

# Puritan Jurisprudence: A Study In Substantive Biblical Law

By G. Joseph Gatis

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Puritanism was a inter-denominational movement to continue the Calvinistic Reformation in the United Kingdom and later the British Crown colonies. Puritans sought an intellectual, moral, and spiritual 'clean-up' of institutionalized Christianity. Their standard of purity was the Bible. The most comprehensive but concise articulation of their ideology is the Westminster Confession of Faith, written by a symposium of 120 Puritan scholars from 1643-48. Although this Confession formulates a Presbyterian church government, Separatist Puritans, Congregationalist Puritans, and Anglican Puritans embraced the basic theology of this Confession.<sup>1</sup> The end of Cromwell's Lord's Protectorate in 1660 marked the end of Puritan hegemony over British political, social, and ecclesiastical institutions. Although Jonathan Edwards, whose revivalist influence began in earnest in 1739, has been designated the last American Puritan, Puritan hegemony over Massachusetts society terminated around 1690, when the remnant of Puritan ideologues migrated from Massachusetts to Connecticut to found Yale.

## The Goal Of Puritan Jurisprudence

Puritanism sought to produce a society where every individual, family, church, executive, legislature, and court submitted to the Bible. Their vision was universal theocracy. To the Puritan, "the spirit of the whole creation was the reformation of the world." "Reform in all places, all persons and callings. Reform the universities, reform the cities, reform the counties, reform inferior schools of learning, reform the Sabbath, reform the ordinances, the worship of God. Every plant which my heavenly father hath not planted shall be rooted up."<sup>2</sup> Not only did the Puritans believe they received a divine mandate to build such a universal theocracy, they believed that such a theocracy was prophesied in the Bible. This kind of society would be established by God anyway; therefore, Puritans

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1 Separatists sought separate spheres of sovereignty of the state and church institutions, unlike the Congregationalist, Pres-byterian, and Anglican Puritans who established state churches according to their own denominational distinctives.

2 Sermon to the House of Commons, 1641, quoted in Rosenstock-Huessy, *Out of the Revolution: The Autobiography of Western Man* 291 (1938), quoted by Berman, p. 30.

sought to cooperate with God to establish the Kingdom of heaven on earth. Since the same spiritual goals existed for each and every citizen, "progress toward that goal was thought to be a communal affair."<sup>3</sup> Puritan post-millennial eschatology,<sup>4</sup> therefore, produced their social theory; and Puritan social theory guided their jurisprudence.

### **Comprehensive Reformation**

The points of the Puritan agenda for reform were interconnected. Each point of their agenda aimed at a spiritually-oriented reformation of individuals, families, local assemblies, the national church at large, and the commonwealth.<sup>5</sup> Each individual, according to Robert Bolton, did not attain the Puritan vision until he walked with God. Bolton defined "walking with God" in terms of high spiritual ideals:

By walking with God, I mean, a sincere endeavour, punctually and precisely to manage, conduct, and dispose all our affairs, thoughts, words and deeds; all our behaviours, courses, carriage, and whole conversation, in reverence and fear, with humility and singleness of heart, as in the sight of an invisible God, under the perpetual presence of his all-seeing, glorious, pure eye; and by a comfortable consequent, to enjoy by the assistance and exercise of faith, an unutterable sweet communion, and humble familiarity with his holy majesty: In a word, to live in heaven upon earth.<sup>6</sup>

But not only was the Puritan vision a spiritual metamorphosis of individuals; it included the spiritual metamorphosis of families. Richard Greenham ably articulates this Puritan vision:

And surely if men were careful to reform themselves first, and then their own families, they should see God's manifold blessings in our land upon Church and Commonwealth. For of particular persons come families; of families, towns; of towns provinces; of provinces whole realms: so that conveying God's holy truth in this sort from one to another, in time, and that shortly, it

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3 Jude P. Dougherty, "Puritan Aspiration, Puritan Legacy: An Historical/Philosophical Inquiry," *Journal of Law and Religion*, Volume 5, Number 1, (1987), p. 113. Compare Thomas Hooker's analogy of the Puritans' departing from Babylon to journey toward Mount Zion. H.C. Porter, *Puritanism in Tudor England* (Columbia: University of South Carolina Press, 1971), p. 251.

4 The post-millennial system of eschatology holds that the kingdom of heaven will expand on earth until every nation becomes a Christian theocracy. After a period of universal prosperity, both material and spiritual, under such theocratic rule, Christ would return to establish a new heavens and new earth (cf. 2 Peter 3:10; Rev. 20:7-15). The dominant eschatology of the Puritan era was the post-millennial eschatology, as evidenced by the consensus of Puritan scholars that produced the Westminster Confession of Faith, which included the Larger Catechism. The Larger Catechism's exposition of the Lord's Prayer, particularly the phrase, "thy kingdom come", delineates a post-millennial eschatology.

5 John H. Primus, *Holy Time Moderate Puritanism and the Sabbath* (Macon, Georgia: Mercer University Press, 1989), p. 168.

