

# The Origins of Defensive Natural Law in Huldrych Zwingli's Covenant Theology

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## 1. Introduction

Generally speaking, natural law in 16<sup>th</sup> century Reformation theology entailed the God-given creational ordering of the universe and God's demands to act according to His will, revealed through His Spirit. Furthermore, God's law (including natural law) is summarized and sharpened in the Decalogue, to accuse the conscience of sin, to reveal injustice and to restrain man's injustice.<sup>1</sup> This so-called threefold use of the law was supplemented in the Zurich Reformation by a fourth function of the law, linked to the idea of the covenant, namely, to defend the victims of injustice against tyranny and oppression by unjust political rulers. The defensive role of natural law under the guidance of God's Spirit, acting as a political tool for deposing oppressive political rulers, was introduced by the Zurich Reformation from the first quarter of the 16<sup>th</sup> century. The views of Leonard J. Trinterud that the "natural law of the state contract" was also the "natural law of the covenant of works", which, by the 1580's had begun to gain considerable popularity on the Continent, and Charles J. Butler's comments to the effect that up to the 1580's natural law principles had functioned separately from the idea of the covenant, need to be reconsidered in view of the role of the covenant and defensive natural law theory from the first half of the 16<sup>th</sup> century in the Zurich Reformation.

In his seminal article entitled "The Origins of Puritanism", Leonard J. Trinterud traces the origins of covenant theology to two developments taking place at the same time. He links one line of covenantal thinking to Calvin, Beza, and Genevan Reformed theology. The second strand goes back, states Trinterud, to Zwingli, Bullinger and other Swiss theologians in the Reformed fold.<sup>2</sup> These developments, according to Trinterud, not only had a major theological impact but also relate to the rise of the covenant as a socio-political idea.<sup>3</sup> Trinterud states that as the Reformers sought to weave together one complete "theological-political-social theory" the older theological doctrine of the covenant could not be used, for it was a covenant of redemption restricted entirely to the elect. It was, however, states Trinterud, the emerging idea of a "covenant of works" which provided a theological basis for moral, civil, and religious obligations, binding upon all men and into which the whole state contract theory was incorporated by the theologians.<sup>4</sup>

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<sup>1</sup> This is also typical of Calvin's views on the role of the law. See Edward A Dowey, "Law in Luther and Calvin", <http://theologytoday.ptsem.edu/jul1984/v43-4-article1.htm>, 1-7.

<sup>2</sup> Leonard J. Trinterud, "The Origins of Puritanism", *Church History* 20 (1951), 37-57.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

In his work on religious liberty and covenantal theology, Charles J. Butler<sup>5</sup> commented that from the 1580's the natural law principle which had functioned by itself and in the civil covenant theories of the fifties and seventies could be linked to the covenant of works and used to press religious responsibilities upon man either personally or corporately.<sup>6</sup>

The problems pertaining to these, and similar views on the origins of natural law theories in Reformed federal theology, and the use of the covenant and natural law as political and legal devices in particular are threefold: firstly, the level of development and extent of the covenant as a political device in the Zurich Reformation is often forgotten; secondly, the close relationship between covenant and natural law in the Zurich Reformation is not adequately appreciated, and thirdly, the impact of the natural law views of the Zurich reformers Zwingli and Bullinger pertaining to federal natural law and politics in the field of resistance to tyranny, is not sufficiently appreciated.

The use of the covenant, also as the political basis of the Christian community, together with a strong theory of natural law, acting as the catalyst for protection against injustice and tyranny, under the guidance of God's Spirit, provided a paradigm for later generations of Reformed political theorists like Beza, Knox and Goodman, to develop a strong theory of resistance to tyranny in the Genevan and Scottish Reformations. It was this legacy of defensive natural law, guided by the working of God's Spirit, which served as the basis for a much more dynamic, voluntaristic and active political theory in the Reformed tradition.

## **2. Natural law and covenant in the Zurich Reformation**

### **2.1 Natural law as the catalyst for political resistance**

The question whether active resistance to political authorities could be tolerated, was originally answered in the negative by Martin Luther (1438-1546).<sup>7</sup> Although he recognized the fundamental role of natural law,<sup>8</sup> he originally accepted only the possibility of passive resistance to tyranny. Underlying Luther's views were his acceptance of the Paulinian emphasis on the divine origin of political authority and the priority of legal certainty in his theology. To Luther the suffering of injustice provided a spiritual weapon against the abuse of power. He even employed

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<sup>5</sup> *Religious Liberty and Covenant Theology* (Dissertation, Temple, 1979), 19-20.

<sup>6</sup> *Ibid.*

<sup>7</sup> It was only in January 1539, together with Jonas, Bucer, and Melanchthon, that he signed a memorandum, arguing from natural law, stating the right and duty of princes to defend their subjects against an unjust ruler and against the emperor, especially in matters of religion. Those resisting are compared to the natural protection of his children by a father (see E.L. Enders, *Dr. Martin Luther's Briefwechsel* (19 vols.; Frankfurt a.M.: 1884-1923), XII, 78ff.

<sup>8</sup> See e.g. his *Vorlesung zum Römerbrief*, ed. J. Ficker (Leipzig, 1908), 20. In his work *Die erste Disputation gegen die Antinomer* (1537) *Werke* (Weimar Ausgabe), XXXIX, Part I, 374, he states that if God had never given the Law of Moses, yet the mind of man naturally has this knowledge that God is to be worshipped and our neighbor to be loved. He adds, however, that although the law of nature is the basis of human law, human reason is "so corrupt and blind" that it fails to understand the knowledge native to it or else "knowingly neglects and despises it" (*ibid.*, XL, Part II, 66 f.).

a natural law argument against rebellion, stressing the authority of the emperor, adding that though “they are usually the greatest fools and the worst knaves on earth ... they are God’s jailers and hangmen and his divine wrath needs them to punish the wicked and preserve outward peace.”<sup>9</sup>

Huldrych Zwingli (1484-1531), however, from an early stage, accepted the possibility of resistance to tyranny, basing his views on the political sovereignty of the subjects and the natural law rights underlying their political power. On the foundations of his natural law theory, Zwingli provided for mechanisms in the Christian commonwealth to dethrone tyrants abusing their power.<sup>10</sup> Natural law in Zwingli’s system, therefore, acts as the catalyst for resisting injustice. As catalyst to resist tyranny, natural law is closely integrated with the role of the covenant in the Christian community – the people are obliged to dethrone tyrants acting contrary to the law of God. To Zwingli, it is a sign of inner decay when tyranny is tolerated – God punished Israel for tolerating the tyranny of Manasse, and Milo acted virtuously by killing Claudius and saving Rome from his abuses.

From 1523, Zwingli advanced the principle of resistance to tyranny, based on theological (the covenant) and legal (natural law) presuppositions. Zwingli’s covenantal and natural law theory provided a fertile paradigm for legitimizing resistance to tyranny in the field of Reformed politics.

## 2.2 Natural law and justice

Huldrych Zwingli’s views on the theological underpinnings of natural law were the direct results of his first Zurich disputation, arranged by the Zurich government for 29 January 1523.<sup>11</sup> The sixty seven theses (*Schlussreden*), prepared for his public defence, were elaborated into an extensive commentary within a period of six months.<sup>12</sup> In his commentary on article 33, Zwingli remarks, on the authority of Scripture and the law of nature, that property unlawfully acquired should not be given to churches, monasteries, monks, priests or nuns, but to the needy, if it cannot be returned to the legal owner – “not the fallen nature (of man) but the nature (of man) which God teaches through his Word in the hearts of the believers”.<sup>13</sup> In his comments on article 39, declaring that all laws should be in accordance with the divine will, Zwingli maintains that all laws should conform

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<sup>9</sup> Ibid., XI, 268.

<sup>10</sup> John T. McNeill, “Natural Law in the Teaching of the Reformers”, *Journal of Religion* (1946), 168-182, on 168, is not correct, therefore, in his statement that with the possible exception of Zwingli, all the leaders of the Reformation “express a quite ungrudging respect for the moral law naturally implanted in the human heart ...”.

<sup>11</sup> For Zwingli’s first disputation and his preparation of the sixty seven theses, see Gottfried W. Locher, *Die Kirche in ihre Geschichte. Zwingli und die schweizerische Reformation* (Göttingen: Vandenhoeck & Ruprecht, 1982), J22-J24.

