burges told the Parliament in 1640, “My businesses is, merely to persuade you into a Religious Covenant with God, as himself hath prescribed and commanded; and his people, in the best times of Reformation, have readily admitted: namely, every man to stir up himself and to lift up his Soul to take hold of God, to be glued and united to him, in all faithfulness, sincerity, care, and diligence, to be only his for ever.”⁴²

Covenantal political theology said that righteous and religious leaders are a blessing. This made government a divine office, but one which still required the tutoring of the preachers.⁴³ The

³⁸ Wilson, op. cit., 168-170, 205

³⁹ Ibid., 170-171

⁴⁰ *The Nature, Solemnity, Grounds, Property, and Benefits, of a Sacred Covenant*, 7, quoted in Wilson, op. cit., 171

⁴¹ Ibid., 18-29, quoted in Wilson, op. cit., 171

⁴² *The First Sermon Preached to the Honourable House of Commons now assembled in Parliament at their Publique Fast* (London, 1641), 57 quoted in Wilson, op. cit., 201

⁴³ Wilson, op. cit., 172-173

preachers often tutored through a prophetic narrative of the contemporary situation. Wilson writes,

The preachers' interpretation of England's history as holy history, that is, according to a course of covenanted salvation, contrasted starkly with the ambiguous status of the parliamentary cause. Whereas the victories in the field which led to conclusion of the first civil war, for example, could be framed within their theological calculus (thereby serving to confirm it), defeats and divisions were also experienced which, it might be thought, would have called that framework into question. Thus there was an evident need to come to terms with the times.⁴⁴

By 1645, the clergy were more explicit in attributing troubled times to the failure of the people and nation to uphold covenant obligations. Stephen Marshall and Edmund Calamy (both Presbyterians), for example, blamed divisions and faction. Others blamed heresy. With these transgressions came both covenantal chastisement and deliverance.⁴⁵ Wilson writes, "Eventually the preachers' teaching came to be dominated by the thesis that the covenant people might well provoke God, leading Him to take vengeance upon them, but that in the end He would not reject them."⁴⁶ National repentance resembled individual repentance, with nation-wide prayer and fasts.⁴⁷ Wilson summarizes his study of the Parliamentary sermons by emphasizing their eschatological content. He writes,

In certain respects emphasis upon the anticipated new 'age' – explicitly millenarian or not – was the most striking and fundamental characteristic of the formal preaching before the Long Parliament, at least insofar as it is accessible through published sermons. . . . Whatever else may be required to understand them, it is necessary to recognize in the sermons at the humiliations and thanksgivings an attempt on the part of the clerical puritans to establish a

⁴⁴ Ibid., 174-175

⁴⁵ Ibid., 176-179

⁴⁶ Ibid., 183. Wilson cites Herbert Palmer's *The Glasse of Gods Providence* (London, 1644) and John Strickland's *Mercy rejoycing against Judgment* (London, 1645)

⁴⁷ Wilson, op. cit., 183-189

collective eschatological framework to confer historical meaning upon the exercise of their piety.⁴⁸

It is these differences in eschatology, and related theological differences, that will be considered in the remainder of the chapter.

9.5 The Challenge of Millenarianism

Millenarianism, although not the subject of the dissertation, has clear and important political implications. Millenarianism does not necessarily detach persons from politics. It often threatens to turn them into political zealots. Lamont is right to argue that millenarianism, especially in the case of seventeenth century England, is more about involvement with the world than alienation from it.⁴⁹ Millenarianism's reputation for radicalism stands in sharp contrast to the more prudent and anti-temporal influence of traditional Augustinian eschatology. Pocock attributes this radicalism to "imminent transcendence," something akin to Voegelin's description of gnosticism.⁵⁰

But there are many eschatological theologies. Some are more spiritual and others more literal and political.⁵¹ Calvin, so often considered the prototype of Reformed theology, was not especially interested in eschatology. Lamont compares him to Augustine in this respect.⁵² But Calvin was never the inspiration for political religion in the Puritans. Lamont writes, "Goffe and other seventeenth-century English Calvinists did not learn chiliasm from Calvin; in England it was first Wyclif, then Bale and Bullinger, who developed the idea that the Book of Revelation

⁴⁸ Ibid., 195

⁴⁹ Lamont, op. cit., 13-15

⁵⁰ Pocock, *The Machiavellian Moment*, 31-48, 343-347. Cited in Mayfield, op. cit., 15

⁵¹ Lamont, op. cit., 7-9

⁵² Ibid., 174

foretold the destruction of the Roman Antichrist. But it was John Foxe who combined this belief with the assumption that the Christian Emperor had a decisive part to play in the process.”⁵³

To determine the status of millenarianism in Reformed political theology, it is important to determine if co-covenantalists can be found to disagree in their application of millenarianism. Ideally, a case is found wherein one group of covenantalists rejects the millennial radicalism of their colleagues outright, especially on covenantal grounds. That probably best describes what transpired between Independents and Presbyterians over the trial and execution of Charles I. While the differences between the Regicides, largely Independents, and their opponents, largely Presbyterians, has been attributed to a variety of factors, Mayfield is correct to focus on clergy and theology and insist on a religious explanation of the differences.⁵⁴

While both Presbyterians and Independents shared a common fondness for eschatological exegesis and narratives, not all eschatology can be considered “millenarian.” Wilson describes the division over eschatology as *prophetic* versus *apocalyptic*, appearing as early as 1642.⁵⁵ *Apocalyptic* eschatology did not have an open future. God ruled the course of human events and would bring things to pass in the context of a certain future. The vision of this future was withheld from the worldly wise but delivered to faithful elite.⁵⁶ *Prophetic* eschatology emphasized the covenant relationship and the delivery of a “word” from God. It embodied both judgment and mercy. Its vision of the future presented eventualities in context of an open future.

⁵³ Ibid., 22-23

⁵⁴ For example, some attribute the execution to the character of Cromwell, emphasizing his leadership and resolve even in the face of a supposed last-hour hesitancy. Mayfield contests these explanations and accounts, saying that they inappropriately ascribe a modern rationale to Cromwell, “portraying a mentality understandable on modern terms rather than on seventeenth-century ones. . . . The present work, then, will offer what I believe is a more accurate analysis of Cromwell and of radical religion in the late 1640s.” See Mayfield, *op. cit.*, 16-21.

⁵⁵ Wilson, *op. cit.*, 208-209

⁵⁶ Ibid., 198-199

This was a scriptural admonition to a covenanted people, not a prediction.⁵⁷ Asserting a special place in Providence, echoing the Old Testament cosmology of deliverance and judgment, is not the same kind of utopianism and immanent earthly reign that found its way into the more radical clergy and sects. Whereas prophetic preachers counseled reformation, apocalyptic preachers exalted radical and destructive acts, violence and revolution.

9.6 Dissent over Regicide: Millenarianism and the Covenant

Though Scottish Presbyterians had provided some of the most articulate arguments for resistance and revolution and supported the war against Charles I, they did not support his public trial and execution. Rutherford denounced it. But given that proponents for the king's deposition claimed to draw support from Knox, Goodman, Buchanan and even Rutherford, then where did the differences lie? Underlying the disagreements about jurisprudence were significant differences in theology.⁵⁸ This included disagreements about the role of the church in the polity and the right use of both reason and Scripture in constructing legal and political theory - including the use of natural law.⁵⁹ These resulted in two different views of the covenant. The most significant question is whether the differences first began with disputes about polity and practice, or whether those disputes were first begun and sustained by differing views of sacred history and eschatology. According to Wilson's analysis, it is the latter.⁶⁰ This is also Mayfield's conclusion. Presbyterians, who were co-belligerents in the Revolution and co-religionists in

⁵⁷ While there certainly were Presbyterian radicals who preached apocalyptic eschatology, I think that Steele has it wrong when she fails to note the important distinction between the two kinds of eschatology in her discussion of the Scottish Presbyterians. Yoking all eschatology together is a common problem among religious historians. See Steele, *op. cit.*, 51-55.

⁵⁸ Mayfield, *op. cit.*, 33-41, 95-96

⁵⁹ *Ibid.*, 171-172

⁶⁰ Wilson, *op. cit.*, 229

many ways, disagreed with what they saw as hyper-millenarianism of the Independents.⁶¹ They also had fundamental disagreements about covenant theology and the nature of the Fall. This translated into a different approach to church-state relations.

The origins of the more radical English millennial thought have been traced to the Marian exile of 1553-1559 and to the work of John Foxe.⁶² Foxe's *Acts and Monuments* provided an impressive interpretation of contemporary events. But Foxe was conservative in many respects, much more comfortable with interpreting the past than the future. He also supported the status quo, including that of bishops and monarchy. Lamont judges Foxe's influence "more ambivalent" than originally thought by Haller.⁶³ He argues that Charles I succeeded in making Foxe's faith in Crown and bishop implausible by 1641. The result was a loss of faith in Foxe but not in the Book of Revelation. Many lost faith in a godly prince, but could not agree on the alternative.⁶⁴ What followed was a host of disputes about civil and church polity, eschatology, religious establishment and toleration, and (most significant for our purposes) covenant theology.

While many disputed Foxe's answers, they did not dispute his questions or their eschatological import.⁶⁵ In the early part of the seventeenth century it fell to Thomas Brightman and Joseph Mede to orient eschatology toward the future. This meant not simply interpreting the future, but also transforming it.⁶⁶ Brachlow writes,

⁶¹ Mayfield, op. cit., 60-61. Much more detail is provided in Chapter 2.

⁶² Haller, *The Elect Nation*; Mayfield, op. cit., 43-52; Wilson, op. cit., 173

⁶³ Lamont, op. cit., 23

⁶⁴ Lamont, op. cit., 25, 41-43. The theme of alternatives to the godly prince is the overall theme of Lamont's study.

⁶⁵ Lamont, op. cit., 175

⁶⁶ For a discussion of Mede and Brightman, see Wilson, op. cit., 215-223. On the subject of their importance, Lamont, again, criticizes Walzer on his understanding of things: "Walzer . . . shows how much of Brightman is in Mead. If he too, in the end, underrates Brightman it may be because he has missed the significance of Brightman's challenge to Foxe." Lamont, op. cit., 104n

With Napier and Brightman's publication of commentaries on the eschatological implications of the prophetic books of Daniel and Revelation at the turn of the seventeenth century, as well as those of Joseph Mede in 1627, a new and radically transformed understanding of the Parousia was, according to many modern scholars, inaugurated in English Protestant thought. It was in their writings, and not those of Foxe, that seventeenth-century apocalyptic expectations of the millennium as a future golden age on earth were beginning to surface.⁶⁷

This had a profound effect on British politics, particularly in terms of revolutionary rhetoric.⁶⁸

Mayfield writes,

It was the cumulative effect of a literalistic and futuristic eschatology, particularly as regards the doctrine of the millennium, which proved especially useful to the later radicals among the Independents. . . . Fitted with new prophetic spectacles that looked forward instead of backward, a new excitement vivified contemporary events for those truly spiritual men privileged, if not to all the precise details, certainly to the glorious outlines of what God had in store for the family of the saints.⁶⁹

This new eschatology was championed early in the sermons of Richard Sibbes and Thomas Goodwin.⁷⁰ It is also found in the sermons of John Owen, Cromwell's chaplain, and in the writings of John Milton.⁷¹ This millenarianism is consequential not only for England, but for some in America. Indeed, Wilson casts American Puritan John Cotton as a millenarian.⁷² He was a supporter of the execution of Charles I, and exerted influence through his correspondence with

⁶⁷ Brachlow, *The Communion of Saints*, 84

⁶⁸ Wilson, op. cit., 233-234

⁶⁹ Mayfield, op. cit., 53

⁷⁰ Sibbes died in 1635, and therefore had no role in the Revolution. As for Goodwin, see *Zerubbabels Encouragement to Finish the Temple* (London, 1642) cited in Wilson, op. cit., 209. Goodwin is also thought to be the author of *A Glimpse of Sions Glory* (London, 1641). Cited in Wilson, op. cit., 224, 225. See additional works cited in Wilson, 226-227.

⁷¹ Mayfield, op. cit., 102-103

⁷² Wilson, op. cit., 225-226

Cromwell.⁷³ Independents most often provided a radical eschatological interpretation of contemporary events. Some Independents came to view the trial and execution of Charles I as prelude to the millennium. John Cooke, who became Solicitor General and chief prosecutor of Charles I, anticipated the millennium's arrival in the wake of the King's execution (Cooke continued to look for it even as he was condemned to die after the Restoration). When the radical eschatology trickled down from the educated clergy to the army to Fifth Monarchists and Levellers, the effect multiplied.⁷⁴ Regardless of where they stood on the millennium, it can be generally said that Independents were more likely to preach apocalyptic eschatology.⁷⁵ Wilson provides considerable evidence of this point.⁷⁶

But this apocalyptic eschatology of the Independents is perhaps still not the most important point of their political theology; rather, their eschatology provides a way to discern important and fundamental differences in political theologies. Mayfield goes on to say, "This [eschatological] view was intimately tied to the Independent view of the church and, generally, to their doctrine of sin and grace which they distinguished from the views of their Presbyterian

⁷³ Mayfield, op. cit., 83-92. Cromwell's own opinions on matters is summarized in pages 220-228. According to Mayfield, if Cromwell disagreed about anything in this scheme, it was the timing of things.

⁷⁴ Wilson, op. cit., 231-232

⁷⁵ The Levellers, who were condemned by Cromwell, also subscribed to millenarianism. One cannot research every last faction, of course, particularly those more universally described as on the fringes of the Reformation and English Revolution. It is worth noting that Cromwell and Owen did not see the Levellers' use of religious language as sincere – thinking it a tool to advance selfish and carnal worldly interests.. Mayfield also writes that while the Levellers, like the Independents, were also critical of the legal Establishment: "the differences render the similarities superficial. In fact the differences between the approach to the law articulated by Independents who favored the trial and execution . . . and figures such as the Leveller leader, Lilburne, are as deep as those between Independents and Presbyterians and the vast majority of common lawyers. Mayfield, op. cit., 181, 189

⁷⁶ Wilson, op. cit., 223-230. One does not want to presume that the Independents believed any human act sufficient to force the coming of the millennium. Mayfield presents the Independent view that the unique activity of Christ himself was the *sine qua non* of the millennium. Independents fell somewhere between the egalitarian revolutionaries of Christopher Hill and the outright gnosticism of Eric Voegelin. Their ambitions were not simply earthly ones, nor did they presume to fully immanentize the eschaton.

and Anglican counterparts, whom they believed to hold corrupt views.”⁷⁷ Independents’ apocalyptic eschatology invited a disdain for the more humane and earthy politics of their opponents. As Independents increasingly asserted themselves as a separate party within the Protestant movement, they condemned the “spiritual prostitution” that would result from either Presbyterian supremacy or Erastianism.⁷⁸ This was not a controversy that began with the British civil wars. It revealed a long-standing and ever-expanding fissure in covenant theology.

Both Independents and Presbyterians believed that the church had to be protected against heresy. But Independents believed that this protection did not need any head other than Christ Himself, particularly if Britain was on the eve of the millennium. For some, this was an argument about the efficacy of religious establishment and the dangers of persecuting the righteous. Demonstrating his concern for the accidental persecutions of civil orthodoxy, Goodwin declared, “rather [let] some beastly men be, than that their suffering should occasion the . . . suffering of his [true] saints.”⁷⁹ Other Independents focused on what they considered to be a great difference between the regenerate and the unregenerate. While Independents were evangelical in outlook, they did not believe that the visible church should be corrupted or confused by the presence of the unregenerate. As far as the Independents saw things, natural law and conscience (more prominent in certain strains of federal theology) could not justify the broader and more inclusive ecclesiology sought by the Presbyterians.⁸⁰

Presbyterians responded with criticism against what they deemed as chiliastic and Antinomian eschatology. Millenarianism was condemned by Presbyterian Richard Baxter, who

⁷⁷ Mayfield, *op. cit.*, 101

⁷⁸ *Ibid.*, 186

⁷⁹ Goodwin, *Innocency and Truth*, “Epistle to the Reader,” 9, 89, 134. Quoted in Mayfield, *op. cit.*, 187

⁸⁰ Mayfield, *op. cit.*, 193

later opposed the execution and refused the oath of allegiance to the new Commonwealth under Cromwell.⁸¹ Presbyterian Robert Baillie, representative of other Westminster Divines, rejected the literalism of Cotton and other Independents – calling the Independents “Chiliasts.”⁸² Rutherford likewise took a position against what he saw as a kind of utopian eschatology on the part of Independents.⁸³ Alexander Henderson, the iconic Scottish Presbyterian, provided direct criticism of millenarianism in a sermon to the House of Lords⁸⁴

9.7 Presbyterians versus Independents: Applying Differences in the Covenant

Presbyterian conflicts with Independents not only turned on eschatological differences, they also reflected disagreement about the political application of differences between regenerate and unregenerate – the two covenants of federal theology. That had profound implications for political theology and the relationship between church and state. Whereas Independents such as Owen advocated toleration, Presbyterian resistance to separating church from state rested ironically on their greater appreciation of natural law.⁸⁵ By emphasizing the adequacy of natural law in enabling the Covenant of Works, Presbyterians could hold all accountable for living a moral life. This was to be supported by ecclesiastical methods. Mayfield writes, “Presbyterians played up the continuity rather than the discontinuity between Law and Grace. And by their application of Covenant Theology, they found a way to comprehend the unregenerate in a mixed,

⁸¹ Ibid., 82 and Lamont, “Introduction,” x

⁸² Wilson, op. cit., 228

⁸³ Mayfield, op. cit., 71-74

⁸⁴ *A Sermon Preached to the Honorable House of Lords* (London, 1645) cited in Wilson, op. cit., 195. The division was noted by those outside the Presbyterian-Independent rivalry. John Lightfoot, who was a rabbinical scholar and Hebraist, devoted a complete sermon to members of Commons in August 1645 to errors of the “millenary” opinion. He argued that England was not as special to God as Israel had been, arguing that England resembled Egypt and the Pharaohs more than Israel.

⁸⁵ Mayfield, op. cit., 102

national church.”⁸⁶ Presbyterians accommodated the Mosaic Covenant (equated with Covenant of Law) to the Covenant of Grace. By contrast, Independents equated this with legalism and confusion of the spiritual order with natural reason.⁸⁷ Presbyterians, in turn, criticized Independents as encouraging practical Antinomianism and neglecting the Mosaic Law in the Covenant of Grace.⁸⁸

Presbyterians stressed the bilateral rather than the unilateral nature of the Covenant of Grace.⁸⁹ The result of this emphasis on the bilateral covenant meant that Presbyterians lacked the Independent obsession with the purity of the visible church. Mayfield writes, “The important point is not that the conscience might be regenerated [by natural law]; that was not the emphasis nor was it the really significant thing in the teaching of Perkins and his Presbyterian followers. The salient feature of their message was instead that even the unregenerate man could (indeed he must) be comprehended within the community of the elect, the invisible saints, in a mixed national church.”⁹⁰ Taking the long view, this Presbyterian civil theology looks more like that of Anglicans and Catholics, comprehending all of society into one *corpus Christianum*.⁹¹ But to Independents such as Owen and Milton (who differed still on other matters to be sure), this Presbyterian regime of church and polity looked like spiritual tyranny. That is summarized in Milton’s last line of *On the New Forcers of Conscience under the Long Parliament* (1646):

⁸⁶ Ibid., 159

⁸⁷ See Ibid., 190-192 for Owen’s characterization of Presbyterian confusion about the covenants.

⁸⁸ Independents insisted on the necessity of doctrinal Antinomianism, but defended themselves against charges of practical Antinomianism. Ibid., 182-183

⁸⁹ Ibid., 161

⁹⁰ Ibid., 155

⁹¹ Ibid., 74, 143. One should not, however, presume a united Presbyterian front on the question of church and state. Prynne took a more Erastian position compared with Rutherford. Ibid., 136

“New Presbyter is but old Priest writ large.” Independents insisted on a clearer distinction between the regenerate and the unregenerate, thus denouncing any assertion of a “visible church” and “national church.”⁹²

These theological and ecclesiastical differences had significant impact on law and political theory. Rutherford, Prynne, and Baillie viewed the Independent approach to the Mosaic Law as detrimental to the social order. Participants in the King’s trial (Independents) had abandoned the Bible, the written Word, and the law of nature and were instead guided by “impulses of the Spirit”⁹³ Making the sharper distinction between the saints and the unregenerate, the Independents took a dim view of both reason and the common law emphasis on precedent. When Rutherford argued that man was absolutely free to use his reason to determine the appropriate form of government and that no particular form was of divine origin, this conflicted with the Independent’s millenarian judgment of monarchy and its relationship to Antichrist. Rutherford was quick to cite the law of nature sufficient for articulating political theory. Neither he nor Prynne rejected monarchy as inherently evil.⁹⁴ Independents like Milton, by contrast, argued that monarchy was only a “type” preceding the monarchy of Jesus Christ over the invisible church.⁹⁵ Owen denounced the juridical ideas of Rutherford in 1653, criticizing what he saw as the (Catholic) influence of Suarez on them.⁹⁶

⁹² Ibid., 144

⁹³ Ibid., 161-162

⁹⁴ Ibid., 131-134

⁹⁵ Ibid., 219

⁹⁶ Ibid., 150. Lurking behind the scenes of this debate is yet another medieval debate – that of nominalism. Rutherford, for example, compared the freedom for regime selection to reflect God’s freedom to decree or suspend eternal punishment for sin.

Presbyterian covenant theology enabled accommodation of natural law and traditional jurisprudence. Presbyterians like Prynne, for example, were more willing to make use of the new common law method. Cooke, Milton and other Independents rejected it.⁹⁷ Not only did the Independent view mean rejecting the scholastic doctrine connecting law with reason, it also meant a rejection of any “artificial reason” (taught by Coke) used to interpret law. Milton, for example, placed justice above precedent and argued no contradiction since both came from the same God. And whereas the Old Order venerated mixed monarchy, precedent, and statute law, the New Age of the Spirit would see the frailties of human law and overturn their imperfection.⁹⁸ This all came from the Independent’s view of unregenerate reason and the Independents’ belief that the end of society was ultimately a spiritual one. Both Dell and Cooke, for example, employed the current legal terminology: fundamental law, natural law, reason, and *salus populi*. But these terms were merely hijacked to advance a revolutionary confusion of civil law and theology insofar as the Independents rejected the standing (or progressive) jurisprudence as “empty forms” corrupted by the natural reason of men who were not members of the invisible church.⁹⁹ Milton went so far as to lump lawyers and Presbyterians together and charged both with non-spiritual motives.¹⁰⁰

For Independents, religious orthodoxy was the basis of legal orthodoxy. Religious orthodoxy was rooted in a firm emphasis on regeneration. The government ought to be controlled only by regenerate men because only they could discern the will of God against mere

⁹⁷ Ibid., 165-166

⁹⁸ Milton, *Complete Prose Works*, 3:222, 3:573. Cited in Mayfield, op. cit., 173, 174

⁹⁹ Mayfield, op. cit., 167, 179-180

¹⁰⁰ Milton, *Works*, 5:3, 5. Cited in Mayfield, op. cit., 173

human precedent.¹⁰¹ Cooke opposed contemporary legal theory, particularly as it was used by Parliamentary-Presbyterianism as “spiritually obtuse and pedantic.” Previous cases and opinions in law had to be reviewed in light of the imperative to destroy Antichrist’s kingdom.

Furthermore, it was years of antichristian influence that had distorted and corrupted the law and would soon be overthrown by Christ’s kingdom.¹⁰² Owen went so far as to assert that dissenting from the eschatological direction (which included the overthrow of Charles I as one of the ten kings who conspired with Antichrist) was to sin in the ultimate sense, to commit *amartanein*.¹⁰³

Peter Sterry, state chaplain, defended the Regicide in spiritual terms.¹⁰⁴ Just as the ceremonial law had been overthrown by Christ, so the laws of the Old Covenant reflected a view of the civil magistrate that must give way to reign of the New Covenant.¹⁰⁵

9.8 Conclusion

The “Wars of the Three Kingdoms” demonstrate how Reformed theology became political theory. In the case of Scotland, covenant theology inspired two national covenants with implications for popular government and interposition of lesser magistrates. The covenant also had prophetic and moral implications in parliamentary sermons. The general support of resistance and revolution in Reformed political theology inspired the overthrow and execution of Charles I, though not all Reformers agreed on the Regicide

Disagreements over the Regicide demonstrate how theological differences between Independents and Presbyterians created variations of the same political theology. Both camps

¹⁰¹ Mayfield, *op. cit.*, 176

¹⁰² *Ibid.*, 168

¹⁰³ Owen, *Works*, 8:157-159. Quoted in Mayfield, *op. cit.*, 169

¹⁰⁴ Sterry, *The Comings Forth of Christ* (1650). Cited in Mayfield, *op. cit.*, 213

¹⁰⁵ Mayfield, *op. cit.*, 220-221

articulated their case in the context of covenant theology. Independents were more akin to “fundamentalists,” believed that traditional English jurisprudence was inferior to the explicit application of Scripture seen through an apocalyptic lens. They believed that faithfulness to the covenant would encourage (though not oblige) the coming of the millennium. Their ecclesiastical focus was more divorced from an explicit civil-ecclesiastical partnership, focusing instead on the moral benefits of purer churches and a broader (though hardly liberal) religious toleration. Presbyterians, who had a more generous opinion of reason and natural law, defended traditional English jurisprudence and opposed both the more radical apocalyptic narratives and the Regicide. Their view of the covenant necessitated a close alliance between civil and ecclesiastical, including a common British ecclesiastical polity. This would enable all persons to be held accountable to either one or the other Biblical covenant – of Works or of Grace.

CHAPTER 10

NATURAL LAW IN REFORMED POLITICAL THEOLOGY

10.1 Introduction

Having summarized some of the theory and practice of Reformed and covenantal political theology, it now becomes appropriate to situate the Reformers further within the mainstream of political theory. This will be done in these next two chapters using themes of natural law and natural right. Studying the use of natural law and natural right is important for arguments about historical (dis)continuity. Natural law is a longstanding argument in political theory. It is therefore important to determine how the Reformers used natural law and how they understood related arguments from reason and nature. The same is true with natural right, which conceptually represents an important change in the language and theory of politics.

Discerning Reformed arguments from nature is important for the theoretical argument of the dissertation as well. As I will address in the conclusion, it may be that more ecumenical arguments will become increasingly important for the future if theological communities want to participate in an increasingly diverse, secular, and pluralistic world. But will this inevitably lead to tension between the use of natural and revealed sources? How much argument from nature can be used before the argument becomes essentially un-theo-logical in the “revealed” sense of the term? Does one approach have a tendency to undermine the significance of the other? These are important debates within contemporary political theory.

The question of natural law becomes further complicated by what some perceive to be a distinctively Protestant prejudice against natural law. This is reflected, for example, in a 1934 dispute between Emil Brunner and Karl Barth.¹ Eusden summarizes the perception of an anti-

¹ Grabill, *Rediscovering the Natural Law in Reformed Theological Ethics*, 1, 3-5, 21-53

natural law bias in Protestantism when he says, “Too often it is assumed that Roman Catholicism draws openly on nature and reason and that Protestantism sanctimoniously does not.”²

What I will demonstrate is that natural law arguments have long been a part of the historical record of Reformed political theology. Natural law and reason are both readily used by Reformers, though not always in the same way as their classical and medieval ancestors. The historical Reformed record, even the larger historical Protestant record, cannot be called “fundamentalist.” A language and theory of natural right is also at home in the Reformed tradition, though the arguments articulated by the Reformers in the sixteenth and seventeenth century are better understood as a proto-natural right argument.

