

CHAP. IV.

Of the agreements and differences between the nature of the Civil and of the Ecclesiastical Powers or Governments.

HAVING now observed what our opposites yeeld to us, or we to them, I shall for further unfolding of what I plead for, or against, adde here the chief agreements and differences between the Civil and Ecclesiastical powers, so far as I apprehend them. They both agree in these things: 1. They are both from God; both the Magistrate, and the Minister is authorized from God, both are the Ministers of God, and shall give account of their administrations to God. 2. Both are tyed to observe the Law and Commandments of God: and both have certain directions from the Word of God to guide them in their administration. 3. Both Civil Magistrates and Church Officers are Fathers, and ought to be honoured and obeyed according to the fifth Commandment: *Utrumque scilicet dominium*, saith Luther, *Tom. 1. fol. 139.* both Governments, the Civil and the Ecclesiastical, do pertain to that Commandment. 4. Both Magistracy and Ministry are appointed for the glory of God as Supreme, and for the good of men as the subordinate end. 5. They are both of them mutually aiding and auxiliary, each to other. Magistracy strengthens the Ministry, and the Ministry strengthens Magistracy. 6. They agree in their general kinde; they are both Powers and Governments. 7. Both of them require singular qualifications, eminent gifts and endowments,
and

and of both it holds true , *Quis ad hæc idoneus ?* 8. Both of them have degrees of censures and correction according to the degrees of offences. 9. Neither the one nor the other may give out sentence against one who is not convicted , or whose offence is not proved. 10. Both of them have a certain kind of Jurisdiction *in foro exteriori*. For though the Ecclesiastical power be spiritual, and exercised about such things as belong to the inward man onely ; yet as Dr. Rivet upon the Decalogue, pag. 260. 261. saith truly , there is a two-fold power of external jurisdiction which is exercised *in foro exteriori* : one by Church-Censures , Excommunication, lesser and greater, which is not committed to the Magistrate , but to Church-Officers : Another, which is Civil and coercive, and that is the Magistrates. But Mr. Coleman told us , he was perswaded it will trouble the whole World to bound Ecclesiastical and Civil Jurisdiction , the one from the other ; *Maledicis* pag. 7. Well : I have given ten agreements. I will now give ten differences.

The difference between them is great ; they differ in their causes , effects , objects , adjuncts , correlations , executions , and ultimate terminations.

1. In the efficient cause. The King of Nations hath instituted the Civil power ; The King of Saints hath instituted the Ecclesiastical power. I mean the most high God, possessor of Heaven and Earth, who exerciseth Sovereignty over the workmanship of his own hands, and so over all mankind , hath instituted Magistrates to be in his stead, as gods upon Earth. But *Jesus Christ* as Mediator and King of the Church , whom his Father hath set upon his holy Hill of Zion, *Psal. 2. 6. to reign over the House of Jacob for ever* , *Luke 1. 33.* who hath the key of the House of *David* laid upon his shoulder , *Isa. 22. 22.* hath instituted an Ecclesiastical power and government in the hands of Church-Officers , whom in his name he sendeth forth.

2. In the matter, Magistracy or Civil power hath for the matter of it the earthly Scepter and the Temporal Sword : that is, it is Monarchical and Legislative : it is also punitive or coercive of those that do evil ; understand , upon the like reason ,

(n) Festus
Honnus disp.
30. thes. 6.
Circa bonum spi-
rituale versatur
pneftus Ecclesi-
astica proprie ita
dicta, cujus pro-
prium officium
est verbum Dei
prædicare, Sa-
cramenta admi-
nistrare, discipli-
nam Ecclesiasti-
cam exercere,
Ministros Eccle-
siæ ordinare, de
controversiis Ec-
clesiasticis quæ
circa doctrinam
aut regimen Ec-
clesiæ interci-
dunt, ordinarie
judicare, & de
ritibus adiapho-
ris ad ordinem,
decorum atque
ædificationem
Ecclesiæ perti-
nentibus, Cano-
nes seu leges Ec-
clesiasticas con-
stituer. I. Ge-
rard loc. com.
Tom. 6. pag.
494. Distingui-
tur Christi re-
gnum ad quod
potestas cla-
vium perti-
net, ab imperiis
mundanis quæ
gladio corporali
in administratio-
ne utuntur.

remunerative of those that do well. (n) The Ecclesiastical power hath for the matter of it, the keyes of the Kingdom of Heaven. 1. The key of knowledge or doctrine, and that to be administered, not onely severally by each Minister *concionaliter*, but also Consistorially and Synodically in determining controversies of Faith, and that according to the rule of holy Scripture onely: which is *clavis doctrinæ*. 2. The key of order and decency, so to speak: by which the circumstances of Gods Worship and all such particulars in Ecclesiastical affairs, as are not determined in Scripture, are determined by the Ministers and ruling Officers of the Church, so as may best agree to the generall rules of the word concerning order and decency, avoyding of scandall, doing all to the glory of God, and to the edifying of one another. And this is *clavis disciplinae*. 3. The key of corrective discipline or censures to be exercised upon the scandalous and obstinate: which is *clavis correptionis*. 4. Adde al- so the key of Ordination or mission of Church-Officers, which I may call *clavis missionis*, the authorizing or power giving key, others call it *missio potestativa*.