<sup>12</sup> Ibid., J23. Also see G.R. Potter, *Huldrych Zwingli* (London: Edward Arnold Publishers, 1978), 20.

<sup>13</sup> August Baur, *Zwinglis Theologie. Ihr Werden und ihr System* (Hildesheim / Zürich / New York: Georg Olms Verlag, 1984), 259.

to the law of nature – the will of God inscribed upon the minds and hearts of men.<sup>14</sup> This law of nature was neither invented by man nor by the reason of mankind, but by God, the “Father and Creator” (the Source) of everything.<sup>15</sup> The obedience to the law of nature comes through the illumination of God’s Spirit. Therefore, also the heathens have access to the law of nature, not through their own reason but through the illuminating Spirit of God, unknown to them.<sup>16</sup> In his discourse on natural law in Matthew 7, in the light of the commands to love God and to love one’s neighbor, Zwingli equates the law of nature with “true religion, to wit the knowledge, worship, and fear of the supreme deity”. This law of nature, which is written by God in man’s heart, is renewed by the grace of Christ. As at the beginning, this light is shone upon man by the Spirit of God, so afterwards it is restored and confirmed by the Spirit of Christ.<sup>17</sup> Where this law of nature prevails, man needs no government. Civil government, therefore, is the result of man’s broken nature. Because of man’s fallen state and his inability to act justly, civil government became necessary.<sup>18</sup>

To know the law and make the right laws, civil authorities must be obedient to God and believe in Him. This brings the restraining function of law into play: This law of neighborly love and nature is directive to the authorities: firstly, serving as a guide for individual unforeseen instances in criminal cases for which no specific law is laid down; and secondly, to determine whether the laws restraining man’s sinful conduct are in accordance or in conflict with “the law of the neighbor and nature”, both having the status of law.<sup>19</sup> Because reason is not the basis of man’s judgment, because it is subject to impure motives, only rulers who know and believe in God, do rightly understand the law of nature.<sup>20</sup> The status of natural law *vis-à-vis* the Decalogue

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<sup>14</sup> Zwingli’s arguments based on Romans 2:14-15 entail that God alone inscribes the law of nature in the hearts of men. Men are made aware of the obligations of human brotherhood, and even of the existence of God, by God’s enlightening. The law of nature, therefore, is nothing but the pure spirit of God which impels and illuminates mankind inwardly.

<sup>15</sup> See Baur, *Zwinlis Theologie*, 263.

<sup>16</sup> The heathens, therefore, do not understand the law of nature, save as they have come to know it through the enlightening spirit of God. The implication is that the enlightened heathens have obtained their knowledge of the natural law from the Spirit of God.

<sup>17</sup> *Huldreich Zwingli’s Werke*, Erste vollständige Ausgabe durch Melchior Schuler und Schultess (8 vols., Zurich, 1828-1842), hereafter cited as *S*, VI I 243.44-244.27. In his *Exposition of the Articles*, Zwingli speaks of the Spirit as at work in the Gentiles, knowing the law of nature not from their own understanding, but from the illumination of the Spirit. See *Huldreich Zwinglis Sämtliche Werke* (Berlin, Leipzig, Zurich, 1905- ), hereafter referred to as *Z*, II 327.3-13.

<sup>18</sup> See Baur, *Zwinlis Theologie*, I:236: “Also erlernest du, dass du als Obrer zuerst verordnet bist in die zerbrochene natur, in die lahme und halbe Gerechtigkeit ...” J.T. McNeill, *The History and Character of Calvinism* (New York: Oxford University Press, 1954), states this succinctly: “The natural law itself is for Zwingli the working of God’s spirit in man’s heart. Man’s nature has been ‘shattered’ in the Fall. For this reason he requires political government. Even the Christian ... remains a wretch in God’s sight ... and needs the compulsion of the state.”

<sup>19</sup> See Baur, *Zwinglis Theologie*, I:264.

<sup>20</sup> See *Auslegung und Grunde der Schlussreden* (1523), Articles 38, 39 (text in *Huldreich Zwingli: sämtliche Werke*, ed. E. Egli, G. Finsler, W. Köhler, et al., II (Leipzig, 1908), 320-333). See also A. Bauer, *Zwingli’s Theologie* (Halle, 1885), I, 259 ff.; J. Kreutzer, *Zwingli’s Lehre von der Obrigkeit* (Stuttgart, 1908), pp. 19 ff.; A. Farner, *Die Lehre von Kirche und Staat bei Zwingli* (Tübingen, 1930), pp. 35ff.; B. Brockelmann, *Das Corpus Christianum bei Zwingli* (Breslau, 1938), pp. 44 ff.

in Zwingli's theology gave rise to that which W.J. Torrance Kirby<sup>21</sup> calls "a commonplace of the exegesis of the reformers that the twofold obligation to honour God and deal justly with one's neighbour is taught by both natural and divine law" and the interplay between the natural and the revealed knowledge of God giving shape to "the magisterial reformers' complex, dialectical approach to the authority of natural law", and the theory of natural law, in turn, constituting a critical link between theology and ethics in their thought.<sup>22</sup>

Concerning the pedagogical use of the law, Zwingli asserts that not only the rulers but also the people must be faithful and obedient to the will of God, the rulers having the specific duty to promote the true knowledge of God among the people.<sup>23</sup> This can only be accomplished through the Word of God which has the power to renew mankind. No commonwealth is more peaceful and religious than that in which the Word of God is preached in its purity. On the other hand, those who do not wish to have the gospel preached among the people are none but tyrants. Where governor and governed are united in faith, peace, friendship and love prevail, as was the case among the first Christians. Consequently, the people are not merely to be seen as objects over which the authorities exercise power, but towards the believers the civil authorities should behave themselves as brothers. The restraining function of the law is closely related to its pedagogical use in so far as the civil authorities should not only be concerned about punishing untruthful people but also protect the just from injustice so that they do not fall into unbelief and evil. The restraining function of the law entails that Christian authorities have the duty to protect the oppressed so that the "fat goats do not kill the oppressed lamb".<sup>24</sup>

One of the most important precursors to Zwingli's second Zurich disputation, in the field of religion and politics, was his work on divine and human justice.<sup>25</sup> In this treatise Zwingli states that in response to God's command, people must be submissive and obedient to human justice, although it is such a poor manifestation of justice that it is only useful in so far as it guards against the greatest evils. Man is not righteous in God's sight – even if he does not keep them, he sins against God and man. Human justice (or government) is merely the common authority that is called secular authority and has no basis in the Bible.<sup>26</sup>

The commandments of God are not merely advice, as the priests maintain, but are the direct orders from God which He requires us to obey. Man cannot possibly, however, by his own strength obey God's orders (as contained in the gospel containing God's direct commands), but only through the work of Christ, acting as the mouthpiece expressing God's will.<sup>27</sup>

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<sup>21</sup> "Richard Hooker's Discourse on Natural law in the Context of the Magisterial Reformation" <http://www.mun.ca/animus/1998vol3/kirby3.htm>, 8.

<sup>22</sup> "Richard Hooker's Discourse on Natural Law", 8.

<sup>23</sup> See Baur, *Zwinglis Theologie*, I:264.

<sup>24</sup> Baur, *Zwinglis Theologie*, I:264.

<sup>25</sup> See Locher, *Zwingli und die schweizerische Reformation*, J25.

<sup>26</sup> See Z II, 481-483.

<sup>27</sup> Ibid.

Zwingli states that there are many godless men who not only have the common weakness that they do not love God above everything else, but also do not believe that there is a God who rewards the good and punishes the wicked and, therefore, commit great and heinous crimes. If they were not restrained in their obstinacy and violence the whole population would be reduced to anarchy, for without the fear of God, anyone would take what did not belong to him and if the owner objected he would be killed. This God foresaw and ordained that godlessness should be restrained and kept in order. The restraining function of law is needed so that even if men do not care about God, they must still leave men in peace and not intimidate them as they like. This much poor, weak human justice can do. Laws are made because some people are bad. Those who keep the law do not do so for the sake of God but in order that they may not be punished.

Judges and authorities are servants of God, they are schoolmasters, and those who are disobedient towards them, also act against God. On the other hand, people who obey these human laws which God has given against divorce, against oath-breaking, theft, etc. are even then not just before God. This entails that even obedience to the law of nature, therefore, does not bring about divine justice.<sup>28</sup>

The appearance of Zwingli's *Christliche Einleitung* emanated from his second disputation in Zurich. The *Einleitung*, in both a theoretical and a practical sense, dealt with the contrast between sin and grace. Zwingli starts from the premise that because of man's sinful nature, man cannot accomplish justice or perform good works. Different from the animals, God revealed His law in man in order to distinguish between justice and injustice. Because the nature of the law is the revealed will of God, the law of nature is also eternal. This "law of nature" takes its origin from God and does not flow from man's reason (which is only directed at the satisfaction of man's avarice). Also among the heathens, this law is revealed in their hearts.