10.2 Reformers and Natural Law

There is good reason to ask about the status of natural law in the Reformed tradition. It should be expected that the humanist training of the Reformers would lead them to make natural law a major category of argument. But given Reformed theology’s general emphasis on the corruption of the postlapsarian condition and the need for electing grace, should this not discourage them from relying on something as common and “earthly” as natural law? Surprisingly, however, it may be Reformed theology’s emphasis on election and divine sovereignty that not only enables, but in fact encourages, attention to natural law.

Haller sees the way in which the natural law is both at the root and the end of the branch of changes effected by the Reformation. When introducing his seminal set of Puritan political tracts, Haller writes,

The religious doctrine of a supernatural law, and of a divine right vested in established institutions, evoked the rational or quasi-rational doctrine of natural law and of natural rights vested in the individual. Thus emerged the modern

² Eusden, “Natural Law and Covenant Theology in New England,” 1

doctrine of liberty. But the religious and theological terms and images in which that doctrine took form did much to obscure the source from which it sprang.³

Wilson, writing on the sermons to the Long Parliament, argues,

The scriptures were held to be authoritative but also self-authenticating according to the wisdom of the world rooted in the informed experience of rational men. Like their spiritual father Calvin, and unlike many post-Enlightenment Protestants, the puritans experienced no gulf between natural and revealed truth. . . . The ‘doctrines’ preceded the ‘reasons,’ but the latter made the former principles comprehensible and eminently rational.⁴

McNeill, another prominent scholar of Reformed political theory, argues not only that natural law was an inherent part of the Reformed tradition; he argues it was essential because of the central doctrine of election. Given that one did not know who was elected to salvation, one needed to root the civil polity in natural law. McNeill writes,

In general [the Calvinist spirit] has asserted the basic authority of the people, and conceived of this as divinely bestowed through natural law. Its proponents do not assert that political rights are for the elect only; the approach to this in New England was not typical. The Calvinist who tries in this way to be politically exclusive is embarrassed by his own Calvinist affirmation that he does not know who the elect are. God alone knows.⁵

This problem is echoed by Lamont. Writing of the problem that confronted English and Scottish Protestants (how to pursue godliness in the civil polity during the middle of the seventeenth century) Lamont writes,

“The idea of a ‘Godly Rule’ has only been tenable on the assumption that God’s will was intelligible. The concept was to become debased in Cromwell’s eyes when Levellers such as Wildman and Rainborough invoked it, as it had already become in Coleman’s eyes when Presbyterian Scots such as Gillespie and Baillie invoked it. But the alternative was not to disown Calvinism; rather, it was to reinvent Calvinism more rigorously. For, although we have seen that the concept is Calvinist, it is also in another sense truly non-Calvinist. For, although the

³ Haller, “Introduction,” 1

⁴ Wilson, *Pulpit in Parliament*, 143

⁵ McNeill, *The History and Character of Calvinism*, 413

identification of self with the workings of God's Purpose is a characteristic of the Calvinist Elect, it runs counter to another Calvinist principle: that we do not know who the Elect are; God is Inscrutable. There is in the Calvinist mind a constant tension between the two impulses."⁶

Thus, while it may seem that Reformed theology's emphasis on the fallen nature of postlapsarian mankind would disincite them to arguments from natural law, the mystery of election and divine sovereignty coupled with the universal need for government put them in the same place as their predecessors. That is, they found themselves looking for some kind of general revelation to inform politics.

Given their humanist training, it is predictable that the Reformers would turn to natural law as a form of general revelation. Koetsier cites Tuck to say that Calvinists were much better humanists than many Catholics.⁷ Beza was regarded by Montaigne as one of the greatest Latin poets of the century. Thoroughly acquainted with classical texts, Beza saw to it that the Academy of Geneva had a thoroughly classical foundation to its curriculum. He was responsible for a return to Aristotle, personally insisting on this in a letter to Ramus.⁸ I have emphasized previously in the dissertation the humanist training (and writing) of both Bullinger and Calvin. Even Luther, who was known for his criticism of classical authors and for calling reason "the devil's whore" also considered classical studies essential background for theology. The same Luther who said of Erasmus, "[He] does not go beyond the light of nature, may like Moses die in the plains of Moab without entering into the promised land of those higher studies that belong to godliness" also said "I am persuaded that, without a skilled training in literary studies, no true

⁶ Lamont, *Godly Rule*, 126-127

⁷ Tuck, *Natural Rights Theories*, 32, 43. Cited in Koetsier, *Natural Rights Theories*, 53

⁸ Kingdon, *Geneva and the Consolidation of the French Protestant Movement*, 18, 103, 104

theology can establish and maintain itself.”⁹ Rutherford, whom we will take up in more detail later, also shared this commonly humanist and secular education. Coffey describes young Rutherford’s curriculum as “strikingly secular.” He cites Innes, who called Rutherford, “St. Thomas and St. Francis under one hood.”¹⁰ Coffey also cites Zagorin and Tuck, who describe Rutherford as a writer in the scholastic natural law tradition.¹¹ Richards believes that Rutherford’s reliance upon arguments from nature merits an extended and favorable (though not always close) comparison with Locke.¹²

The northern European humanism which characterized the Reformation and Puritanism in particular was respectful of classical sources. Its proponents, influenced by the Renaissance, believed that there was much to be learned from ancient societies. The Reformers complemented that view with their high regard for Scripture. Within the northern European tradition is an equally diverse Reformed tradition.¹³ Todd describes Puritan humanism as “biblical in its apologetic, eclectic in its sources, mundane in its concerns but religious in its goals, practical in its methodology, and activist in its approach.”¹⁴

To understand the Reformers, one cannot make scholasticism the equivalent of humanism. The Reformers are better understood as humanists who wanted selectively to break with scholasticism.¹⁵ This did not mean casting off the previous theological or philosophical

⁹ Adair, *Founding Fathers*, 50-51

¹⁰ Innes, “Samuel Rutherford,” 48. Cited in Coffey, *Religion and the British Revolutions*, 8

¹¹ Coffey, *Politics, Religion and the British Revolutions*, 16

¹² Richards, “The Law Written in Their Hearts”

¹³ Grabill, *op. cit.*, 5-7, 14-20

¹⁴ Todd, *Christian Humanism and the Puritan Social Order*, 22

¹⁵ Grabill, *op. cit.*, 3

system entirely, particularly its use of natural law. It did not mean breaking with scholasticism on every point. There is more continuity in Reformed theology with Thomism and Scotism than there is with nominalism.¹⁶ Grabill quotes Muller, who argues, “The Protestant orthodox were intent upon establishing systematically the normative, catholic character of institutionalized Protestantism, at times through the explicit use of those elements in patristic and medieval theology not at odds with the teachings of the Reformation.”¹⁷

10.3 Calvin

Though Calvin was not the father or formulator of all Reformed theology, it is important to start with Calvin, then turn to some of his contemporaries, and turn finally to the federal theologians. Humanism defined Calvin’s education and left a deep impression on his work. Erasmus and Lefevre have even been credited with Calvin’s conversion.¹⁸ Calvin was also deeply influenced by the Renaissance’s attention to both individualism and natural law.¹⁹ It is an ironic testimony to Calvin’s appeal to modern humanists, even “Enlightenment” humanists, that Thomas Jefferson tried to purchase the Geneva Academy in 1795.²⁰ But Calvin was also quite emphatic about the failure of natural reason alone to discern the true nature of God or even what was truly good.²¹ He developed a provocative category of something he calls Christian

¹⁶ Ibid., 16

¹⁷ Muller, *Post-Reformation Reformed Dogmatics*, vol 1, 37. Cited in Grabill, op. cit., 3

¹⁸ Koetsier, op. cit., 47. Calvin called Erasmus “the glory and darling of literature.” Todd, op. cit., 56

¹⁹ Koetsier, op. cit., 28-33, 42-49. She doesn’t always quite get this right, however. She asserts of Zwingli, “As a humanist, Zwingli ignored natural law.” Koetsier, 31. Zwingli did have an exceptional view of natural law. But this was not characteristic of the other Reformers. And it was not the effect of Zwingli being a “humanist.” See Grabill, op. cit., 3. For a short discussion of Zwingli on the subject of secular scholarship, see Bromiley, “General Introduction,” 38-39.

²⁰ Hall, *The Genevan Reformation and the American Founding*, 2-5

²¹ Calvin, *Commentary on Romans*, 29-32, *Institutes*, II.i, iii

philosophy.²² Calvin argued that all theology apart from Christ would be fatally corrupted by sin.²³ This does not equate to “fundamentalism” however.

To understand Calvin better, one must separate (as much as Calvin will allow), the role of nature in conversion and faith from the role of nature in all other matters. Like other Reformers, Calvin believed that the Creation left secular philosophers without excuse if they did not see God’s hand and goodness in it.²⁴ But this does not mean that nature was good only for leaving persons without excuse for their apostasy or unbelief, or for giving believers another confirmation of what they knew by Word and Spirit.²⁵ In his *Institutes*, Calvin makes an important distinction between earthly things and heavenly things. Note especially his discussion of politics:

By earthly things, I mean those which relate not to God and his kingdom, to true righteousness and future blessedness, but have some connection with the present life, and are in a manner confined within its boundaries. By heavenly things, I mean the pure knowledge of God, the method of true righteousness, and the mysteries of the heavenly kingdom. To the former belong matters of policy and economy, all mechanical arts and liberal studies. To the latter...belong the knowledge of God and of his will, and the means of framing the life in accordance with them. As to the former, the view to be taken is this: Since man is by nature a social animal, he is disposed, from natural instinct, to cherish and preserve society; and accordingly we see that the minds of all men have impressions of civil order and honesty. Hence it is that every individual understands how human societies must be regulated by laws, and also is able to comprehend the principles of those laws. Hence the universal agreement in regard to such subjects, both among nations and individuals, the seeds of them being implanted in the breasts of all without a teacher or lawgiver.²⁶

²² Partee, *Calvin and Classical Philosophy*, Chapters One and Two

²³ Calvin, *Commentary on John, Part Two*, 77

²⁴ Partee, op. cit., 48-49, 97-104

²⁵ Grabill, op. cit., 87; Hopfl, *The Christian Polity of John Calvin*, 181, 184

²⁶ Calvin, *Institutes*, II.ii.13. Partee includes part of this quote on pages 14-15, but I have noted and included the application to politics and also quoted the text from the edition used for the dissertation.

So while Calvin was skeptical about the role of nature and traditional philosophy in reaching to spiritual things, he did not extend that skepticism to earthly things and to politics in particular. He frequently cited classical authors when outlining the civil magistrate's responsibilities.²⁷ Calvin sometimes commends the degree of truth evident in secular writers.²⁸ Partee summarizes Calvin as follows, "Thus in spite of the pervasive influence of the sin of man, there remains a kind of glory which belongs to the mind of man, and since all truth is from God, it should not be denied."²⁹ There is an important difference between reason ruling the soul for earthly things and reason ruling the soul for heavenly things. Natural law can have more than one function. For moral instruction to Christians, for example, Calvin clearly believed natural law greatly inferior to divine law.³⁰ But what of earthly subjects that affect all men?

This distinction is not entirely clear to Hancock, for example, who seems confused by Calvin's discussions of reason and sin. Despite his discussion of Calvin being fine on many points, Hancock appears unable to accept Calvin on his own terms and instead insists on imposing categories of investigation which Calvin would not recognize nor accept.³¹ Hancock admits as much and reveals his own presuppositions about political theory, when he writes, "Calvin's quite frequent appeal to natural law, despite his consistent emphasis on the depravity of nature, has long presented an obstacle to efforts to provide a complete and coherent account of

²⁷ Koetsier, for example, notes that he uses Cicero, Homer, Aristotle, and others. Koetsier, op. cit., 77

²⁸ Calvin, *Institutes*, II.ii.15. Cited in Partee, op. cit., 15

²⁹ Partee, op. cit., 15

³⁰ Hopfl, op. cit., 181

³¹ Hancock, *Calvin and the Foundations of Modern Politics*, 82-92, 100-107. For example, Hancock is concerned with Calvin's political *telos* is or what he thinks about the pursuit of some generic "truth."

Calvin's political teaching."³² Koetsier argues that Skinner makes a similar error, dedicating himself to Calvin's theology while ignoring his use of natural law.³³

It may perhaps be surprising to some that Calvin refers to the natural law every place that moral questions are treated in his theology. Testifying to Calvin's broad familiarity with and use of natural law, Hopfl writes, "References to natural law, then, are not confined to any one part of Calvin's life or work or to any one issue, nor are they peripheral or casual, even if deficient in precision. It can therefore hardly be denied that Calvin believed that there was a natural order of moral laws to be discerned, and that men did discern it, at least when it did not cross their interests."³⁴ To reference something does not necessarily imply that great stock is put in it, however. On the question of emphasis, Grabill argues continuity in the Reformers' reference to natural law, but argues discontinuity in the Reformers' understanding of man's ability to obey it:

The principal difference between Aquinas and Calvin may relate more to Calvin's epistemological modifications to the realist theory of natural law, which he shares with both Aquinas and Scotus, than to a fundamental difference in moral content as mediated by either the *lex naturalis* or the *lex divina*. Calvin, in distinction to Aquinas and Scotus, attributes greater priority to the post-lapsarian conscience than to the pre-lapsarian reason as the defining characteristic of his doctrine of natural law.³⁵

Grabill goes on to argue that while Calvin does not exactly equate the Decalogue to be the same as natural law, or vice versa, neither does he sever reason and conscience. Conscience, according to Calvin, is more a function of the intellect than of the will.³⁶ This is where lapsarian theological distinctions become most important.

³² Ibid., 100

³³ Koetsier, op. cit., 4

³⁴ Hopfl, op. cit., 179, 181

³⁵ Grabill, op. cit. 90

³⁶ Ibid., 89, 93-94

The practical political application of all this can be confusing. Hopfl appears unwilling or unable to sort out some of the finer distinctions in Calvin's categories, frustrated that clear legal parallels cannot be drawn from Calvin's work. But he is probably correct in concluding that Calvin asserted a hierarchy for political theory later Reformers could agree with.³⁷ Scripture is the best guide for the civil magistrate. This is not because the natural law provides no instruction in justice and external righteousness. Rather, it is Scripture that best helps the magistrate to accomplish his mission of Two Table enforcement (as presented in Chapter Eight). Marshall also provides insight into the Reformers when he says (arguing in the context of Rutherford), that natural law without a theological base can lead to a misreading of nature in general and of human nature in particular.³⁸ If nature is understood as being part of the covenantal order, then it ought to reinforce the relational *telos* of God's covenants.³⁹

10.4 Goodman, Knox and Mornay

Both Goodman and Knox referred to natural reason, though not as frequently or systematically as Calvin. They both believed that it could be called upon to demonstrate some plain points of political theory that were more clearly argued in Scripture. Speaking of the case of Mattathias's rebellion, Goodman writes,

Yea and if there were neither example nor Scripture to prove his fact; yet would natural reason compel ever man to allow the same, as most godly. And that therein he did nothing but his duty, which thing was approved in the judgment of that age, and as a lawful fact and monument write and left to be read by all posterity, the law of nature so directing their judgments. But to put you out of all doubt, we will confirm it with another testimony most surely authorized, and the very same in effect, of that renowned and worthy captain Joshua, the son of Nun,

³⁷ Hopfl, *op. cit.*, 178-187

³⁸ Marshall, "Natural Law and the Covenant," 100

³⁹ *Ibid.*, 105-106

whom God himself had chosen to succeed Moses in the government, and leading of the people of Israel.⁴⁰

Mattathias is an odd choice for a Protestant given his location in the Books of the Maccabees.

But Goodman argues that his case is not to be referenced because it is in a canonical book.

Rather, it is a case which demonstrates armed resistance to be justified by both reason and Scripture.

Knox also relied on reason to reinforce clear points from Scripture. In his famous polemic against female civil magistrates, Knox looked to Scripture and to Church Fathers.⁴¹ But he also included quite a bit of arguing from non-Scriptural sources and from nature itself.⁴² Knox references Aristotle and Cicero.⁴³ Mason says of the work:

Writing in the style of the schools, but enlivening his scholastic reasoning with outbursts of prophetic invective, Knox took as his starting point the wholly unambiguous proposition that nature and the Scriptures, both of which were revelations of the divine will, demanded the total exclusion of women from power. He then proceeded to marshal an array of authorities, ranging from Aristotle to Augustine, and from the civil law to secular history to support his claim. But he was patently more at home when he turned to biblical ‘case law’ and was able to exercise his exegetical talents.⁴⁴

In his letter to Mary Queen of Scots, Knox references both Themistius and Democritus (whom he calls “wise and fecund”).⁴⁵

Neither did Mornay’s *Vindiciae* shy away from secular sources, evidence of his confidence in the light of reason and experience. Its language is perhaps the most secular of

⁴⁰ Goodman, 30

⁴¹ For references to Fathers, see Knox, *First Blast* in Mason (ed.), *On Rebellion*, 10-25.

⁴² *Ibid.*, 4, 8, 9, 11, 15, 22, 30, 41, for example

⁴³ *Ibid.*, 9, 41

⁴⁴ Mason, “Introduction” xv

⁴⁵ Knox, *Letter to the Regent*, in Mason (ed.), *On Rebellion*, 62

sixteenth century Reformed writers. Kelly suggests that this secular language may have even been an effort to appeal to moderate Catholics in France.⁴⁶ Mornay (“Brutus”) calls his opponents “Machiavellians” and “slaves of tyrants.” Speaking of himself, he outlines his defense as follows:

Let him rejoice that their injustice, crimes, thefts, and frauds are at least laid bare through his diligence and care, to the most certain security of kings and peoples – to which single end every effort should be devoted. If they say that he teaches falsely, it is necessary for them to show it. But, I ask you, how will they prove this? For whatever is asserted in these investigations is demonstrated to be the case by the clear illustrations of Holy Scripture, not by twisted ones; confirmed by the teachings of moral and political science, and of nature, and by the precepts of law, the pronouncements of jurisconsults, and the rescripts of emperors; supplemented by the customs and practices of diverse nations; and presented for inspection as though in a mirror in the various striking examples furnished by various historians.⁴⁷

Mornay then makes good on his promise, providing a litany of secular sources joined to his Biblical sources. This broad net of sources is also characteristic of Mornay’s other writing. Fuhrmann echoes McNeill and calls Mornay a founder of modern ecumenicity.⁴⁸

10.5 Rutherford

Among Reformed theologians, we perhaps find the most generous and ecumenical view of natural law in Samuel Rutherford. Rutherford’s use of natural law is a reflection and result of his broad education. Coffey notes that Rutherford refers to over seven hundred different authors in the course of his works: “Spanish Jesuits, rabbinical commentators, Greek and Latin Fathers, classical philosophers, contemporary Protestants, medieval scholastic theologians, and of course, the sixteenth-century Reformers...roughly divided into five broad categories: classical, patristic,

⁴⁶ Kelly, *The Emergence of Liberty in the Modern World*, 44, 46

⁴⁷ Mornay, Preface to *Vindiciae, Contra Tyrannos* in Garnett (ed.) *Vindiciae, Contra Tyrannos*, 8-13

⁴⁸ Fuhrmann, “Philip Mornay and the Huguenot Challenge to Absolutism,” 59

medieval, post-Reformation Catholics, and Protestants.”⁴⁹ That list includes authors important for late-medieval development of natural right theory: Aquinas, Gerson, Suarez, Almain, Ockham, and Mair.⁵⁰ Like many of his fellow Reformers, Rutherford was well-schooled in Aristotle and even cited Aristotle as an authority against Hooker.⁵¹ He did not share the Ramist preoccupations of some of his Reformed contemporaries.⁵²

Rutherford also followed the lead of George Buchanan, who had previously justified presbyterian government using a natural law argument.⁵³ Another fellow Scot and contemporary, George Gillespie, had cited the natural law in defending the human propensity to seek authority. The Scottish (federal) emphasis on natural law alarms McKay, who argues that it strays from earlier Reformed theology. McKay overstates the contrasts, but he is correct in noting a different approach to postlapsarian reason in Scottish Presbyterianism.⁵⁴ He writes, “It is significant too that no mention is made of the noetic effects of sin with regard to man’s perception of Natural Law. [Rutherford] does... seem to be remarkably confident that man can rightly perceive this law, which is perhaps ironical in view of the Reformed estimate of the pervasive effects of sin.”⁵⁵

Rutherford’s federal theology is the most important explanation for his use of natural law. The federal theology movement took flight after the era of Calvin, Goodman, Knox and Mornay.

⁴⁹ Coffey, *op. cit.*, 70

⁵⁰ *Ibid.*, 74

⁵¹ Marshall, *op. cit.*, 148

⁵² Coffey: “It is hard to find much trace of Ramist logic in his work.” Coffey, *op. cit.*, 69

⁵³ Bell, *Calvin and Scottish Theology*, 272

⁵⁴ What McKay is apparently ignorant of, is that this appears to be a common parting of ways between Reformed theologians. There is, in other words, not one “Reformed” way of viewing natural law, despite the claim by Bell that the view of Calvin on Natural Law has “characterized Reformed theology since Calvin.” *Ibid.*, 111, 272-273

⁵⁵ *Ibid.*, 110

As I explained in Chapter Seven, this federal theology movement articulated the idea of a prelapsarian covenant of works governed by natural law. Not only did this make natural law binding on all men and a vehicle for articulating political theory, it was arguably a necessary precursor to the divine law and spiritual conversion. This stood in direct opposition to those lumped together by Rutherford as part of his opposition: Antinomians, Familists, and Anabaptists. Each, Rutherford believed, held a contemptuous and heretical disregard for created things as spiritual vehicles.⁵⁶ Rutherford equated their disregard of nature to Manichaeism, and like his co-religionists, saw its logical conclusion as the end of social order.⁵⁷

Rutherford offers an integrated approach to natural law and Scripture. Like his fellow Reformers, Rutherford gives priority to Scripture. But there is much acknowledged overlap with natural law. Richards says of Rutherford's use of Christian and classical sources that they were "braided together to form a durable cord of different strands."⁵⁸ This is evident, for example, where Rutherford writes, "What is warranted by the direction of nature's light is warranted by the law of nature, and consequently by a divine law; for who can deny the law of nature to be a divine law."⁵⁹ Both regenerate and unregenerate had moral power to submit to superiors, though the divine law would make the conscience more subject to political authority in particular.⁶⁰

Rutherford believes that to be human is to reason, and that human understanding of the world in general contributed to correct understanding of the Scriptures. The corruption of reason by sin did not result in its total annihilation. He did not agree with the Antinomian argument that because

⁵⁶ Marshall, *op. cit.*, 101

⁵⁷ *Ibid.*, 101-104

⁵⁸ Richards, *op. cit.*, 185

⁵⁹ Rutherford, *Lex, Rex*, 1

⁶⁰ *Ibid.*, 1, 30

human logic could not lead to divine faith that it must be rejected altogether. This is why Rutherford prized an educated ministry. To assert the abuses of intellect did not constitute a categorical argument against its use.⁶¹

Rutherford was working against the contemporary gradual divorce of reason from a theocentric and covenantal framework. Marshall writes, “A growing secularization of life that had been set in motion in the sixteenth century and was gaining rapid momentum in the seventeenth worked to liberate the human mind from the theology of the covenant. . . . Human reason was the battleground.”⁶² Marshall argues that while Rutherford and Grotius share much in common, Rutherford foresees in Grotius a move toward a political theory essentially free of theological presuppositions.⁶³

As with Calvin, one understands Rutherford by recognizing the contexts in which Rutherford is speaking of nature and reason. When speaking of righteous and authentic Christian conduct, Rutherford’s discussion of nature must give way to grace. When speaking of reason’s ability to move the will, Rutherford adheres to the Reformed critique of what they saw as Pelagianism in the Roman theology. Rutherford thus speaks of nature as at once both fallen and broken when speaking of it in an ethical sense; it is corrupted by sin.⁶⁴ But nature remains unbroken and sinless in its metaphysical constitution. This includes things as God made them in their nature. They still require grace, but this is not the same grace that is necessary to redeem from sin.⁶⁵ How this applies to reason is particularly interesting. Marshall writes,

⁶¹ Marshall, *op. cit.*, 143-147

⁶² *Ibid.*, 82

⁶³ *Ibid.*, 98-100

⁶⁴ *Ibid.*, 115-117

⁶⁵ *Ibid.*, 117-119

Reason is one of the means the use of which God commands. The metaphysical act of using reason in considering the truth of the gospel is just as necessary as the external means of attending church and listening to sermons. God draws human reason in the same way that he moves other second causes, not as 'passive lumps' to act against their 'particular inclination of nature.' . . . [Quoting Rutherford] 'The Lord makes the suitable active concurrences of sinless nature and of grade stirring in its influences to join together and accord friendly, connaturally, and without jarring , or violence done to nature, and so carries on the supernatural and gracious actings of obedience.'⁶⁶

Like Calvin, Rutherford concludes that Word and Spirit must work together in conversion. The Word is reasonable, but requires Spirit. The Spirit moves only through the Word.⁶⁷ But conversion is a different matter than politics. Hence, as with Calvin, one must separate heavenly from earthly things in order to understand Rutherford's use of natural law and reason.

10.6 The American Puritans

Across the ocean, American Puritans were also wrestling with the general question of nature and reason, particularly the role of secular sources and natural law. The American Puritans pursued neither an uncritical use of secular sources nor their blanket condemnation. Some examples of their selective approach follow. Commenting on a local minister's use of secular sources, Winthrop writes, "[He] delivered many useful things, but in a moral and political discourse, grounding his propositions much upon the old Roman and Grecian governments, which sure is an error, for if religion and the word of God makes men wiser than their neighbors, . . . we may better frame rules of government for ourselves than to receive others upon the bare authority of the wisdom, justice, etc. of those heathen commonwealths."⁶⁸ Praising human wisdom, John Cotton said, "It is foolish vanity to ask a warrant in scripture for a form of government, for human

⁶⁶ Ibid., 120. He is quoting Rutherford, *Influences of the Life of Grace* (1659), 386-387.

⁶⁷ On Calvin and the cooperation of Word and Spirit, see Partee, op. cit., 14.

⁶⁸ Winthrop, *The History of New England from 1630 to 1649*, in Morgan, *Puritan Political Ideas*, 119

wisdom may teach this.”⁶⁹ After the Plymouth colony almost failed due to an experiment in socialism, William Bradford famously condemned the “conceit” of ancient authors who appeared to recommend common property.⁷⁰ But like his fellow Reformers, Bradford would refer to the natural law as a confirmation of Scripture. Recounting the execution of a young man convicted of bestiality, for example, Bradford wrote that his punishment was based on the Mosaic law and confirmed by the light of nature.⁷¹

It should be emphasized that American Puritanism, in many ways, developed differently from British Puritanism. Seventeenth century American Puritans were mostly Independents and Congregationalists in their view of church polity. But unlike English Independents, they did not have the same distrust of common law. Rather, it was an important part of their legal formulations and reasoning.⁷² Many also advocated moderation and prudence in the face of the English Civil War.⁷³ Scripture was used selectively. In many legal codes it was rarely employed at all.⁷⁴ In some cases, Scripture was seen merely as a principle which could only be applied through English precedent.⁷⁵ Whereas the legal theory of English Independents had to survive the crucible of regicide, the legal theory of their American counterparts had to confront the challenge of founding new political communities. The English became revolutionaries in their legal theory in order to justify doing something radical and unprecedented. The Americans were

⁶⁹ Cotton, *Subjection to Christ* (1657) quoted in Eusden, op. cit., 2

⁷⁰ Bradford, *Of Plymouth Plantation*, 120-121

⁷¹ *Ibid.*, 320, 405

⁷² Eusden, op. cit., 2-4, 12-14

⁷³ *Ibid.*, 20-21

⁷⁴ *Ibid.*, 2-4

⁷⁵ *Ibid.*, 3-4

trying to conserve existing institutions, and could not afford to challenge the standing legal boundaries.