6 Robert Bolton, *Some General Directions for a Comfortable Walking with God* (London, 1626), pp. 29-30.

would so spread to all part of this kingdom.<sup>7</sup>

The Puritan hope was no less than the total transformation of the United Kingdom into a new Israel, and further, a kind of "super-Israel", one that would never fall theologically or nationally. But to produce this "super-Israel", society would have to observe a day set aside for preaching and thoughtful reflection upon its content.

## The Sabbath

Puritanism sought concrete steps to ascend the spiritual ladder to national 'godliness'. The crux of the Puritan social theory was strict Sabbatarianism, or a strict application of the fourth commandment. Universal observance of one day in seven for preaching and other spiritual exercises would amplify the effect of preaching. John Ley called the Sabbath "the training day of military discipline." The observance of this day contained "the sum and substance of all religion."<sup>8</sup> William Gouge held that one's entire personal sanctification depended upon the observance of the Sabbath. "The very life of piety", Gouge explained, "is preserved by a due sanctification of the Lord's day. They put a knife to the throat of religion, that hinder the same."<sup>9</sup> Without Sabbath observance, no Christian could attain the fulfillment of their spiritual potential. "Therefore we might learn to sanctify the Sabbath of the Lord, for else we shall never increase in faith, knowledge, or obedience as we should; for the begetting and increase whereof this day hath been set apart and sanctified from the beginning."<sup>10</sup> A common metaphor for the Sabbath was *marcatura animae*, or the marketplace of the soul. Henry Burton amplified the metaphor: "Again, it is the market day of our souls, wherein we come to God's house the market place, to buy the wine and milk of the word, without money, or money worth. How is that? By hearing and harkening to God's word, that truth whereby we are sanctified, John 17:17, and to pray unto him; thus by the word and prayer we are sanctified."<sup>11</sup> If Sabbath observance waned, according to George Walker, so all other spiritual exercises would decay: "the most effectual ordinary means of grace and furtherances to eternal life and blessedness, would undoubtedly grow out of use, and at length utterly decay and vanish."<sup>12</sup> To Walker, the Sabbath was "the hedge of defense to true Christian religion." "Preaching, reading and hearing of the word...true piety, and the true knowledge and worship of God, and true faith in Christ, are upheld, maintained, increased and continued among all Christian nations from generation to generation." To Cawdry and Palmer, the Sabbath was to be a weekly spiritual quintessence, a time when each Christian reached his spiritual peak.<sup>13</sup> This weekly spiritual zenith was a 'beachhead' for the invasion of the kingdom of God on earth. Heaven invaded earth according to the Deuteronomic vision the Puritans held. Henry Burton explains: "so as from the right sanctification of the Lord's

7 Richard Greenham, *Works* (1599), p. 164.

8 John Ley, *Sunday a Sabbath* (London, 1641), sig. C4.

9 William Gouge, *The Whole Armour of God* (London, 1627), sig. A2.

10 William Perkins, *A Godly and Learned Exposition upon Revelation* (London, 1606), p. 45.

11 Henry Burton, *The Law and the Gospel Reconciled* (London, 1631), p. 64.

12 George Walker, *The Doctrine of the Sabbath* (Amsterdam, 1638), sig. A2.

13 Daniel Cawdry and Herbert Palmer, *The Christian Sabbath Vindicated* (London, 1645), Epistle to the reader.

day doth spring all holiness, and power of religion, whereby God is honoured, the commonwealth itself is made glorious as being established and combined with the most firm bonds of pure religion, the crown and security of kings and kingdoms."<sup>14</sup> Cawdry and Palmer saw England's spiritual and material prosperity linked to Sabbath observance. Failure in Sabbath observance explained why the reformation in England failed, according to Cawdry and Palmer. "We think one main cause of these national judgments, under which this land now groans, was the public toleration of the profanation of the day."<sup>15</sup> The historian Primus interprets the "keeping of the Sabbath law" "as the key to all others."<sup>16</sup> Primus continues:

No wonder that, in their Deuteronomic vision, the welfare of the entire nation would stand or fall with the use or abuse of this holy time, with success or failure in performing the sacred duties of preparing for the Word, hearing the Word, reflecting upon the Word, and 'doing' the Word. And no wonder that the appointment of such a critical time could not be left to the relatively untrustworthy discretion of sinful human institutions.<sup>17</sup>

John Sprint perhaps captured the expectancy, fervor, and strenuous observance of the Puritan Sabbath best in his "Ode to the Sabbath."