Natural law, however, does not have the power to make man pious and just, but only shows him what man should be so that "living according to God's will, will make him pious and bring him to God". If then the law does not make man righteous, what is the good of the law? The answer is: to know sin, which shows the close connectedness of the various functions of the law.

Heinrich Bullinger (1504-1575) expounded the natural law theory of the Zurich Reformation along the same lines as those of Zwingli. In Bullinger's approach, the same strong emphasis on the will of God revealed in the heart of man and the work of God's spirit can be detected. In the second decade of sermons in his *Decades*, Bullinger summarizes the sum of all laws in the love of God and one's neighbor.<sup>29</sup> God, who is the cause of all laws, vouchsafes with his Spirit, through Jesus Christ, to direct the believers in the way of truth and righteousness.<sup>30</sup>

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<sup>28</sup> Baur, *Zwingli's Theologie*, 297.

<sup>29</sup> *The Decades of Henry Bullinger*, 4 vols., ed. for the Parker Society (Cambridge: 1849-1852), 2:193 (decade 2, sermon 1 [II:1]).

<sup>30</sup> *Ibid.*

Referring to Cicero's definition of law being "an especial reason, placed in nature, commanding what is to be done, and forbidding the contrary", Bullinger takes law to be nothing but the declaration of God's will, "appointing what thou oughtest to do, and what thou oughtest to leave undone".<sup>31</sup>

To Bullinger, the beginning and ultimate cause of laws is God himself, who is the fountain of all goodness, equity, truth and righteousness. Therefore all good and just laws come from God Himself, although they are, for the most part, published and brought to light by men.<sup>32</sup> This concerns the pedagogical use of the law in particular. Concerning the law of nature, Bullinger describes it as an instruction of the conscience, and, "as it were, a certain direction placed by God himself in the minds and hearts of men, to teach them what they have to do and what to eschew".<sup>33</sup> To this he adds that the conscience is the knowledge, judgment, and reason of a man, whereby every man in himself, either condemns or acquits himself of what he has done. This reason proceeds from God, "who both prompteth and writeth his judgments in the hearts and minds of men".<sup>34</sup>

This law of nature, to Bullinger, does not refer to the disposition or nature of men by itself to do good and perform holy works, but because God had imprinted (engraven) in the minds of men some knowledge, and certain general principles of religion, justice, and good works, "which, because they be grafted in us and born together with us, do therefore seem to be naturally in us".<sup>35</sup> The educative function of natural law is contained in the fact that it teaches man through creation to worship and honor God and to be thankful that there is a God who is to be acknowledged and reverently worshipped.

The law of nature does not only teach men what is good and what is evil but also convinces mankind of evil and generally performs a restraining function on men. Alluding to Romans 2: 14-16, Bullinger takes the gentiles to have the law disclosing the will of God, teaching them what to do and what to eschew by nature.<sup>36</sup> This knowledge they have because of the law of nature written in their hearts by God. Therefore, by the knowledge imprinted by God in nature, even the gentiles may understand what is good and what is evil, what is to be desired and what is to be avoided.<sup>37</sup> To this is closely related the function of the law to teach men what sin and evil are. The law of nature, not the written law, but the unwritten law grafted in man, has the same

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<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid., 2:194 f. [2:1].

<sup>34</sup> Ibid.

<sup>35</sup> This law also imprints general principles of religion and justice in the soul, in such a fashion, states W.J. Torrance Kirby, "Richard Hooker's Discourse on Natural Law in the Context of the Magisterial Reformation", <http://www.mun.ca/animus/1998vol3/kirby3.htm>, 6. Because the fault of the Gentiles lies not so much in ignorance of God's purposes but rather in a turning away from the knowledge they possess, it implies that the will rather than the intellect is at the root of their failure to observe the law, producing a distinct "voluntaristic" turn in Bullinger's natural law theory.

<sup>36</sup> Ibid., 2:194-195 [2:1].

function as that of the written law, namely, to direct men and to teach them to discern between good and evil.<sup>38</sup> The beginning of this unwritten law “is not of the corrupt disposition of mankind, but of God himself, who with his finger writeth in our hearts, fasteneth in our nature, and planteth in us a rule to know justice, equity, and goodness”.<sup>39</sup>

The restraining role of natural law is closely linked to its function of convincing men of evil. To Bullinger the conscience, instructed by the law of nature, accuses and condemns the evil committed, “because this conscience only and alone, is instead of a thousand witnesses”<sup>40</sup> and man may not despise or lightly pass over the accusations of the conscience, when the Lord shall come with justice and equity to judge the world.<sup>41</sup> All this entails that in the light of the law all nations are sinners, “whom unless the Son of God, the common and only Saviour and deliverer of all the world, do cleanse from their offences, it cannot be but that all nations must needs perish in their sins”.<sup>42</sup> This restraining function of natural law is contained in its “preserving of friendship and society among men”.<sup>43</sup> This general law also contains the dictates to live honestly, not to hurt another, to give every man his due.<sup>44</sup> This restraining function of natural law is also reflected in the written laws of the gentiles to command the true worship of God; the laws against idols; the laws highly to esteem the name of God; to revere and serve God; the laws against murder, adultery, theft, lies, false witnesses, condemning concupiscence and evil affections, etc. Bullinger adds that although the knowledge of the law is manifest in the gentiles, the consent, the will, and the ability to fulfill the law are weak.<sup>45</sup>

### 2.3 Magistracy and the covenant

Zwingli’s political theology was mainly based on his demarcation between the spiritual and civil offices in the Christian community; the differentiation between the office and the person of the magistrate, and the principle that tyrants could be removed from office under certain conditions. His political views largely flowed from his covenant theology. In the Bible Zwingli found the covenant, being the one and same testament which God had made with the human race from the foundation of the world to its dissolution; the one and eternal testament through which Jesus

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<sup>37</sup> Ibid., 2:195 [2:1].

<sup>38</sup> Ibid.

<sup>39</sup> Ibid. Bullinger, the principal author of the Second Helvetic Confession (1566), in section xii.I, states that the law which is “good and holy” is that which has been, on the one hand, “written by the finger of God in the hearts of men and is called the law of nature” and, on the other hand, “engraven on the tables of stone” and expounded in the books of Moses. Charles Hodge, *Systematic Theology* (Grand Rapids, Michigan: Wm. B. Eerdmans Publishing Company, 1965), III: 634, states that this work by Bullinger is, on some accounts, to be regarded as the most authoritative symbol of the Reformed Church, as it was more generally received than any other, and was sanctioned by different parties.

<sup>40</sup> *Decades*, 2:195 [2:1].

<sup>41</sup> Ibid., 2:196 [2:1].

<sup>42</sup> Ibid.

<sup>43</sup> Ibid., 2:197 [2:1].

<sup>44</sup> Ibid.

Christ had furnished salvation.<sup>46</sup> This covenant is God's covenant of grace, his promise and sign, rather than man's sign, promise or pledge. Within the covenant, the sacrament of baptism serves as the initiatory outward sign which all should receive who are in the covenant.<sup>47</sup> The mutual commitment to the ministration of the sacraments serves to ensure both the inward and outward union of Christian people, "in which we 'testify to all men that we are one body and one brotherhood' and in which we renew our brotherhood".<sup>48</sup>

To Zwingli, the Christian community should reflect a fundamental concern with unity – God willed that all men be descended from one father, for the sake of unity; God's purpose in creation and regeneration is unity – we are to be one body, whose head is Christ.<sup>49</sup> This basic sacramental unity, Zwingli also applied to the confederation.<sup>50</sup> J. Wayne Baker describes the implications of this unity in the Christian community as being reflective of a single sphere, rather than following Luther's doctrine of the two kingdoms.<sup>51</sup> The importance of baptism in this "single sphere" is situated in the fact that this sacrament acts as enrolling mechanism for uniting people in the Christian community.<sup>52</sup>

The important aspect of Zwingli's theology from a societal perspective is that the covenant entails that God is our God and we his people – the covenant made with the people of Israel was made with all the people, including the children, and through this people, the covenant extends to all peoples.<sup>53</sup> In addition to this, Zwingli sees God's fundamental concern with unity – God willed that all men be descended from one father, for the sake of unity; God created man in his own image, so that just as the three persons are one God, who cannot be in disharmony with himself; so also, the life of men might be peaceful and united; God's purpose in creation and regeneration is unity – we are to be one body, whose head is Christ.<sup>54</sup> This unity in the community of the church also extended to the confederation, with the result that Zwingli argued that the elders of the New Testament were the equivalent of the magistrate of his day and the council of the Christian city thus rightfully ruled both the civil community and the church, which

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<sup>45</sup> Ibid., 2:197 f. [2:1].