What becomes clear from Eusden's study of American Puritans is their integration of reason, natural law, and covenant theology in a way that demonstrates both continuity with the larger Reformed tradition and yet both continuity and discontinuity with historical natural law theory. There is a surprising absence of explicit references to "covenanting" in many legal documents. Eusden notes, for example, that neither "covenant" nor "contract" appeared at all in the 1641 Body of Liberties or the 1660 Laws and Liberties. "Covenant" only appears twice in the 1648 Laws, and then only in the introductory epistle and in reference to the covenant of grace.⁷⁶ As Weir's exhaustive research into New England's town and church documents demonstrates, communities were literally joined in covenants that mirrored covenant theology.⁷⁷ But this did not mean that there was significant theorizing about what those covenants meant for legal or political structures. Those structures were partly a function of what was already known in England and partly a function of practical expediency. There certainly was no proto-social contract theory with its familiar "original position" of liberalism.⁷⁸

What becomes notable about the American Puritans is how they applied standing jurisprudence and political theory in the context of the covenant of grace to create a political theology that was at once both new and still consistent with other Reformed political theologies. As a nascent political community, the American Puritans realized the need for new political institutions and laws. But they did not have many skilled common lawyers to enable them to

⁷⁶ Ibid., 9

⁷⁷ Weir, *Early New England: A Covenanted Society*

⁷⁸ Eusden, *op. cit.*, 9

precisely mimic the British institutions. Their solution was to turn to the natural law that lay behind the common law.⁷⁹ Eusden writes, “A precise answer to the problem of the ‘reception’ of English law is not easily given. On the one hand, the lawmakers of early New England turned naturally to the common law; but, on the other, the ancient English legal customs and statutes were not considered absolute, comprehensive authorities.”⁸⁰

The American Puritans thus looked to the natural law, but it was an understanding of the natural law that necessitated a theological basis. Like Rutherford, for example, the Puritans could be comfortable looking to natural law as an expression of God’s sovereignty. More importantly, it was an expression of His covenant. While the Puritans had to believe in natural law for man *qua* man (Adamic man), or in a covenant of works, they also articulated a political theology of natural law for those in the covenant of grace. While this was not precisely articulated in a pure systematic theology, it nevertheless can be discerned from their political theology. Contrary to what one might expect, this political theology for a community of largely regenerate persons did not mean creating a utopia of perfect persons and unlimited political power. It led instead to a more pessimistic view of man’s capacities in the covenanted community. The recognition of grace, according to Eusden, led to three emphases. All are consistent with the Reformed political theology discussed in this dissertation: 1) the limitation of political power with power vested in the people and an obligation on them to vigilantly guard their liberty; 2) government power in the hands of civil rather than ecclesiastical rulers; 3) the hearing and honoring of minority views in the governing of the body politic. After all, who knew the depths of sin better than a redeemed person?

⁷⁹ Ibid., 16

⁸⁰ Ibid., 15

The Puritans therefore had two categories of natural law. One was for unregenerate persons (Adamic man) but applicable to the whole community for legal matters. The other was for regenerate persons. Eusden summarizes the Adamic natural law principles to be *salus populi* and self-preservation, moderate behavior, and an innate law of justice.⁸¹ But Adamic natural law was not enough for those in the covenant of grace. Exemplifying the federal theology, for example, Winthrop said of natural law, "The Law of Grace or the Gospel hath some difference from the former as in these respects first the law of nature was given to man in the estate of innocency; this of the gospel in the state of regeneracy."⁸² A political community of Christians had to be dedicated to more than just the common goals of unregenerate, albeit rational, persons. The 1648 *Laws and Liberties* states this very thing when it says, "Now, if it might have been so with the nations who were so much strangers to the covenant of grace, what advantage have they who have interest in the covenant, and may enjoy the special presence of God in the purities and native simplicity of all his ordinances by which he is so near to his own people?"⁸³ To understand and apply this second level of natural law, the Puritans looked to the Bible as well as to reason. This is what is often meant in their writings as the "law of reason."⁸⁴ Sometimes "reason" refers to Adamic natural law. But at other times, the Puritans are appealing to logic and reason in the same way that other federal theologians meant it – as a means created by God for the direction of man to his nature, and therefore both complementary *and* consistent with the Scriptures. This was especially important for the American Puritans insofar as they had to create a political community on their errand into the wilderness. Eusden writes,

⁸¹ Ibid., 19-21

⁸² Winthrop, *Christian Charitie: A Modell Hereof*, in Morgan, *Puritan Political Ideas*, 78

⁸³ Quoted in Eusden, *op. cit.*, 22

⁸⁴ Ibid., 25

The Bible, the common law tradition, and the two forms of natural law were not enough. Rulers and legislators had to reason their way to the laws required for the new Israel. A law of reason became the supreme authority for the Puritans. Immediately it should be said that this law of reason was not any objective, easily discernable norm operating infallibly among all men. It was particular to Puritan theology. The law of reason was for the early New Englanders part of covenant natural law. Indeed, it was the highest part.⁸⁵

This was why men had to be instructed by the Holy Spirit. Redeemed persons had to use both reason and Scripture together, just as Calvin had taught them.⁸⁶

Eusden concludes that the early New Englanders can be seen both as having a place in the natural law tradition and also having no place in it. It is their emphasis on grace that makes all the difference.⁸⁷ It was then left to the descendants of the American Puritans to more gradually secularize their natural law thinking and bring it more into conformity with both ancient precedents and modern theory.

10.7 Althusius

Before turning to an explicit discussion of natural right, it is appropriate to consider the case of Johannes Althusius. Though Althusius has been considered one of the greatest political theorists in the Reformed tradition, not enough is said of his status as the first “modern” political *scientist*. The substance of Althusius’s political theory can be described as the joining of covenant theology in the form of explicit federalism to humanist natural law. Althusius not only readily embraces natural law and non-biblical sources; he criticizes the “sprinkling” of theology in the study of politics. In the preface to the first edition of *Politica* (1603), Althusius promises an

⁸⁵ Ibid., 26

⁸⁶ Hopfl, op. cit., 187

⁸⁷ Eusden, op. cit., 28-29

attempt to offer intelligence, judgment and memory to beginning students of “political doctrine.”

In discussing his sources, Althusius writes:

I have attempted...to restate in an appropriate order the many political precepts that have been handed down in various writings . . . I have also added some others, even though they do not handle the subject professionally. I have discovered that as each of these other teachers of politics was devoted to this or that discipline and profession, so he also brought from his own profession many elements that are improper and alien to political doctrine....Theologians who have been of this sort have sprinkled teachings on Christian piety and charity throughout; in deed, I should have even said that they have prescribed a certain use of the Decalogue for the instruction of the statesman. I have considered that elements of this sort that are alien and useless in this art ought to be rejected and, by the dictate of justice, returned to the positions that they properly hold in other sciences.⁸⁸

He writes in the preface to the third edition (1614):

By no means, however, do I appropriate those matters that are proper to theology or jurisprudence. The political scientist is concerned with the fact and sources of sovereignty...Insofar as the substance of sovereignty or of the Decalogue is theological, ethical or juridical, and accords with the purpose and form of those arts, so far do those arts claim as proper to themselves what they take for their use from the Decalogue and the rights of sovereignty. I claim the Decalogue as proper to political science insofar as it breathes a vital spirit into symbiotic life and gives form to it and conserves it.⁸⁹

In other words, Althusius sees a role for the Decalogue as a metaethic for the political community, but he does not see Scripture as essential to developing a science of politics.

Althusius’s unique position has been interpreted in many different ways. Gierke asserted deist and rationalist elements insofar as Althusius had sequestered religious beliefs from political theory. Friedrich argued something similar, and ranked him among Bodin and Hobbes in terms of his significance.⁹⁰ By the middle of the twentieth century, scholars began to pay more attention to the role of natural law in Althusius. After surveying the many secondary studies

⁸⁸ Althusius, *Politica*, 3-4

⁸⁹ *Ibid.*, 12

⁹⁰ Grabill, *op. cit.*, 123-124

about Althusius, Grabill concludes, “For Althusius, like Reformed orthodoxy in general, the moral law of the Decalogue is simply a renewed and re-enforced form of the logically prior *lex naturalis*, the universal knowledge of morality God originally implanted in the mind at creation, but which after the fall has become obscure and difficult to discern with precision and reliability.”⁹¹ Grabill argues that the key to Althusius’s understanding of natural law is Girolamo Zanchi, an Italian Reformer who became a professor of theology at Heidelberg and wrote extensively on law and utilized Aquinas’s ideas at length. As with the other Reformers in this chapter, the result is a synthesis that neither disregards the natural or common law nor the Decalogue. Grabill concludes, “The duty of the magistrate . . . is to administer the commonwealth according to the proper law of Moses ‘so far as moral equity or common law are expressed therein.’ As Althusius describes it, the magistrate is required to conform to everything in the Mosaic law that is in harmony with common law, but is ‘by no means required to conform in those things in which the proper law of Moses, in order to be accommodated to the polity of the Jews, differs from common law.’” In other words, this is neither a pure natural law nor theonomic political theory.⁹²

⁹¹ Ibid., 132

⁹² Ibid., 149-150

10.8 Conclusion

While some commentators misunderstand the Reformers' appreciation for natural law, this chapter demonstrates that Reformed theologians were able and willing to utilize natural law in their political theology. Three explanations are prominent. First, their humanist education made it almost inevitable. Second, their theology cast nature as God's creation and man's reason as a reflection of the divine nature and therefore part of God's sovereign plan for mankind. Third, given that they could never truly discern the work of God in the human heart, one could never presume that a political (or perhaps even an ecclesiastical) community was purely regenerate. Even if it was, that did not mean that its members were without sin or the need for general moral instruction. Thus, broad moral and political instruction could be expected from the natural law.

But the Reformers could not simply accept the scholastic presentation as delivered. Though not monolithic in their approach, they sometimes reformulated or adapted natural law theory to reflect their view of the postlapsarian condition, covenantal political teleology, and what they considered to be theological, metaphysical, and rhetorical excesses of scholasticism. The result is that they were prepared to use the traditional principles of reason and natural law for more general political prescriptions. When considering the case of largely regenerate covenanted communities, however, natural law had to be more clearly rooted in Biblical theology.

CHAPTER 11

NATURAL RIGHT IN REFORMED POLITICAL THEOLOGY

11.1 The Significance of Natural Rights Language in the Reformers

If one is going to examine continuity and the place of Reformed political theology in the development of political theory, it becomes important to determine if and how natural right theory and language is used. Whereas natural law theory is longstanding in political theory, natural right is considered a more modern idea. Briefly summarized, natural right theory argues that certain universal human rights are found in the “natural” condition of human beings. The “natural” condition is cast as an “original position.” This original position exists prior to the creation of any formal civil authority, but not necessarily prior to any pre-political (social) human existence. Whatever pre-political rights can be discerned or posited in the original position then prescribe the creation and limit of civil authority. Natural right theorists defend fundamental liberty and equality, property rights, and the right of resistance or revolution. Perhaps most importantly, civil power is described as a trust with magistrates cast as fiduciaries. Controversies surrounding the origin and basis of natural right get to the root of modern politics, especially liberalism. This includes philosophical justification, institutional requirements, and political rights and obligations. Contemporary constitutionalism also rests on certain core presuppositions about natural right.

I have chosen as my subjects Mornay’s *Vindiciae, Contra Tyrannos* and Rutherford’s *Lex, Rex*. Both are sometimes cited by Whiggish interpreters of the covenanting movement as being important to the development of representative government and modern constitutionalism. Both texts predate Locke, an important natural rights theorist, and both have been compared to Locke (though any implied influence on Locke is circumstantial). Peardon, in his introduction to

Locke's *Second Treatise*, writes, "It can safely be supposed that Locke was familiar with the celebrated treatise, *Vindiciae contra tyrannos*, published anonymously in 1579 and republished in Leyden in 1648." Peardon asserts that Locke had contact with Huguenot thinkers when he was in exile on the Continent.¹ Becker rejects the idea of Huguenot influence on Locke, but Amos retorts that Becker understood neither Mornay's covenant theology nor Locke's theism.² Locke's father, a Puritan, fought as an officer with Parliamentary forces during the English Civil War. *Lex, Rex* was published just three years before Locke came to Westminster as a student and The Westminster Assembly met while Locke was engaged in his studies.³

11.2 Elazar as Starting Point

Because Reformed political theology can be distinguished from other Protestant traditions by the presence of the covenant device, one should have a precedent and model for approaching political covenanting and natural right. Elazar's studies invite more questions than they answer on the question of natural rights and the covenant device. Elazar contrasts political covenanting with both organic and hierarchical political arrangements *and* those founded on

¹ Peardon, "Introduction," xi

² Becker, *The Declaration of Independence*, 33-39 and Amos, *Defending the Declaration*, 50-55

³ It is tempting to overreach in the articulation of natural law and natural right in Rutherford. That includes making too many parallels with Locke, for example. The two sound very similar in many respects, but Richards offers an important caveat when he writes, "Rutherford's extended discussion of nature, and of its laws, provides a helpful index for roughly contemporary Puritan thinking on the subject. By the mid-seventeenth century, the question as to what principles should orient the establishment of political community had a long and convoluted history." Richards, "The Law Written on Their Hearts," 184-185. While I do agree with Richards's essential conclusions about Rutherford and Locke, and their important differences, I do not necessarily agree with his conclusions about Locke having an essentially minimalist or rationalist natural law theory. Seventeenth century political theory is particularly difficult to untangle with precision, particularly in categorizing arguments from nature. Christian apologist Francis Schaeffer captured the imagination of some American Protestants when he claimed that Rutherford's imprint is evident on Locke; but Coffey rejects the idea of any clear influence. See Coffey, *Politics, Religion and the British Revolutions*, 12. Coffey adds that there is no evidence that Locke owned a copy of *Lex, Rex*. The intersection of Locke and the Puritan movement would require a much longer discussion than is appropriate for the dissertation. As far as Rutherford's influence, it is appropriate to remember that Locke sat under the preaching of Owen, an Independent. While both Rutherford and Owen were "Calvinists," the point of this dissertation is to demonstrate that this isn't indicative of anything until one demonstrates the type of political Calvinism one has in view. Presbyterians and Independents differed in their political theology.

natural law or natural right. Elazar writes, “Covenant is an idea whose importance is akin to natural law in defining justice and to natural right in delineating the origins and proper constitution of political society.”⁴ He routinely asserts that these are ultimately different traditions that eventually become intertwined: “The connections between covenant and natural law go back to the seventeenth-century revolution of Hobbes, Locke and Spinoza, which transformed ancient natural law into modern natural law or natural right.”⁵ Complicating the analysis is the fact that Elazar’s approach is somewhat Straussian. This essentially means that he disqualifies a revealed politico-theology of politics from accommodating either natural law or natural right. Like many commentators, Straussian and otherwise, Elazar presupposes that natural rights politics is individualistic and perhaps even amoral at its core.⁶

Given the almost unlimited cross-fertilization of new and traditional ideas in the seventeenth and eighteenth centuries, one can certainly sympathize with Elazar’s inability to locate political covenanting within the tradition of modern political thought. But perhaps this is due to Elazar’s narrow conceptualization of the origins of covenanting. He omits almost all pre-Reformation instances of Christian covenanting which could account for their continuation within Reformed political theology. (That is, Elazar presumes natural right to be a post-Reformation or extra-Reformation phenomenon.) For example, there may be a pre-Reformation

⁴ Elazar, *Covenant and Polity in Biblical Israel*, 19

⁵ *Ibid.*, 26-27

⁶ *Ibid.*, 27; Elazar, *Covenant & Commonwealth*, 12. Tuck indirectly asserts the significance of discerning a moral theory for natural right theory when he states, “If it is true that the difficulties of modern liberal-democratic theory are attributable to the possessive quality of the individualism at its heart (a belief which I do not share), then those difficulties cannot be solved by seeing how we stand in relationship to the classic seventeenth-century texts; they are far more fundamental and long-standing.” See Tuck, *Natural Rights Theories*, 3.

connection to covenant theology in the work of Gerson.⁷ Elazar offers only one passing mention of him.⁸ Despite the problems with Elazar's analysis, however, it invites important questions.

11.3 Strauss's Omission of Reformers

In his concluding remarks on St. Thomas's theory of natural rights in *Natural Right and History*, Leo Strauss makes some curious remarks. He appears to praise the Thomistic doctrine of natural right, noting its definiteness, its noble simplicity and its universal application. He attributes this improvement to Aquinas's use of revealed theology to transcend the classical doctrine of natural law. But he also seems to reassert a qualification that any argument from nature, in order to have integrity, must be wholly secular:

It is reasonable to assume that these profound changes were due to the influence of the belief in biblical revelation. If this assumption should prove to be correct, one would be forced to wonder, however, whether the natural law as Thomas Aquinas understands it is natural law strictly speaking, i.e., a law knowable to the unassisted human mind, to the human mind which is not illumined by divine revelation.... At any rate, the ultimate consequence of the Thomistic view of natural law is that natural law is practically inseparable not only from natural theology – i.e., from a natural theology which is, in fact, based on belief in biblical revelation – but even from revealed theology.⁹

Strauss then offers a definition of modern natural law and natural right which is reactionary against the Thomistic formulation. The famed authors of modern natural right (Montesquieu, Hobbes or Locke, for example) are then cast as asserting the epistemological moral superiority of secular natural law against revealed theology. Strauss draws battle lines between Classic Natural Right and Modern Natural Right – a dichotomy that is axiomatic for contemporary neo-Straussian work. And Strauss does this in a relatively short space, leaving it to the reader to

⁷ Tuck, op. cit., 30 See also Tierney's reference to Gerson articulating the idea of individual rights as they relate to the corporate body. Tierney, *The Idea of Natural Rights*, Ch. 9

⁸ Elazar, *Covenant & Commonwealth*, 82

⁹ Strauss, *Natural Right and History*, 163-164

discern exactly what he means by this dichotomous presentation, and to seek out histories of natural law and natural right that do not fit Strauss's model.

Strauss's opening salvo against Locke makes his analysis even more intriguing. In addition to sustaining his influential assertions about esoteric (secretive) writing, this passage could perhaps be called the shortest history of natural right ever offered:

Locke had the good sense to quote only the right kind of writers and to be silent about the wrong kind, although he had more in common, in the last analysis, with the wrong kind than the right. His authority seems to be Richard Hooker... Now Hooker's conception of natural right is the Thomistic conception, and the Thomistic conception, in its turn, goes back to the Church Fathers, who, in their turn, were pupils of the Stoics, of the pupils of the pupils of Socrates. We are then apparently confronted with an unbroken tradition of perfect respectability that stretches from Socrates to Locke. But . . . we become aware that Locke's conception of natural right is fundamentally different from Hooker's.¹⁰

However oversimplified that history of natural right may be, Strauss's explanation for this change from Hooker to Locke is certainly worth serious attention. He is asserting the emergence of a supposedly nonteleological political theory exemplified in Hobbes. Many scholars have seen fit to explore Strauss's comparison between Locke and Hobbes at length: affirming, dissenting or refuting. But what should be made of Strauss's praise of St. Thomas's natural law theory together with his assertion that modern natural right is nonteleological? Must we choose between a teleological or a nonteleological theory of natural rights? Is this choice more aptly described as a theological or non-theological theory of natural rights? Strauss's *Natural Right and History* could perhaps answer that question were it not for its silence on the Reformation! A crucial episode is missing in Strauss's history of natural right; the solution requires attention to Protestant theology. Discerning and studying a Protestant theory of natural right and natural law

¹⁰ Strauss, op. cit., 165. One can't be quite sure, however, what Strauss means by the "right" versus the "wrong" kind. Foster categorizes all of Locke's sources as "Calvinist" with the exception of Grotius and Hooker. See Foster, "International Calvinism Through Locke and the Revolution of 1688."

would provide responses to Strauss's charges that Locke, for example, sympathized with the 'bad' (secular) authors, notably: his understanding of the relationship between the law of nature and divine revelation; his approval of revolution in the face of Romans 13; his reference to a state of nature; and his revolutionary doctrine of property.

11.4 Tuck and Tierney Contrasted

Tuck's important *Natural Rights Theories: Their Origin and Development*, provides only an inconclusive and disappointingly terse discussion of Reformed theorists. Like Strauss, Tuck appears to presume that relevant natural right theory must be an essentially secular theory. He does not see any significant development of the idea of natural right between the medieval period and the seventeenth Century. Reformation political theorists earn either a passing mention or are else yoked with others who "pulled the foundations out from underneath the theory" developed during the Middle Ages.¹¹ Tuck yokes the Reformers with Renaissance thinkers who draw a sharp dichotomy between natural man and civilized, socialized man. Tuck also does not see any significant state of nature theory in the Calvinists.

While one is reluctant to question Tuck's authority in the study of natural rights theory, his conception of the "natural" part of natural rights theory seems to preclude any significant theological content without justification. That becomes evident early in Tuck's study when he takes up the question of how man leaves the state of nature and enters his political state. Could God have rescued natural man in a way that still does not disregard his natural condition? No, states Tuck, as evidenced by his short consideration of Scottish Calvinist George Buchanan. Buchanan has one of his interlocutors ask whether natural man was civilized by an orator or a jurist. (This was a popular theory of Renaissance thinkers, according to Tuck. Natural man had to

¹¹ Tuck, *op. cit.*, 2, 29

be rescued by law or rhetoric.) Buchanan's reply, according to Tuck, disqualifies him from being part of the natural right tradition: "God told them to."¹² To Tuck, this excludes Calvinist theorists from any role in the development of natural right theory. He writes, "The *De Iure Regni* denies that men construct political institutions for their own benefit; their political life is a direct gift from God, without being fully natural to them.... This was to remain a fundamental feature of Calvinist political thinking, to recur in the great works of the seventeenth-century British Calvinists such as Rutherford."¹³ While Buchanan is not a central figure in this dissertation, Tuck sees him as representative as all British Calvinists and discounts them accordingly. But Tuck's characterization is not entirely correct. His interpretation is too narrowly conceived and his details do not present a satisfactory outline. Plus, he misunderstands the role of natural law in Reformed resistance theory.¹⁴ Tuck dismisses the entire group of authors by saying,

Calvinists were not putting forward a theory of natural rights, and indeed were not particularly concerned with the notion of a right at all. Like the humanists, specific constitutional remedies were at the focus of their concern. If we are to understand the developments in rights theories during the sixteenth and early seventeenth centuries, then we must group the Calvinist theorists with such men as Alciato, and see them all as engaged in a retreat from the position where the natural law and natural rights enjoyed primacy to one where the major concern was human law designed by men for common utility either under their own initiative or under the command of God.¹⁵

This is an oversimplification, but Tuck doesn't provide much more of a detailed or substantive analysis of the Reformers in his seminal study of natural right.

¹² Buchanan, *De Iure Regni Apud Scotos*, 8-11. Cited in Tuck, op. cit., 43

¹³ Tuck, op. cit., 43

¹⁴ Ibid., 42. For a good discussion of resistance theory in sixteenth century Reformed theology, particularly as it was derived from natural law, see Raath, "The Origins of Defensive Natural Law in Huldrych Zwingli's Covenant Theology" For arguments for resistance, argued from natural law, see also Hancock, *Calvin and the Foundations of Modern Politics*, 108-114.

¹⁵ Ibid., 43-44

Tuck's taxonomy of natural rights theories is further complicated by his medieval dichotomy in which natural right is either bordered by natural law and divine law (a more Thomistic approach) or rooted in divine grace as the source of property (which Tuck associates with Wycliffe and Luther). This reduces natural rights theories to being based either on power and liberty or else on human welfare.¹⁶ One is tempted to ask not only if this is historically accurate but also if it is conceptually and politically a workable model of natural right. Must natural right theory be ultimately grounded in the notion of an unlimited natural right?

Tierney's work should be introduced here as a moderating influence on Tuck's dichotomies of natural law vs. divine law or limited versus unlimited natural right. Responding against Villey, whose thesis appears similar to Tuck's, Tierney writes,

We need to recall the widely accepted view of Michel Villey that William of Ockham was the first philosopher to understand the word *ius* in the sense of a subjective right and, further, that the semantic breakthrough came precisely when Ockham "resolutely twisted" the idea of "right" to the meaning of "power".... Villey maintained that a new philosophy was needed to justify such scattered usages before they could form the basis of a new jurisprudence. In his view, Ockham provided the necessary philosophical foundation; his nominalism was the "mother" of subjective right. And this meant further that the modern concept of individual rights was derived from a philosophy radically inconsistent with the teaching of Aquinas.... For Villey the idea of subjective natural rights was logically incompatible with the objective "classical natural right" that we find in Aristotle and Aquinas.¹⁷

Tierney offers two refutations. First, Hervaeus Natalis equated *ius* with power ten years before Ockham. Second (and more important for refuting Tuck's dichotomy), Hervaeus was a faithful Thomist and relied on Aquinas's philosophical framework.¹⁸ More to the point of Tuck's own thesis about what a natural right is, Tierney rejects Tuck's emphasis on Gerson. He also disputes

¹⁶ Ibid., 50

¹⁷ Tierney, op. cit., 105

¹⁸ Ibid., 104-108

predicating the study of natural right on a division between passive and active rights – a division that would tend to see natural rights as unlimited. According to Tierney, Tuck sees modern natural right erroneously as an active rights theory - “Gersonian” or “anti-Gersonian.” Tierney rejects this dichotomy altogether, asserting that the late medieval rights arguments did not respect such a dichotomy at all.¹⁹ In short, natural right theory can be placed in the Christian natural law tradition without compromise. Insofar as the Reformers adopted key parts of that natural law tradition, the natural right tradition continued with them.

11.5 Conventional Natural Right Language in Rutherford

An examination of Rutherford’s *Lex, Rex* reveals a strong echo with the themes of modern natural right: natural liberty and equality, government by consent, magistrates as fiduciaries, the right of resistance, and an emphasis on property rights. For Rutherford, the *origin* of civil power is both divinely ordained and natural. It is ordained insofar as God is the author of human nature. But this makes individual persons no less the authors of civil power.

All civil power is immediately from God in its root; in that, 1st, God hath made man a social creature, and one who inclineth to be governed by man, then certainly he must have put this power in man’s nature: so are we, by good reason, taught by Aristotle. 2d, God and nature intendeth the policy and peace of mankind, then must God and nature have given to mankind a power to compass this end; and this must be the power of government....As domestic society is by nature’s instinct, so is civil society natural *in radice*, in the root, and voluntary *in modo*, in the manner of coalescing. . . . [I]t is natural that they join in a civil society.²⁰

As we shall see, “inclineth to be governed by man” in no way denies natural equality. The political state is preceded by a state of nature with only domestic (familial) power, not civil power: “Now,

¹⁹ Tierney charges that Tuck’s chosen texts are sometimes “mistranslated”, “misunderstood” or “taken out of context.” Tierney, *op. cit.*, 220

²⁰ Rutherford, *Lex, Rex*, 1-2; 25

the people were a people many years before there was a government, (save domestic)”²¹ For Rutherford, this state of nature is a state of both freedom and equality.