A doctrine harmless, true, and holy, making thee holy and preparing thee to heaven, agreeing to the Scripture, to right reason, to common civility, and even to civil policies. A doctrine conforming us to the commandment of God, yea even to his blessed and holy image. A doctrine bringing much glory unto God, and benefit to man, knowledge to the ignorant, sense unto the hardened, direction to the willing, discipline to the irregular, conscience to the obstinate, comfort to the conscienced, and bringing none inconvenience in the world. A doctrine that addeth face, fashion, growth and firmitude unto a church, strength and comely order to a commonwealth; giving propagation to the gospel, help and vigor to the laws; ease, honor, and obedience unto the governors; unity and quiet to the people; and lastly, certain happiness and blessing to them all. For the which doctrine whosoever argues, pleadeth for God, for his glory, for his worship, for his commandment and will, for his word, his sacraments, and invocation: for the law, for the gospel, for Moses, and the prophets, for Christ and his apostles, for the upholding and flourishing estate of the church and commonwealth, of schools and universities, and of the faithful ministry of Christ. In a word they plea for the wearied bodies rest, for the evil conscience quiet; for the sound practice of godliness and mercy, in a certain, settled, and constant order. And so by consequence for heaven itself.<sup>18</sup>

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14 Burton, *Law and Gospel Reconciled*, p. 67.

15 Cawdry and Palmer, sig. A2.

16 Primus, p. 180.

17 Primus

18 John Sprint, *Propositions, Tending to Prove the Necessarie Use of the Christian Sabbaoth, or Lords*

## The Centrality of Preaching

For the Puritan movement, "the real energy was supplied by the preacher."<sup>19</sup> "The essential thing in understanding the Puritans is that they were preachers before they were anything else."<sup>20</sup> "In the sermons preached from hundreds of Puritan pulpits... Puritan ideology was set forth in its totality."<sup>21</sup> Preachers with close personal ties, calling each other 'brethren', spotted the English landscape.<sup>22</sup> The integrity and education of the Puritan minister was a welcomed contrast to clergy of their period. "Duties neglected, nepotism, plurality, non-residence, self-indulgence, some immorality, and, above all, ignorance these were characteristic of the Church and clergy."<sup>23</sup> Only by preaching could clerical abuses and the attendant societal degeneration be healed. No other spiritual exercise could replace the function of preaching. The sacrament of the Lord's Supper was a mere dead ritual without meaningful preaching.<sup>24</sup> Scripture reading without interpretative comment was scorned as the "dumb reading" of Scripture. The Reformation marks of a true church were three: the faithful preaching of the Word; the faithful administration of the sacraments, the Lord's Supper and baptism; and the exercise of Church discipline. William Whitaker in 1599 went a step further reducing the marks of a true church to one: biblical preaching.<sup>25</sup> John More, in Jeremiad style, declaimed the possibility of divine judgment against civil rulers if they banned biblical preachers from the parish pulpits. "Unless there be preaching, the people perish: unless they have believed, they are damned, and believe can they not without preaching."<sup>26</sup> Lancelot Andrewes declaimed that there could be no political justice without "propheta",<sup>27</sup> or "the careful looking to prophecy." Andrewes saw the basic cause of the fall of great nations to be moral declension; but a nation that attended to the pure preaching of the word would retain its political integrity. Andrewes illustrated his point by a military consideration. If the enemies of the United Kingdom sought to invade the island, where would they attack geographical considerations aside? Andrewes remarked they would chose to attack the locales "where people are least taught the fear of God".<sup>28</sup> He decried the practice of forcing incompetents to preach:

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*Day* (London: Thomas Man, 1607), pp. 35-36.

19 William Haller, *Rise of Puritanism* (New York: Columbia University Press, 1938), p. 15.

20 Irvonwy Morgan, *The Godly Preachers of the Elizabethan Church* (London: Epworth, 1965), p. 11.

21 Paul Seaver, *The Puritan Lectureships* (Stanford: Stanford University Press, 1970), p. 5.

22 The appellation "brethren" connoted Puritanism in their day as much as "comrade" connotes Communism in the present day. Irvonwy Morgan, *Prince Charles's Puritan Chaplain* (Ruskin House: George Allen, 1957), p. 41.

23 Paul A. Welsby, *Lancelot Andrewes* (London: SPCK, 1958), p. 65.

24 John S. Coolidge, *The Pauline Renaissance in England* (London: Clarendon, 1970), p. 142. David Little, *Religion, Order, and Law* (Oxford: Blackwell, 1970), pp. 68-70. John Calvin, *Institutes of the Christian Religion* (Philadelphia: Westminster Press), 4:1:5, 4:3:1.

25 William Whitaker, *Praelectiones* (Cambridge, 1599), pp. 387ff.

26 John More, *Three Godly Sermons* (Cambridge, 1594), introduction.

27 The Greek term *propheta* includes both fore-telling and forthtelling. The term encompasses the supernatural apprehension of the future and communication of future events, as well as simple communication of biblical and spiritual concepts.

28 Lancelot Andrewes, *The Moral Law Expounded* (London, 1642), pp. 301ff.

Since the dumb-dogs were lately beaten, every dunce took upon him to usurp the pulpit, where talking by the hour glass, and throwing forth headlong their incoherence, they have the luck forsooth to have it called by the name of preaching. The very Church is infested with as many fooleries of discourse as are commonly in the places where they shear sheep.

The Puritans of course, favored laws that would force society to hear their preaching. By moral persuasion and legal requirement, the Puritans sought to have their ministers 'quarterback' their society.