<sup>46</sup> Z VII 164.2-165.1, 168.33-35, 169.4-6, 8-11.

<sup>47</sup> Ibid., IV 593.5-6, 618.13-16.

<sup>48</sup> And as he gave himself for us, we are also bound to give ourselves one for the other, as for one's brother. See Z III 124.27-125.15, 26.

<sup>49</sup> Z I 167.14-169.4.

<sup>50</sup> See W.P. Stephens, *The Theology of Huldrych Zwingli* (Oxford: Clarendon Press, 1986), 265.

<sup>51</sup> "Zwinglianism", *The Oxford Encyclopedia of the Reformation*, Vol. 4, ed. in chief Hans J. Hilderbrand (New York / Oxford University Press, 1996), 324.

<sup>52</sup> Z IV 593.5-6, 618.13-16.

<sup>53</sup> See A.W.G. Raath and S. de Freitas, "Calling and Resistance: Huldrych Zwingli's (1484-1531) Political Theology and his Legacy of Resistance to Tyranny" (Bloemfontein: University of the Free State, unpublished manuscript, 2001), 4.

<sup>54</sup> Z I 167.14-169.4. Also significant is B. Moeller's, *Reichstadt und Reformation* (Güterloh, 1962), trans. as *Imperial Cities and the Reformation* (Philadelphia, 1972), 87-90, bringing Zwingli's strong views on the Christian community in his writings on the church and the sacraments into relation with his urban background.

were virtually identical.<sup>55</sup> The covenant, therefore, binds together the political and religious aspects of society in a close unity, subject to the law of God – both revealed and natural.

Different from the secular theories of the absolute power of the king, Zwingli subjects the office of magistracy to the will and commands of God. In effect this means that the Christian community cannot function without the offices of both magistrate and pastor being subject to God's law<sup>56</sup>: magistracy must be related to divine righteousness, because magistracy is helped by those who preach God's word and as such should correspond with God's will and with his commands.<sup>57</sup> In Zwingli's theology, a number of important aspects are closely associated with the submission of magistrates and people to the will of God: the office of magistracy is the direct result of man's sinful nature – if all men gave God what they owe him, we should need no prince or ruler<sup>58</sup>; magistracy derives from God, and not from man and his social needs<sup>59</sup>; the institution of magistracy is based upon Romans 13, as proved from the Old Testament<sup>60</sup>; temporal rule is not to be exercised by the bishops, but they should be subject to magistracy – Christ's submission to magisterial government both in word and deed is illustrative in this context<sup>61</sup>; the words "render to the emperor" are interpreted as applying to all rulers and not to the emperor only<sup>62</sup>; magistracy is not simply ordained by God, it also denotes the magistrate being the subject of God, so that in Old Testament times they were called gods<sup>63</sup>; the magistrates bear the sword in the name of God<sup>64</sup>; magistrates must be accountable to God<sup>65</sup>; without government human society would be impossible<sup>66</sup>; according to Romans 13 the task of magistracy is to protect the good and to punish evil<sup>67</sup>; the magistrate must learn from God's law how to formulate his laws and judgements should conform to this law also<sup>68</sup>; the character of the magistrate is as important as the character of the law he is to uphold – the ruler must be one who knows God and believes in him, otherwise he will not understand the law of nature, which is about the love of one's neighbor<sup>69</sup>; without the fear of God the magistrate will become a tyrant<sup>70</sup>; there is a distinction between the ruler as private person and as person holding office<sup>71</sup>; the magistrate has a close

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<sup>55</sup> See Baker, "Zwinglianism", 324.

<sup>56</sup> See Z III 131.1-4.

<sup>57</sup> See Raath and De Freitas, "Calling and Resistance", 5.

<sup>58</sup> Z II 305.26-28.

<sup>59</sup> Ibid., II 311.22, 487.18-25, 651.22-24.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid., II 304.8-9.

<sup>62</sup> Ibid., II 308.4-9 and II 305.1-16, 498.7-17.

<sup>63</sup> Ibid., II 342.1-4, 492.33-493.3.

<sup>64</sup> Ibid., II 324.9-11; VI ii 25.18-24.

<sup>65</sup> Ibid., Ii 336.2-5.

<sup>66</sup> Ibid., II 478.27-448.8.

<sup>67</sup> Ibid., II 328.6-329.2.

<sup>68</sup> Ibid., Ii 323.19-325.2, 329.27-330.5.

<sup>69</sup> Ibid., II 329.17-330.16.

<sup>70</sup> Ibid., III 867.7-13.

<sup>71</sup> See II 334.2-23 and Ii 333.26-334.2.

relationship with God's people and those who are not believers should not rule over God's people, because the magistrates are among the shepherds in the church<sup>72</sup>.

The basic distinction drawn by Zwingli between spiritual and civil government was also accepted by Bullinger. In the second decade, the seventh sermon, dealing with the fifth precept of the Ten Commandments, Bullinger distinguishes between the offices of magistracy and that of pastor. To Bullinger, the offices of magistracy and of ministers of the church must not be confounded.<sup>73</sup> The king is not called upon to preach, to baptize, and to minister the Lord's supper, "or the priest, on the other side, to sit in the judgment seat, and to give judgment against a murderer, or by pronouncing sentence to take up matters in strife".<sup>74</sup> He adds that the church of God has several and distinguished offices and that God is the God of order, and not confusion.<sup>75</sup> The political magistrate on his part, "is commanded to give ear to the ecclesiastical ruler, and the ecclesiastical minister must obey the political governor in all things which the law commandeth".<sup>76</sup>

Bullinger, following Zwingli, emphasizes that magistracy is ordained by God. In his commentary on the first precept of the second table of the Ten Commandments, Bullinger discusses the precepts of the second table against the background of the aim of the second table generally, namely: instructing all men what they owe every one to his neighbor; and how we may, in this world, live honestly, civilly, and in quiet peace among ourselves.<sup>77</sup> He takes princes and magistrates to be included in the name of parents "for the senators and princes are in the holy scriptures called the fathers and pastors of the people".<sup>78</sup>

Similar to Zwingli's distinction between the office of magistracy and the person appointed to such office, Bullinger in the *Decades* states that because God is good, and his purposes directed to the health and preservation of men, the "good and healthful ordaining of the magistrate, without all doubt, is of God himself, who is the author of all goodness".<sup>79</sup> This entails that a distinction be made between the office which is the good ordinance of God, and the evil person who executes that good office.<sup>80</sup> Therefore, if evil is found in the magistrate, and not the good for which he was ordained, that comes from other causes, and the fault thereof is in men and persons, who neglect God and corrupt the ordinance of God, and not in God, nor in his ordinance.<sup>81</sup>

Zwingli's strong reliance on the principle that the office of magistracy is subject to the command of God, because power is an ordinance of God, is also accepted by Bullinger. In his

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<sup>72</sup> Ibid., IV 58.46-59.2.

<sup>73</sup> *The Decades* 2:329-330 [II:7].

<sup>74</sup> Ibid., 2:239 [II:7].

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

<sup>77</sup> Ibid., 2:267 [II:5].

<sup>78</sup> Ibid., 2:268 [II:5].

<sup>79</sup> Ibid., 2:314 [II:6].

<sup>80</sup> Ibid.

<sup>81</sup> Ibid., 2:314-315 [II:6].