Contrary to the criticisms of Zuckert and others that Reformers supported a divine-right-of-kings approach to civil government, Rutherford asserts something very “Lockean” at the outset of *Lex, Rex*: “If all men be born equally free, as I hope to prove, there is no reason in nature why one man should be king and lord over another. . . . I conceive all jurisdiction of man over man to be as it were artificial and positive, and that it inferreth some servitude whereof nature from the womb hath freed us.”²² Later he argues, “Freedom is natural to all, except freedom from subjection to parents; and subjection politic is merely accidental, coming from some positive laws of men, as they are in a politic society. . . . Man is born by nature free from all subjection, except of that which is most kindly and natural, and that is fatherly or filial subjection.”²³ Rutherford says later in the text, “No man is born a king, as no man is born a subject.”²⁴

Rutherford’s jurisprudence is neither radically theonomic nor positivist. His jurisprudence is natural law jurisprudence, arguing that the natural law must found the civil law. He writes, “There is intrinsical worth in the law prior to the act of the will of lawgivers for which it meriteth to be enacted; and, therefore, because it is authorisable as good and just, the king putteth on it this stamp of a politic law. God formeth being and moral aptitude to the end in all laws, to wit, the safety of the people, and the king’s will is neither the measure nor the cause of the goodness of

²¹ Ibid., 80. Also, “I conceive, by nature’s light, they should incline to defend themselves and to join in one body politic for their own safety, as is most natural.” 93

²² Ibid., 2 Also, “Princedom, empire, kingdom, or jurisdiction hath its rise from a positive and secondary law of nations, and not from the law of pure nature.” For Zuckert’s assertion that the Mayflower Compact asserts a divine right theory, see Zuckert, *The Natural Rights Republic*, 130.

²³ Rutherford, op. cit., 51. See also 3 and 50. Rutherford’s extended attack on hereditary monarchy in *Lex, Rex* reminds one of Locke’s *First Treatise of Government*.

²⁴ Rutherford, op. cit., 201

kings.”²⁵ Why do men submit to this law? Rutherford’s answer is not rooted in a Divine Command theory but instead insofar as the divine intent is instilled in the natural inclinations of his human creatures. On this point, Rutherford is indistinguishable from other natural rights theorists. Men submit to civil law because of their natural inclinations toward self-love and self-preservation.²⁶

It is in human nature to be political, and to form political societies. That instinct comes not from any divine intervention. The desire to be in a political society, again, comes from what both medieval and modern natural right theorists would agree are men’s “natural right” inclinations, self-love and self-preservation. Rutherford emphasizes neither a solitary nor an inevitably social human nature. Furthermore, freedom and equality require the safety of one’s material goods:

All the goods of the subjects belongeth not to the king...it is morally impossible that there should not be a distinction of *meum et tuum*, mine and thine; and the Decalogue forbidding theft, and coveting the wife of another man... doth evidence to us, that the division of things is so far forth (men now being in the state of sin) of the law of nature, that it hath evident ground in the law of nations... And the reasons why private men are just lords and proprietors of their own goods, are, 1. Because, by order of nature, division of goods cometh nearer to nature’s law and necessity than any king or magistrate in the world; and because it is agreeable to nature that every man be warmed by his own fleece- nourished by his own meat...and to preserve a community from the violence of rapine and theft, a magistrate and king was devised. So it is clear, men are just owners of their own goods...What is a character and note of a tyrant, and an oppressing king as a tyrant, is not the just due of a king as a king; but to take the proper goods of his subjects and use them as his own.²⁷

Rutherford’s interplay of nature and divine appointment in establishing political society is not nearly as simplistic as Tuck or others might suggest.²⁸ Instead, Rutherford presents a thoughtful

²⁵ Ibid., 114

²⁶ Ibid., 2-3

²⁷ Ibid., 67-68

²⁸ Tuck elsewhere disqualifies the Presbyterians of the 1640s and 1650s by asserting that they “never abandoned the idea of the special, divine origin of governmental dominium” and thus “lie outside the area of natural rights theories proper.” Tuck, op. cit., 145

relationship between human law, natural law, divine law, and eternal law. Human law is the product of political association – necessitated by the inconveniences of the state of nature. The natural law, defined as men’s reason, drives man to political society. That is all in the work of the eternal law, operating through the natural law and supplementing it by the divine law.²⁹

From where does political authority originate? Early in *Lex, Rex*, Rutherford writes, “Therefore I see not but Govarruvias, Soto and Suarez, have rightly said, that power of government is immediately from God, and this or that definite power is mediately from God, proceeding from God by the mediation of the consent of a community, which resigneth their power to one or more rulers”³⁰ While this is certainly not an argument that asserts that power is derived directly from the people alone, neither is it a divine right argument. The power of the government is from God but mediated by the people; it is the same power that they held in the state of nature.³¹ Rutherford will later argue, prefiguring Locke and his natural right theory, that civil power devolves back to the people. It is therefore God’s plan that the people are the essential creators of political rule. Political rule is necessitated only by political agreement – a kind of proto-social contract. Political authority is not something divinely ordained in any way that would undermine popular consent. Rutherford writes, “For kingly government is no more of the law of nature than aristocracy or democracy; nor are any born judges or subjects at all.”³²

If Rutherford had not initially posited what we now view as a “Lockean” state of nature, one could see him winding up at the same absolutist conclusions as Suarez or Hobbes. But unlike

²⁹ Of course, these are not original assertions on Rutherford’s part. They echo previous Christian (and Reformed) political thought.

³⁰ Rutherford, *op. cit.*, 3

³¹ *Ibid.*, 3. Also, “The king is said to be from God by way of naked approbation; God given to a people power to appoint what government they shall think good, but instituting none in special in his word.”

³² *Ibid.*, 93 Rutherford argues extensively against hereditary monarchy in Question X.

Suarez, the natural right of persons for Rutherford cannot be surrendered to absolute political rule. (This has to be kept in mind when reading Rutherford's argument that the community "resigneth" their power to civil rulers.) Rule requires consent, necessitated by man's natural liberty and equality. Rutherford writes, "As a man may not take away his liberty without his own consent, so can he not, without his own consent, give his liberty to be subject to penal laws under a prince, without his own consent."³³ And this consent is not only for the original contract. Should the king betray his trust, the people are no longer bound to obey. There is no obligation to stand by a "bad bargain" as there is in Suarez.³⁴ Rutherford writes, "A power to destruction was never given, nor can it, by rational nature, be given.... A people free may not, and ought not, totally surrender their liberty to a prince, confiding in his goodness."³⁵ For Rutherford, liberty is a gift of God because it is a gift evident in nature. He writes, "It is false that the people doth, or can by the law of nature, resign their whole liberty into the hand of a king.... They cannot resign to others that which they have not in themselves...but the people hath not an absolute power in themselves to destroy themselves, or to exercise those tyrannous acts spoken of, 1 Sam.viii. 11-15, &c for neither God nor nature's law hath given any such power."³⁶

It is on the subject of resistance that Reformed political theorists make their greatest contribution, giving teeth and theological grit to later natural right theory. Rutherford's citizens are free to withdraw their consent and also to resist. The same God who mediates rule through the

³³ Ibid., 53 This necessity for consent not only extends to those who rule by conquering. It also extends to children, who cannot have their liberties traded away by their fathers. Ibid., Question XII

³⁴ Tuck, *op. cit.*, 56-57

³⁵ Rutherford, *op. cit.*, 66, 69

³⁶ Ibid., 81-82, 102 Rutherford's list of abuses in I Samuel 8 includes both material and spiritual tyranny.

people is also capable of contesting political rulers through acts of the people.³⁷ Rutherford writes, “God doth not take the authority of the king from him immediately, but mediately, by people’s hating and despising him, when they see his wickedness, as the people see Nero a monster. . . . And this proveth that God gave him the authority mediately, by the consent of man.”³⁸ Consistent with the arguments of other British Calvinists – especially Presbyterians, Rutherford demonstrates no equivocation on the subject of resistance. The argument in Rutherford is clear. To live under tyranny is to lose the benefits sought by leaving the state of nature in the first place. He writes,

If to one man an absolute and unlimited power be given of God, whereby, at his pleasure, he may obstruct the fountains of justice, and command lawyers and laws to speak not God’s mind, that is justice, righteousness, safety, true religion, but the sole lust and pleasure of one man. And this one having absolute and irresistible influence. . . . may, by this power, turn all into anarchy, and put the people into a worse condition than if there were no judge at all in the land.³⁹

More than forty years prior to Locke, Rutherford articulates ruling as a “fiduciary” responsibility.⁴⁰ To betray the responsibility that the ruler has to God and man, mediated through the will of the people, is to be a tyrant. And on this question, Rutherford is the clearest of the Reformed authors: Tyranny is not from God.⁴¹

One of the points that appears to confuse both Strauss and Zuckert is the handling of Romans 13 – a text interpreted by some political theologians to command essentially unconditional political obedience.⁴² Rutherford, like many other Reformed authors, goes to great lengths in

³⁷ Ibid., 6

³⁸ Ibid., 26

³⁹ Ibid., 105

⁴⁰ Ibid., 64, 69, 84; Q. XVII

⁴¹ Ibid., 16, Q. XVIII, XXII

⁴² Romans 13: 1-7: Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation. For rulers are not a terror to good works, but to the evil. Wilt thou then

addressing this question. This is a crucial step in the development of resistance theory in a culture that was still compelled by previous Biblical exposition to offer perhaps only passive resistance. Rutherford writes, “It is evident from Rom xiii. that all subjection and obedience to higher powers commanded there, is subjection to the power and office of the magistrate *in abstracto*, or, which is all one, to the person using the power lawfully, and that no subjection is due by that text, or any word of God, to the abused and tyrannical power of the king, which I evince from the text, and from other Scriptures.”⁴³ Rutherford is saying that by establishing political authority for good, God denies the license usurped by tyrants. Rutherford directs his reader to the phrase “of God,” in Romans 13:1, thus denying the tyrant any legitimate claim to rule against the express commands of God. Rutherford writes,

Tyranny being a work of Satan, is not from God, because sin, either habitual or actual, is not from God; the magistrate, as magistrate, is good in nature of office, and the intrinsic end of his office, (Rom. xiii.4) for he is the minister of God for thy good; and, therefore, a power ethical, politic, or moral, to oppress, is not from God, and is not a power, but a licentious deviation of a power; and is no more from God, but from sinful nature and the old serpent, than a license to sin.⁴⁴

To resist tyrants is to obey God – an idea warmly embraced by Thomas Jefferson and Benjamin Franklin. There is neither natural authority in the tyrant (who denies men the benefit of political society for which they left the state of nature) nor is there divine authority (having denied his responsibility to do the good implicit in anything done “of God”). Rutherford writes,

not be afraid of the power? do that which is good, and thou shalt have praise of the same: For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. Wherefore ye must needs be subject, not only for wrath, but also for conscience sake. For for this cause pay ye tribute also: for they are God's ministers, attending continually upon this very thing. Render therefore to all their dues: tribute to whom tribute is due; custom to whom custom; fear to whom fear; honor to whom honor. (KJV)

⁴³ Rutherford, *op. cit.*, 144

⁴⁴ *Ibid.*, 34

When the magistrate doth anything by violence, and without law, in so far doing against his office, he is not a magistrate. Then, say I, that power by which he doth, is not of God. None doth, then, resist the ordinance of God who resist the king in tyrannous acts. If the power, as it cannot be punished by the subject nor restrained, be from God, therefore the tyrannical power itself, and without this accident – that it can be punished by men – it must be from God also. But the conclusion is absurd, and denied by royalists. I prove the connection: If the king have such a power above all restraint, the power itself, to wit, king David’s power to kill innocent Uriah, and deflower Bathsheba, without the accident of being restrained or punished by men, it is either from God or not from God. If it be from God, it must be a power against the sixth and seventh commandments, which God gave to David, and not to any subject; and so David lied when he confessed this sin, and this sin cannot be pardoned because it was no sin: and kings, because kings, are under no tie of duties of mercy, and truth and justice to their subjects, contrary to that which God’s law requireth of all judges (Deut. i.15-17; xvii. 15-20; 2 Chron. xix 6, 7; Rom. xiii. 3, 4)⁴⁵

Against the notion, advocated by some, that tyranny is a deserved punishment of God, Rutherford offers plain logic. If Christians are meant only to suffer under tyranny, then no recourse to end its suffering could be Biblically justified. The scourge of tyranny, while certainly painful, would necessitate obligate passivity and willful suffering. There could not be any Biblical remedy to avoid it, including self-exile. To do so would attempt escaping from the justice of God. Against those who cite tyranny as ordained of God and requiring passivity Rutherford argues,

Truly it is a silly argument. The Assyrians coming against the people of God for their sins, is a punishment of God. (Isa. x.5; xii.13) But doth it follow that it is unlawful for Israel to fight and resist the Assyrians, and that they had warrant to do no other thing but lay down arms and pray to God, and fight none at all? Is there no lawful resisting of ills of punishment, but mere prayers and patience?...Famine is often a punishment of God in a land (Amos iv.7, 8) is it therefore in famine unlawful to till the earth, and seek bread by our industry, and are we to do nothing but to pray for daily bread? It is a vain argument.⁴⁶

⁴⁵ Ibid., 103

⁴⁶ Ibid., 75

Much of *Lex, Rex* is dedicated to engaging political arguments, secular or theological, that obligate unconditional obedience.

11.6 Conventional Natural Right Language in Mornay

The *Vindiciae* is divided into four questions about civil government. The third question, “Whether it be lawful to resist a prince who doth oppress or ruin a public state, and how far such resistance may be extended: by whom, how, and by what right or law it is permitted” provides the greatest evidence of natural right language in Mornay. It is directed to tyrants – those Mornay described as “deaf unto the voice of that law which is grounded upon reason.”⁴⁷ As Rutherford did some seventy years afterward, Mornay argues that “the people establish kings, puts the scepter into their hands, and who with their sufferages, approves the election.” Mornay is more explicit than Rutherford about the people acting only as intermediary for God, but the basis of the magistrate’s popular obligation is sometimes presented in language even more forceful.

Mornay emphasizes natural equality and popular sovereignty in passages such as this:

God would have it done in this manner, to the end that the kings should acknowledge, that after God, they hold their power and sovereignty from the people, and that it might the rather induce them, to apply and address the utmost of their care and thoughts for the profit of the people, without being puffed with any vain imagination, and that they were formed of any matter more excellent than other men, for which they were raised so high above others; as if they were to command our flocks of sheep, or herds of cattle.⁴⁸

Like Rutherford, Mornay argues against hereditary monarchy - though his discussion of regime types is not as lengthy as Rutherford’s.⁴⁹ Mornay’s acceptance of hereditary monarchy conditional on its being an “elected system” would strike most moderns as absurd. Nevertheless,

⁴⁷ Mornay/Brutus, *Vindiciae Contra Tyrannos* (1689 tr.), 52

⁴⁸ *Ibid.*, 53

⁴⁹ *Ibid.*, 56-59

there is a clear natural right idea evident in that discussion. Mornay writes, “Those who have been raised to moral dignity were . . . made out of the same mass with the rest of the people, they should acknowledge that for them, they, as it were, *borrow* their power and authority.”⁵⁰ Mornay argues that the “whole body” of the people is above the king and readily cites many “sacred and profane” examples to demonstrate his point.⁵¹ And like Rutherford, the power of consent that lies in the people is undiminished by time or succession.⁵²

Mornay’s discussion of the origin of political power is less rooted than Rutherford’s in a clear “state of nature” argument. Mornay’s pre-political persons are described as equally free. He writes, “In the first place every one consents, that men by nature loving liberty, and hating servitude, born rather to command, than obey, have not willingly admitted to be governed by another, and renounced as it were the privilege of nature, by submitting themselves to the command of others, but for some special and great profit they expected from it.”⁵³ And in passages that Skinner finds indicative of modern natural right language, Mornay dwells at length on the civil justice applied to person and property.⁵⁴

There is less emphasis on the religious or moral benefits of rule in the *Vindiciae* than one might expect from a covenanter. He includes a defense of private property, asserting against kings that “Every man loves and cherishes his own.”⁵⁵ Citing both the Old Testament and classical histories, Mornay asserts something even found in natural right arguments of Locke and

⁵⁰ Ibid., 60 (Emphasis added)

⁵¹ Ibid., 62-68

⁵² Ibid., 71-74

⁵³ Ibid., 74

⁵⁴ Skinner, *The Foundations of Modern Political Thought. Volume Two*, 327-328

⁵⁵ Mornay, op. cit., 75, 93

Rousseau - property is the foundation of government. He writes, “When, therefore, that these words of mine and thine entered into the world, and differences fell amongst fellow citizens, touching the propriety of goods, and wars amongst neighboring people about the right of their confines...kings were created in the first ages; to wit, to administer justice at home and to be leaders in the wars abroad.”⁵⁶

Mornay’s text prefigures Rutherford’s constitutionalism: The law is king, and the king is not the source of law. Mornay writes, “The law is the soul of a good king, it gives him motion, sense and life.”⁵⁷ And as in Rutherford, there is a connection between the divine law and the civil law. “Certainly, all that which God wills is just, and therefore, suppose it is God’s will; but that must be just with the king’s will, before it is his will. For it is not just because the king has appointed it; but that king is just, which appoints that to be held for just, which is so of itself.”⁵⁸ According to Mornay, both magistrates (including kings) and the people are governed by law.⁵⁹ Referencing St. Augustine, he argues that those who enjoy political rule are similar to husbands or fathers only insofar as they *serve* those that they command.⁶⁰ Mornay’s argument here is very traditional and goes back even to Plato: To command is to serve.⁶¹ The king’s power over life and death is tied to his responsibility for the “benefit and profit of the public state.” To submit to a cutthroat as king is to deny the benefit of political association and to violate the basis of that

⁵⁶ Ibid., 76; Hobbes argues in Chapter XIII of his *Leviathan*, that the State of Nature denies any “mine” or “thine”.

⁵⁷ Mornay, op. cit., 80

⁵⁸ Ibid., 82

⁵⁹ Ibid., 84, 86

⁶⁰ Ibid., 75

⁶¹ Plato, *Republic*, 342e

association: self-preservation.⁶² The same can be said for the king's power over goods. Mornay writes, "If then, therefore, in the creation of kings, men gave not their own proper goods unto them, but only recommended them to their protection; by what other right then, but that of freebooters, can they challenge the property of other men's goods to themselves?" Preceding Rutherford and Locke, Mornay calls the king a fiduciary.⁶³

Mornay is emphatic that resistance to tyranny is just. Mornay defines tyrants, eligible for "suppression and expulsion", as those who "seek to captivate the minds and souls of the people with an erroneous and superstitious opinion in matter of religion, or, those who would enthrall their bodies and estates with miserable servitude and excessive impositions."⁶⁴ His first argument for resistance is drawn from natural law! Mornay writes, "First, the law of nature teaches and commands us to maintain and defend our lives and liberties, without which life is scant worth the enjoying, against all injury and violence. Nature has imprinted this by instinct...yet much more in man against man himself, if man become a beast: and therefore he who questions the lawfulness of defending oneself, does, as much as in him lies, question the law of nature."⁶⁵ Mornay argues that this is also commanded by civil laws, oaths, and the law of nations. Emphasizing the role of government for secular purposes, Mornay writes, "Whereby it plainly appears, that not for religion only, but even for our country and our possessions, we may fight and take arms against a tyrant."⁶⁶

⁶² Mornay, *op. cit.*, 87-88

⁶³ *Ibid.*, 114

⁶⁴ *Ibid.*, 149

⁶⁵ *Ibid.*, 125

⁶⁶ *Ibid.*, 142-143

11.7 Conclusion

Political ideas associated with modern “natural right” include asserting natural liberty and equality, the civil magistrate as a fiduciary, government as the creation of popular consent, property rights as a core motivation for civil society, and the right of active or violent resistance to tyranny. Natural right arguments are often associated with liberalism, arguing that society and government begin from an “original position” of humanity. All of these positions can be discerned in Mornay and Rutherford, who provide the most explicit and detailed presentations of covenantal political theology. This chapter demonstrates that what is now considered a largely “modern” and essentially “secular” argument is quite at home in a covenantal political theology.

SECTION IV
THE AMERICAN COVENANT

CHAPTER 12

THE COVENANT DEVICE IN AMERICA

12.1 The Covenant Background to America

Because of its association with Puritanism, covenantal political theology met with persecution in Old England; but New Englanders were able to pursue its development freely. The Americans saw themselves in a situation parallel to the Jews who fled Egypt and established the covenant at Sinai. Believing that God had called them to continue the work of Reformation, the Americans gave the covenant its fullest and most extensive application. New England became a laboratory for a unique kind of civil-religious covenant. Noll writes, “New England Puritans followed English precedent and consistently viewed their whole society as standing in covenant with God. Since the head (magistracy) and heart (clergy) of society participated together in the covenant of grace, New Englanders did not doubt that the society they constructed was also a sacredly covenanted community.”¹ This was not simply one covenant, or two covenants, but a series of covenants that joined church, town, and commonwealth. No person or segment of society was left out of the series of covenants.²

The New England experience began with two prominent articulations of covenanting. The first example is John Winthrop’s sermon, “Modell of Christian Charity,” delivered aboard the *Arrabella* in 1630. The second example is the “Mayflower Compact” of 1620.³ These political covenants preceded the work of either Hobbes or Locke by a generation or more.⁴ Many

¹ Noll, *America’s God*, 39

² Even immigrants without families were required to submit to the authority of a household covenant. Children were trained to assume covenantal responsibilities. Stout, *The New England Soul*, 22

³ As Elazar notes, this was originally known as the “Plymouth Combination” and was only later called the “Mayflower Compact.” See Elazar, *Covenant and Constitutionalism*, 47.

⁴ *Ibid.*, 18-19, 32-33

of the settling groups that followed in succeeding waves came from areas of Europe already familiar with covenanting.⁵ Over the next one-hundred years, Americans devised a variety of covenant-like civil documents.⁶ Echoes of the covenant tradition linger even today in presidential proclamations, holiday proclamations, and political rhetoric.⁷

Covenantal political theory is reflected in the American invention of modern political federalism.⁸ Elazar argues that the governments of America resemble the political systems proposed by federal theologians and implemented in church polities more than they resemble the political systems of prominent political theorists.⁹ Moreover, while it is tempting to study American political thought through the lens of classic texts by Locke or Hobbes, for example, that approach neglects the role of everyday theological and ecclesiastical experience. Most political institutions were founded from the ground up and not by intellectuals or an aristocracy following the prescriptions of intellectuals. Political theory was articulated to the average American through the church pulpit. Covenanting provided a means for the earliest American settlers, who left home to establish religious and commercial communities, to reconcile individualism and community, commerce and charity, self-interest and conscience, conservatism and radicalism.¹⁰

⁵ Ibid., 29. Backcountry settlements in the Middle Colonies consisted of Scots-Irish and Germans who reconstituted their churches. Lambert, *Inventing the Great Awakening*, 36

⁶ These were mainly in New England, Pennsylvania, and New Jersey. Elazar cites Lutz' work in compiling documents that represent covenantal "foundings." See Elazar, op. cit., 33-41. See Lutz, *A Preface to American Political Theory*.

⁷ Elazar, op. cit., 17-19, 124-133, 167-188

⁸ Ibid., 79

⁹ Ibid., 78

¹⁰ Ibid., 21-24

“Natural rights” for early Americans were understood not just in the philosophical tradition but also in the covenant tradition.¹¹ Elazar argues that Reformed theology is pre-Lockean but no less consequential on questions of consent, social compact and the right of emigration.¹² He writes, “Indeed, one might say that the apotheosis of the modern experience in the United States was based upon the synthesis of and tension between biblical covenantalism as filtered through Reformed Protestantism and modern ideas of political compact and civil society.”¹³ Summarizing this hybrid creation, Elazar writes,

The generation that achieved the Declaration of Independence, fought the Revolutionary War, and established the United States under its new constitution was led by two groups: one coming out of the older religious tradition, primarily the covenantal tradition of Reformed Protestantism who saw the imperatives of their tradition leading in the direction of a federal democratic republic under God, and the second group who came out of the Enlightenment, influenced primarily by the Scottish Enlightenment which was part of the covenantal tradition one step removed, who sought a federal democratic republic in North America as the way to actualize civil society.¹⁴

Even Zuckert, who asserts an essentially Lockean America, concedes significant influence of Protestant political theology. He argues that the rhetoric of revolution is an “amalgam” of Protestantism and modern natural right.¹⁵

In the chapter that follows, I provide an overview of how the covenant device was adopted and modified by Americans during the first two centuries of their history, primarily in New England. The subject of the colonies, the Revolution and Founding merits a dissertation of

¹¹ Ibid., 79

¹² Elazar, *Covenant and Commonwealth*, 185

¹³ Elazar, *Covenant and Constitutionalism*, 6

¹⁴ Ibid., 10

¹⁵ For a summary of Zuckert’s thesis and a discussion, see Zuckert and Engeman, *Protestantism, and the American Founding*. For a fuller statement, see Zuckert, *The Natural Rights Republic*, 118-202.

its own. Rather than engage that subject fully, I will instead demonstrate how the covenant motif can be discerned in America, and how it changed at key points in the history of the American colonies. My particular focus is the civil-religious covenant of New England, where denominations adhered largely to Reformed theology.¹⁶

12.2 Discerning Religious Content in Civil and Church Covenants, Compacts and Charters

When exploring the civil-religious covenant of New England, it is important to first explore the documents that founded both civil and religious communities. While the “Mayflower Compact” and Winthrop’s speeches have been extensively studied, only recently have systematic approaches to the vast scope of original documents been attempted.