## **Covenant Theology and Puritan Sociology**

Puritan sociology revolved around a covenant. To the Puritan, God was the initiator and administrator of a binding contract between himself and human participants. The core of the Puritan sociology was the inter-connection of God with citizens to form a heavenly contract. This heavenly contract consisted of the mutual assent of divine and human participants.<sup>29</sup>

The Puritan George Walker wrote in 1641 that the "word covenant in our English tongue signifies, as we all know, a mutual promise, bargain, and obligation between two parties."<sup>30</sup> Although Walker states "two parties" as participants in a covenant, his thinking was actually triangular. Walker saw every contract between two individuals as actually a contract between three individuals God and the two other parties. To Christianize the polity of their day, they described God in the contractual terms of daily commerce. As the Puritan historian Zaret observes: "...in the form of a heavenly contractor, God became less remote and unknowable. No longer was God unaccountable, for God condescended to use a human device, a contract, in his dealings with humanity."<sup>31</sup> One Puritan minister, Richard Sibbes, expanded the concept of contract:

All the gracious promises of the Gospel are not only promises upon condition, and so a covenant, but likewise the covenant of grace is a testament and a will (a will is made without conditions; a covenant with conditions), that as he has made a covenant what he would have us to do, so his testament is that we shall have the grace to do so.<sup>32</sup>

The concept of the heavenly contract permeated Puritan society to produce a group conscience. Puritans knew that if they kept the conditions of God's heavenly contract, God would apply to their society positive sanctions, otherwise God would apply negative

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29 David Zaret, *The Heavenly Contract Ideology and Organion in Pre-Revolutionary Puritanism* (Chicago: The University of Chicago Press, 1985) pp. 130-136.

30 George Walker, *The Manifold Wisdom of God* (1641), pp. 39, 40 quoted by Zaret, p. 169.

31 Zaret, pp. 167-68.

32 Richard Sibbes, *Christ's Exaltation Purchast by Humiliation*, in *The Works of Richard Sibbes* (1639), 5, 342, as quoted by Zaret, p. 169.

sanctions<sup>33</sup> Puritan covenant theology yielded a social ethic with not only external control of society through their legal system, but also control from within through the conscience.

## **Influence of Civil War on Puritan Legal Theory**

"The first casualty of war is truth" may be a common adage today, but loyalists to King Charles doubtless hurled the gibe against Puritan lawyers and ministers who through their sermons to Parliament became legal ideologues and social policy-makers. The Puritan revolution was a violent clash of world views. What began as an effort to free the pulpits of the land from the shackles of prelacy turned into an all-out war to destroy prelacy and monarchy. Systems breed anti-systems. On the one side was the status quo the monarchy and the prelacy. When King James was confronted with Millenary Petition in 1608, where 1000 Presbyterian Puritans signed a petition for an English Presbyterian church, James is reported to have shouted "I will harry them out of the land." To James, who as king was also supreme head of the Anglican state church according to Elizabeth's Act of Supremacy, 'no bishop' translated to 'no king'. On the other side of the conflict, the Puritans, by whatever means necessary including arms, sought to replace the old corrupted system of authority with a biblical government built around the Calvinistic model of the church-state. Each side claimed to be "champions of law."<sup>34</sup> Each accused the other of "setting themselves above law and usurping the sovereignty of the state."<sup>35</sup> Although Charles blamed the Puritan preachers most for the disaffection of his subjects, Puritan lawyers became at least as evocative of public opinion after the formal commencement of hostilities when Parliament called its own militia in March of 1642.<sup>36</sup> The 'open break' between Charles and Parliament occasioned a volcano of Puritan declarations, manifestos, and pamphlets on law and religion.<sup>37</sup> As the King was denied access to munitions at Hull,<sup>38</sup> a pamphlet blasting the King's ideology of divine right exploded in the press:

A question answered: How Laws are to be understood, and obedience yielded. The answer was that there is in Laws an equitable, and literal sense. Command of the militia may be entrusted by law to the king for the public good to serve which is the reason and equity of law. But when any commander whatever acts contrary to the public good, then he himself gives liberty to the Commanded to refuse obedience to the Letter.... Nor need this equity be expressed in the Law, being so naturally implied and supposed in all Laws. Parliament cannot be required to vote it own destruction. A general may not turn his guns on his own men. Were he to do so, he would ipso facto estate them in a right of disobedience, except we think that obedience binds

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33 Zaret, p. 169.

34 William Haller, *Liberty and Reformation in the Puritan Revolution* (New York: Columbia University Press, 1955), p. 72.

35 Haller, p. 72.

36 Haller, pp. 71, 73.

37 Haller, p. 73.

38 A Question Answered, dated April 21, 1642, quoted by Haller, p. 73.

Men to cut their own throats.<sup>39</sup>

This tract's illustration of suicide provides a seminal analogy of the Puritan ideology. If the King, a self-professed divine right ruler, ordered a subordinate to cut his own throat, even a theological novice could see that the command does not emanate from God, for suicide, as self-murder, violates the 6th commandment. Puritan ideology presupposed a higher law than man's law. Through the Bible and conscience, subjects may know the higher law. To the Puritan, law was king. He believed that as God gave the law to Moses to govern Israel, and Moses himself was to be ruled by this law, God has given nations his law in the Bible and human conscience, and this law is to rule over kings and subjects alike. To the Puritan, Christian subjects not had not only the right but the responsibility to obey the higher law rather than man's if they contradicted each other.<sup>40</sup> If a man ruled men, this was the tyranny of monarchy. If a group of men ruled men, this was the tyranny of oligarchy. If the majority of men ruled a larger body of men, this was the tyranny of the majority. But if God ruled men, to the Puritan mind, this was liberty.