*Decades* Bullinger reiterates that magistracy is of God, and that his office is good, holy, pleasing God, just, profitable, and necessary for men.<sup>82</sup> Rulers who rightly execute their office, are the friends and worshippers of God; they are his elect instruments, by whom he works man's health, as are to be seen in the examples of Adam, all the patriarchs, Joseph, Moses, and many others after the time of Christ, who rightly executed the office of magistrates.<sup>83</sup> Because every magistrate is ordained of God, and is God's minister, so must he be ruled by God, and be obedient to God's holy word and commandment, "having evermore an eye unto that, and depending still upon that alone".<sup>84</sup>

Zwingli's concern for the magistrate being subject to both tables of the law, also finds parallels in Bullinger's approach to the enforcement of God's law in the Christian community. Bullinger sums up the key-elements of the magistrate's office in three points: to order, to judge, and to punish.<sup>85</sup> The ordinance of the magistrate is a decree made by him for maintaining religion, honesty, justice, and public peace, and it consists of two points: to order rightly matters of religion, and making good laws for the preservation of honesty, justice, and common peace.<sup>86</sup> The care of religion also belongs to the magistrate, and it is not only in his power, but his office and duty also, to dispose and advance religion.<sup>87</sup> Where the word of God is not preached, the people decay, but happy is he that keeps the law, meaning that they would not have the care of religion to appertain to princes, seeks and brings "in the confusion of all things, the dissolution of princes and their people, and lastly, the neglect and oppression of the poor".<sup>88</sup>

#### **2.4 Resistance to tyranny and the defensive role of natural law**

Zwingli's approach to resisting tyranny can be summarized in four fundamental aspects: firstly, Christians are under obligation to obey the office of magistracy because every soul is subject to the powers that exercise authority. Such obedience is due to evil government no less than to good government, for God uses evil magistrates to punish us for our sins and such evil rulers are to be endured until God is pleased with us and therefore removes it<sup>89</sup>; secondly, evil rulers are to be endured where they cannot be removed legitimately, but Christian subjects have the consolation that God will deliver his people as he delivered Israel from Egypt<sup>90</sup>; thirdly, one must obey God because magistracy comes from him and to disobey magistracy is to disobey God – Christian obedience to magistracy is obedience to God, Christians may also obey and

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<sup>82</sup> *Ibid.*, 2:314 [II:6].

<sup>83</sup> *Ibid.*

<sup>84</sup> *Ibid.*, 2:334 [II:7].

<sup>85</sup> *Ibid.*, 2:323 [II:VII].

<sup>86</sup> *Ibid.*

<sup>87</sup> *Ibid.*

<sup>88</sup> *Ibid.*, 2:324 [II:7].

<sup>89</sup> Z II 311.9-24, 509.28-510.6; III 881.1-4.

<sup>90</sup> *Ibid.*, III 873.25-37.

because God's commands take precedence over commands of evil rulers<sup>91</sup>; and fourthly, although rulers are not to be killed, it is implied that God may send someone to liberate his people from tyranny, not on own initiative but in response to God.<sup>92</sup>

Coming to the first principle, the duty of subjects to obey the office of magistracy, Bullinger followed the approach of Zwingli. Referring to 1 Peter 2: 17, Bullinger discusses the implications of the honor due to the office of magistracy. It has to be acknowledged and confessed, according to Bullinger, that the magistrate's office is ordained of God "for men's commodity, and that God by the magistrate doth frankly bestow on us very many and great commodities".<sup>93</sup> For the excellence of their office, "which is both the chieftest and the most necessary, God doth attribute to the magistrate the use of his own name, and calleth the princes and senators of the people gods, to the intent that they by the very name should be put in mind of their duty, and that the subjects might thereby learn to have them in reverence".<sup>94</sup> If the prince faithfully discharges his office in the "commonweal", he heaps up a number of good works and praise that never shall end.<sup>95</sup> No sedition nor conspiracies ought, in any case, be moved against him, neither must we curse or speak evil of the magistrate, and if he chance at any time to sin, let us behave ourselves toward him as to our father.<sup>96</sup> If it happens that magistrates have a good mind to promote religion, to advance common justice, to defend the laws, and to favour honesty, and yet notwithstanding, they are troubled with their infirmities, even with grievous offences, the people ought not therefore to despise them and thrust them beside their dignity.<sup>97</sup> The vices in princes ought not to move godly people to rebellious sedition, so long as justice is maintained and good laws and public peace defended.<sup>98</sup> Subjects ought to pray earnestly and continually for the magistrate's welfare; they ought to aid him with their help and council, so often as the need arises, and every nation should give to his magistrate that which by law, or custom, or by necessity, it owes to him. For Paul, the apostle, says: "give to every one that which ye owe; tribute to whom custom, fear to whom fear, and honour to whom honour is due" (Romans 13).<sup>99</sup>

Bullinger accepted Zwingli's approach that obedience to rulers is due, because sometimes God makes "an hypocrite to reign", wherefore "the evil magistrate is of God, even as also seditions, wars, plagues, hail, frost, and other miseries of mankind come from the Lord, as punishment of sin and wickedness, which the Lord hath appointed to be executed, as he himself saith: 'I will give them children to be their kings, and infants shall rule them; because their tongue

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<sup>91</sup> Ibid., I 120.31-122.12; II 335.3-8, 344.14-16; VII 645.29; IX 465.11-13.

<sup>92</sup> Ibid., XIV 565.6-25.

<sup>93</sup> *The Decades* 2:279 [II:V].

<sup>94</sup> Ibid.

<sup>95</sup> Ibid., 2:280 [II:V].

<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

<sup>98</sup> Ibid.

<sup>99</sup> Ibid., 2:281 [II:V].

and heart hath been against the Lord”.<sup>100</sup> Because God is the author of good and not of evil, Bullinger accepts that the good and healthful ordaining of magistrates, is of God, who is the author of all goodness. Therefore, on the question whether tyrannical magistrates are of God, Bullinger distinguished between the good office of magistracy and the evil ruler in the office.

To Zwingli’s second principle, Bullinger responded stating, firstly, that those who are vexed with tyrants, and oppressed by wicked magistrates, should first call to remembrance and consider “what and how great their sins of idolatry and uncleanness are, which have already deserved the revenging anger of their jealous God: and then let them think, that God will not withdraw his scourge, unless he see that they redress their corrupt manners and evil religion”.<sup>101</sup> Firstly, they must go about and bring to pass a full reformation of matters in religion, and they must pray continually that God “will vouchsafe to pull and draw his oppressed people out of the mire of mischief, wherein they stick fast”.<sup>102</sup> Sometimes God utterly destroys, and sometimes “he chasteneth, untoward tyrants with some horrible and sudden disease: as it is evident that it happened to Antiochus, Herod the Great, ...” and others.<sup>103</sup>

Bullinger also accepts the third principle enunciated in Zwingli’s resistance theory, namely, to obey God rather than man. This principle of passive resistance to tyranny entails that “we have not in any cause to obey either our parents or magistrate, if they themselves shall do, or else command us to do, the things that are wicked and unjust – we are to obey God more than men” (Acts 5: 29).<sup>104</sup>

In response to the fourth principle stated by Zwingli, Bullinger also makes provision for the possibility that God may stir up “noble captains and valiant men to displace tyrants, and set God’s people at liberty; as we see many examples thereof in the books of Judges and Kings”.<sup>105</sup> Although Bullinger makes provision, in principle, for active resistance to tyranny up to the point of killing tyrants, he qualifies his view by stating that “lest any man do fail to abuse those examples, let him consider their calling by God: which calling if he have not, or else do prevent, he is far from doing good in killing the tyrant, that it is to be feared lest he do make the evil double so much as it was before”.<sup>106</sup> Bullinger’s position on this aspect is merely an account of the principle of Zwingli that such acts must not be taken on own initiative but in response to God.<sup>107</sup>

In effect, the Zurich Reformation paved the way for a theory of resistance which, on the one hand, was based on that which is naturally right and just, explaining the resistance of non-Christian nations against the abuses of tyrants, and on the other hand, linked to the Biblical

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<sup>100</sup> Ibid., 2:315-6 [II:6].

<sup>101</sup> Ibid., 2:316 [II:6].

<sup>102</sup> Ibid.

<sup>103</sup> Ibid., 2:318 [II:6].

<sup>104</sup> Ibid., 2:269-270 [II:5].

<sup>105</sup> Ibid., 2:318 [II:6].

<sup>106</sup> Ibid.

<sup>107</sup> See Raath and De Freitas, “Calling and Resistance”, 15.

covenant, placing a heavy burden upon magistrates in the Christian commonwealth to act according to God's will (as revealed in Scripture and the law of nature).