There were two different categories of covenant in New England. Ecclesiastical covenants were used for the founding of churches. Civil covenants transferred or awarded the power of governance and law enforcement to a local town, plantation, or colony.¹⁷ Weir argues that civil covenants were more diverse prior to the Restoration (1660) and borrowed more heavily from the church covenant model. After the Restoration, civil covenants became more uniform and reflected the common law tradition.¹⁸ By contrast, church covenants were more standard before the Restoration and more diverse thereafter. Weir’s conclusions add to the extensive body of literature challenging Perry Miller’s conclusions about a unified “New England Mind.”¹⁹

¹⁶ Neither Anglicans nor Quakers had church covenants like the Congregationalists did. Weir, *Early New England: A Covenanted Society*, 176, 180

¹⁷ *Ibid.*, 3

¹⁸ *Ibid.*, 225

¹⁹ Weir challenges the implication of Miller’s work that New England was somehow monolithic in its political theology. He also argues that Miller’s study lacks historical context and suffers from a myopic focus on the largest and most powerful of the New England colonies, Massachusetts Bay Colony. *Ibid.*, 14, 148

Charters were the bedrock of civil authority in the colonies, and provided foundations for the civil covenants. Jamestown and the Colony of Virginia were founded in 1607 on the model of the 1606 Charter of Virginia. There is no record of a Jamestown compact or combination supplementing the 1606 Charter. The Mayflower Pilgrims secured permission in 1619 from the London Company and from the Plymouth Company. The Pilgrims, who were Separatists, supplemented the 1606 Charter with the Mayflower Compact.²⁰ There were many additional political charters. Some established new colonies while others consolidated existing ones or revised the terms of authority. Before 1660, most covenants were established by male members of the community as combination or compact. The second generation moved away from the communal approach and allowed a committee system to articulate the covenantal vision. Whereas ecclesiastical covenants were seen as a very solemn and significant occasion, civil covenants were a more mundane affair.²¹ This may have something to do with a minimalist view of government in Reformed anthropology and a higher view of the Church.²²

Weir discerns three approaches to Christianity in the civil patents and charters. One approach is to address God as the sustainer of life and foundation of the civil state. This may have included recognizing God's grace as the source of the monarch's power or looking for and acknowledging divine assistance in the work of the colony. The second approach is to treat Christianity as a set of beliefs that are to be shared with those outside the faith. This second approach is prominent in the 1629 Massachusetts Bay Charter. Both of these first two approaches can be found in the 1606 Virginia Charter, which Weir calls a baseline model for the

²⁰ Ibid., 30-31

²¹ Ibid., 9

²² Ibid., 134

other charters issued by the English Crown over the next eighty five years. A third approach recognizes the significance of the church as an important civil institution.²³

Perhaps the most interesting discovery in Weir's comprehensive examination is not what the patents and charters *do* say about religion but rather what they *do not* say about religion. There is little in the civil compacts that can be called christocentric. The covenants most centered on Christ were written for Native Americans.²⁴ There isn't even much that can be called theocentric or religious in the charters. There is surprisingly little mention of ecclesiastical provision in these charters, even in the 1606 Virginia Charter. Even the Anglican vision found in the 1639 Gorges Grant is quite rare.²⁵ None of the three approaches to religion confuses ecclesiastical with civil authority. The 1662 Connecticut Charter is silent on matters of religion, except to note Charles II being king "by the grace of God."²⁶ The New Haven Colony was the strictest in matters of religion, but lasted only 25 years and was soon merged with the Connecticut Colony in 1665. Some of its disciples went to New Jersey and their descendants merged with the Presbyterians in the eighteenth century.²⁷

It can generally be said that later charters often assume a more implicit Christian commitment rather than explicit dedication to God or Christ.²⁸ But even when confessional documents become joined to the *church* covenants later in the seventeenth century, neither covenant theology nor federal theology in particular are "controlling templates" for these local

²³ Ibid., 29-30

²⁴ Ibid., 10

²⁵ Ibid., 42, 48

²⁶ Ibid., 57

²⁷ Ibid., 71

²⁸ Ibid., 9

confessions. The millennium is rarely mentioned in either church or civil covenant. Neither is the threat of Arminianism mentioned in the church or civil covenants.²⁹ Why was there not more explicit discussion of religion, given the intense religious commitment of the Puritans? Weir asks and answers this question in part when he writes,

Why is it that a nation so intensely religious as seventeenth-century England would not articulate that religious vision more explicitly within these charter documents? The answer can be found within the question. While England was intensely religious, that intensity led to bitter division, and any clearly articulated theocentric – or christocentric – vision could possibly fan the flames of controversy.³⁰

There was already enough controversy in the granting of charters. William Bradford's Separatists (Pilgrims) had to get their charter from the Council for New England. Charles I was willing to give only the Puritans of Massachusetts Bay a royal charter.

The 1663 Rhode Island Charter marks a change in religious tone of the royal charters in New England. While it acknowledges religious motivations of its members and the conversion of the Native Americans, it reflects standing dissent in both Old and New England. It also explicitly separates the civil magistrate from religious matters and an established state church. In Rhode Island, civil religion was to be sustained by private religious commitments and not by a state church. This, the charter assures the Crown, would lead to greater public morality and patriotic commitment.³¹

²⁹ Ibid., 211

³⁰ Ibid., 41, 159

³¹ Ibid., 51-54. One can see the tenor of the times here. As evidenced in Locke's *Two Tracts* (1660-1662) and *Essay on Toleration* (1667), for example, the question of religious toleration was not just related to conscience and orthodoxy; it also pertained to civil disruption and preserving the common good. While much can be said about these matters, suffice it to say that the emphasis on public virtue through private religiosity, and civil piety *only* through free ecclesiastical association, is a minority view of the covenant. The Locke essays are found in Goldie (ed), *Political Essays*.

The Restoration marks a considerable change in the civil and church covenants. Much more freedom is given to dissenters. With the exception of the Andros episode, the trend is toward liberty in matters of religion and to other matters more generally. The Massachusetts Bay Province Charter of 1691, which united New Plymouth Colony and Massachusetts Bay Colony, extended the franchise to property owners: from “Freeman” (church member) to “Freeholder” (property owner).³² But the move toward religious toleration, even denominational pluralism, should not be overstated. Dissenters often remained second-class citizens. Weir writes, “It should be noted, however, that freedom of worship did not entail disestablishment of religion and secularization of institutional life, nor did it prohibit each colony from making life difficult for dissenters to the established church: Baptists, Quakers, and Anglicans still had to pay the compulsory tithes, and there were no laws protecting dissenting religious groups from bias.”³³

Charters are only part of the picture of civil covenanting; given the distance from England, it was often left to the colonists to establish their own local governments by combination or compact, charter, patent, and legislative action.³⁴ Though much is made of the Mayflower Compact, for example, it was never presumed by its authors to grant political authority. That was established by the 1606 Charter of Virginia. Instead, the Mayflower Compact was a civil covenant conceived for survival of the local government. Weir argues that the Mayflower Compact reflects the three priorities of the Separatists: God, religion, and national identity. It is both christocentric and reflective of “commonwealth” political theory.³⁵ The Fundamental Orders of Connecticut are another example of a civil covenant. The New Haven

³² Ibid., 65-66

³³ Ibid., 69

³⁴ Ibid., 74

³⁵ Ibid., 85

Plantation covenant, articulated in 1639, is the most deliberately religious of the civil covenants. It was the most traditionally covenantal and theocratic. “The Articles of Confederation of the United Colonies of New England,” which established a military defense for four colonies, asserted a rare christocentric vision for New England (excluding Providence Plantation and Rhode Island).³⁶

Massachusetts Bay Colony civil covenants were like the charters: mundane and without a theoretical or theological vision.³⁷ They were rarely theocentric or christocentric. Their Christianity was implicit, presuming the larger religious vision to be worked out at lower levels of the polity.³⁸ The civil covenant of Providence Plantation, an exceptional case, makes no provision for an established church, limits the role of religion in the operation of the state, and confines civil power to economics and politics. But as if to validate the fears of toleration’s critics, sectarian pluralism did not come easy. Weir writes, “The Providence Plantation was the first secularized government in the Western world. Its degree of secularization, however, was limited. Along with its reputation for a more secularized state, Providence had a reputation for being one of the most argumentative plantations in New England, and within a period of ten years it signed at least five more civil covenants in an attempt to draw its various factions together.”³⁹ Another way of handling the civil-ecclesiastical tangle is reflected in the work of the general court of the New Plymouth Colony. It required a broadly uniform Christianity at the

³⁶ Ibid., 108

³⁷ The two extremes of religious prescription faded. The New Haven Plantation and Colony, the most religious, was joined to the more secular Connecticut Colony after only one generation. The Providence Plantation became less secular when joined to the Rhode Island colony. Ibid., 125

³⁸ Ibid., 107, 158

³⁹ Ibid., 103

colonial level, but required religious uniformity at the local level. This could have included a Baptist church, for example, supported with compulsory tithes.⁴⁰

12.3 Theological Dissent in Church Covenants

Over time, theological changes in New England meant changes in the understanding of the covenant itself. Independents in England composed and adopted a revised version of the (Presbyterian) Westminster Confession in 1658, the Savoy Declaration. The Savoy Declaration rewrote paragraphs on the civil magistracy that dealt with the church-state relationship. Though the Restoration made the revisions of little importance in Old England, the New England Puritans made use of it. In 1680, the Reforming Synod adopted it (with some modification) for the Massachusetts Bay Colony, which was soon to merge with the New Plymouth Colony. The Saybrook Platform adopted the Savoy Declaration in 1708 for Connecticut and New Haven.⁴¹ While both give the magistrate justification to promote the Gospel and suppress blasphemy, there was no longer an ecclesiastical monopoly. Latitude is prescribed for non-established churches. The errors of dissent and heresy, once discouraged for fear of covenantal judgment and religious backsliding, are now discouraged mainly because of the effect on civil peace and good order.⁴²

Baptists covenanted in their churches, but not in the same way as Congregationalists. Reflecting their belief that church members were already converted (and baptized as believers), and not having to contend with the problem of unconverted members (Congregational covenant children and unregenerate adults), Baptist covenants were more focused on the horizontal

⁴⁰ Ibid., 118

⁴¹ Ibid., 196

⁴² Ibid., 200-201. Weir perhaps overstates things when he writes, "What is significant is that the New England statements of 1679-1680 and 1708 focus not upon the destructive force of heresy upon the souls of the population, but upon the disturbance that dissent causes on the external peace and order of the churches, particularly the New England churches." Civil peace and ecclesiastical good order were long included as justifications for intolerance. See Locke, *op. cit.*, in Goldie (ed.), *Political Essays*.

relationship between members. Baptist church government was not expected to establish a relationship with God.⁴³ The covenant was the closing of a relationship, not the first step of that relationship.⁴⁴ The Baptist covenants were also more democratic; a reflection of Baptist ecclesiastical polity, and members pledged themselves to participate in church governance.⁴⁵ Baptist covenants also expressed their more tolerant attitude toward other Christians, extending a “judgment of charity” to Congregationalists and Anglicans.⁴⁶

There may be a bit of weakening in Reformed orthodoxy evident in confessions tied to particular church covenants. The Marblehead (Massachusetts Bay Colony) First Church (gathered in 1689), may be read to diminish the extent of the Fall in human nature.⁴⁷ The Brattle Street Congregational Church (1699-1700) is also notable. Their pastor was ordained by the Presbyterian Board at London and adopted the Westminster Confession but had received only lukewarm endorsement from other Congregational churches. The church did not apply for or receive civil recognition.⁴⁸ In sections XIII and XIV there is a discussion of ecclesiastical commitments that reads as follows,

We Comprehend that a particular Church, as such, is a Society of Christians by mutual agreement, usually meeting together for Public Worship in the same place, and under the same Ministry, attending on the Ordinances of God there. In every such Society, the *Law of nature* dictates to us, that there is implied a mutual promise and engagement of being faithful to the Relations they bear to each other,

⁴³ Ibid., 182-183

⁴⁴ Ibid., 186-187

⁴⁵ By contrast, Congregationalist covenanting members pledged themselves to submit to the leadership, usually made up of appointed and examined elders together with its university-trained faculty. Ibid., 186

⁴⁶ Ibid., 186-187. This was not extended to Quakers, who were universally seen as more subversive.

⁴⁷ Ibid., 213-214

⁴⁸ Ibid., 214-215

whither as private Christians, or as Pastor and Flock, so long as the Providence of God continues them in those Relations.⁴⁹

Similar use of natural revelation is found in the statements of the Reforming Synod (1679) and Saybrook Platform (1708) in their statement on the Civil Magistrate (Chapter XXXIV, Paragraph III):

They who upon pretense of Christian liberty shall oppose any lawful power, or the lawful exercises of it, resist the Ordinance of God, and for their publishing of such opinions, or maintaining of such practices as are contrary to the *Light of Nature*, or to the known Principles of Christianity...they may lawfully be called to account, and proceeded against by the censures of the Church, and by the power of the civil Magistrate.⁵⁰

Based on what is argued in Chapter Ten, one cannot read the references to nature here as a desertion of Reformed political theology. But in Weir's research, such an explicit and foundational reference to nature within a *church* covenant is certainly the exception rather than the norm.

12.4 Williams' Reinterpretation of the Covenant Device

In tracing the evolution of the covenant device in America, it is important to also consider the dissenting political theology of Roger Williams, a Separatist Puritan. Williams arrived at Nantasket in 1631 and was warmly greeted by Winthrop.⁵¹ But he soon distinguished himself as a radical Separatist, rejecting his first church call and failing to stay long at his second on the grounds that neither church adequately renounced their fellowship with the Church of England. By 1633, Bradford believed him to have unstable judgment.⁵²

⁴⁹ Ibid., 216-217. Emphasis added.

⁵⁰ Ibid., 198-199. Emphasis added.

⁵¹ Morgan, *The Puritan Dilemma*, 116

⁵² Bradford, *Of Plymouth Plantation*, 248

Williams rejected the standing New England network of civil and religious covenants and instead confined covenanting in the fully Biblical sense only to a body of examined believers. Despite admonishment by other clergy, rejection of a land petition within Marblehead Neck for his church, and betrayal by some within his own church (possibly to gain the land petition in spite of him) Williams held fast to his opinions. In 1635, Williams was sentenced to exile from the colony. From 1643 to 1652, Williams debated religious persecution with John Cotton. Their lengthy letters were published as texts in England during the Puritan Revolution.

Williams employed the typology of his co-religionists to undermine their civil-religious covenant.⁵³ Using the “typology” theology of his co-religionists, wherein Old Testament passages become figures rather than literal lessons for New Testament believers, Williams argued that the physical punishment for heretics in the Old Testament was only a figure for spiritual punishment experienced under the New Testament.⁵⁴ The civil sword of the Old Testament becomes the spiritual sword of the Church. State patronage, the civil sword, would lull the church to sleep. The church advanced through persecution, not protection.⁵⁵ Under Williams’s leadership Rhode Island became a center for religious toleration. The only exceptions to this rule were Catholics and Quakers. Williams excluded Catholics from toleration on the common Protestant justification that they swore allegiance to a foreign power. He allowed Quakers to worship, but disarmed them and required them to wear distinctive clothing. Williams, like many others, suspected the Quakers of incivility and contempt for authority.⁵⁶

⁵³ See Stout, *op. cit.*, 45, for a discussion of typology.

⁵⁴ Williams, *Collected Works*, Vol III, 123-124. As Byrd points out, Williams was willing and able to use the Old Testament to argue for religious liberty. He did not reject the Old Testament as some have suggested. See Byrd, *The Challenges of Roger Williams*, 53-86.

⁵⁵ Williams, *Collected Works*, Vol III, 245, 368

⁵⁶ Morgan, *Roger Williams*, 137; Williams, *Collected Works*, Vol IV, 313-314, Vol III, 171

Williams carried on the commonwealth strain of Reformed political theology, but reinterpreted the Bible to diminish the more activist political prescriptions.⁵⁷ Williams told the members of Parliament that their duty as Christians is to save souls, but their duty as magistrates was only to secure the bodies and goods of others.⁵⁸ Insensitive to the subtleties of federal theology, Williams argued that Christian ordinances could not convert the people. It could only civilize them.⁵⁹ Citing early Church history, Williams argued that Roman rulers were not appointed as guardians of the church. That was a task given only to the apostles.⁶⁰ Returning to Scripture, Williams did not believe that the enforcement of orthodoxy was prescribed after the coming of Christ. Romans 12 and 13 dealt only with external matters, not with spiritual matters.⁶¹ Further complicating the civil picture, Williams argued that both the magistrates and the people (from whom the magistrates derived their civil authority) may be in error. Thus, persecution could shed the blood of saints.⁶²

What makes Williams important is not necessarily his dissent on matters of religious orthodoxy and civil enforcement of religious doctrine. Many English Independents would have agreed with him concerning the perils of religious intolerance. The most significant contribution

⁵⁷ The minutia of Williams's reading of Scripture, or its place in larger debates, is not essential to review here; but it is important to see how Williams undermines standing ideas about covenant theology. For example, in reply to Cotton's claim that Titus 3:10, 11 places responsibility on persons for their own false doctrine or practice (ultimately putting them in danger of civil punishment), Williams replies that this probably applied only to those who did not deny main Christian doctrines. What's more, it is a verse directed to persons who possessed only spiritual weapons, not the weapons of the civil magistrate. Williams does the same with the parable of the wheat and tares in Matthew 13, for example. This exemplifies Williams's belief that the New Testament prescribes only spiritual rather than physical punishment for heresy. Williams, *Collected Works*, Vol III, 90, 101-113. For a summary of this exchange, see Byrd, *The Challenges of Roger Williams*, 104-127.

⁵⁸ Williams, *Collected Works*, Vol III, 5, 200

⁵⁹ *Ibid.*, 225

⁶⁰ *Ibid.*, 238-240. See Byrd, *op. cit.*, 139-151.

⁶¹ Williams, *Collected Works*, Vol III, 153

⁶² *Ibid.*, 249, 353

of Williams was to push the civil consequence of election and predestination, two essential Reformed doctrines, to the point where they challenge the parallel theology of the civil-religious covenant. In the face of arguments that heresy would challenge the spiritual health of believers, Williams resorted to the sovereignty of God's grace to preserve them from error.⁶³ God's Spirit, Williams argued, did not require the help of the civil magistrate.⁶⁴ Those who tried to use the civil sword to encourage belief, or discourage heresy, were charged by Williams with the error of Arminianism.⁶⁵ Furthermore, Williams argued, mandatory church attendance encouraged hypocrisy and divine condemnation in addition to changing the character of preaching and worship.⁶⁶ Unregenerate persons might even have their fate sealed by church attendance, giving them a false sense of security.⁶⁷ All of this was argued by Williams on the basis of divine sovereignty and election.⁶⁸

12.5 The Half-Way Covenant

The New England civil-religious covenantal vision was threatened not only by dissenters like Williams, but by internal ecclesiastical challenges. Some of these challenges were prompted by gradual changes in the intellectual landscape. Others were forced by the inevitable clash of the Puritan desire for ecclesiastical purity with the demographics of immigration and rising birth rates. Though one could argue that both Congregationalists and Presbyterians articulated

⁶³ Ibid., 111, 244

⁶⁴ Ibid., 127

⁶⁵ Ibid., 258, 259

⁶⁶ Ibid., 138, 203, 302

⁶⁷ Ibid., 225

⁶⁸ Williams was arguing, along with other Independents, that if salvation was truly paramount, no earth-bound political theology should be used to confuse those who were truly seeking it. Of course, one could argue that this shouldn't get in the way of God's "sovereign grace" either. But the real dispute was not Williams's application of divine sovereignty. Instead it was his hyper-Separatist approach to political theology.

something akin to the medieval synthesis of church and state, Presbyterians never viewed church covenants in the same way that Congregationalists did.⁶⁹ Presbyterians were content to allow access to the sacraments based only on a Christian profession free from scandal.⁷⁰ For Presbyterians, the church-state synthesis was accomplished largely by broad participation in worship. They resembled the parish system of the English Church more than the ecclesiastical purity sought by the Independents.

The Congregationalists, essentially Independents, viewed churches in a way that required a much higher degree of purity. For them, church covenants were not just theological or political expressions, but literal compacts by believers who erected a community based on their common conversion experience.⁷¹ While the civil magistrate was actively involved with the goals of the civil-religious covenant, American Congregationalists never presumed that any civil action could fully secure the goals of the civil-religious covenant. The magistrate could punish blasphemy or heresy, and Congregational churches often enjoyed the support of compulsory tithes. But no one thought that the civil magistrate could fill the churches with sincere believers or ensure their sincerity. This was the work of the Holy Spirit as discerned by the church leadership.

Guarding the visible purity of the churches was ultimately the responsibility of church elders. The vehicle for this became the cross examination of conversion narratives. One could be a member by baptism but full membership (including access to the communion table, baptism for one's children, and voting rights) required a generally unimpeachable demonstration of

⁶⁹ For a discussion of Reformed theology enabling a renewal of "Christendom," see Noll, *America's God*, 33-37.

⁷⁰ For example, Richard Baxter, though technically not a firm Presbyterian, disagreed with Independent John Owen's restrictive admission to communion. Baxter's Ministerial Associations took a more generous approach. Lamont, "Bibliographical Notes," xxx

⁷¹ This should not be read to mean that they constructed the institution itself, its rules or confessional standards, from scratch. I simply mean that the communities were organic in their membership. And the clergy still required ordination from standing authorities, etc.

conversion.⁷² For example, when the townspeople of Dedham, Massachusetts began to organize a congregation in 1637, they needed some means of discerning the saints among themselves. They employed a criterion used by nearby congregations since 1636. Candidates would have to demonstrate moral conduct and soundness in doctrine. They would also have to confess the work of grace experienced in their regeneration. To the Congregationalists, this did not undermine but rather strengthened the civil-religious covenant. Strong and sincere churches meant a coherent, godly, and orderly society together with covenantal blessing. Weak or hypocritical churches meant civil disorder and covenantal sanction.

Presbyterians did not agree with this approach, and the Congregationalists were inevitably at odds with their co-religionists on the matter. In the 1640s, Presbyterians in England and Scotland complained that thousands of persons otherwise reputed as Christians were excluded in New England. Some even suggested that three-fourths of the community were excluded. In Dedham, at least 70 percent of the adults became members, with women outnumbering men in most churches. Discontent worried the ministers, as evidenced by one minister's comment to John Cotton: "Many [are] murmuring that we come to make Heathens rather than convert Heathens to Christianity."⁷³

Faced with a rising generation of baptized persons who could not provide a sufficient conversion narrative as adults, the churches had to decide how to address the question of the sacraments - specifically baptism for the children of those parents. Ideally, baptism would be administered only to children of regenerate parents. But as the population and individuals struggled with the demands of piety, fewer parents could or would withstand the rigors of cross

⁷² Weir, *op. cit.*, 183

⁷³ Hall, *Puritans in the New World*, 6-7, 54-64

examination. The Half-Way covenant solution was reached by specially-called synods in 1657 and 1662.⁷⁴ It allowed the children or grandchildren of full members to enjoy partial membership by baptism. It also enabled baptism to serve as sufficient for the civil benefits of church membership. The conversion crisis, and the accompanying reformulation of baptism, meant a crisis for covenant theology – political and ecclesiastical. Some churches, as demonstrated by the Brattle Street Manifesto, would later address this problem by distinguishing between adherence to “historical faith” and adherence to “saving faith,” (giving preference to the former over the latter in deciding membership).⁷⁵

By the mid-eighteenth century, when Jonathan Edwards fully and famously rejected the Half-Way Covenant, this was less of a political crisis and more of an ecclesiastical crisis. The civil-religious integration had already largely disintegrated. But in the middle of the seventeenth century, when the civil vision was so clearly integrated with the religious vision, the Half-Way solution was a major threat to the “City on a Hill.” If fewer and fewer persons could give convincing testimony of divine sanctification, what would this eventually mean for public morality and orthodoxy? The civil-religious covenant network relied on every institution fulfilling its proper role, especially the Church.

12.6 Covenant and Sacrament Revisited

Though controversial because of its treatment of personal salvation, the Half-Way Covenant solution was generally accepted by the New England clergy. But it was not long before crisis flared up again over the issue of communion. At the center of controversy was Solomon Stoddard, grandfather of Jonathan Edwards. Stoddard recommended a more Presbyterian

⁷⁴ Noll, *op. cit.*, 30-41 and Stout, *op. cit.*, 58-61

⁷⁵ Weir, *op. cit.*, 216

approach, opening the communion table to those who professed belief and lived free of moral scandal.⁷⁶ Stoddard wrote in 1700 that the Congregational understanding of church covenants was wrong and shut too many out from church privileges.⁷⁷ In doing this, Stoddard was asserting the sacrament as a means of grace open to all professing Christians participating in the (implicit) national covenant. Furthermore, if one was not in fact converted, the grace available in the sacrament might foster their conversion.

Stoddard, like Williams, was using an essential aspect of Reformed theology to undermine standing political theology held by co-religionists. In this case, Stoddard was appealing to Reformed pessimism of human nature to question the sincerity of conversion narratives. The difficulty of discerning sincerity made the cross examination of conversion narratives of little real value. And like Williams, Stoddard was offering a new (yet orthodox) approach to the political vision of Scripture. Both views centered on the role of the Old Testament. Both were trying to guard the proper place of the church in society and the just claims of Christ's elect. Williams attempted to create a church free of confusion with the broad civil-religious covenant of the Old Testament because he believed that the integrated version fostered hypocrisy and threatened sincere piety and practice. Stoddard was reviving an Old Testament vision on the grounds that deserving persons might be shut out in the face of scriptural arguments to the contrary. Williams's high view of the covenant meant excluding all but the most evidently deserving. Stoddard's high view of the covenant meant including all but the most undeserving.

⁷⁶ Stoddard also favored a form of church government more closely resembling that of the Presbyterians.

⁷⁷ Stoddard, *The Doctrine of Instituted Churches* (London: 1700) Cited in Noll, op. cit., 41. Stoddard also believed that cross-examination of conversion narratives was of dubious value. See Marsden, op. cit., 30-31.

There was more to Stoddard's argument, however. Opening communicant membership would strengthen the church and the clergy. That was important for the preservation of New England's civil-religious covenant. Virtually everyone would be in a parish and baptized, hence under the discipline of the church. Marsden characterizes him to say, "Not only were the people under a national covenant, but the church and the people of the nation (or, in this case, a province,) should be, more or less, coextensive. In other words, the essence of a nation should be a true national church."⁷⁸ Some of Stoddard's opponents, such as Reverend Edward Taylor of Westfield, Massachusetts, protested on grounds that open access to the sacrament would diminish its importance. Privately, Taylor compared Stoddard's vision with the degeneracy of the Church of England and criticized the implicit Presbyterianism as "Prelacy at best." Increase and Cotton Mather suggested that Stoddard would become a Congregational Pope.⁷⁹

12.7 Pluralism, Secularism, Revivalism and Covenant

New England clergy also struggled with rising secularism and religious pluralism. The Restoration put politics on a more traditional legal footing. Religious dissent, not originally accepted by the old covenantal vision, was an unavoidable reality in the late seventeenth century. Stout's study of political sermons shows how clergy struggled to accommodate the covenant to an increasingly multi-denominational society and the revival of secular constitutionalism. Stout summarizes the problem as follows,

For over fifty years, ministers had routinely identified New England's covenant with an exclusive state-enforced orthodoxy. But the new government accorded with none of the inherited verities. Its origins lay in London, far removed from the body of the faithful; its laws were derived from the English "constitution," not Scripture; and its rulers were answerable to the crown, not the visible saints. To all outward appearances, New England had become just one more appendage to a

⁷⁸ Ibid., 31

⁷⁹ Ibid., 32

vast and sprawling imperial network. Why then were they still a peculiar people?⁸⁰

The resulting legal and political reconstitution of New England forced an important self-examination.

The solution articulated by Cotton Mather was to reestablish the covenantal vision on the bedrock of English constitutional law. Stout writes, “These new rhetorical requirements pushed the vocabulary and style of provincial oratory (and public knowledge) in a more secular direction, even as it was invoked to defend traditional religious goals and practices.”⁸¹ In Mather’s 1692 election sermon, he avoided the typological identification with Israel and praised royal governors concerned with secular interests. That included an expectation that the ruler should uphold every person’s “Right unto his Life, his Estate, his Liberty, and his Family.” While the new government was not commissioned by God to promote Congregationalism, it did protect life, liberty, property, self-government in the popular assembly and the privilege of electing the Governor’s Council. Christians should rejoice that there was no taxation without consent and that their worship was unmolested. But this commonwealth and proto-liberal approach did not abandon the traditional covenantal vision. Rather, Mather argues that it was in the context of this political liberty that New England was able to pursue its covenantal vision. The people must still lean upon God; it was God’s covenantal faithfulness that enabled economic prosperity and political liberty.⁸² This fusion of English law and covenant logic became a theme of election sermons for the next seventy-five years.