3. They differ in their formes. The power of Magistracy is *ἀρχιτεκτονική* and *δεσποτική*. It is an authority or dominion exercised in the particulars above mentioned, and that in an immediate subordination to God: for which reason Magistrates are called gods. The Ecclesiastical power is *ἐπιτροπική*, or *δικονομική*, or *οικονομική* onely. It is meerly Ministeriall and Steward-like, and exercised in an immediate subordination to Jesus Christ, as King of the Church, and in his name and authority.

4. They differ in their ends. The supreme end of Magistracy is onely the glory of God, as King of Nations, and as exercising dominion over the inhabitants of the earth: And in that respect the Magistrate is appointed to keep his Subjects within the bounds of external obedience to the moral Law, the obligation whereof lyeth upon all Nations, and all men. The supreme end of the Ecclesiastical power, is either *proximus* or *remotus*. The neerest and immediate end is the glory of Jesus Christ, as Mediator and King of the Church. The more remote end is the glory of God, as having all power and authority in

in heaven and earth. You will say, Must not then the Christian Magistrate intend the glory of *Jesus Christ*, and to be subservient to him as he is Mediator and King of the Church? Certainly he ought and must; and God forbid but that he should do so. But how? not *qua* Magistrate, but *qua* Christian. If you say to me again, Must not the Christian Magistrate intend to be otherwise subservient to the Kingdom of *Jesus Christ* as Mediator, then by personal or private Christian duties, which are incumbent to every Christian? I answer, no doubt he ought to intend more, even to glorifie *Jesus Christ* in the administration of Magistracy. Which that you may rightly apprehend, and that I be not misunderstood, take this distinction. It is altogether incumbent to the ruling Officers of the Church, to intend the glory of *Christ* as Mediator, even *ex natura rei*, in regard of the very nature of Ecclesiasticall power and government which hath no other end and use for which it was intended and instituted, but to be subservient to the Kingly office of *Jesus Christ* in the governing of his Church upon earth (and therefore *sublata Ecclesiâ perit regimen Ecclesiasticum*, take away the Church out of a Nation, and you take away all Ecclesiasticall power of government, which makes another difference from Magistracy, as we shall see anon.) But the Magistrate though Christian and godly, doth not *ex natura rei*, in regard of the nature of his particular vocation, intend the glory of *Jesus Christ* as Mediator, and King of the Church: but in regard of the common principles of Christian Religion, which do oblige every Christian in his particular vocation and station (and so the Magistrate in his) to intend that end. All Christians are commanded that whatever they do in word or deed, they do all in the name of the Lord *Jesus*, *Col. 3. 17.* that is, according to the will of *Christ*, and for the glory of *Christ*: And so a Marchant, a Mariner, a Tradesman, a School-master, a Captain, a Souldier, a Printer, and in a word, every Christian in his own place and station ought to intend the glory of *Christ*, and the good of his Church and Kingdom. Upon which ground and principle, if the Magistrate be Christian, it is incumbent to him so to administer that high and eminent vocation of his, that *Christ* may be glorified as King of the Church, and that this

Kingdom of *Christ* may flourish in his Dominions, (which would God every Magistrate called Christian did really intend.) So then the glory of *Christ* as Mediator and King of the Church; is to the Ministry both *finis operis*, and *finis operantis*. To the Magistrate, though Christian, it is onely *finis operantis*; That is, it is the end of the godly Magistrate, but not the end of Magistracy: whereas it is not onely the end of the godly Minister, but the end of the Ministry it self. The Ministers intendment of this end, flowes from the nature of their particular vocation. The Magistrates intendment of the same end, flowes from the nature of their general vocation of Christianity, acting, guiding, and having influence into their particular vocation. So much of the supreme ends.

