

**PUT NOT YOUR TRUST IN PRINCES:
SAMUEL RUTHERFORD, THE FOUR CAUSES, AND
THE LIMITATION OF CIVIL GOVERNMENT**

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Samuel Rutherford's *Lex, Rex*

Under what conditions is armed resistance permissible?

Rutherford does not describe the “causes” of civil government as a merely theoretical exercise. The title of the book makes clear his polemical and practical purpose, “*Lex, rex: The Law and the Prince. A dispute for The Just Prerogative of King and People. Containing The reasons and causes of the most necessary defensive wars of the Kingdom of Scotland, and of their Expedition for the aid and help of their dear brethren of England. In which their innocency is asserted ...*” Although it is not the purpose of this paper to describe or to evaluate Rutherford’s arguments for the legitimacy of armed resistance to the tyrant, it may be of interest, in passing, to give a short summary.

Analogies to resisting the tyrant

The grounds for resistance are clear from what has already been said: the highest level of the civil government is acting against the highest law for civil government, namely, the well-being of the people. The people’s duty of self-preservation and right of self-defence are inalienable and, thus, while not acting against the king as king, they are to resist the king as tyrant, for at this point his power is illegitimately used. This is especially the case if the tyrannical use of power is aggressively imposing false religion.

Rutherford uses analogies for the people’s defensive resistance against the tyrannical king:

A woman or a young man may violently oppose a king, if he force the one to adultery and incest, and the other to sodomy.¹

There is not a stricter obligation moral betwixt king and people than betwixt parents and children, master and servant, patron and clients, husband and wife, the lord and the vassal, between the pilot of a ship and the passengers, the physician and the sick, the doctor and the scholars, but the law granteth, ...if these betray their trust committed to them, they may be resisted: if the father turn distracted, and arise to kill his sons, his sons may violently apprehend him, and bind his hands, and spoil him of his weapons; for in that he is not a father. ... The servant may resist the master if he attempts unjustly to kill him, so may the wife do to the husband; if the pilot should wilfully run the ship on a rock to destroy himself and his passengers, they might violently thrust him from the helm. Every tyrant is a furious man, and is morally distracted, as Althusius saith.²

The cutting off of a contagious member, that by a gangrene, would corrupt the whole body, is well warranted by nature, because the safety of the whole is to be preferred to the safety of a part.³

He draws the inference:

If it be natural to one man to defend himself against the personal invasion of a prince, then is it natural and warrantable to ten thousand, and to a whole kingdom; and what reason to defraud a kingdom of the benefit of self-defence more than one man?⁴

Means of resisting the tyrant: conditions attached to the use of force

There are three ways for the oppressed party to resist the tyrant. First, the sufferer is to make verbal protest. Secondly, he is to attempt to flee. Thirdly, where the other means of resistance have failed, the sufferer may resist with defensive force. David, says Rutherford, used all three:

¹ p. 162 [331]. See also p. 105 [190].

² pp. 141-42 [261-62].

³ p. 162 [331].

⁴ p. 158 [324].

He made his defence by words, by the mediation of Jonathan; when that prevailed not, he took himself to flight, as the next; but because he knew flight was not safe every way, and nature taught him self-preservation, and reason and light of grace taught him the means, and the religious order of these means for self-preservation, therefore he addeth a third, "He took Goliath's sword, and gathered six hundred armed men," and after that made use of an host. Now a sword and armour are not horsing and shipping for flight, but contrary to flight; so re-offending is policy's last refuge.⁵

The second means, flight, is most definitely a form of resistance, "Flying from the tyranny of abused authority, is a plain resisting of rulers in their unlawful oppression and perverting of judgment",⁶ but since a whole people, such as the oppressed godly people of Scotland, is not capable of flight then the third means of resistance must be adopted.⁷

It could be argued that taking up weapons to resist is necessarily offensive rather than defensive and that there is no such thing as merely defensive actions on a battlefield. Rutherford responds that in its essence the violence of a defensive war is reactive:

An act which is physically an act of offending my brother, yea even to the taking away of his life, is often morally and legally an act of lawful self-defence: an offending of another, necessitated from the sole invention of self-defence, is no more but an act of innocent self-defence.⁸

If David, with his men, had killed any of Saul's men in a set battle, David and his men only intending self-defence, the war on David's part was mere defensive; for physical actions of killing, indifferent of themselves, yet imperated by a principle of natural self-defence, and clothed with this formal end of self-defence, or according to the substance of the action, the act is of self-defence.⁹