⁸⁰ Stout, *op. cit.*, 119

⁸¹ *Ibid.*, 120

⁸² *Ibid.*, 120-121

Covenant-minded clergy thus found a way to deal with political secularism and religious pluralism; but they had much more difficulty with revivalism. Secularism may have appeared the most threatening challenge, but it was simply the more explicit threat. The faithful could obviously band together in the face of such a challenge. Revivalism was a much more subtle and serious threat. It made policing the borders of the covenant network more difficult. It created rifts and dissent which threatened to tear the covenanted community apart. Not only did revivalism undermine ecclesiastical hierarchy, it threatened religious orthodoxy. Theology defined the borders between church and society, and served a cosmological purpose. Noll argues that both secularism and revivalism imperiled the Reformers' integrated approach to life in the world by undermining central control of theology.⁸³

Ironically, revivals were originally intended to *strengthen* the covenant vision. They were a logical outgrowth of the internal tension of Reformed theology whereby true divine grace and faith must be evident in the believer's life. One could not rely on the "works righteousness" of Rome and instead had to experience the "new birth." Revivals would strengthen emphasis on spiritual regeneration and rouse church members from dull piety; they would emphasize the important difference between the visible and invisible churches.⁸⁴ As population increased in the eighteenth century, revivals became an important covenantal function; but they soon grew out of control. Population growth not only forced parish splits and new civil incorporations, it also pushed a new class of persons out to the frontier. Revival served the same function for rural areas that formal and ceremonial covenant renewal did for churches in the cities.⁸⁵ But as broad

⁸³ Noll, op. cit., 37

⁸⁴ Revivalists in New England and New Jersey lamented the growing gap between the visible and invisible church. Lambert, op. cit., 32

⁸⁵ Stout, op. cit., 175-176

interest in revival and “awakening” grew, clergy began to lose their control over its use. Occasional revivals gave way to *revivalism*, and revivalism posed three important threats to the standing political order. First, it transitioned many churches and regions from clerical religion to lay religion. This meant that there were no longer designated guardians of the covenant vision.⁸⁶ Second, it moved American Christianity from an emphasis on doctrine to an emphasis on piety. Third, it resolved a longstanding tension within Congregational New England. The definition of a church went from its dual role in the national covenant (as a guardian of civil piety and gatekeeper of full civil membership through baptism) to a solitary and insulated role as a covenanted community of the converted.⁸⁷

Critics equated revivalism with “enthusiasm,” a pejorative term for false and irrational religious experience.⁸⁸ Some equated revivalism with libertinism. Concerning the American anticipation of famous revivalist George Whitefield, Lambert writes, “On the eve of Whitefield’s arrival in the colonies, Americans awaited him as either the instrument God had chosen for a great awakening or the harbinger of malevolence threatening social, economic, and political order.”⁸⁹ The effect of revivalism on social order and the development of the Middle Colonies was particularly devastating. By 1743, opponents on both sides of the Atlantic formed networks

⁸⁶ See Lambert, *op. cit.*, 139, 195.

⁸⁷ Noll, *op. cit.*, 44

⁸⁸ For a contemporary criticism of enthusiasm, and one which many Puritans would have agreed with, see Locke’s *Essay Concerning Human Understanding*, IV:XVI, XVIII and XIX. Such a claim precludes a less-than-fully-Straussian reading of Locke. Perhaps that is plausible given what Jonathan Edwards’s first biographer implied as Edwards’s fondness for Locke. For a balanced reading of Edwards and Locke, see Marsden, *op. cit.*, 62-64.

⁸⁹ Lambert, *op. cit.*, 109-110. If politics makes strange bedfellows, civil religion makes stranger bedfellows. Benjamin Franklin, no doubt rejected much of New England’s civil-religious covenant, nevertheless he was one of Whitefield’s strongest supporters. Just as Franklin enjoyed Cotton Mather’s reflections on morality in Mather’s work *Essays to Do Good*, so he enjoyed the effects of the revival on public morality.

to coordinate their attacks on the revivalists.⁹⁰ Charles Chauncey, a prominent New England critic of the revivals, denounced Whitefield as a slick promoter and engaged in an exchange of polemics with Jonathan Edwards. Edwards generally defended the revivals while cautioning against their excesses. Stephen Williams, another New England-based critic, objected to the itinerant revivalist practice of bypassing duly constituted ecclesiastical structures and preaching directly to the masses.⁹¹

Ironically, Stoddard is both the champion of the national covenant and one of the figures most responsible for nurturing its revivalist opponents. At the same time that he was embracing a national covenant by opening wide the church doors and sacrament table, Stoddard was also lamenting the loss of heartfelt religion. He did not see any contradiction between a national covenant with open communion and an emphasis on revival. Stoddard was a pioneer of revivalism. He complained that while fashion, merchandise and learning had been promoted in the colonies with great zeal, sermons, laws governing morality, and the making of covenants had “miscarried.” Stoddard and others also feared the rise of the Enlightenment, Deism, and latitudinarianism.⁹² Stoddard’s answer to this was religious revival. The success of Stoddard’s pioneering revivalism contributed to his effectively undermining the civil-religious covenant he had tried to uphold. An ironic testimony to his emphasis on both national covenant and true piety is that he was later cited by both proponents and opponents of revivalism.⁹³ Stoddard paved the way for the revivalism of his grandson, Jonathan Edwards. Lambert writes, “No one could match Solomon Stoddard as a revivalist. The ‘harvests’ of 1679, 1683, 1696, 1712, and 1718 attest to

⁹⁰ Lambert, *op. cit.*, 186

⁹¹ *Ibid.*, 196

⁹² *Ibid.*, 39-41

⁹³ Noll, *op. cit.*, 42

the effectiveness of his evangelistic preaching. Edwards arrived in time to participate in one last great revival under Stoddard's leadership, an awakening in 1727 triggered by an earthquake. Edwards, then, was well equipped to continue the revival tradition when he assumed the pastorate upon his grandfather's death in 1729."⁹⁴ Indeed, it may be in Edwards that the fate of the civil-religious synthesis is sealed.

12.8 Jonathan Edwards and the Covenant Device

Edwards presented the most articulate and systematic opposition to the longstanding and broad view of church membership and any institutional synthesis of civil and ecclesiastical. Noll writes, "Edwards's key move was to repudiate a long history of New England thought by shifting emphasis on covenant away from the complex nexus of person, church and society to a simpler bond between the converted individual and the church."⁹⁵ Against a broad view of the church covenant, Edwards presents a very high standard for full membership in his *Distinguishing Marks* (1741) and *Lectures on the Qualifications for Full Communion in the Church of Christ* (1749). Against the idea that sacraments and preaching could inspire broad civic virtue, Edwards's *Freedom of the Will* (1754) and *Nature of True Virtue* (1765) undermined any basis of morality other than the Spirit-led morality of the regenerate. Edwards took a number of unpopular positions, including a very narrow and strict view of church membership. He abandoned his grandfather Stoddard's practice of open communion. He rejected a distinction between the visible and invisible church. Sacraments were covenant privileges for regenerate persons only. Edwards was particularly sensitive to the treatment of children under the covenant, believing that they should essentially be treated as unregenerate persons who must seek salvation

⁹⁴ Lambert, op. cit., 62

⁹⁵ Noll, op. cit., 45

just as if they were lost in sin.⁹⁶ This position, and the accompanying controversies about immoral behavior among covenant children, eventually cost Edwards his church in Northampton.⁹⁷ Edwards's cousin, Solomon Williams engaged him in a dispute on the matter, arguing that both external and internal covenants were valid (the first not being conditional on the second) and that Edwards confused *entering into* covenant with *keeping* covenant. Williams argued that the Lord's Supper was not a means of sealing the covenant but was instead professing one's engagement to fulfill it. Furthermore, despite Edwards's best efforts, there remained the undisputed reality of hypocrisy in Christian professions.⁹⁸

In matters of political theology, Edwards held to a commonwealth approach. In listing the proper functions of government, Edwards declared the first function to be securing property and protecting rights. The next three included the maintenance of order, ensuring justice, and national defense. In short, government did its job best by preventing an assortment of evils. The fifth duty was to make laws against immorality for the sake of public virtue. The sixth responsibility was to help the poor. The seventh function of the magistrate was to give indirect support to true religion. For Edwards, this meant calling a day of prayer or thanksgiving, though Edwards warned against hypocrisy in such things.⁹⁹

⁹⁶ For a discussion of this controversy in the larger context of Reformed theology, see Gerstner, *The Rational Biblical Theology of Jonathan Edwards*, vol. II, 115-138.

⁹⁷ See Marsden, *op. cit.*, 291-305 for a discussion of the controversies surrounding the conduct of youth in Northampton.

⁹⁸ Noll, *op. cit.*, 46-47. Here again is the problem of postlapsarian humanity creating internal tension in Reformed theology. The same postlapsarian corruption that inspired a narrow view of the church covenant also challenges the mechanism of enforcing it: conversion narratives. It is interesting to note that Williams's friends advised him not to respond to Edwards's refutation of arguments. It is also interesting to note that Edwards appeals to his Northampton parish by reminding them of the doctrines of grace learned from Stoddard. See Gerstner, *op. cit.*, 132-136.

⁹⁹ This was in a sermon on Ezekiel 23:37-39, for example. This is an unpublished sermon cited in Gerstner, *op. cit.*, 141.

Magistrates should not have anything more to do with ecclesiastical matters, nor were they qualified for civil service as a result of their personal piety.¹⁰⁰

Edwards did not abandon the idea of a national covenant altogether; but he modified it significantly. McDermott calls Edwards's doctrine of the national covenant "neither tribalist nor provincial."¹⁰¹ Edwards remained concerned with national piety and corporate responsibility before God.¹⁰² This is exemplified in a 1729 sermon on Proverbs 14:34: "Sin and Wickedness Bring Calamity and Misery on a People."¹⁰³ Edwards still saw New England as being in covenant with God insofar as particular events could be interpreted as acts of covenantal blessing or sanction.¹⁰⁴ In a 1737 sermon on II Chronicles 23:16, Edwards wrote, "We have been greatly distinguished by God as a covenant people. The land of our forefathers has been a land of such light . . . You are a people that have been distinguished of God as a covenant people for a long time and have been distinguished in the means that God has used with you."¹⁰⁵ But Edwards's view of that national covenant was similar to his view of many covenant children. They were

¹⁰⁰ McDermott, *One Happy and Holy Society*, 128-135. McDermott misses the significance of this when he concludes, "On this score Edwards was no innovator. Puritan tradition held that church and state were to be separate in function." While it is true that Edwards's position was mainstream by the eighteenth century, and not inconsistent with the commonwealth thinking within Reformed political theology, coupling this position with Edwards's other opinions makes him quite significant in the collapse of the civil-religious covenantal political theology.

¹⁰¹ *Ibid.*, 34

¹⁰² Gerstner, *op. cit.*, 139-140. Noll believes that Edwards discarded the national covenant while Gerstner believes that he retained a form of it. See Noll, *op. cit.*, 47-48.

¹⁰³ Gerstner, *op. cit.*, 139-140. Proverbs 14:34 reads, "Righteousness exalts a nation, but sin is a reproach to any people." (ESV)

¹⁰⁴ One example is Edwards's interpretation of an agricultural crisis in 1736. For a discussion of this and an overview of Edwards view of national covenant in the context of Puritan scholarship, see McDermott, *op. cit.*, 11-36.

¹⁰⁵ The passage reads, "Jehoiada then made a covenant that he and the people and the king would be the LORD's people." *A Covenant People Ought to Resolve to Be the Lord's People*. Quoted in Gerstner, *op. cit.*, 140.

neither “confirmed” in their faith nor “excommunicated” for gross desertion of the covenant.¹⁰⁶ (His view on children also became controversial.) Edwards saw the covenant mainly as a device for the church, which if properly constituted and directed could then inspire civil piety. If there was a civil covenant, it relied entirely on the success of covenantal faithfulness in churches. In 1742, for example, Edwards tried to channel the fading fires of revival into the stability of an elaborate church covenant. This included a day of fasting, prayer and owning the covenant on March 16, 1742. All members of the congregation over fourteen years of age assented to the covenant. Edwards hoped that this would serve to make Northampton a model town. The Northampton covenant was a formal contract, cataloged past moral failings, set forth provision for restitution and required extensive promises for moral behavior in the future. Marsden writes, “The most evident aspect of Edwards’ outlook revealed in the Northampton Covenant is that he was attempting to institutionalize the spirit of the revival.”¹⁰⁷ This would make Northampton not just a model parish, but a model civil community. But Edwards’s experiment in Northampton failed, perhaps because of his strict Congregational approach to conversion and membership. In short, the tensions within Reformed theology could not seem to hold the covenant device together in practice.

12.9 The Revolution: Reviving the Covenant Device

During the decades that followed, particularly during the Revolution, the covenant device enjoyed resurgence. Colonial Americans remained a devout people who saw things in providential terms. Of the twenty-nine sermons published by Massachusetts clergy from 1777 to

¹⁰⁶ Gerstner, *op. cit.*, 140

¹⁰⁷ Marsden, *op. cit.*, 260-263

1783, twenty-two reminded the listeners of the covenant and called them to virtue and piety.¹⁰⁸ Clergy in the middle colonies were also conversant in the use of covenantal political theology.¹⁰⁹ The American Revolution becomes a repeat of the politico-theological rhetoric of the Puritan Revolution.

In the 1770s, at least 50 percent of American colonial churches subscribed to key aspects of Reformed theology regardless of denomination.¹¹⁰ The Book of Deuteronomy, the most political book of the Bible and a narrative of Israelite nationality, is the most cited source for American political writings between 1765 and 1805.¹¹¹ At the time of America's war with England, Horace Walpole is alleged to have said, "Cousin America has run off with a Presbyterian parson, and that is the end of it."¹¹² Crises enabled a heightened sense of nationalism and religious piety. Clergy used the occasion of political sermons and jeremiads to provide leadership and encouragement by framing crises in Biblical terms. There is much in the sermons that one might recognize as covenantal in theme and symbol: moral declension, providential interpretation of history, corporate responsibility, and millennialism.

Precisely discerning the role of Reformed political theology and the covenant device, including its modifications and variations, would require a much longer and concentrated study. During the last half of the eighteenth century, and particularly during the Revolution, other political and legal arguments also enjoyed resurgence.¹¹³ The rebellious colonists required

¹⁰⁸ Kuehne, *Massachusetts Congregationalist Political Thought*, 137

¹⁰⁹ Griffin, *Revolution and Religion*, 71-81, 85-86

¹¹⁰ Elazar, *Covenant and Constitutionalism*, 68

¹¹¹ Lutz, *op. cit.*, 136

¹¹² Wills, Gary. *Inventing America*, cited in Elazar, *Covenant and Constitutionalism*, 78. For a longer (and very sympathetic) treatment, see Breed, *Presbyterians and the Revolution*.

¹¹³ See Sandoz, *A Government of Laws*, 105-149.

justifications for their resistance, and longstanding arguments from the Reformed tradition became an easy source of aid and comfort. But there also now existed the arguments of political philosophers like Locke, Pufendorf, or Sidney.¹¹⁴ There were also the long-important classical sources.¹¹⁵ Longstanding legal arguments were provided by Coke or Blackstone. The clergy, especially the university-educated Reformed clergy, were well-schooled in these arguments as well. Secularism and revivalism continued to expand in influence. Republicanism and religious rhetoric became almost inseparably fused together.¹¹⁶ Social contract theory and its accompanying proto-liberalism, identified by some as a stepchild of the covenant device, are evident in the political sermons.¹¹⁷

These arguments should be carefully untangled where possible; new and entrepreneurial syntheses will have to be carefully identified and categorized. Theology and secular theory would have to be accurately and fairly sorted out from one another. While this dissertation provides a needed background to such an untangling and categorizing, adequate treatment of the Revolution and Founding would require a study of much greater length.

12.10 Conclusion

In the 150 years of colonial American experience, the covenant device as a political theology resurges and then fades. Even the relative security of having one particular Reformed approach, the Congregational approach, could not save the covenant device.

¹¹⁴ For a discussion of the use of Locke, and the implications for liberalism in the Revolution, see Dworetz, *The Unvarnished Doctrine*. See also Zuckert, *op. cit.*

¹¹⁵ See Sandoz, *op. cit.*, 83-104, for a discussion of the classical sources.

¹¹⁶ See, for example: *Ibid.*, 146-151; Noll, *op. cit.*, 49-63. See also Sandoz, *Republicanism, Religion, And the Soul of America*, 1-52. Elazar contrasts this language as either a “republicanism of virtue” or a “republicanism of interest.” See Elazar, *Covenant and Constitutionalism*, 49.

¹¹⁷ Dworetz, *op. cit.*

This American experience demonstrates both the flexibility and rigor demanded by covenants constructed on a Biblical model. Theological disputes, new populations, loss of traditions, and commercial interests changed the homogeneous community of Reformed Christians in New England beginning in the seventeenth century. Revivals, perhaps an inevitable feature of Protestantism, gave way to revivalism. While the covenant device proved able to accommodate many circumstantial and theoretical challenges, the internal logic of the Biblical covenant, its parallel theologies, and its high regard for strict community standards, was also its downfall.

America seems to demonstrate, more so than other nations, this synthesis of variations of the covenant and its main themes. But covenantal political theory eventually gave way to other political theories and they became dominant. Elazar says of Americans,

As moderns living at the time of the Enlightenment, they did not seek Divine rule, only Divine guidance and grace. They proclaimed the people politically sovereign on this earth under the authority of Heaven. God became the great governor of the universe instead of its king. Due attention was paid to His governorship, but stewardship was entrusted to the people. Under either system, in the polity God came to reign but not rule.¹¹⁸

Many of the lessons of the covenantal tradition were learned by Americans, but they were not retained in their original formulation.

¹¹⁸ Elazar, *Covenant and Constitutionalism*, 252-253

SECTION V
CONCLUSION

CHAPTER 13

CONCLUSION

13.1 Reforming Politics

The Reformation necessitated a reformation of politics. This reformation had a significant impact on the Anglo-American political theory on two important levels. First, the very idea of political society had to be re-conceptualized from its theoretical starting points. Many Reformers looked to the covenant device of the Bible, prominent in the ancient Hebrew tradition, to inform that re-conceptualization of government. Second, Reformers reacted against what they viewed as corruption of authority in both the political and the ecclesiastical realms. They responded to that corruption by calling for a moral reformation in the use of authority. They again looked to the Bible and to the covenant device in particular. Insofar as the covenant device presented authority as a delegated trust from God, that trust had to be used in accordance with clear Biblical prescriptions and proscriptions. As a result of this, the default position for Christians went from obedience to the civil magistrate (with few conditions) to making every Christian, especially every lesser magistrate, a watchman against the abuse of authority. In some Reformed arguments, the *right* of resistance and revolution became a *duty*.

The covenant device was applied to church and civil government from both the Biblical text itself and from articulations of systematic theology. Political theory thus became political theology. Renewed emphasis on the covenant device was itself a kind of reformation within theology. Seeing themselves in a similar situation as the Hebrews, the earliest Reformers were especially attentive to the Hebrew political and social narrative. This interest was passed to their successors.

Many of the Reformers cast the origins of civil society from the standpoint of an almost proto-liberal original position, decades or more before this was done by the more readily identifiable liberal theorists. This meant that civil government and political society was not simply something already pre-existing from time out of memory. Nor was it something created by the will of God alone or by some organic process. Rather, it was something that came from the will of God as expressed by the indirect consent of the people. One cannot cast all the Reformers in the same way on this question, but none of them were prepared to fully accept the conceptual articulations of politics handed to them by their ancestors.

Covenant theology played a vital role in discerning the appropriate terms of civil society. Churches and their members were in the covenant of grace. In a unilateral understanding of this covenant of grace, the believer could only seek divine grace that would enable him to fulfill the terms of that covenant. This did not mean that salvation was merited by that faithfulness, only that faithfulness itself was evidence of having truly been a recipient of sanctifying grace. In a bilateral understanding of the covenant of grace, the experience of that sanctifying grace became something that one would deliberately respond to. This would technically not merit salvation either. It meant instead a more literal reading of the Biblical covenant: God was indeed faithful to his covenant people. But they were nevertheless obligated to hearken to the gracious call of God. In both interpretations of the covenant of grace, the Church and its mission were paramount. But the details of that mission, and the prescriptions that followed, differed among Reformed theologians and political thinkers.

Even while they were reforming the conceptual picture of where civil government came from, however, the Reformers demonstrated themselves to be largely conservative. They retained much of the political theory that went before them. As humanists in the commonwealth tradition,

salus populi remained an important foundation for their overall political theory. Some also made varying accommodations for natural law and reason as tools of legitimate political orientation and argument. Their implementation of the Biblical narrative was often done through the lens of standing legal institutions and jurisprudence. Some largely recast natural law and shunned common law, but retained the commonwealth tradition.

All Reformers agreed that politics succeeded when it enabled faithfulness on the part of both the ruler and the ruled. Faithfulness consisted in three things: religion, morality, and political authority. Religious faithfulness minimally required a broad adherence to Protestant orthodoxy, perhaps with some narrow toleration for other believers. At most it required a close civil-ecclesiastical partnership, prophetic witness to civil rulers by the clergy, and/or close attention to true piety and religious sincerity in the churches. Moral faithfulness required an attendance to the moral prescriptions of the Bible, reflected in both the narrative of the Old Testament and its apostolic commentaries. This was accomplished most often by the grace imparted in worship, preaching, and sacraments. Only secondarily was it accomplished by civil sanction against immorality. When these two kinds of faithfulness, moral and religious, were secured so far as the postlapsarian condition would allow, providential promises of blessing or cursing would follow. The third category of political faithfulness was the one on which the other two hinged, however. This required that the civil polity not only be rightly conceived of (often through the device of the covenant and always as something ordained by God), but also that its authority had to be rightly bounded. This was an idea also viewed through the lens of the covenant device. Neither the civil magistrate nor the people could misuse the authority or right delegated to them. All authority, magisterial or popular, had to be properly bounded. Abuses of power were violations of covenant faithfulness. Abuses or neglect would not only bring a

disordering of political (or ecclesiastical) societies, it would invite providential sanction.

Resistance thus took on a moral dimension.

Faithfulness of all kinds would bring liberty, and Reformed political theology is often centered on liberty. One could perhaps be a cynic about this and argue that such an interest was insincere. After all, most Reformers did not believe in wide tolerance for religious dissenters. Admittedly, the Reformers were not classical liberals. Nor would most of them have agreed even with the prescription of freedom articulated by proto-liberals in the Republic of Letters. But they merit criticism only in hindsight. The Reformers' emphasis on liberty is an important shift in the rhetoric and theory of politics.

13.2 Variations in Covenantal Politics: Disagreements and Tensions

No political tradition of consequence, the covenant tradition included, is monolithic. The covenant device is a conceptual device, much like the original position or social contract device in liberalism. All conceptual devices can be quite troublesome in their interpretation and application. Furthermore, diversities of Biblical hermeneutic and systematic theology underlying the covenant device account for variations and tensions. The resulting disagreements and tensions merit a short summary and analysis.

The covenant device provided a comprehensive vision of society. In some ways this vision was not much different from the medieval vision of society wherein church and state worked together to attend to all aspects of the human life and soul. For the Reformers, their break with Rome dissolved any hope of a unified Christendom on the standing model. They retained a catholic outlook nevertheless. The new comprehensive vision was inspired by their view of corporate accountability under the covenants. Societies, and the corporate bodies that comprised them, were in a covenant with God. This was not because every member of the

society subscribed to the Christian faith. The “invisible church,” the imperfectly discernable body of true believers, was not the basis of the covenant. As with the ancient Hebrews, God saw Britain and America in terms of corporate responsibility. Moral faithfulness, even to the universal terms of the human conscience, was the minimum that God expected. Beyond that, pagan societies could only operate according to the wisdom of nature. Much more was expected of those to whom God had given His revealed Word. The Bible, and a Biblical model of natural law, further enabled political and religious faithfulness. God had great things in store for faithful societies. Many clergy applied that case to America and Britain, implicitly if not explicitly. Only the more radical Separatists dissented from the application of that Old Testament covenant to their own societies.¹

In the medieval conception of society, faithfulness to God was accomplished through faithfulness in church attendance and sacraments. So long as there was broad subscription to these practices, there was wide latitude for secular society. This was a model largely adopted by the Anglicans. The Reformers took a much different view of grace and faith. That first meant a much different view of the Church than the view held by Catholic or Anglican theology. Anglicans and Catholics were criticized by the Reformers for eclipsing true faith with works (church attendance and the sacraments). (Though the Reformers also required faithfulness in both, they believed that the Anglican-Catholic practice clouded sincere piety with ritual.) Reformers in Zurich and Geneva emphasized preaching and what they considered to be heartfelt worship over sacraments. The question that had to be sorted out in Anglo-American Reformed practice in the seventeenth and eighteenth century was whether the church was to primarily serve members of the covenant of grace or the covenant of works, or whether it was to serve both

¹ Selement, “The Covenant Theology of English Separatism and the Separation of Church and State.”

equally. With this new approach to the Church came a new approach to society at large and also to the domain of secular thinking and practice. Theological changes obligated a different political theology.

Independents and Congregationalists, more so than Presbyterians, emphasized the importance of faithfulness and sincere profession within the church. Only within a sincere church, made more pure by the discerning eye of elders and clergy, could true piety be enabled. True piety would enable moral and religious faithfulness in the society at large. Independents thought that the parish model, more attractive to Presbyterians, confused tares with wheat and gave unbelievers and hypocrites a false sense of security. But Independents could not simply leave unbelievers to their own devices. Unbelievers were still obligated to heed the minimal moral law known to them in their nature and discernable (to some degree even to the unregenerate) from Scripture. The Churches could do little for them on this score. The covenant of works was vastly inferior to the covenant of grace, and they practically emphasized the latter to the former. For Independents, there remained a tension in their political theology as they strove to accommodate the covenant of grace while guarding the purity of the church. Political society remained, by definition, in covenant with God. (Most Independents and Congregationalists implicitly believed this. Only the more radical Separatists explicitly denied it.) But the terms of that covenant depended largely on the faithfulness of churches and their members. Heresy still had to be avoided and church attendance encouraged.

The political theology resulting from the Independents' theology, particularly in England, emphasized rule by church members and a more explicitly Biblical jurisprudence. By modern standards, this appears primitive. But Independents such as John Owen and Roger Williams provided tremendous momentum for liberty of conscience in their arguments for church purity

and the necessity of sincere belief. It is no coincidence that the ideas of John Owen, who preached at Westminster while Locke was a student there, can be discerned in early liberal arguments about religious toleration.