### **3. The defensive role of natural law in the Genevan and Scottish Reformations**

#### **3.1 Theodore Beza on defensive natural law and the covenant**

Although Calvin did not subscribe to a strong theory of defensive natural law and covenant in his political theology, his successor in Geneva, Theodore Beza (1519-1605), in his work *De Jure Magistratum (The Right of Magistrates Over Their Subjects)*, published in 1574) did develop such a theological position.<sup>108</sup> Published in response to the growing tensions between Protestant and Catholic in France, which culminated in the St. Bartholomew Day Massacre in 1572, Beza did provide for defensive natural law, based on the Biblical covenant. Beza served as the conduit which assisted to carry the natural law theory and the idea of the covenant, underlying political government, from the Zurich Reformation into the French Reformed world of the Huguenots and was mainly responsible for cultivating a strong theory of resistance to tyranny in European Reformed thought.<sup>109</sup>

In his answers to the questions as to how far obedience must be rendered or refused to unjust or impious commands by political authorities,<sup>110</sup> and how one who has suffered wrong at the hands of a ruler can defend himself against injustice,<sup>111</sup> Beza reverts to defensive natural law arguments. If rulers, bewitched by the Roman Antichrist, compel their subjects to attend the sacrifice of Mass, Beza says, the duty of all pious men requires not merely that they should not carry out that command, but further that they should, in accordance with the example of Elijah and Elisha, join in pious gatherings, there hear the word of God and have communion of the sacraments as Christ ordained that it should be done in the church.<sup>112</sup> To Beza, the same principle must also be observed in the duties which men owe to their fellowmen both by the law of God and by the law of nature, for example children to their parents, a wife to her husband, the shepherd to his flock, and one neighbor to another.<sup>113</sup>

The answer to the second question is provided by Beza in his dealing with the issue of lawful resistance by means of armed force. He approaches the issue from the perspective that peoples did not, in the first instance, originate from rulers, "but whatever peoples desired to be ruled by a single monarch or by chief men elected by them were anterior to their rulers".<sup>114</sup> From this, it follows that peoples were not created for the sake of rulers, but the rulers for the sake of

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<sup>108</sup> For the influence and significance of Beza's work, see the Foreword to the translation by Henri-Louis Gonin of Theodore Beza's *Concerning the Rights of Rulers over Their Subjects toward Their Rulers* (Cape Town – Pretoria: H.A.U.M., undated).

<sup>109</sup> Also see *ibid.*, the Introduction by A.A. Van Schelven, 1—14.

<sup>110</sup> *Ibid.*, 27-28.

<sup>111</sup> *Ibid.*, 28-30.

<sup>112</sup> *Ibid.*, 28.

<sup>113</sup> *Ibid.*

the peoples, on the same basis as the guardian is appointed for the ward, not the ward for the guardian; and the shepherd on account of the flock, not the flock on account of the shepherd.<sup>115</sup> Beza finds the same evidence recorded by the profane writers in the histories of ancient times, “as indeed Nature herself seems to proclaim with a loud voice”, namely that rulers by whose authority their inferiors might be guided were elected for this reason that either the whole human race “must needs perish or some intermediate class must be instituted so that by it one or more (*rulers*) might be able to command the others, (*and*) protect good men but restrain the wicked by means of punishments”.<sup>116</sup>

Directing himself to the history of the Israelites, Beza maintains that the Israelites were free not merely to disobey the sinful commands of oppressors but even to set a just defense against their unjust violence. The leaders of the tribes of Israel, therefore, did a grievous wrong whenever they omitted to oppose the foreign foe with united courage and strength in defense of the liberty of their country, provided that the occasion for opposing him presented itself. It admits of no doubt that even private individuals are, to Beza, bound by the law of both God and men to succor with all their power their country when oppressed and in distress, especially when its religion and liberty are simultaneously endangered.<sup>117</sup>

In his epilogue and conclusion about the authority of the estates, Beza states that the highest authority rests with kings or other supreme rulers, with the proviso that if they violate the noblest laws and sworn conditions and degenerate into “unbashed” tyranny nor give heed to sound counsels, it shall be lawful and permitted to the subordinate magistrates to take precautions for themselves and for those over whom they exercised guardianship, and to offer resistance to the tyrant of the people.<sup>118</sup> The basis of Beza’s argument is situated in natural law and equity. He maintains that there are two propositions which justice as such “or that law of nature upon which alone the maintenance of all human society depends, does not allow to be called in question”.<sup>119</sup> The first of these is that in all compacts and covenants which are contracted by mutual and sole agreement between the parties, those by whom the obligations were entered into, can of themselves cancel and annul them, whenever reason so demands. Accordingly, those who possess authority to elect a king, will also have the right to dethrone him.<sup>120</sup>

The second proposition is that if there is any just occasion for the annulment of a compact or covenant by reason of which the obligation would of itself disappear “and held be as

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<sup>114</sup> Ibid., 30.

<sup>115</sup> Ibid.

<sup>116</sup> Ibid., 30-31.

<sup>117</sup> Ibid., 32.

<sup>118</sup> Ibid., 63.

<sup>119</sup> Ibid., 64.

<sup>120</sup> Ibid.

naught”, it never arises but when the essential conditions, for which particularly the obligation was entered upon, are manifestly violated.<sup>121</sup>

The obligations attached to the political covenant between ruler and subjects are null and void if any person consciously and of his free will grant assent to an undertaking which is as such evidently sinful and opposed to the law of nature.<sup>122</sup> Beyond doubt, states Beza, obligations contracted as a result of violence or intimidation or of open deceit and malpractice would not be valid and binding, because “this general rule of law and justice sustained by the common principles of nature, which still linger in man after the Fall however corrupt (he may be) is so firmly established and so lasting, that nothing which is openly opposed and repugnant to them should be regarded as just and valid between men.”<sup>123</sup>

To the objection that the king is not bound by laws, Beza advances maxims of the law of nature, such as legislators are beholden to the laws; that each must observe the same right which he has decreed against another; that nothing is more profitable to imperial power than that the king should act according to the laws; and that it is a fitting saying that the ruler professes himself the subject of the laws.<sup>124</sup> Except for civil laws, and the individual right of the private citizen etc., the king is bound to public law, constitutional law and natural and divine law, “for since men collectively and individually are subjected to it in so far as they are born men, it clearly follows that either kings are not men or that they are bound by the law”.<sup>125</sup>

To the further objection that public law (referring to the constitution of the people or nation) differs widely from the law of nature common to all nations, Beza answers that although it is true in certain matters, it has the limitation that the entire distinction is connected with circumstances which cannot prevent general fairness and equity from “so far remaining steadfast and invariable” that every polity acting in violation of it (as for example if undisguised impieties, robberies and similar crimes both against God and against the law of nations and good morals were to meet with approval) should be utterly condemned and cast off.<sup>126</sup>

Beza, therefore, comes to the conclusion that a king or an emperor, whose rule is dependent upon the supreme power, if he is guilty of the crime of treachery towards his subjects, forfeits his feudal estate on considerations of natural law.<sup>127</sup> It was this and similar strong views on rulers forfeiting their power and legitimate authority, based on the Biblical idea of the covenant and the defensive role of natural law, which was carried forward by the Huguenot author Duplessis Mornay and Hubert Languet, which provided Reformed thought with a strong theory of legitimate resistance to tyranny.

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<sup>121</sup> Ibid.

<sup>122</sup> Ibid.

<sup>123</sup> Ibid., 65.

<sup>124</sup> Ibid., 68.

<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

<sup>127</sup> Ibid., 68 f.