The doctrine of higher law found powerful exposition prior to the revolution in Christopher St. German's *Dialogue in English, betweene a Doctor of Divinitie, and a Student in the Lawes of England*, commonly referred to as *The Doctor and the Student*. The over-arching idea was that courts of equity, by setting up rules of equity based upon the Bible, universal reason, and conscience, could "supply inadequacies and correct injustices arising under the laws of states."<sup>41</sup> St. German taught English lawyers that God "imprinted the law of nature in every man, teaching him what is to be done, and what is to be fled. This law must be obeyed upon peril of one's soul, and it cannot be contravened by human custom, enactment, or decree."<sup>42</sup> Accordingly, the English common lawyer, John Lilburne, a member of Parliament, throughout the 1640's, would enter the House of Commons with his Bible in one hand and Coke's *Institutes* in the other.<sup>43</sup> Parliament seized upon this doctrine to justify its crusade against the king. Parliament and its supports presented this governing body as an embodiment of divinely given law and equity that supervened the corrupted law of the king. In short, Parliament's argument was good law was fighting bad law and "we're the good guys".

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39 A Question Answered, quoted by Haller, p. 73.

40 On this theory of government, the Puritans surpassed their theological father, John Calvin. Calvin held that it was the right of Christians to rebel against a religiously oppressive government but not their responsibility. John Knox, proceeded as a second generation reformer a step beyond Calvin. Knox held it was not only the option but the duty of Christians to rebel against a government that did not submit to the higher law. But Calvin's view of the right of Christians to rebel is qualified in that only the Christian magistrate, as a representative of Christians subjects, had the right to resist tyranny. "To withstand the fierce licentiousness of kings", Calvin wrote, lower magistrates, as protectors of the community under them, have the divine right and duty of constitutional resistance to tyranny. John Calvin, *Institutes of the Christian Religion*, (Phil.: Westminster Press, 1973), IV:20 pp. 1518-1519.

41 Haller, p. 72.

42 Haller, p. 72.

43 Harold J. Berman, "Religious Foundations of Law in the West: An Historical Perspective," *Journal of Law and Religion*, Volume 1, Number 1, Summer 1983, p. 33.

## The Puritan Ideology of Church and State

In the late 16th century, a particular Puritan luminary emerged at Cambridge who pioneered the distinctives of the Presbyterian branch of English Puritanism and the Puritan consensus on church and state. Cartwright's view of church and state was essentially derived from Calvin's *Institutes*, the most widely read theology of both the sixteenth and seventeenth centuries.<sup>44</sup> Thomas Cartwright is the chief artificer of the Puritan conception of the distinction of the church and state, the relation between church and state, and nature of church government and state government.

### Distinction of Church and State

The historical backdrop of the English Puritan movement involved an eclipse of church and state distinctions. Since Henry VIII, the English monarch was also supreme head of the English state church according to the Act of Supremacy. All political, legal, and ecclesiastical 'roads' led to the monarch. This merging of church and state sovereignty prompted one late 16th century theologian, Whitgift, to state:

If the church and commonwealth were under a Christian Prince al one: it should follow, that whosoever is a part of one, should needs be a part of the other: and contrawise, whosoever is cut of from one, must be cut of from the other.<sup>45</sup>

To Whitgift's uni-dimensional view of church and state, Thomas Cartwright responded according to the Calvinist 'two kingdoms' doctrine.<sup>46</sup> Although he viewed both church and

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44 "No other theological work was so widely read and so influential from the Reformation to the American Revolution. At least seventy-four editions in nine languages, besides fourteen abridgments, appeared before the Puritan exodus to America, an average of an edition annually for three generations." In 1578, the *Institutes* and Calvin's *Catechism* was required of all Oxford undergraduates. Until Archbishop Laud's supremacy in the 1630s, the *Institutes* was the key theological treatise in England among Anglicans and the various Puritan sects. Even Laud spoke subdued praise for the *Institutes*: the *Institutes* "may profitably be read as one of their first books of divinity." But Laud cautioned against New College students reading it "so soon". "I am afraid it...doth too much possess their judgment...and makes many of them humorous in, if not against the church." Herbert D. Foster, *Collected Papers* 78 (privately printed, 1929), as quoted by Berman, p. 25.

45 A. F. Scott Pearson, *Church and State Political Aspects of Sixteenth Century Puritanism* (Cambridge: At the University Press, 1927), p. 10. Note that Cartwright's works have been out of print since the 19th century; therefore, all quotes issue from Pearson's work, *Church and State*.