Presbyterians took the covenant of works more seriously and focused on national faithfulness across the lines of Church and society. As Reformed believers, they could not have believed that the covenant of works would result in salvation. At best, the futility of works could be used by God to direct one to the perfect covenant of grace in His economy of salvation. But salvation wasn't the point of the covenant of works. It was also a political device for ordering societies and no less part of God's wise providence. Thus, Presbyterians viewed society as a hybrid of faithfulness to both the covenant of works and the covenant of grace. Faithfulness to the covenant of works was accomplished more through the parish model of the church. Unlike the Independents and Congregationalists, Presbyterians took a broader view of the church covenant and the sacraments. Scotland's Kirk, the bastion of Presbyterianism, embraced a different kind of partnership of the civil and the ecclesiastical than the Independents did. Presbyterian use of the federal scheme also allowed for a wider secular sphere. Political theory and jurisprudence were free to draw from secular British traditions, including natural law and common law. This makes the Presbyterians more mainstream and modern from our perspective. Their apparent primitivism is their parish model of a state Presbyterian Church and their religious intolerance.²

13.3 The Legacy of the Covenant Device

The covenant device enjoyed its zenith in the seventeenth century as variations of Reformed theology predominated in Britain and America. It met harsh resistance after the

² See, for example, Rutherford's *A Free Disputation Against Pretended liberty of Conscience* (1649).

Restoration in Britain, though its concepts and principles continued to echo in British political theory. American Puritans (mainly Congregationalists) were not caught up in the crucible of the British Civil Wars, and enjoyed much more freedom to explore the covenant. But this freedom did not preserve the covenant. Instead it enabled American Puritans to pursue the internal tensions of Reformed theology to their political conclusions and confront what the British Presbyterians and Independents faced during their crucible of civil war and regicide. American Puritans, largely Independents, struggled to define the appropriate and successful Church-State partnership that could adapt to demographic changes and theological challenges.

The experience of the American Puritans and the eventual decline of the covenant device brings us back to the contrasting approaches of Elazar and Novak. Can the covenant device be successfully applied to society at large or can it be successfully applied only to a community of the faithful? I will return to that question below. For now, it is appropriate to explore how the covenant device has retained its echo within the development of Western political theory. I will explore this in the traditions of constitutionalism, liberalism, and republicanism.

The covenant device proved to be surprisingly flexible in adapting to the demanding British and American experience. It not only provided political concepts with modern consequence, it was able to largely survive its own radical inclinations. This may be because the more radical interpretations of the covenant device were moderated by the Reformers' appreciation of commonwealth and natural law. As far as temptations toward millenarianism and revivalism (as outgrowths of covenantalism) these were probably thwarted mainly by widespread British and American opposition to "enthusiasm" together with the Reformed humanist hermeneutic. These traditions had the effect of keeping the covenant grounded in its practical application. There is also an internal logic in covenantal political theology that limits the grant

and use of political power. That internal logic had some interesting consequences during the English Civil War, for example. Independents used their Reformed theology (applying divine sovereignty over salvation) to argue against the imposition of Presbyterianism. Presbyterians used their Reformed theology (applying the covenant of works) to argue against the radical implications of Independent jurisprudence. Without this built-in restraint, the covenant device probably would have been associated only with its more radical interpretations and eventually abandoned altogether.

Earlier in this chapter, I referred to three kinds of faithfulness emphasized in the reformation of politics expressed through the covenant device: religious reformation, moral reformation, and political reformation (reformation of authority and limits on authority). Protestants succeeded in reforming how Britons (and therefore Americans) viewed Christianity. But the Reformation ethos of *semper reformanda*, once loosed, could not be perfectly led by clergy to only orthodox positions. (Even some clergy themselves began to chafe against received orthodoxy.) Insofar as covenanting required a common orthodoxy to sustain the various forms of faithfulness, it began to fail. As the covenant device became increasingly problematic to explicitly apply to politics, its various emphases found their way into other strains of Anglo-American political theory. Covenantal emphasis on moral reform found its way into the revival of modern republicanism. Covenantal emphasis on limiting authority and natural right found its way into liberalism. The idea of political communities as consensual agreements among equal citizens to establish the rule of law found its way into modern constitutionalism and social contract theory. And even while those three orientations grew in importance, political theology did not disappear. There remained a tension as Christians struggled to discern the appropriate intersection of sacred and secular. That struggle continues today.

There is much more research to be done to pursue the continuing legacy of the covenant device. That is particularly true in the case of America, where the role of religion in political orientation continues to be vigorously debated.³ The significance of political Christianity in at least the first 150 years of American political theory is now virtually uncontested, and seems to enjoy a revival of scholarly interest every few decades. But it may be that the familiar liberal-republican debate about eighteenth century America is missing an important common denominator in both: the covenant device. Recent monographs on Locke also invite more research into the role of theology in both eighteenth century America and in so-called “Enlightenment” political theory. Four of the most recent monographs on Locke, for example, emphasize the role of Christianity in his political theory.⁴ That includes not only Locke’s familiar discussion of natural right; but also his oft-overlooked emphasis on virtue and moral consensus. Lutz’s survey of early American political tracts demonstrates that Locke is ranked behind only Montesquieu and Blackstone in frequency of citation because of the American clergy’s use of Locke in political sermons.⁵ One has to ask why it is that Locke is so highly favored among America’s late eighteenth century clergy, especially in “covenanted” New England.

³ Bellah has been the most prominent contemporary proponent of returning to an “American covenant.” See also Everett, William Johnson. *God's Federal Republic*. There are, of course, the endless debates about religion in the context of the First Amendment, the religious opinions of the Founders, etc.

⁴ Forster, *John Locke's Politics of Moral Consensus*; Parker, *The Biblical Politics of John Locke*, Waldron, *God, Locke and Equality: Christian Foundations in Locke's Political Thought*; Yolton, *The Two Intellectual Worlds of John Locke: Man, Person, and Spirits in the Essay*. A much older but perhaps equally provocative discussion of Locke and his connections to political theology is found in Foster, “International Calvinism Through Locke and the Revolution of 1688.”

⁵ Lutz writes, "Locke's prominence is due largely to reprinted sermons by ministers. One interesting implication is that those defending the importance of Locke will probably also have to defend the importance of biblically based theology for American political theory during the founding era." Lutz, *A Preface to American Political Theory*, 136, 137

13.4 Applying the Covenant Device Today

But this would still not tell us where the covenant device stands today. How far can the concepts of the covenant be stretched before the covenant device becomes unrecognizable from the intent of the Hebrews or Reformers? Elazar and Novak offer two different futures for the covenant. Elazar's is a more ecumenical version. While rooted in the Biblical model, it could conceivably be applied to persons outside the historical Biblical covenant. This is the challenge that confronted Christian covenantalists as they sought to blend political theory with Biblical mandates. What is unclear, however, is precisely what could be retained of the covenant's essential attributes in a culture of democratic pluralism. Most of the essential aspects of the covenant device, which emphasizes unity and community, would struggle. One could, as Elazar attempts to do, emphasize the aspects of moral reform or constitutionalism. But moral reform outside the internal logic of the covenant can run contrary to liberal values. Constitutionalism is perhaps healthy enough as a modern political orientation without requiring any explicit help from the covenant device.

Ironically, the only way to retain the covenant device is to repair to a more exclusive understanding of it. Novak provides this alternative. If modern states cannot or will not covenant, preserving covenants within social contracts would be the only viable course of action. This would not only be consistent with the prescription of a modern covenantal theorist (Novak) but also with an ancient one – Johannes Althusius, who described political society as a federal network of private associations. Covenants *per se* could not be adopted by all private associations because many of them are deliberately secular in orientation. But covenants could be adopted by religious communities and perhaps even more successfully by ethnic religious communities.

Assuming that communities are even willing to adopt the covenant device, can such a thing be tolerated by modern democratic pluralism? Some important questions have to be asked of the pluralistic ethos. As Novak frames the problem, it may be that in juxtaposing the demands of covenanting with the demands of democratic pluralism we once again reveal the inherent tension of religion and politics on an ontological and ethical level. Democratic pluralistic regimes give the appearance of being laissez faire on such matters, but only under certain specific conditions and understandings could covenanted communities thrive in modern democratic and pluralistic polities. Ironically, this matter hinges on a longstanding social challenge: the appropriate domain of what is “secular.”

Novak offers an insightful contrast between *secularity* and *secularism*. *Secularity* is finite (what Novak calls “neutral”). He defines it as follows: “Secularity . . . is simply the realm of inter-human, multicultural interaction that does not look to any unique community with its singular historical revelation and special tradition as the exclusive source of social legitimization.”⁶ It is consistent with the biblical covenant and the Talmudic principle that “the law of the state is the law.”⁷ Secularity respects the authority of biblical revelation, but limits it from being the basis of public norms in political life.⁸ Secularity respects religious persons as such and seeks an accommodating and neutral negotiation of claims so that parties may retain their identities but still benefit from political association. *Secularism*, by contrast, is an ideology that seeks to co-opt all real community into an amorphous social construction.⁹ It sees human-made law as not only necessary for modern life, but sufficient for human fulfillment as well.

⁶ Novak, *The Jewish Social Contract*, 121

⁷ *Ibid.*, 120-121

⁸ *Ibid.*, 193

⁹ *Ibid.*, 5, 121

Secularity can accommodate and respect covenanted communities. Secularism cannot.

Secularism becomes intolerant and oppressive because it asserts that the ontological priority of persons is secular before it is religious. If religion is tolerated but subsumed only to the most insulated and so-called “private” status, then its value is marginalized.¹⁰ When a civil society no longer respects the communal priority of its religious members, it attempts to replace the sacred realm by becoming the sacred realm itself.¹¹

What secularism forgets is that communities precede society. The democratic polity depends on the nurture and socialization capacity of its communities. Persons exist in communities before they can exist in societies. Their happiness depends on those communities enjoying a certain degree of autonomy together with respect from the society at large. When their sociality is thought to be rooted first in civil society, there is no real place for community.¹² One therefore makes room for real society only by making room for communities.¹³ The problem with oppressive public ideologies (like secularism) is that they see this original orientation toward communities as something to be overcome rather than something to be developed.¹⁴ When religious communities are respected and intact, there is hope for true and neutral secularity because these communities have a religious need for that space. They desire to preserve it intact for themselves, but realize that this cannot be to the exclusion of others.¹⁵ This becomes a

¹⁰ Ibid., 202

¹¹ Ibid., 9

¹² Ibid., 19

¹³ Ibid., 18

¹⁴ Ibid., 13, 120-123

¹⁵ Ibid., 19-21

Madisonian solution to the problem of religious faction, or perhaps an application of the Prisoners' Dilemma.

A final question remains, which is how morality will be negotiated between covenanted communities and the civil polity. The kind of communities spoken of here (those able to covenant) are defined by their moral ethos. The civil polity also obligates a moral ethos. A successful social contract (for the civil society at large) will address the task of social morality through both theology and philosophy. Moral principles for a society cannot (and do not) come from the society "at large." Rather, basic moral principles come from the respective traditions/communities within a society which are then coordinated through philosophical reasoning. Theology is used to articulate the norms within a particular tradition. Philosophy, particularly "natural law" is used to enable inter-cultural dialogue.¹⁶ All that then remains within the society is the historical task of discovering the overlap together with demonstrating how universal moral norms can have authority in this multicultural society. This dialogue and implementation is only possible within secularity. It is not possible under secularism.¹⁷

¹⁶ Novak argues that Jews and Christians, for example, must make public arguments for their moral position only from the general human condition rather than from the singular experience of God speaking directly to them. *Ibid.*, 193. Novak, *Natural Law in Judaism*, 16-26, 174-193

¹⁷ Novak, *The Jewish Social Contract*, 120-123

WORKS CITED

Primary Sources

- Abbot, W. C. (ed.) *The Writings and Speeches of Oliver Cromwell*. 4 vols. Cambridge, MA: Harvard University Press, 1931-1947.
- The Acts of the General Assemblies of the Church of Scotland, From the Year 1638 to the Year 1649 Inclusive*. 1682.
- Althusius, Johannes. *Politica: Politics Methodically Set Forth and Illustrated with Sacred and Profane Examples*. Translated by Frederick S. Carney. Indianapolis: Liberty Fund, 1995.
- Ames, William. *Conscience with the Power and Cases thereof: Divided into Five Books*. 1643.
- _____. *The Marrow of Theology*. Edited by John D. Eusden. Grand Rapids, MI: Baker Books, 1998 (1629).
- Aristotle. *Nicomachean Ethics*.
- _____. *Politics*.
- Bradford, William. *Of Plymouth Plantation: 1620-1647*. Reprint. New York: The Modern Library, 1967 (1650).
- Brown, John. *The Absurdity and Perfidy of all Authoritative Toleration of Gross Heresy, Blasphemy, Idolatry, Popery in Britain in Two Letters to a Friend in which the Doctrine of the Westminster Confession of Faith relative to Toleration of a False Religion, and the power of the Civil Magistrate about Sacred Matters; and the Nature, Origin, Ends and Obligation of the National Covenant and Solemn League are candidly represented and defended*. Glasgow: Stephen Young. 1803.
- Buchanan, George. *De Jure Regni Apud Scotos*. 1579.
- Bullinger, Heinrich. *Anklag und ernstliches ermanen Gottes Allmaechtigen*. 1528.
- _____. *Ermanung*. 1526.
- _____. *Lucretia and Brutus*. 1533.
- Burges, Cornelius. *The First Sermon Preached to the Honourable House of Commons now assembled in Parliament at their Publique Fast*. London, 1641.
- Calvin, John. *Calvin's New Testament Commentaries*. Edited by David W. Torrence and Thomas F. Torrence. Various Translators. 12 Volumes. Grand Rapids: Wm. B. Eerdmans, 1989.

_____. *Concerning the Eternal Predestination of God*. Translated, with an Introduction, by J.K.S. Reid. Cambridge, UK: James Clarke & Co, 1961.

_____. *The Covenant Enforced: Sermons on Deuteronomy 27 and 28*. Edited by James B. Jordan. Tyler, TX: Institute for Christian Economics, 1990.

_____. *Institutes of the Christian Religion*. Translated by Henry Beveridge from the 1559 edition. Grand Rapids: Wm. B. Eerdmans Publishing Co., 1989.

_____. *Theological Treatises*, Translated by J.K.S. Reid Philadelphia: The Westminster Press, 1954.

Carey, George W. (ed.) *The Political Writings of John Adams*. Conservative Leadership Series Vol. 6. Washington: Regnery Publishing, Inc., 2000.

Caryl, Joseph. *The Nature, Solemnity, Grounds, Property, and Benefits of a Sacred Covenant together with the duties of those who enter into such a covenant* London, 1643.

Commissioners of the General Assembly of the Kirk of Scotland. *A Solemn Testimony Against Toleration and the present Proceedings of Secretaries and their Abettors in England, In Reference to Religion and Government, with An Admonition and Exhortation to their Brethren there*. Edinburgh: Evan Tyler, 1649.

Cotton, John. *The Bloody Tenent, Washed, And made white in the bloud of the Lambe: being discussed and discharched of bloud-guiltinesse by just Defence*. 1647. Reprint. Reprint. New York: Arno Press, Inc., 1972 (1647).

_____. *Subjection to Christ*. 1657.

Cress, Donald (ed.) *Jean-Jacques Rousseau: Basic Political Writings*. Translated by Donald Cress. Indianapolis: Hackett Publishing Company, 1987.

Cunningham, John. *The Ordinance of Covenanting*. Glasgow: William Marshall, 1843.

Descartes. Rene. *Discourse On Method And Meditations On First Philosophy* (Fourth Edition). Translated by Donald Cress. Indianapolis: Hackett Publishing Company, 1998.

Edwards, Jonathan. *A Covenant People Ought to Resolve to Be the Lord's People*. 1737.

_____. *Distinguishing Marks of a Work of the Spirit of God*. 1741.

_____. *Freedom of the Will*. 1754.

_____. *Lectures on the Qualifications for Full Communion in the Church of Christ*. 1749.

_____. *Nature of True Virtue*. 1765.

Feuerbach, Ludwig. *The Essence of Christianity*. Reprint. New York: Prometheus Books, 1989 (1841).

Gillespie's *Aaron's Rod Blossoming*. Reprint: Harrisonburg, VA: Sprinkle Publications, 1985 (1646).

Goodman, Christopher. *How Superior Powers Ought To Be Obeyed*. Reprint: Whitefish, MT: Kessinger Publishing, 2004 (1558).

Goodwin, Thomas. *A Glimpse of Sions Glory*. London, 1641.

_____. "Epistle to the Reader," in *Innocency and Truth Triumphant Together*. London, 1645.

_____. *Zerubbabels Encouragement to Finish the Temple*. London, 1642.

Hall, David D. (ed.) *Puritans in the New World: A Critical Anthology*. Princeton: Princeton University Press, 2004.

Henderson, Alexander. *A Sermon Preached to the Honorable House of Lords*. London, 1645.

Hill, Thomas. *The Trade of Truth Advanced*. London, 1642.

Hobbes, Thomas. *Leviathan, with selected variants from the Latin edition of 1668*. Edited by Edwin Curley. Indianapolis: Hackett Publishing Company, Inc., 1994.

Hume, David. 1748. *An Enquiry Concerning Human Understanding*. Edited by Tom L. Beauchamp. The Clarendon Works of David Hume. Oxford: Oxford University Press, 1999.

Johnston, John C. *Treasury of the Scottish Covenant*. Edinburgh: Andrew Elliot, 1887.

Kerr, James. *The Covenants and the Covenanters: Covenants, Sermons, and Documents of the Covenanted Reformation, with Illustrations*. Edinburgh: R.W. Hunter, 1895.

Knox, John. *The Works of John Knox*. Edited by David Laing. New York: AMS Press, 1966 (1854-1895).

Lamont, William (ed.). *A Holy Commonwealth: Richard Baxter*. Cambridge Texts in the History of Political Thought. Cambridge, UK: Cambridge University Press, 1994.

Levy, Michael B (ed.) *Political Thought in America. An Anthology* (Second Edition). Waveland Press, Inc. 1988.

Locke, John. *An Essay Concerning Human Understanding*. (The Clarendon Edition of the Works of John Locke). Edited by Peter H. Nidditch. Oxford: Oxford University Press, 1979.

_____. *Political Essays*. Edited by Mark Goldie. Cambridge: Cambridge University Press, 1997.

_____. *Two Treatises of Government and A Letter Concerning Toleration*. Edited by Ian Shapiro. New Haven, CT: Yale Univ. Press. 2003.

_____. *Writings on Religion*. Edited by Victor Nuovo. Oxford: Oxford University Press, 2002.

Mansfield, Harvey C. and Winthrop, Delba (ed.). *Alexis DeTocqueville: Democracy in America*. Chicago: University of Chicago Press, 2000.

Marx, Karl. *The Communist Manifesto*. 1848.

Mason, Archibald. *Observations of the Public Covenants Betwixt God and the Church. A Discourse*. Glasgow: E. Miller, 1799.

Mason, Roger (ed.) *John Knox: On Rebellion*. Cambridge Texts in the History of Political Thought. Cambridge: Cambridge University Press, 1994.

Miller, Perry and Johnson, Thomas H. *The Puritans: A Sourcebook of Their Writings*. Mineola, NY: Dover Publications, Inc., 2001 (1963).

Milton, John. *Complete Prose Works*. Edited by Don M. Wolfe. 8 vols. New Haven: Yale University Press, 1953.

_____. *Works of John Milton*. Edited by F. A. Patterson. 18 vols. New York: Columbia University Press, 1931-1938.

Morgan, Edmund S., ed. *Puritan Political Ideas: 1558-1794*. New York: The Bobbs-Merrill Company, Inc., 1965.

Mornay, Philippe Duplessis. [Junius Brutus, pseud.] *Vindiciae, Contra Tyrannos. A Defense of Liberty Against Tyrants or Of the lawful power of the Prince over the People and of the People over the Prince*. Reprint of 1689 translation. Edmonton, Alberta: Still Waters Revival Books, 1989 (1579).

_____. [Junius Brutus, pseud.] Preface to *Vindiciae Contra Tyrannos, or Concerning the Legitimate Power of a Prince Over the People, and of the People Over a Prince*. Translated and edited by George Garnett. Cambridge: Cambridge University Press, 1994.

Nietzsche, Friedrich. *The Gay Science*. 1882.

Owen, John. *The Works of John Owen*. Edited by William H. Goold. 16 vols. Johnstone & Hunter, 1850-1853; Reprint. Edinburgh: Banner of Truth Trust, 1965.

Palmer, Herbert. *The Glasse of Gods Providence*. London, 1644.

_____. *The Necessity and Encouragement, of Utmost Ventureing for the Churches Help*. London, 1643.

Plato. *Euthyphro*.

_____. *Republic*.

Reformed Presbytery. *Act, Declaration, and Testimony, for the Whole of our Covenanted Reformation, as Attained to, and Established in, Britain and Ireland; Particularly Betwixt the Years 1638 and 1649, Inclusive. As, Also, Against all the Steps of Defection From Said Reformation, Whether in Former or in Later Times since the Overthrow of that Glorious Work, Down to this Present Day*. Philadelphia: Rue & Jones, 1876.

Rutherford, Samuel. *A Free Disputation Against Pretended liberty of Conscience*. London. 1649.

_____. *Influences of the Life of Grace*. 1659.

_____. *Lex, Rex, or The Law and the Prince*. Reprint. Harrisonburg, VA: Sprinkle Publications, 1982 (1644).

Sandoz, Ellis (ed.) *Political Sermons of the Founding Period: 1730-1805*. Indianapolis: Liberty Press, 1991.

Sartre, Jean Paul. *Existentialism as a Humanism*. 1946.

Session of the Puritan Reformed Church of Edmonton. *The Duty and Perpetual Obligation of Social Covenanting*. Edmonton: Still Waters Revival Books, 1996.

Shields, Alexander. *A Hind Let Loose or An Historical Representation of the Testimonies of the Church of Scotland for the Interest of Christ with the True State Thereof in All its Periods. Together with a Vindication of the Present Testimony Against Popish, Prelatical and Malignant Enemies of that Church, as it is now Stated, for the Prerogatives of Christ, Privileges of the Church, and Liberties of Mankind; and Sealed by the Sufferings of a Reproached Remnant of Presbyterians There, Witnessing against the Corruptions of the Time*. Glasgow: William Paton, 1687.

Sterry, Peter. *The Comings Forth of Christ*. 1650.

Stoddard, Solomon. *The Doctrine of Instituted Churches*. London: 1700.

Strickland, John. *Mercy rejoicing against Judgment*. London, 1645

Williams, Roger. *Collected Writings*. Edited by Trumbull, et. al. New York: Russell & Russell, 1963. 7 vols.

Willson, James M. *Civil Government: An Exposition of Romans XIII: 1-7*. Philadelphia: William S. Young, 1853.

Wylie, Samuel B. *A Sermon on Covenanting*. 1850

_____. *The Two Sons of Oil; or The Faithful Witness for Magistracy and Ministry upon a Scriptural Basis*. Philadelphia: Wm. S. Young, 1850.

Secondary Sources

Ackroyd, P. R., et. al (ed.) *Cambridge History of the Bible*, vol III Cambridge: Cambridge University Press, 1963. 294-338

Adair, John. *Founding Fathers: The Puritans in England and America*. Grand Rapids: Baker Book House, 1986 (1982).

Allen, Barbara. *Toqueville, Covenant, and the Democratic Revolution: Harmonizing Earth with Heaven*. Lanham, MD: Lexington Books, 2005.

Amos, Gary T. *Defending the Declaration: How the Bible and Christianity Influenced the Writing of the Declaration of Independence*. Brentwood, TN: Wolgemuth & Hyatt, Publishers, Inc., 1989.

Bailyn, Bernard. *The Ideological Origins of the American Revolution*. Cambridge, MA: Belknap Press, 1992 (1967).

Baker, J. Wayne. "Covenant and Community in the Thought of Heinrich Bullinger" in Elazar, Daniel J. and Kinkaid, John (ed.) *The Covenant Connection: From Federal Theology to Modern Federalism*. New York: Lexington Books, 2000.

_____. "Faces of Federalism: From Bullinger to Jefferson" *Publius: The Journal of Federalism* 30:4 (Fall 2000) 25-41.

_____. *Heinrich Bullinger and the Covenant: The Other Reformed Tradition*. Athens, OH: Ohio University Press, 1980.

_____. "Heinrich Bullinger, the Covenant, and the Reformed Tradition in Retrospect" *Sixteenth Century Journal*, Vol. 29, No. 2. (Summer, 1998). 359-376

Baldwin, Alice M. *The New England Clergy and the American Revolution*. New York: Frederick Ungar Publishing Co., 1965 (1928).

Barrow, Greg. *The Covenanted Reformation Defended Against Contemporary Schismatics*. Edmonton: Still Waters Revival Books, 1998.

- Becker, Carl. *The Declaration of Independence: A Study in the History of Political Ideas*. New York: Vintage Books, 1958 (1922).
- Bell, M. Charles. *Calvin and Scottish Theology: The Doctrine of Assurance*. Edinburgh: The Handsell Press, 1985.
- Bellah, Robert. *The Broken Covenant: American Civil Religion in Time of Trial*. (Second Edition) Chicago: The University of Chicago Press, 1992.
- Beneke, Chris. *Beyond Toleration: The Religious Origins of American Pluralism*. Oxford: Oxford University Press, 2006.
- Boughton, Lynne Courter. "Choice and Action: William Ames's Concept of the Mind's Operation in Moral Decisions" *Church History*, Vol. 56, No. 2. (Jun., 1987) 188-203.
- Brachlow, Stephen. *The Communion of Saints. Radical Puritan Separatist Ecclesiology 1570-1625*. Oxford: Oxford University Press, 1988.
- Breed, W. P. *Presbyterians and the Revolution*. Reprint. Decatur, MS: Issacharian Press, 1993 (1876).
- Brett, Anabel. *Liberty, Right and Nature: Individual Rights in Later Scholastic Thought (Ideas in Context)*. Cambridge: Cambridge University Press, 1997
- Bromiley, G.W. "General Introduction" to *Zwingli and Bullinger*. Translated by G.W. Bromiley. Volume XXIV of The Library of Christian Classics. Philadelphia: The Westminster Press, 1953.
- Buchanan, George Wesley. *The Consequences of the Covenant*. Leiden: E.J. Brill, 1970.
- Burns, J.H. *The True Law of Kingship: Concepts of Monarchy in Early-Modern Scotland*. Oxford, UK: Clarendon Press, 1996.
- Byrd, James P. *Challenges of Roger Williams: Religious Liberty, Violent Persecution, and the Bible*. Macon: Mercer University Press, 2002.
- Campi, Emidio. "Bullinger's Early Political and Theological Thought: Brutus Tigurinus." in *Architect of Reformation: An Introduction to Heinrich Bullinger, 1504-1575*. Edited by Bruce Gordon and Emidio Campi. Grand Rapids, MI: Baker Academic, 2005.
- Clines, David J.A. "Predestination in the Old Testament" in *On the Way to the Postmodern: Old Testament Essays 1967-1998*, Volume 2. Sheffield: Sheffield Academic Press, 1998.
- Cochrane, Charles Norris. *Christianity and Classical Culture: A Study of Thought and Action from Augustus to Augustine*. Reprint. Liberty Fund: Liberty Fund, 2003 (1940).