### 3.2 The covenant and the defensive role of natural law in early Scottish Reformed theology

All three principal authors of early Puritan political theory, John Knox (1505-1572), John Ponet (1514-1556) and Christopher Goodman (1520-1603), followed the lines of the Zurich Reformation in matters relating to the Biblical covenant and the defensive role of natural law.<sup>128</sup> It is noteworthy that Knox, the leader of the Puritan political theorists directed specific questions at Bullinger on issues dealing with obedience to magisterial authority and resistance to tyranny. Knox's questions dealt with four specific issues: Firstly, whether the son of a king, upon his father's death, though unable by reason of his tender age to conduct the government of the kingdom, is nevertheless by right of inheritance to be regarded as a lawful magistrate, and as such to be obeyed as of divine right; secondly, whether a female may preside over, and rule a kingdom by divine right, and so transfer the right of sovereignty to her husband; thirdly, whether obedience is to be rendered to a magistrate who enforces idolatry and condemns true religion, and whether those authorities, who still in military occupation of towns and fortresses, are permitted to repel this ungodly violence against themselves and their friends, and fourthly, to which party must godly persons attach themselves, in the case of a religious nobility resisting an idolatrous sovereign.<sup>129</sup>

John Knox followed Bullinger's line of argument regarding the overriding importance of the covenant and the universal validity of God's law. In the line of the Zurich Reformation, Knox takes God's covenant to be the inclusive concept for the Christian community: God's infinite and immutable justice requires obedience in matters of religion of all within his covenant throughout the ages.<sup>130</sup> Everyone who is in this covenant is bound together to form one body. If there is one body there is also one law, because whatever God requires of one, he requires the same of all, for his justice is immutable and he is righteous without partiality. Those who wish to remain in the covenant with God, is subject to his express word (law).<sup>131</sup> The fundamental condition of the covenant between God and the people in the Christian community is such that he is a tower of defense against the enemies, preserving both the body and the soul.<sup>132</sup>

To Knox magistrates are bound by God's law to hear the cause of God's pastors and to defend them from tyranny. It is the duty of magistrates, to whom the lawful power is given, for the maintenance of innocents, and for the profit and utility of their subjects, to enforce God's law. The essence of Knox's theonomic views in his *Appellation* holds that the office of magistracy is

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<sup>128</sup> See Raath and De Freitas, "Calling and Resistance", 23 f.

<sup>129</sup> See *Certain Questions Concerning Obedience to Lawful Magistrates, with Answers by Bullinger*, 1554, Laing (ed.), *The Works of John Knox, Volume Third*, 217-226, at 222-223.

<sup>130</sup> *A Godly Letter sent to the fayethfull in London, Newcastle, Bartwyke, and to all other within the realme off Englande, that love the cominge of oure LORDE Jesus*, Rome 1554, in Laing, *The Works of John Knox, Volume Third*, 191.

<sup>131</sup> *Ibid.*, 197.

<sup>132</sup> *Ibid.*, 195-196.

subject to God's law. In one of the key formulations dealing with magistracy being subject to God's law, Knox states "that it (the law) should be with hym, that he might read in it all the daies of his life, that he might learn to fear the Lord his God, and to kepe all the wordes of his Law, and his statutes to do them". Knox adds: "This precept requireth, not onlye that the King should hymselfe fear God, kepe his Law and statutes, but that also he, as the chefe ruler, should provide that Goddes true religion should be kept inviolated of the people and flock, which by God was committed to his charge".<sup>133</sup> The implications of the sovereignty of God's law entail that offenders of God's law ought to be punished without respect of persons – no idolatour can be exempted from punishment by God's law.<sup>134</sup> It is furthermore noteworthy that the punishment of such crimes as idolatry, blasphemy, and others, that touch the majesty of God, is not the duty of kings and chief rulers only, but of the whole body of the people and every member individually.<sup>135</sup>

In his *First Blast of the Trumpet*, Knox bases his arguments against rule by women also on natural law.<sup>136</sup> He states that "by the ordre of Nature; by the malediction and curse pronounced against Women, by the mouth of S. Paule, the interpreter of Goddes sentence; by the example of that Common welth in whiche God by his Word planted ordre and policie; and finallie, by the judgement of the most godlie writers, God hath dejected Women from rule, dominion, empire, and authoritie above man ....."<sup>137</sup> Although Knox argues primarily from Scripture, he also refers to natural law, in so far as it confirms arguments already established by Biblical exegesis, as a basis for rejecting rule by women.<sup>138</sup> The motivation for resistance to illegitimate government in Knox's theology flows directly from the close relationship between the covenant and God's law – magistracy, as the "ordinance" of God, emanates from meeting the qualifications for civil magistracy as founded in God's law, confirmed by natural law and with the consent of the people and the investiture of the ruler in office, based upon the covenant between himself, God and the people.<sup>139</sup>

The impact of the Zurich views on covenant and natural law is also clearly discernible in Christopher Goodman's approach to covenant and natural law. Subject to the influence of Knox, Christopher Goodman, in his work *How Superior Powers Oght To Be Obeyed Of Their Subiects* (published in 1558) already in the preface points out that man's natural inclinations have led to his subverting the truth: men have subverted the laws of God and of nature, but are,

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<sup>133</sup> *The Appellation of John Knoxe from the cruell and most iniust sentence pronounced against him by the false bishoppes and clergie of Scotland, with his supplication and exhortation to the nobilitie, estates, and comunalitie of the same realme*, Geneva 1558, in Laing (ed.), *The Works of John Knox, Volume Fourth* Edinburgh 1855, 487.

<sup>134</sup> *Ibid.*, 500-501.

<sup>135</sup> *Ibid.*

<sup>136</sup> *The First Blast of the Trumpet Against the Monstrous Regiment of Women* 1558, in Laing (ed.), *The Works of John Knox, Volume Fourth*, 347-421, at 416.

<sup>137</sup> *Ibid.*, 417.

<sup>138</sup> *Ibid.*, 416.

notwithstanding, called defenders of the faith, maintainers of the true religion, authors of peace, teachers of obedience, and governors of commonwealths and policy.<sup>140</sup> To Goodman, demands of obedience to political rulers contrary to God's ordinances are also contrary to all natural reason.<sup>141</sup> Nature teaches all men, who are not destitute of their common sense and reason, that God ought rather to be obeyed than man.<sup>142</sup> On the foundations of this strong view of the role of natural law and conscience, Goodman states that no authority of man, or power of princes may blare our eyes: there is none so ignorant whose conscience does not bear him witness, that God is most worthy of all honor.<sup>143</sup> Obedience is to hear God rather than man, and to resist man rather than God, wherein we may see how little commandments, threatening, power, authority, or punishments of any king, prince or emperor, ought to prevail with us against the commandment of God.<sup>144</sup> We are bound as well in conscience as by the law of God, to deliver the souls and bodies of the children of God from attacks by God's enemies.<sup>145</sup>

To Goodman, obedience is commanded of all men, but under condition of justice and equity.<sup>146</sup> Where kings or rulers have become murderers of their subjects, they are not to be accounted for as kings or lawful magistrates, but as private men, and to be examined, accused, condemned, and punished by the law of God, where unto they are subject.<sup>147</sup> This theory of the supremacy of law, finds its basis in the idea of the covenant. Although his account of the covenant is mainly contained in chapter twelve of his *Superior Powers*, all the main elements of federal constitutionalism are to be found there. After having cited God's agreement with Moses, Goodman argues that this remains a model to God's people, since it reveals what God requires of them and what they have promised to Him.<sup>148</sup> It shows that every individual of the Christian community, as a signatory to the covenant, is called upon above all to assist in promoting and maintaining the rule of godliness, and ensuring that this commonwealth is ruled by no other laws and ordinances, than by those as God had given them.<sup>149</sup> This is clearly an implicit reference to Knox's approach in his *Appellation* to the solemn oath and covenant which God made with Asa, and next to the covenant with Moses, made it the duty of every man to declare himself an enemy

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<sup>139</sup> Also see Knox's remarks in the summary of his proposed *Second Blast of the Trumpet* in Laing, *The Works of John Knox, Volume Fourth*, 539-540.

<sup>140</sup> *How Superior Powers Oght To Be Obeyed Of Their Subiects: And Wherin They may Lawfully By God's Worde Be Disobeyed And Resisted*, Geneva [1558] 1931, (reproduced from the 1558 edition with a biographical note by Charles McIlwain), preface.

<sup>141</sup> *Ibid.*, 30-31.

<sup>142</sup> *Ibid.*, 85.

<sup>143</sup> *Ibid.*

<sup>144</sup> *Ibid.*, 84-85.

<sup>145</sup> *Ibid.*, 90.

<sup>146</sup> *Ibid.*, 113.

<sup>147</sup> *Ibid.*, 139-140.

<sup>148</sup> *Ibid.*, 164-165.