46 The Roman Catholic doctrine of the 'two swords' evolved, under the Calvinistic phase of the Protestant reformation into the 'two kingdoms'. The phrase 'two swords' first appeared in a letter from Pope Gelasius I to Emperor Anastasius in the late 400s, where the Pope held that the sphere of social order and lawmaking belonged to the Emperor and the spiritual sphere of spirituality belonged to the Pope. Boniface VIII, however, in 1302 ascribed both spheres to be ruled by the Pope who wielded both secular or temporal and ecclesiastical or spiritual swords. Bearman, p. 15. Calvin taught the theory of the two kingdoms, but the church and state were each responsible to God. After Cartwright, the Scottish Presbyterian Puritan Samuel Rutherford wrote *Lex Rex*, where he appealed to the law of nature written upon the hearts of all mankind, the ultimate sovereignty of the people, the origin of government in a covenant between God, the governor, and the governed, and the right of resistance when that covenant

state as thoroughly religious entities, Cartwright did not view church and state unidimensionally. Cartwright claimed that the "church and state should be two self-sufficient complete and distinct, but related societies",<sup>47</sup> defending his thesis by proof-texts from the Old Testament, Christ, the Apostolic Church, and post-Apostolic church fathers. According to Cartwright's interpretation of the Old Testament, the Judaeen King Jehoshaphat set a normative example of church-state relations in 2 Chronicles 19:11. In this text, Jehoshaphat appointed separate functionaries over ecclesiastical and governmental duties. Some officials were given authority over "all matters of the Lord." Other officials were given authority over "all the king's matters."<sup>48</sup> According to Cartwright, 2 Chronicles 19:11 forbade any individual holding an ecclesiastical office and political office simultaneously. An earlier Puritan, John Jewel, argued that an individual could indeed hold both types of office simultaneously. Jewell argued that Samuel, although a prophet to Israel was also a judge over Israel. To the claim regarding Samuel and other Old Testament prophets who were also kings, Abraham, David, and Solomon, for example, Cartwright responds:]

Some sharper Adversary might here have objected: that Moses, David, and Solomon, being princes in the most flourishing estate of the church: did notwithstanding make church orders. Whereunto I answer, that they did so, partly, for that they were not kings only and princes, but also prophets of God: partly, for that they had special and express direction thereto from God by the prophets: whereby they did even those things in the church, which, without such special revelation, was not lawful for the priests themselves to have done. And although the truth of this answer be apparent: yet, that it may have the more authority, especially with the D[octo]r that tasteth nothing without this sauce; he may understand that it is M. Calvins answer of Moses, and that in this present cause now debated.<sup>49</sup>

Cartwright responds to the overlap of ecclesiastical and political powers of Moses, David, and Solomon by delineating a distinction between "extraordinary" and "ordinary" offices in Scripture. Extraordinary offices were filled by those endowed with supernatural ability from God. Extraordinary officers could be endowed with knowledge of the future and power to perform miracles. Ordinary officers included those who, like the Levitical priests, fulfilled their duties ordinarily, that is devoid of any supernatural knowledge or ability. Quoting Christ, Cartwright argued that church and state were distinct entities. Christ's example, according to Cartwright, defined the distinction: "our Savior Christ, having the spirit without measure, refused as a thing unmete for his ministry, the office of a Judge."<sup>50</sup> In defense, Cartwright quoted Luke 12:14, "Master, bid my brother divide the inheritance with me." Christ responded, "man who made me a judge or a divider over you?" Cartwright deduced that ecclesiastical officials should not intermeddle with matters

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was broken. Later, John Locke would coin the Calvinistic political arguments in the late 1680s and 1690s.

47 Pearson, p. 10.

48 Pearson, p. 11.

49 Pearson, p. 12.

50 Pearson, p. 10.

of civil authority. From Matthew 20:25, Mark 10:42, and Luke 22:25, Cartwright cited Christ's admonition to the sons of Zebedee's wife that they should not exercise dominion as the princes of the Gentiles do, but seek to be servants of all.<sup>51</sup> From Christ's refusal to administer a civil judgment in the case of a woman taken in adultery in John 8:1-12, Cartwright deduced that this was tantamount to a separation of an ecclesiastical authority from judicial authority. Moses would have put the woman to death because he was the supreme judge of the fledgling state of Israel in 1446 B.C.; Christ forgave the woman because he was head of a spiritual and ecclesiastical entity, the fledgling Christian church in A.D. 30. Cartwright also argued from the practice of the Apostles that the church and state are, in the biblical sense, distinct entities. Cartwright argues from a dubious analogy on this point: since elders are endowed with spiritual gifts but earthly matters were relegated to deacons, so ecclesiastical matters should be served by the church and civil matters served by the state. Against "mingling of civil and ecclesiastical estates", Cartwright cites the post-apostolic father Ambrose who would not allow doctrinal issues to be deliberated in the civil courts. He further identifies his position as apposite to the post-apostolic father Augustine and his contemporary reformers, Calvin, Beza, and Bucer.<sup>52</sup> In sum, Cartwright argues that a minister should not concurrently serve as a judge, because the ministerial function:

...is of greater weight then the strongest back can bear, of wider compass then the largest handes can faddam: a soldiaryfare that wil be only attended upon: seeing also it tendeth to the destruction of the body when one member encroacheth upon the office of another: and the civil Magistrate may by the same right invade the office of the Minister as he the office of the civil Magistrate.<sup>53</sup>

### **Relation of Church and State**

Cartwright argues for the superiority of the church over the state. The state is only as healthy as the church: "the church is the foundation of the world, and therefore the common wealth builded upon yt..."<sup>54</sup> In 1647 another Puritan, Samuel Richardson, framed the issue of which sphere should dominate: "either the civil, or the spiritual state must be supreme: which of these must judge the other in spiritual matters?" To Richardson, the ecclesiastical realm trumps the political.<sup>55</sup> Similarly for Cartwright:

As the house is before the hangings and therefore the hangings which come after must be framed to the house which was before, so the church being before there was any commonwealth, and the commonwealth coming after

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51 Pearson, p. 11.

52 Pearson, pp. 13-14.

53 Pearson, p. 14.

54 Pearson, p. 17.

55 Samuel Richardson, *The Necessity of Toleration in Matters of Religion. King's Pamphlets*, E. 407 (18), p. 11, as quoted by G. B. Tatham, *The Puritans in Power A Study in the History of the English Church from 1640 to 1660* (Cambridge: At the University Press, 1913), p. 215.

must be fashioned and made suitable unto the church. Otherwise God is made to give place to men, heaven to earth....<sup>56</sup>

The reason for the state's existence is to provide an orderly and efficient environment for the church to fulfill her mandate to gather the "full number of the elect."<sup>57</sup> Cartwright analogizes the relation of church and state through allusion to the mythological twins of Hippocrates. When one twin laughed, the other laughed; when one wept, the other wept.<sup>58</sup> When church is negligent, her negligence results in some cognizable wound in the state. As Pearson states his summary of Cartwright's view: "deficiencies of the one produce deficiencies in the other. The commonwealth will not flourish until the church is reformed."<sup>59</sup> Cartwright's Hippocratic analogy implies that the church and state are bound together by a principle of symbiotic reciprocity. The two entities in symbiosis need each other. The church depends upon the state to provide an external social order in which to spread the Gospel and disciple its adherents. Cartwright compared the need of the church for the state and the need of all life for the sun. The state needs the church to transform its citizens from within to be governable, law-abiding, and contributing members of society. Commonwealths "without the church cannot long survive," Cartwright declaimed.<sup>60</sup> If the church's message, God's word, is "despised or abridged of a free and full course, princes, magistrates, and their commonwealths go to wreck or decay." "The want of the word of God produces a corresponding want of prosperity in the state."<sup>61</sup> Cartwright cited such texts as Proverbs 8:15 and Isaiah 40:12: "by me<sup>62</sup> kings reign, and princes decree justice"; for nation and kingdom that will not serve thee shall perish." Cartwright, as quoted by Whitgift, furthers his argument according to Proverbs 8:15 and Isaiah 40:12:

It is true that we ought to be obedient unto the civil magistrate which governeth the church of God in that office which is committed unto him and according to that calling. But it must be remembered that civil magistrates must govern it according to the rules of God prescribed in his word, and that as they are nurses so they be servants unto the church, and as they rule in the church so they must remember to subject themselves unto the church, to submit their sceptres, to throw down their crowns, before the church, yea, as the prophet spaketh [Isaiah 49:23],<sup>63</sup> to lick the dust of the feet of the church.

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56 Pearson, pp. 16-17. For too long Puritan ministers had been shackled by civil laws made by Anglican controlled offices of the magistrates. For examples of how Puritan ministers circumvented such restrictions, see Ronald D. Marchant, *The Puritans and the Church Courts in the Diocese of York, 1560-1642* (Aberdeen: Longmans, 1960), pp. 83ff.

57 Pearson, p. 17.

58 Pearson, p. 19.

59 Pearson, p. 20.

60 Pearson, p. 20.

61 Pearson, pp. 20-21.

62 Most Christian commentators of Proverbs 8 hold that the discourse's subject is Christ. This text would be interpreted "by Christ kings reign." In Cartwright's world view, Christ can not be known except through his disciples who compose the Christian church.

63 Isaiah 49:23: "And kings will be your guardians, and their princesses your nurses. They will bow down to you with their faces to the earth, and lick the dust of your feet; and you will know that I am the Lord; those who hopefully wait for me will not be put to shame."