Now the subordinate end of all Ecclesiastical power, is, that all who are of the Church, whether Officers or members, may live godly, righteously, and soberly in this present world, be kept within the bounds of obedience to the Gospel, void of all known offence toward God, and toward man, and be made to walk according to the rules delivered to us by *Christ* and his Apostles. The subordinate end of the Civil power is, that all publike sins committed presumptuously against the moral Law, may be exemplarily punished, and that peace, justice, and good order may be preserved and maintained in the Commonwealth, which doth greatly redound to the comfort and good of the Church, and to the promoting of the course of the Gospel: For this end the Apostle bids us pray for Kings, and all who are in Authority (though they be Pagans, much more if they be Christians) *that we may live under them a peaceable and quiet life, in all Godlinesse and Honesty: 1 Tim. 2. 2.* He saith not simply, *that we may live in Godlinesse and Honesty*, but that we may both live peaceably and quietly, and also live godly and honestly: which is the very same that we commonly say of the Magistrate, that he is *Custos utriusq; Tabulae*. He is to take speciall care that all his Subjects be made to observe the Law of God, and live not onely in moral honesty, but in Godlinesse, and that so living, they may also enjoy peace and quietnesse. More particularly; the end of Church censures is, that men may be ashamed, humbled, reduced to repentance, that their spirit may be

be saved in the day of the Lord. The end of civil punishments inflicted by the Magistrate is, That justice may be done according to Law, and that peace and good order may be maintained in the Common-wealth, as hath been said. The end of delivering *Hymeneus* and *Alexander* to *Satan*, was, that they may learn not to blaspheme, 1 Tim. I. 20. *Erastus* yeelds to *Beza*, pag. 239. that the Apostle doth not say *Ut non possint blasphemare*, that henceforth they may not be able to sin as they did before (which yet he acknowledgeth to be the end of civil punishments,) but that they may learn not to blaspheme. Wherefore when he expounds *ἵνα μὴ εὐδῶσι*, to no other sence but this, That the Apostle had delivered those two to be killed by *Satan*, *Ut non possint*, that they may not be able to blaspheme so any more; just as a Magistrate delivers a thief from the gallows, that he may not be able to steal any more, and (as he tels us some speak) that he may learn to steal no more: He is herein confuted, not onely out of the Text, but out of himself. So then, the end of Church-censures is *ἵνα μὴ εὐδῶσι*, that the offenders may learn or be instructed to do so no more; which belongeth to the inward man or soul. The end of civil punishments is, *Ut non possint* (as *Erastus* tels us) that the offenders may not be able or at least (being alive and some way free) may not dare to do the like, the sword being appointed for a terrour to them who do evil, to restrain them from publike and punishable offences, not to work upon the spirit of their mindes, nor to effect the destroying of the flesh by mortification, that the spirit may be safe in the day of the Lord.

The fifth difference between the Civil and Ecclesiastical powers, is in respect of the effects. The effects of the Civil power are Civil Laws, Civil punishments, Civil rewards. The effects of the Ecclesiastical power, are Determinations of Controversies of Faith, Canons concerning Order and Decency in the Church, Ordination or Deposition of Church-Officers, Suspension from the Sacrament, and Excommunication. The powers being distinct in their nature and causes, the effects must needs be distinct, which flow from the actuating and putting in execution of the powers. I do not here speak of the effects of the Ecclesiastical power of Order, the dispensing of the

Word and Sacraments; out of the effects of the power of Jurisdiction or Government, of which onely the Controversie is.

† Sixthly: The Civil power hath for the object of it *res Civiles*, the things of this life, matters of Peace, War, Justice, the Kings matters, and the Countrey-matters, those things that belong to the external man: But the Ecclesiastical power hath for the object of it, things pertaining to God, the Lords matters, as they are distinct from Civil matters, and things belonging to the inward man, distinct from the things belonging to the outward man. This difference Protestant Writers do put between the Civil and Ecclesiastical powers. *Fr. Junius Ecclesiast. lib. 3. cap. 4.* saith thus: *We have put into our definition humane things to be the subject of Civil administration: but the subject of Ecclesiastical administration, we have taught to be things Divine and Sacred. Things Divine and Sacred we call both those which God commandeth for the sanctification of our minde and conscience, as things necessary; and also those which the decency and order of the Church requireth to be ordained and observed, for the profitable and convenient use of the things which are necessary: For example, Prayers, the administration of the Word and Sacraments, Ecclesiastical censure, are things necessary and essentially belonging to the Communion of Saints: but set dayes, set hours, set places, fasts, and the like, belong to the decency and order of the Church &c. But humane things we call such as touch the life, the body, goods and good name, as they are expounded in the second Table of the Decalogue; for these are the things in which the whole Civil administration standeth.* *Tilen, Synt. part. 2. disp. 32.* tells us to the same purpose, That Civil Government or Magistracy *versatur circa res terrenas & hominem externum. Magistratus, saith Danaus Pol. Christ. lib. 6. cap. 1. instituti sunt à Deo rerum humanarum quæ hominum societati necessaria sunt, respectu, & ad earum curam.*

† If it be objected, How can these things agree with that which hath been before by us acknowledged, that the Civil Magistrate ought to take special care of Religion, of the conservation and purgation thereof, of the abolishing idolatry and superstition; and ought to be *Custos utriusque Tabula*, of the first,

first, as well as second Table? I answer, That Magistrates are appointed, not onely for Civil Policy, but for the conservation and purgation of Religion, as is expressed in the Confession of Faith of the Church of *Scotland*, before cited, we firmly beleieve, as a most undoubted truth. But when Divines make the object of Magistracy to be onely such things as belong to this life and to humane society, they do not mean the object of the Magistrates *Care* (as if he were not to take care of Religion;) but the object of his Operation. The Magistrate himself may not assume the administration of the keys, nor the dispensing of Church-censures; he can but punish the external man with external punishments. Of which more afterwards.