<sup>149</sup> *Ibid.*, 163.

to that which so highly provokes the wrath of God.<sup>150</sup> Similar to Knox, Goodman takes all Christians in the Christian community to be equally bound by the same league and covenant that God made with his people from Biblical times to remove all abominable things from their midst.<sup>151</sup>

The implications of the political theories of Knox and Goodman are similar to those of the Zurich Reformers in matters related to resistance to tyranny. To Knox the political authorities have the duty to protect their subjects against abuse of power and tyranny.<sup>152</sup> The Holy Spirit testifies that all lawful powers are God's ministers and ordained for the wealth, profit and salvation of their subjects and not for their destruction.<sup>153</sup> Following the same line of argument as Bullinger, Knox states that it is not enough that magistrates abstain from violent wrong and oppression, which ungodly men exercise against their subjects, but they are further bound to rule over them for their well-being.<sup>154</sup> In opposition to the views which hold that kings must be obeyed, whether they are good or bad, Knox holds that the vengeance of God shall be poured forth upon such blasphemers of God, his holy name and ordinance. It is blasphemy, to Knox, to say that God has commanded kings to be obeyed when they command impiety.<sup>155</sup> Although God has commanded that kings be obeyed, they command no obedience when they act contrary to the glory of God, like the example of Daniel and his three friends shows.<sup>156</sup>

The basis for Knox's strong theory of resistance flows from his arguments pertaining to the promises binding the individuals in the Christian community to God in terms of the covenant – each individual has, in terms of the covenant, the solemn duty to help resist and remove all idolatrous magistrates. In his *Appellation*, Knox goes even further: not only magistrates, but also the people are bound by their oath which they have made to God to uphold the rule of godliness and revenge to the utmost of their power.<sup>157</sup> Punishment of idolatry and tyranny is, therefore, a sacred duty placed by God not just on kings and chief rulers, but also upon the whole body of the people and every man in his particular vocation.<sup>158</sup>

In his treatise *How Superior Powers Ought To Be Obeyed Of Their Subjects*, Goodman stresses the command that all men are bound to obey such magistrates, whom God has ordained over us, to rule in His fear according to their office, as God has appointed.<sup>159</sup> Although the Apostle says that all powers are of God, he means such powers as are orderly and lawfully instituted by God. To resist evil and to maintain goodness, to honor God truly and to expel idolatry, are good acts, but if the superior power is an idolator or a cruel tyrant suppressing true

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<sup>150</sup> Laing, *The Works of John Knox, Volume Fourth*, 500-503.

<sup>151</sup> *Ibid.*, 506.

<sup>152</sup> *Appellation* in Laing, *The Works of John Knox, Volume Fourth*, 465-520.

<sup>153</sup> *Ibid.*, 483.

<sup>154</sup> *Ibid.*

<sup>155</sup> *Ibid.*, 496.

<sup>156</sup> *Ibid.*

<sup>157</sup> Laing, *The Works of John Knox, Volume Fourth*, 539-540.

<sup>158</sup> *Ibid.*, 501, 504.

<sup>159</sup> At 109-110.

religion and murdering the saints of God, who is ignorant of God, or destitute of all humanity or natural judgment, such a ruler will be unworthy of the society of the godly and should not have authority nor rule over nations and kingdoms.<sup>160</sup> Tyrants and evil rulers should not be obeyed; people upholding and keeping the laws of God are called on to punish rulers who neglect them – such punishment being lawfully executed on magistrates as private persons transgressing the Lord’s precepts.<sup>161</sup> This means that if magistrates would wholly despise and betray the laws of God, subjects shall be condemned if they maintain and defend the laws of God against them, and all others to the utmost of their powers.<sup>162</sup> The basis of Goodman’s theory of resistance is the direct result of his acceptance of the covenant between king and people as the basis for rooting out tyranny. Because each member of the Christian commonwealth has covenanted to follow the commands of God, the main duty of every individual is to uphold God’s laws (Biblical and natural), to root out evil, and to repudiate all forms of idolatry and tyranny.<sup>163</sup> If magistrates betray justice and the laws of God, it becomes the sworn duty of every person to whom a portion of the sword of justice is committed, to maintain and defend those laws against their magistrates, and thereby resisting and repudiating the idolatry and tyranny of political government.<sup>164</sup>

The implications of this covenantally based theory of resistance are that failure to resist tyranny will be tantamount to breaking the covenant between God and the people, transgressing God’s law, to be contrary to natural law and bring severe punishments for the transgressors.<sup>165</sup> In effect, therefore, similar to the Zurich Reformers, natural law acts as a motivation and catalyst for resisting tyranny and injustice.

#### **4. Conclusions**

The political tradition of the Zurich Reformation, encompassing the principle of the defensive role of natural law, based on a stronger view of the working of God’s Spirit in the covenant in stirring up resistance to tyranny, had a profound effect on later generations of political theorists. Via the political theology of Theodore Beza, the Huguenot authors produced a strong theory of resistance, different from the much milder view of John Calvin on these matters. In the Scottish Reformation, Samuel Rutherford likewise incorporated a strong theory of resistance to tyranny in his theology, thereby giving expression to an alternative, non-Calvinistic strand of Reformed thinking on these issues.

Different to the surplapsarianism and predestinarianism of John Calvin, the Zurich Reformation placed much emphasis on God’s working in history. This entails that God is also

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<sup>160</sup> Ibid., 142.

<sup>161</sup> From 175 f.

<sup>162</sup> Ibid., 180-181

<sup>163</sup> Ibid.

<sup>164</sup> Ibid., 180-182.

<sup>165</sup> See Knox, *Appellation*, 498, 505; Goodman, *How Superior Powers Ought To Be Obeyed Of Their Subjects*, 11, 93.

involved in man's everyday existence in reality and the suffering of injustice in society. The Christian believers have the consolation that God involves himself with man's suffering and through the working of his Spirit breaks the bonds of tyrants and unjust rulers.

Within the covenantal paradigm, and based on God's personal relationship with man, natural law has a much more dynamic role in addressing injustice and uprooting tyranny. Because of the strong reliance on the covenant and the working of God's Spirit, natural law is awarded an important role in the political theology of the Zurich Reformation. The idea of defensive natural law moved well beyond Calvin's views on resistance to injustice and tyranny, and provided the Reformers in Geneva and Scotland with powerful arguments in support of resistance to tyranny and political absolutism. This indeed was an "alternative tradition" to the issue of resistance to tyranny in the Reformed fold.

In seventeenth century rationalism the idea of defensive natural law was divested from its Reformed moorings and encapsulated by the secular notion of the social contract. It was Thomas Hobbes (1588-1679) who developed the notion of defensive natural law within a totally different ideological environment. In his defense of monarchical absolutism and his promotion of scientific materialism, Hobbes took the instinct of self-preservation to form the basis of human society.<sup>166</sup> To Hobbes the fundamental law of nature is the general rule of reason that every man ought to endeavor peace, and when he cannot obtain it, to seek the help of war.<sup>167</sup> The first part contains the most fundamental law of nature, namely, to seek peace or follow it, while the second part contains the sum of natural right, namely to defend oneself by all means.<sup>168</sup> From this is derived the second law of nature, namely, that for the sake of peace a man should be willing when others also are willing, to give up his right to all things and content himself with so much liberty against other men, as he would allow other men against himself.<sup>169</sup> This in essence, comes close to the Biblical principle that whatsoever man requires that others should do to him, that he does to them. The third law of nature is that men perform their covenants. This entails the mutual transferring of right.<sup>170</sup> This law also serves as the fountain of justice.<sup>171</sup> One of the major differences between Hobbes's thesis of defensive natural law and that of the Zurich Reformation,

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<sup>166</sup> See A.W.G. Raath, *The History of Legal Philosophy from the Greeks to Positivism* (Bloemfontein: Edeegree, 2002) 136.

<sup>167</sup> In his *De Cive (The Citizen) (Man and Citizen)*, ed. by Bernard Gert (Humanities Press & Harvester Press, 1978) 123, Hobbes formulates this principle as follows: "But the first and fundamental law of nature is, that peace is to be sought after, where it may be found; and where not, there to provide ourselves for helps of war." Also see Raath, *The History of Legal Philosophy*, 139.

<sup>168</sup> Raath, *Ibid.*

<sup>169</sup> *Ibid.*, 140.

<sup>170</sup> *De Cive*, 123: "But one of the natural laws derived from this fundamental one is this: *that the right of all men to all things ought not to be retained; but that some certain rights ought to be transferred or relinquished.* For if everyone should retain his right to all things, it must necessarily follow that some by right might invade, and others, by the same right, might defend themselves against them." Also see Raath, 140

<sup>171</sup> *Ibid.*

is situated in the fact that Hobbes's natural law scheme is powerless against the onslaught of sovereign tyrants.<sup>172</sup> In a dual sense the notion of defensive natural law entered Western theology and political philosophy, on the one hand upsetting the idea of absolute sovereignty and on the other hand promoting absolutism. Both traditions flowing from the fountainhead of the Zurich Reformation.

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<sup>172</sup> Ibid., 140-142.