Wherein I mean not that the church doth either wring the sceptre out of the princes' hands, to take their crowns from their heads, or that it requireth princes to lick the dust of her feet (as the pope under this pretense hath done), but I mean, as the prophet meaneth, that whatsoever magnificence, or excellency, or pomp, is either in them, or in their estates and commonwealths, which doth not agree with the simplicity and (in the judgment of the world) poor and contemptible estate of the church, that they will be content to lay down.<sup>64</sup>

Cartwright's conception of any government official, whether a hereditary monarch or elected monarch, is that the official is chiefly a servant of God. Earthly rulers must obey the commands of God in Scripture.<sup>65</sup> In today's terms Cartwright would fall into the theological category called theonomists or Christian reconstructionists.<sup>66</sup>

### **Church Government and State Government**

Cartwright's most significant contribution to the Puritan movement was his exposition and apologetics for Presbyterian government through his lectures at Cambridge on the Book of Acts. His method was to "return to the sources", that is, the original books of the Bible.<sup>67</sup> His influence for Presbyterianism earned him recognition as the father of Presbyterian Puritanism. Cartwright believed that both the church and state were theocracies.<sup>68</sup> The government of the church and the government of the state are coterminous under one governor, God. The framework of ecclesiastical government that Cartwright fashioned from the Book of Acts was fundamentally anti-monarchical. Cartwright's framework is democratic and republican: democratic in that he believed that congregations should have a say in the determination of their ministers. Writing on the election of an assembly's ministers, Cartwright argued:

Which things, if they have grounds in civil affairs, they have much better in ecclesiastical. For it is much more unreasonable that there should be thrust upon me a governor of whom the everlasting salvation or damnation both of my body and soul doth depend, than him of whom my wealth and commodity of this life doth hand; unless those upon whom he were thrust were fools, or madmen, or children, without all discretion of ordering themselves.<sup>69</sup>

Unless those voting be "fools", congregations should vote for the ministers who will represent them. Further, these elected ministers should meet in higher bodies called

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64 Pearson, p. 26 quoting the *Works of John Whitgift*, volume 3, p. 189.

65 Pearson, pp. 26-27.

66 For an overview of theonomic or Christian reconstructionist framework see Greg Bahnsen, *Theonomy in Christian Ethics* (Philipsburg: Craig Press, 1979).

67 William Furke, *Elizabethan Puritanism* (New York: Oxford University Press, 1971), p. 235.

68 He believed, however, that the Presbyterian church should be the church to of entire nation. C. E. Whiting, *Studies in English Puritanism from the Restoration to the Revolution* (New York: Augustus M. Kelley Publishers, 1968), p. 46

69 Pearson, p. 45 quoting the *Works of John Whitgift*, volume 1, 372.

Presbyteries to vote on matters of church dogma and praxis. Similarly, Cartwright held that political sovereignty should depend on the consent of those governed:

It is said among lawyers and indeed reason, which is the law of all nations, confirmeth it, *Quod omnium interest ab omnibus approbari debet*: "That which standeth all men upon should be approved of all men. Which law hath this sense, that if it may be, it were good that those things which shall bind all men, and which require the obedience of all, should be concluded, as far as may be, by the consent of all, or at least by the consent of as many as may be gotten. And therefore it draweth much the obedience of the subjects of this realm, that the statutes, whereby the realm is governed, pass by the consent of the most part of it, whilst they be made by them whom the rest put in trust, and choose for that purpose, being as it were all their acts."<sup>70</sup>

Clearly, the consent of those governed, both in the ecclesiastical and political spheres, was a hallmark of Cartwright's theory of legal and political sovereignty.<sup>71</sup> Jeremiah Burroughes, the influential commentator on the entire book of Ezekiel, followed in the political and legal theory of Cartwright when he wrote that no Christian was bound to obey a government "that he no way...hath...yielded consent unto."<sup>72</sup>

## Conclusion

Modern adherents of Calvinistic theology may mourn the passing of the Puritan era. But, as Harold J. Berman of Harvard remarks, a future focus is in order:

Merely to mourn the passing of an era would, of course, be foolish. Since there is no going back, the important question is, "How shall we go forward?" By retracing the experience through which we arrived at our present predicament, can we find some guidelines, and some resources, that may help us to overcome the obstacles that block our way to the future?<sup>73</sup>

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70 Pearson, p. 44, quoting the *Works of John Whifgift*, volume 1, 370.

71 There were clear limitations to the application of this principle. Cromwell, for instance, had no inkling of concern about the consent of the Romanist population of Ireland when instituted Puritan rule by the power of the sword. The northern province, Ulster, openly embraced Puritanism while southern provinces remained Papist. Cromwell held the Papists to be heretics and idolaters unworthy of any role in self-government. Further, Cromwell's subjugation of the Irish Papists was so severe that for decades the most fearful imprecation the Irish could hurl at each other was "the curse of Cromwell be upon you." John Stephen Flynn, *The Influence of Puritanism on the Political and Religious Thought of the English* (New York: E. P. Dutton, 1920), p. 93.

72 Jeremiah Burroughes, as quoted by Paul S. Seaver, *Journal of Church and State*, Volume 26, Number 1, Winter '84, p. 136. Seaver quotes Donald and Keith Thomas, ed., *Puritans and Revolutionaries: Essays in Seventeenth-Century History Presented to Christopher Hill* (Oxford: Clarendon Press, Oxford University Press, 1982).

73 Berman, p. 42.

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