But I grant, to offend or kill is not of the nature of defensive war, but accidental thereunto; and yet killing of cutthroats, sent forth by the illegal commandment of the king, may be intended as a mean, and a lawful mean, of self-defence.¹⁰

It is true, wars merely defensive cannot be but they must be offensive; but they are offensive by accident, and intended for mere defence, and they cannot be without wars sinfully offensive ... Defensive wars are offensive, *ex eventu et effectu*, not *ex causa*, or *ex intentione*.¹¹

Rutherford puts in place important, if predictable, conditions. First, the suffering of the people must be extreme. A single or a few tyrannical acts do not make a tyrant¹² and matters of excessive or illicit taxation,¹³ for example, do not justify the radical step of armed resistance. Rather, there must be "such acts of tyranny as seem destructive of the royal covenant, and inconsistent therewith"¹⁴ because "a tyrant is he who habitually sinneth against the catholic good of the subjects and state, and subverteth law".¹⁵ In fact, "the people are to suffer much before they resume their power"¹⁶ and are to react with violence only "in the exigence of the last and most inexorable necessity".¹⁷ A key criterion is that "when there is no actual invasion made by a man seeking our life, we are not to use violent re-offending".¹⁸

Secondly, in addition to the demand that all other lawful courses of action must have been exhausted, it is not for private individuals violently or precipitately to resist the king. It is parliament and the inferior judges who have the responsibility of taking such action. Since it was through the parliament that the people granted their power of self-preservation to the king, it must be through the parliament that they withdraw or resume that power.¹⁹

Thirdly, there must be a realistic chance of success²⁰ and yet minimum force must be used with no revenge permissible (though there may be due punishment of the king):

Buffeting again is formally re-offending — not defending: defending is properly a warding off a blow or stroke. If my neighbour come to kill me, and I can by no means save my life by flight, I may defend myself; and all divines say I may rather kill ere I be killed ... but if I kill him, out of malice or hatred, the act of

⁵ p. 160 [327].

⁶ p. 159 [325].

⁷ p. 160 [328].

⁸ p. 156 [321].

⁹ pp. 156-57 [321].

¹⁰ p. 157 [322].

¹¹ pp. 158-59 [324-25].

¹² pp. 37 [64], 199 [401].

¹³ p. 157 [321].

¹⁴ p. 58 [104].

¹⁵ p. 119 [217].

¹⁶ p. 36 [63].

¹⁷ p. 160 [328].

¹⁸ p. 161 [329].

¹⁹ pp. 35-36 [60-63], 69 [124-25], 96-97 [174-76], 139 [257].

²⁰ p. 180 [364-65].

defending, by the unlawful manner of doing, becometh an act of offending and murder; whence the mind of the blood-shedder will vary the nature of the action.²¹

I hold that the estates of Scotland have power to punish the king, if he labour to subvert religion and laws.²²

Objections to the Christian use of physical violence

Rutherford deals with the major objections to his case. His response to arguments for unqualified subjection to the civil government follows the arguments outlined above – that the subjection which God requires is to the civil ruler acting lawfully and not to the ruler acting tyrannically. And he robustly meets the claim that God intends Christians to suffer passively under oppressive rulers. Specifically, he declares of I Peter 2 that “it is clear, the place is nothing against resistance”.²³ He argues that it is never a Christian duty to undergo suffering considered solely as suffering and indeed that such a duty would contradict the natural law demand of self-preservation. As God would not command me to harm myself, so he would not command me, without condition or reservation, to allow myself to suffer. The Lord Jesus Christ, it is true, had a duty to suffer and yet this was “this one merely extraordinary and rare example of Christ, the like whereof was never in the world” and was “by virtue of a special commandment imposed on him by his Father”.²⁴ In all other cases, commands for Christians to suffer are qualified in one of two ways. First, the duty is to suffer *patiently* rather than to suffer as such. Rutherford points out that this is the case in I Peter 2, the passage cited most frequently in support of an alleged duty to suffer. Secondly, there is a command to suffer and suffering must be chosen in those circumstances where the only other choice is to deny Christ. These two qualifications are explained together:

All these places of God's word, that recommendeth suffering to the followers of Christ, do not command formally that we suffer; therefore, suffering falleth not formally under any commandment of God. I prove the antecedent, because if they be considered, they prove only that comparatively we are to choose rather to suffer than to deny Christ before men, (Mat. 10:28, 32; Rev. 2:13; Mat. 10:37; 16:24; 19:29) or then they command not suffering according to the substance of the passion, but according to the manner that we suffer, willingly, cheerfully, and patiently. Hence Christ's word to take up his cross, which is not a mere passion, but commendeth an act of the virtue of patience. Now no Christian virtue consisteth in a mere passion, but in laudable habits, and good and gracious acts, and the text we are now on (1 Pet. 2:18, 19) doth not recommend suffering from the example of Christ, but patient suffering; and so the word ὑποτασσόμενον, not simply enjoined, but ἐν παντὶ φόβῳ in all fear, (ver. 18) and the words ὑποφέρων and ὑπομένεις, to suffer with patience, as 2 Tim. 3:11; 1 Cor. 10:13, and ὑπομενέιν; is to suffer patiently, I Cor. 13:7, love πάντα ὑπομένει suffereth all things; Heb. 12:17, if you suffer correction; 1 Tim. 5:5, she continueth patiently in prayers; Heb. 12:2, Christ endureth the cross *patiently* (Rom. 15:5; 8:25; Luke 8:15; 21:29). The derivations hence signify patience; so do all our interpreters, Beza, Calvin, Marloratus, and popish expositors, as Lorinus, Estius, Carthusian, Lyra, Hugo Cardinalis, expound it of patient suffering; and the text is clear, it is suffering like Christ, without rendering evil for evil, and reviling for reviling.²⁵

Rutherford meets the response that perhaps disobedience to the proper authorities itself constitutes a form of the denial of Christ with his oft-repeated argument that subjection is due to them only where they are acting lawfully. If resistance is ever lawful and possible then suffering rather offering lawful resistance is itself unfaithful. After all, remembering that flight is a form of resistance, “no man is to expect the reward of a witness of Jesus, who having a lawful possible means of eschewing suffering, doth yet cast himself into suffering needlessly”.²⁶ And there is no reason why patient suffering and lawful resistance should not co-exist: “Patient suffering of wicked men, and violent resisting are not incompatible”.²⁷ David is an example of just this:

David did bear most patiently the wrong that his own son Absalom, and Ahitophel, and the people inflicted on him ... yet did he lawfully resist Absalom and the conspirators, and sent out Joab and a huge army in open battle against them, (2 Sam. 18:1-4, &c.) and fought against them.²⁸

If the opposite were the case then what limits could there be?

Servants are not commanded simply to suffer. (I can prove suffering formally not to fall under any law of God, but only patient suffering. I except Christ, who was under a peculiar commandment to suffer.) But servants, upon supposition that they are servants, and buffeted unjustly by their masters, are, by the apostle Peter, commanded (ver. 20) to suffer patiently. But it doth not bind up a servant's hand to defend his own life with weapons if his master invade him, without cause, to kill him.²⁹

²¹ p. 156 [320-21].

²² p. 213 [428].

²³ p. 152 [313].

²⁴ p. 153 [315, 314].

²⁵ p. 155 [317-18].

²⁶ p. 154 [317].

²⁷ p. 152 [313].

²⁸ pp. 152-53 [313].

²⁹ p. 111 [201].

Rutherford is outspoken on this point and there is no mistaking his position:

Neither Rom. 13 nor 1 Pet. 2 nor any other place in God's word, any common divine, natural, national or any municipal law, commandeth formally obedience passive, or subjection passive, or non-resistance under the notion of passive obedience; yea, to me, obedience passive (if we speak of obedience, properly called, as relative essentially to a law) is a chimera, a dream, and *repugnantia in adjecto*; and therefore I utterly deny that resistance passive, or subjection passive, doth formally fall under either commandment of God affirmative or negative; only the unlawful manner of resistance by way of revenge, or for defence of popery and false religion, and out of impatient toleration of monarchy or any tyranny, is forbidden in God's word.³⁰

Other arguments are deployed, involving Scriptural examples of violent resistance, the duty of care to the weak or of gratitude to benefactors, and political and religious alliance between nations.³¹ But the main points are clear: God requires neither active subjection to unlawful commands of the tyrant nor passive subjection to his oppressive acts of violence. If there is not to be passive subjection then there must be reactive self-defence and reactive self-defence at the extreme means armed resistance. Thus:

We hold, that the king using, contrary to the oath of God and his royal office, violence in killing; against law and conscience, his subjects, by bloody emissaries, may be resisted by defensive wars, at the commandment of the estates of the kingdom.³²

³⁰ p. 155 [318-19].

³¹ pp. 187-90 [378-84].

³² p. 141 [260].