- Coffey, John. *Politics, Religion and the British Revolutions: The Mind of Samuel Rutherford*. New York: Cambridge University Press, 1997.
- Courtois, Stephane, Werth, Nicolas, Panné, Jean-Louis, and Paczkowski, Andrzej. *The Black Book of Communism: Crimes, Terror, Repression*. Translated by Jonathan Murphy and Mark Kramer. Cambridge: Harvard University Press, 1999.
- Cropsey, Joseph and Strauss, Leo. (eds) *History of Political Philosophy* (Third Edition) University of Chicago Press, 1987.
- De Jong, Peter Y. *The Covenant Idea in New England Theology, 1620-1847*. Grand Rapids, MI: Wm. B. Eerdmans Publishing Co., 1945.
- Diggins, John. *The Lost Soul of American Politics: Virtue, Self-Interest, and the Foundations of Liberalism*. New York: Basic Books, Inc., 1984.
- Douglas, J.D. *Light in the North: The Story of the Scottish Covenanters*. Grand Rapids, MI: Wm. B. Eerdmans Publishing Co., 1964.
- Dowey, Edward. "Heinrich Bullinger as Theologian: Thematic, Comprehensive, and Schematic" in *Architect of Reformation: An Introduction to Heinrich Bullinger, 1504-1575*. Edited by Bruce Gordon and Emidio Campi. Grand Rapids, MI: Baker Academic, 2005.
- Dworetz, Steven M. *The Unvarnished Doctrine: Locke, Liberalism, and the American Revolution*. Durham: Duke University Press, 1994.
- Ebenstein, William and Ebenstein, Alan O. *Introduction to Political Thinkers, 2nd Edition*. Belmont: Wadsworth/Thomson Learning, 2002.
- Elazar, Daniel J. and Kinkaid, John (ed.) *The Covenant Connection: From Federal Theology to Modern Federalism*. New York: Lexington Books, 2000.
- Elazar, Daniel. *Covenant and Civil Society: The Constitutional Matrix of Modern Democracy*. The Covenant Tradition in Politics, Vol. IV. New Brunswick, NJ: Transaction Publishers, 1998.
- _____. *Covenant & Commonwealth: From Christian Separation Through the Protestant Reformation*. The Covenant Tradition in Politics, Vol. II. New Brunswick, NJ: Transaction Publishers, 1996.
- _____. *Covenant and Constitutionalism: The Great Frontier and the Matrix of Federal Democracy*. The Covenant Tradition in Politics, Vol. III. New Brunswick, NJ: Transaction Publishers, 1998.

- _____. *Covenant and Polity in Biblical Israel: Biblical Foundations and Jewish Expressions*. The Covenant Tradition in Politics, Vol. I. New Brunswick, NJ: Transaction Publishers, 1995.
- Emerson, Everett. "Perry Miller and the Puritans: A Literary Scholar's Assessment" *The History Teacher*, Vol. 14, No. 4. (Aug., 1981), 459-467
- Eusden, John Dykstra. "Introduction." In Ames, William. *The Marrow of Theology*. Edited by John D. Eusden. Grand Rapids, MI: Baker Books, 1998
- _____. "Natural Law and Covenant Theology in New England, 1620-1670." *Natural Law Forum*, 5 (1960)
- Everett, William Johnson. *God's Federal Republic: Reconstructing our Federal Symbol*. New York: Paulist Press, 1988.
- Ferguson, Everett (ed.) *Backgrounds of Early Christianity*. Grand Rapids, MI: Eerdmans Publishing Company, 2003.
- Forster, Greg. *John Locke's Politics of Moral Consensus*. Cambridge: Cambridge University Press, 2005.
- Freeman, Gordon M. *The Heavenly Kingdom: Aspects of Political Thought in the Talmud and Midrash*. New York: University Press of America, Inc., 1986.
- Friedman, Jerome. *The Most Ancient Testimony: Sixteenth Century Christian-Hebraica in the Age of the Renaissance Nostalgia*. Athens, OH: Ohio University Press, 1983
- Fuhrmann, Paul T. "Philip Mornay and the Huguenot Challenge to Absolutism." In Hunt, George L. and McNeill, John T. (ed.) *Calvinism and the Political Order: Essays Prepared for the Woodrow Wilson Lectureship of the National Presbyterian Center Washington D.C.* Philadelphia: The Westminster Press, 1965.
- Gardner, E. Clinton. *Justice & Christian Ethics*. (New Studies in Christian Ethics 7). Cambridge: Cambridge University Press, 1995.
- Garnett, George. "Editor's Introduction" to *Vindiciae Contra Tyrannos, or Concerning the Legitimate Power of a Prince Over the People, and of the People Over a Prince*. Edited by George Garnett. Cambridge: Cambridge University Press, 1994.
- _____. "Law in the Vindiciae, Contra Tyrannos: A Vindication" *The Historical Journal*. 49.3 (2006) 877-891.
- Gentile Emile, *Politics as Religion*. Translated by George Staunton. Princeton: Princeton University Press, 2004.

- Germino, Dante. *Machiavelli to Marx: Modern Western Political Thought*. Chicago, University of Chicago Press, 1972.
- Gerstner, John. *The Rational Biblical Theology of Jonathan Edwards*. Three Volumes. Powhatan: Berea Publications, 1991-1993.
- Gibbs, Lee W. "The Puritan Natural Law Theory of William Ames" *The Harvard Theological Review*, Vol. 64, No. 1. (Jan., 1971), pp. 37-57.
- Gilson, Etienne. *God and Philosophy*. New Haven: Yale University Press, 1941.
- Gordon, Bruce "Introduction: Architect of Reformation" in *Architect of Reformation: An Introduction to Heinrich Bullinger, 1504-1575*. Edited by Bruce Gordon and Emidio Campi. Grand Rapids, MI: Baker Academic, 2005.
- Gordon, Bruce and Campi, Emidio. (eds) *Architect of Reformation: An Introduction to Heinrich Bullinger, 1504-1575*. Grand Rapids: Baker Academic, 2005.
- Grabill, Stephen J. *Rediscovering the Natural Law in Reformed Theological Ethics* (Emory University Studies in Law and Religion). Grand Rapids, MI: Wm. B. Eerdmans Publishing Company, 2006.
- Greaves, Richard L. *Theology and Revolution in the Scottish Reformation: Studies in the Thought of John Knox*. Grand Rapids, MI: Christian University Press, 1980.
- Griffin, Keith L. *Revolution and Religion: American Revolutionary War and the Reformed Clergy*. New York: Paragon House, 1993.
- Gunnell, John G. "Strauss before Straussianism: Reason, Revelation and Nature" *The Review of Politics*. Vol. 53, No. 1 (Winter, 1991) 53-74.
- Hagen, Kenneth. "From Testament to Covenant in the Early Sixteenth Century." *Sixteenth Century Journal* 3 (1972): 1-24.
- Hall, David D. "Understanding the Puritans." in Stanley N. Katz (ed.) *Colonial America: Essays in Political and Social Development*. Boston: Little, Brown and Co., 1971.
- Hall, David W. *The Genevan Reformation and the American Founding*. Lanham, MD: Lexington Books, 2003.
- Haller, William. "Introduction" to *Tracts on Liberty in the Puritan Revolution 1638-1647*. Edited, with a commentary, by William Haller. New York: Columbia University Press, 1934.
- _____. *The Elect Nation*. New York: Harper and Row, 1963.

- Hallowell, John H. and Porter, Jene M. *Political Philosphy: The Search for Humanity and Order*. Scarborough, Ontario: Prentice Hall Canada, Inc., 1997.
- Hancock, Ralph C. *Calvin and the Foundations of Modern Politics*. Ithaca: Cornell University Press, 1989.
- Haskins, George Lee. *Law and Authority in Early Massachusetts: A Study in Tradition and Design*. New York: University Press of America, Inc., 1960.
- Hatch, Nathan O. *The Sacred Cause of Liberty*. New Haven: Yale University Press, 1977.
- Heimert, Alan. *Religion and the American Mind: From the Great Awakening to the Revolution*. Cambridge: Harvard University Press, 1966.
- Helm, Paul. *Calvin and the Calvinists*. Edinburgh: Banner of Truth Trust, 1982.
- Hill, Christopher (ed.) *Puritanism and Revolution: Studies in the Interpretation of the English Revolution of the 17th Century*. New York: St. Martin's Press, 1997 (1958).
- _____. *The English Bible and the Seventeenth-Century Revolution*. New York: Penguin Books, 1994.
- _____. *Society and Puritanism in Pre-Revolutionary England*. New York: St. Martin's Press, 1997 (1958).
- Hillers, Delbert R. *Covenant: The History of a Biblical Idea*. Baltimore: The Johns Hopkins Press, 1969.
- Hollander, Paul. *From the Gulag to the Killing Fields: Personal Accounts of Political Violence and Repression in Communist States*. Wilmington, DE: ISI Books, 2006.
- Hopfl, Harro. *The Christian Polity of John Calvin*. Cambridge: Cambridge University Press, 1982.
- Hudson, Winthrop S. "John Locke: Heir of Puritan Political Theorists" in Hunt, George L. and McNeill, John T. (ed.) *Calvinism and the Political Order: Essays Prepared for the Woodrow Wilson Lectureship of the National Presbyterian Center Washington D.C.* Philadelphia: The Westminster Press, 1965.
- _____. "Theological Convictions and Democratic Government." In *Puritanism and the American Experience*, Edited by Michael McGiffert, Reading: Addison-Wesley Publishing Company, 1969. 226-235
- Hueglin, Thomas O. *Early Modern Concepts for a Late Modern World*. Waterloo, ON: Wilfrid Laurier University Press, 1999.

- Hunt, George L. and McNeill, John T. (ed.) *Calvinism and the Political Order: Essays Prepared for the Woodrow Wilson Lectureship of the National Presbyterian Center Washington D.C.* Philadelphia: The Westminster Press, 1965.
- Innes, A. T. "Samuel Rutherford", *Studies in Scottish History*, London: Evangelical Succession Series, 1892.
- Israel, Jonathan. *The Enlightenment Contested* Oxford: Oxford University Press, 2006.
- _____. *The Radical Enlightenment*. Oxford: Oxford University Press, 2001.
- Jordan, James B. "Editor's Introduction" to Calvin, John. *The Covenant Enforced: Sermons on Deuteronomy 27 and 28*. Edited by James B. Jordan. *The Covenant Enforced: Sermons on Deuteronomy 27 and 28*. Tyler, TX: Institute for Christian Economics, 1990.
- Kaminsky, Joel S. *Corporate Responsibility in the Hebrew Bible. Journal for the Study of the Old Testament Supplement Series* 196. Sheffield: Sheffield Academic Press, 1995.
- Kaplan, Lawrence. *Politics and Religion during the English Revolution. The Scots and the Long Parliament 1643-1645*. New York: New York University Press, 1976.
- Kelly, Douglas F. *The Emergence of Liberty in the Modern World: The Influence of Calvin on Five Governments from the 16th Through the 18th Centuries*. Phillipsburg: Presbyterian and Reformed Publishing Company, 1992.
- Kendall, R.T. *Calvin and English Calvinism to 1649*. Oxford: Oxford University Press, 1979.
- Kennedy, George. *Classical Rhetoric & Its Christian & Secular Tradition from Ancient to Modern Times*. Chapel Hill: University of North Carolina Press, 1999.
- Kenyon, John and Ohlmeyer, Jane (ed.) *The Civil Wars: A Military History of England, Scotland and Ireland 1638-1660*. New York: Oxford University Press, 1998.
- _____. *Stuart England*. New York: Penguin Books, 1978.
- Kingdon, Robert. *Geneva and the Consolidation of the French Protestant Movement 1564-1572: A Contribution to the History of Congregationalism, Presbyterianism, and Calvinist Resistance Theory*. Madison, WI: The University of Wisconsin Press, 1967.
- Koetsier, L.S. *Natural Law and Calvinist Political Theory*. Victoria, BC: Trafford Publishing, 2003.
- Kuehne, Dale S. *Massachusetts Congregationalist Political Thought, 1760-1790: The Design of Heaven*. Columbia: University of Missouri Press, 1996.
- Lambert, Frank. *Inventing the "Great Awakening"*. Princeton: Princeton University Press, 1999.

- Lamont, William. "Biographical Notes," in Lamont, William. *A Holy Commonwealth: Richard Baxter*. Cambridge Texts in the History of Political Thought. Cambridge, UK: Cambridge University Press, 1994.
- _____. *Godly Rule: Politics and Religion, 1603-60*. New York: Macmillan St. Martin's Press, 1969.
- _____. "Introduction." in Lamont, William. *A Holy Commonwealth: Richard Baxter*. Edited by William Lamont. Cambridge Texts in the History of Political Thought. Cambridge, UK: Cambridge University Press, 1994.
- _____. "Puritanism, liberty and the Putney debates" in *The Putney Debates of 1647: The Army, the Levellers and the English State*. Edited by Michael Mendle. Cambridge UK: Cambridge University Press, 2001.
- Lane, Jane. *The Reign of King Covenant*. London: Robert Hale Limited, 1956.
- Lutz, Donald S. *The Origins of American Constitutionalism*. Baton Rouge: Louisiana State University Press, 1988.
- _____. *A Preface to American Political Theory*. Lawrence, KS: University of Kansas Press, 1992.
- MacInnes, Allan I. *Charles I and the Making of the Covenanting Movement 1625-1641*. Edinburgh: John Donald Publishers Ltd., 1991.
- MacKenzie, Ian M. *God's Order and Natural Law: The Work of the Laudian Divines*. Burlington: Ashgate Publishing Limited, 2002.
- Maclear, J. F. "Samuel Rutherford: The Law and the King" in Hunt, George L. and McNeill, John T. (ed.) *Calvinism and the Political Order: Essays Prepared for the Woodrow Wilson Lectureship of the National Presbyterian Center Washington D.C.* Philadelphia: The Westminster Press, 1965.
- MacPherson, Hector. *The Covenanters Under Persecution: A Study of their Religious and Ethical Thought*. Edinburgh: W.F. Henderson, 1923.
- McCarthy, Dennis J., S.J. *Old Testament Covenant: A Survey of Current Opinions*. Richmond, VA: John Knox Press, 1972.
- McClelland, J.S. *A History of Western Political Thought*. London: Routledge/ITP, 1996.
- McCoy, Charles S. and Baker, J. Wayne. *Fountainhead of Federalism: Heinrich Bullinger and the Covenantal Tradition. With a Translation of De testamento seu foedere unico et aeterno (1534) by Heinrich Bullinger*. Louisville, KY: Westminster/John Knox Press, 1991.

- McDermott, Gerald R. *One Happy and Holy Society: The Public Theology of Jonathan Edwards*. University Park, PA: The Pennsylvania State University Press, 1992.
- McGiffert, "The Covenant of Grace in Puritan Thought by John von Rohr" (Book Review) *The Journal of Religion*, Vol 68, No 1 (Jan, 1988), 111-112.
- McKay, W.D.J. *An Ecclesiastical Republic: Church Government in the Writings of George Gillespie*. Edinburgh: Paternoster Publishing Co., 1997.
- McLaren, Anne. "Rethinking Republicanism: Vindiciae, Contra Tyrannos In Context," *The Historical Journal*. 49.1 (2006) 23-52.
- McNeill, John T. (ed.) *Calvinism and the Political Order: Essays Prepared for the Woodrow Wilson Lectureship of the National Presbyterian Center Washington D.C.* Philadelphia: The Westminster Press, 1965.
- _____. *The History and Character of Calvinism*. New York: Oxford University Press, 1954.
- Marsden, George. *Jonathan Edwards: A Life*. New Haven: Yale University Press, 2003.
- Marshall, John. *John Locke, Toleration, and Early Enlightenment Culture*. Cambridge: Cambridge University Press, 2006.
- Marshall, John L. "Natural Law and the Covenant: The Place of Natural Law in the Covenantal Framework of Samuel Rutherford's *Lex, Rex*." PhD dissertation. Westminster Theological Seminary.
- Martinich, A.P. *A Hobbes Dictionary*. Cambridge: Blackwell Publishers, Inc. 1995.
- Mason, Roger A. "Introduction." in Knox, John. *On Rebellion*. Edited by Roger A. Mason. Cambridge: Cambridge University Press, 1994. pp. viii-xxiv.
- _____. *Kingship and the Commonwealth: Political Thought in Renaissance and Reformation Scotland*. East Lothian, Scotland: Tuckwell Press, 1998.
- Mayfield, Noel Henning. *Puritans and Regicide: Presbyterian-Independent Differences over the Trial and Execution of Charles (I) Stuart*. New York: University Press of America, 1988.
- Miller, Perry. *Errand Into the Wilderness*. New York: Harper & Row, 1956.
- _____. *The New England Mind: From Colony to Province*. Cambridge: The Belknap Press of Harvard University Press, 1953.
- _____. *The New England Mind: The Seventeenth Century*. Cambridge: The Belknap Press of Harvard University Press, 1939.

- Morgan, Edmund S. *Inventing The People: The Rise of Popular Sovereignty in England and America*. New York: W.W. Norton & Company, 1988.
- _____. *The Puritan Dilemma: The Story of John Winthrop*. Boston: Little, Brown & Company, 1958.
- _____. *Roger Williams: The Church and the State*. New York: W.W. Norton & Company, 1967.
- _____. *Visible Saints: The History of a Puritan Idea*. New York: New York University Press, 1963.
- Morrill, John. "Introduction" to Kenyon, John and Jane Ohlmeyer (ed.) *The Civil Wars: A Military History of England, Scotland and Ireland 1638-1660*. New York: Oxford University Press, 1998.
- _____. "The National Covenant in its British Context" in Morrill, John. *The Scottish National Covenant in Its British Context*. Edinburgh: Edinburgh University Press, 1990.
- _____. (ed.) *The Scottish National Covenant in Its British Context*. Edinburgh: Edinburgh University Press, 1990.
- Mosse, George L. *The Holy Pretence: A Study in Christianity and Reason of State from William Perkins to John Winthrop*. New York: Howard Fertig, 1968.
- Muller, Richard. *After Calvin: Studies in the Development of a Theological Tradition*. (Oxford Studies in Historical Theology) Oxford: Oxford University Press, 2003.
- _____. *Post-Reformation Reformed Dogmatics: The Rise and Development of Reformed Orthodoxy, ca. 1520 to ca. 1725*. 4 vols. Grand Rapids: Baker Academic, 2003.
- _____. *The Unaccommodated Calvin: Studies in the Formation of a Theological Tradition*. (Oxford Studies in Historical Theology) Oxford: Oxford University Press, 2000.
- Murphy, Andrew. *Conscience and Community: Revisiting Toleration and Religious Dissent in Early Modern England and America*. University Park: The Pennsylvania State University Press, 2001.
- Noll, Mark. *America's God: From Jonathan Edwards to Abraham Lincoln*. Oxford: Oxford University Press, 2002.
- Novak, David. *Covenantal Rights: A Study in Jewish Political Theory*. Princeton: Princeton University Press, 2000.

_____. *The Jewish Social Contract: An Essay in Political Theology*. Princeton: Princeton University Press, 2005.

_____. *Jewish Social Ethics*. New York: Oxford University Press, 1992.

_____. *Natural Law in Judaism*. New York: Cambridge University Press, 1998.

Pahl, Gretchen Graf. "John Locke as a Literary Critic and Biblical Interpreter." In *Essays Critical and Historical Dedicated to Lily B. Campbell*, edited by the Department of English, University of California (Los Angeles), 137-157. New York: Russell & Russell, 1968.

Pangle, Thomas L. *The Spirit of Modern Republicanism: The Moral Vision of the American Founders and the Philosophy of Locke*. Chicago: The University of Chicago Press, 1988.

Parker, Kim Ian. *The Biblical Politics of John Locke*. Ontario: Wilfred Laurier University Press: 2004.

Partee, Charles. *Calvin And Classical Philosophy (Interpretation Bible Studies)*. Louisville: Westminster John Knox Press, 2005.

Peardon, Thomas P. (ed.) "Introduction" to *The Second Treatise of Government* by John Locke. New York: Macmillan, 1952.

Pearson, A. F. Scott. *Church & State: Political Aspects of Sixteenth Century Puritanism*. Cambridge: Cambridge University Press, 1932.

Pettit, Norman. *The Heart Prepared: Grace and Conversion in Puritan Spiritual Life*. Second Edition. Middletown: Wesleyan University Press, 1989.

Pieper, Josef. *The Silence of St. Thomas*. South Bend: St Augustine's Press, 1999.

Pipes, Richard. *Communism: A History* New York: Modern Library, 2003.

Pocock, J.G.A. *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*. Princeton: Princeton University Press, 1975.

Puckett, David L. *John Calvin's Exegesis of the Old Testament*. Columbia Series in Reformed Theology. Louisville, KY: Westminster John Knox Press, 1995.

Raath, Andries. "The Origins of Defensive Natural Law in Huldrych Zwingli's Covenant Theology." Unpublished.

Reid, W. Stanford. "John Knox's Theology of Political Government" *Sixteenth Century Journal*, Vol. 19, No. 4 (Winter, 1988), 529-540

- Rendtorff, Rolf. *The Covenant Formula: An Exegetical and Theological Investigation*. Translated by Margaret Kohl. Edinburgh: T&T Clark, 1998.
- Richards, Peter Judson. "The Law Written in Their Hearts?: Rutherford and Locke on Nature, Government and Resistance" *Journal of Law and Religion*, Vol. 18, No. 1 (2002 - 2003), 151-189.
- Roberts, William L. *The Duty of Covenanting, and the Permanent Obligations of Religious Covenants*. 1853.
- Rowse, A.L. *The Regicides and the Puritan Revolution*. London: Gerald Duckworth & Co., Ltd., 1994.
- Sandoz, Ellis. *A Government of Laws: Political Theory, Religion, and the American Founding*. Baton Rouge: Louisiana State University Press, 1990.
- _____. *The Politics of Truth and other Untimely Essays*. Columbia, MO: University of Missouri Press, 1999.
- _____. *Republicanism, Religion, And the Soul of America* (Eric Voegelin Institute Series in Political Philosophy: Studies in Religion and Politics) Columbia, MO: University of Missouri Press, 2006.
- Schlesinger, Philip and Foret, François "Political Roof and Sacred Canopy?: Religion and the EU Constitution." *European Journal of Social Theory*, Vol. 9, No. 1 (2006) 59-81.
- Schmitt, Carl. *Political Theology: Four Chapters on the Concept of Sovereignty*. tr. by George Schwab. Cambridge: The MIT Press, 1985 (1922).
- Selement, George. "The Covenant Theology of English Separatism and the Separation of Church and State" *Journal of the American Academy of Religion*, Vol. 41, No. 1. (Mar., 1973), 66-74.
- Shain, Barry Alan. *The Myth of American Individualism: The Protestant Origins of American Political Thought*. Princeton: Princeton University Press, 1994.
- Skinner, Quentin. *The Foundations of Modern Political Thought. Volume Two: The Age of Reformation*. New York: Cambridge University Press, 1978.
- _____. "The Origins of the Calvinist Theory of Revolution." in *After the Reformation: essays in honor of J.H. Hexter*. Edited by Barbara C. Malament. Philadelphia: University of Philadelphia Press, 1980. 309-330
- Smith, Steven B. *Reading Leo Strauss: Politics, Philosophy, Judaism*. Chicago, IL: University of Chicago Press, 2006.

- Steele, Margaret. "The 'Politick Christian': the theological background to the National Covenant." in Morrill, John. *The Scottish National Covenant in Its British Context*. Edinburgh: Edinburgh University Press, 1990.
- Stevenson, David. *Revolution and Counter-Revolution in Scotland, 1644-1651*. London: Royal Historical Society, 1977.
- _____. *The Scottish Revolution 1637-1644: The Triumph of the Covenanters*. New York: St. Martins Press, 1973.
- Stout, Harry S. *The New England Soul: Preaching and Religious Culture in Colonial New England*. New York: Oxford University Press, 1986.
- Strauss, Leo. *Natural Right and History*. Chicago: University of Chicago Press, 1953.
- _____. *The Rebirth of Classical Political Rationalism: An Introduction to the Thought of Leo Strauss*. Chicago, IL: University Of Chicago Press, 1989
- Tannenbaum, Donald and Schultz, David. *Inventors of Ideas: An Introduction to Western Political Philosophy* (2e). Belmont: Wadsworth/Thomson Learning, 2004.
- Thundyil, Zacharias P. *Covenant in Anglo-Saxon Thought: The Influence of the Bible, Church Fathers, and Germanic Tradition on Anglo-Saxon Laws, History, and the Poems The Battle of Maldon and Guthlac*. Bombay: The Macmillan Company of India Ltd., 1972.
- Tierney, Brian. *The Idea of Natural Rights: Studies on Natural Rights, Natural Law and Church Law 1150-1625*. (Emory University Studies in Law and Religion Number 5). Grand Rapids: William B. Eerdmans Publishing Company, 1997.
- Todd, Margo. *Christian Humanism and the Puritan Social Order*. New York: Cambridge University Press, 1987.
- Tuck, Richard. *Natural Rights Theories: Their Origin and Development*. New York: Cambridge University Press, 1979.
- Van Asselt, Willem J. *The Federal Theology of Johannes Cocceius (1603-1669)* Translated by Raymond A. Blacketer. S(tudies in the History of Christian Thought, Volume C). Boston: Brill, 2001.
- Vanhoozer, Kevin J (ed.) *The Cambridge Companion to Postmodern Theology*. Cambridge, UK: Cambridge University Press, 2003.
- Voegelin, Eric. *History of Political Ideas: Renaissance and Reformation*. (Volume IV) Edited by David L. Morse and William M. Thompson. Volume 22 of *The Collected Works of Eric Voegelin*. Columbia, MO: University of Missouri Press.

- _____. *History of Political Ideas: Religion and the Rise of Modernity*. (Volume V). Edited by James L. Wisner. Volume 23 of *The Collected Works of Eric Voegelin*. Columbia, MO: University of Missouri Press.
- _____. *Israel and Revelation. Order and History Volume One*. Baton Rouge: Louisiana State University Press, 1956.
- _____. *The New Science of Politics: An Introduction*. Chicago: University of Chicago Press, 1952.
- _____. *Science, Politics and Gnosticism*. Washington, DC: Regnery Gateway Inc., 1968.
- Von Rohr, John. *The Covenant of Grace in Puritan Thought*. Atlanta, GA: Scholars Press, 1986
- Waldron, Jeremy. *God, Locke and Equality: Christian Foundations in Locke's Political Thought*. Cambridge: Cambridge University Press, 2002.
- Walzer, Michael. *Exodus and Revolution*. New York: Basic Books, 1985.
- _____. *The Revolution of the Saints: A Study in the Origins of Radical Politics*. Cambridge: Harvard University Press, 1965.
- Ward, Graham. *Barth, Derrida and the Language of Theology*. Cambridge, UK: Cambridge University Press, 2004.
- Weir, David. *Early New England: A Covenanted Society*. Grand Rapids, MI: Eerdmans Publishing Company, 2005.
- _____. *The Origins of the Federal Theology in Sixteenth-Century Reformation Thought*. Oxford: Clarendon Press, 1990.
- Wills, Gary. *Inventing America*. New York: Vantage Press, 1979
- Wilson, John F. *Pulpit in Parliament: Puritanism during the English Civil Wars 1640-1648*. Princeton: Princeton University Press, 1969.
- Wood, Gordon. *The Creation of the American Republic, 1776–1787*. Chapel Hill, NC: University of North Carolina Press, 1969.
- Yolton, John. *The Two Intellectual Worlds of John Locke: Man, Person, and Spirits in the Essay*. Cornell University Press, 2004.
- Zuckert, Michael P. and Engeman, Thomas S. (ed.) *Protestantism and the American Founding*. Notre Dame: University of Notre Dame Press, 2004.

Zuckert, Michael P. *Launching Liberalism: On Lockean Political Philosophy*. Lawrence: University of Kansas Press, 2002.

_____. *The Natural Rights Republic*. South Bend, IN: The University of Notre Dame Press, 1996.

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