The seventh difference stands in the Adjuncts: For 1. the Ecclesiastical power in Presbyterial or Synodical Assemblies, ought not to be exercised without prayer and calling upon the Name of the Lord, *Matth.* 18. 19. There is no such obligation upon the Civil power, as that there may be no Civil Court of Justice without prayer. 2. In divers cases Civil Jurisdiction hath been and is in the person of one man: But no Ecclesiastical Jurisdiction is committed to one man, but to an Assembly in which two at least must agree in the thing, as is gathered from the Text last cited. 3. No private or secret offence ought to be brought before an Ecclesiastical Court, except in the case of contumacy and impenitency, after previous admonitions: This is the ordinary rule, not to dispute now extraordinary exceptions from that rule. But the Civil power is not bound up by any such ordinary rule: For I suppose, our opposites will hardly say (at least hardly make it good) that no Civil injury or breach of Law and Justice, being privately committed, may be brought before a Civil Court, except first there be previous admonitions, and the party admonished prove obstinate and impenitent.

The eighth difference stands in their correlations. The *Correlatum* of Magistracy is people embodied in a Common-wealth, or a Civil corporation. The *Correlatum* of the Ecclesiastical power is people embodied in a Church, or Spiritual corporation. The Common-wealth is not in the Church, but the Church is in the Common-wealth, that is, One is not therefore

fore in or of the Church, because he is in or of the Common-wealth, of which the Church is a part; but yet every one that is a Member of the Church, is also a Member of the Common-wealth, of which that Church is a part. The Apostle distinguisheth those that are without, and those that are within in reference to the Church, who were notwithstanding both sorts within in reference to the Common-wealth, 1 Cor. 5. 12, 13. The *Correlatum* of the Ecclesiastical power may be quite taken away by persecution, or by defection, when the *Correlatum* of the civil power may remain. And therefore the Ecclesiastical and the civil power do not *se mutuo ponere & tollere*.

Ninthly: There is a great difference in the ultimate termination. The Ecclesiastical power can go no further then Excommunication, or (in case of extraordinary warrants, and when one is known to have blasphemed against the holy Ghost) to *Anathema Maranatha*. If one be not humbled and reduced by Excommunication, the Church can do no more, but leave him to the Judgement of God, who hath promised to ratifie in Heaven, what his Servants in his Name, and according to his Will, do upon Earth. *Salmasius* spends a whole chapter in confuting the Point of the coactive and Magistratical Jurisdiction of Bishops. See *Walo Messal. cap. 6*. He acknowledgeth in that very place, pag. 455, 456, 459, 462. that the Elders of the Church have in common the power of Ecclesiastical Discipline, to suspend from the Sacrament and to excommunicate, and to receive the offender again upon the evidence of his repentance. But the Point he asserteth is, That Bishops or Elders have no such power as the Magistrate hath, and that if he that is excommunicate do not care for it, nor submit himself, the Elders cannot compel him. But the termination or *Quo usque* of the civil power, is most different from this. It is unto death, or to banishment, or to confiscation of goods, or to imprisonment. Ezra 7. 26.

Tenthly: They differ in a divided execution. That is, the Ecclesiastical power ought to censure sometime one whom the Magistrate thinks not fit to punish with temporal or civil punishments: And again, the Magistrate ought to punish with the temporal Sword, one whom the Church ought not to cut

off by the Spiritual Sword. This difference *Pareus* gives, *Explic. Catech. quæst. 85. art. 4.* and it cannot be denied: For those that plead most for Liberty of conscience, and argue against all civil or temporal punishments of Hereticks, do notwithstanding acknowledge, that the Church whereof they are Members ought to censure and excommunicate them, and doth not her duty except she do so. The Church may have reason to esteem one as an Heathen and a Publican that is no Church-Member, whom yet the Magistrate in prudence and policy doth permit to live in the Common-wealth. Again, the most notorious and scandalous sinners, blasphemers, murtherers, adulterers, incestuous persons, robbers, &c. when God gives them repentance, and the signes thereof do appear, the Church doth not binde but loose them, doth not retain but remit their sins; I mean ministerially and declaratively. Notwithstanding the Magistrate may and ought to do Justice according to Law, even upon those penitent sinners. †

Ee CHAP.
